
REPORT TO THE MEETING OF THE EXECUTIVE 11 JANUARY 2022**PORTFOLIO: PORTFOLIO HOLDER FOR IT, TOURISM, HOUSING AND PARKING****REPORT FROM ASSISTANT DIRECTOR, ASSETS & COMMERCIAL****SUBJECT: SOUTH ESSEX PARKING PARTNERSHIP – PROPOSED NEW WORKING ARRANGEMENTS****1 DECISION BEING RECOMMENDED**

- 1.1 To agree the proposed terms of the new working arrangements from Essex County Council to enter into a new South Essex Parking Partnership Joint Committee Agreement from 1 April 2022 for a period of five years with the option to extend for a further twelve months on three consecutive occasions.

2 KEY DECISIONS DOCUMENT REFERENCE No: 13/21**3 REASON/S FOR RECOMMENDATION**

- 3.1 The current 11-year term of the South Essex Parking Partnership (SEPP) Joint Committee Agreement ends on 31 March 2022. The purpose of this report is to seek approval of the proposed terms of the new working arrangements from Essex County Council (ECC) to continue the operation into a new term under a new Joint Committee Agreement, commencing on 1 April 2022, as set out at Appendix A.
- 3.2 The SEPP Joint Committee consisting of the elected Member representation from Basildon Borough Council, Brentwood Borough Council, Castle Point Borough Council, Chelmsford City Council, Maldon District Council and Rochford District Council, considered the proposed agreement at its meeting on 28 October 2021. It supported the proposed terms and recommended that its constituent Councils formally approve them.

4 SALIENT INFORMATIONIntroduction

- 4.1 Essex County Council is the authority responsible for the enforcement of decriminalised on street parking contraventions. Since 2011, these functions have been discharged via two Joint Committees, the South Essex Parking Partnership and North Essex Parking Partnership.
- 4.2 The operations delivered by SEPP are governed by a Joint Committee Agreement signed up to by each of the partners – Basildon Borough Council, Brentwood Borough Council, Castle Point Borough Council, Maldon District Council, Rochford District Council, Essex County Council and Chelmsford City Council (the Lead Authority).

- 4.3 The current Joint Committee Agreement also provided the scope for the Partnerships to take responsibility for the maintenance of parking related signs and lines and the implementation of new parking related Traffic Regulation Orders. These additional functions were also accepted by both the Parking Partnerships and will continue into the new agreement.
- 4.4 The current Joint Committee Agreement which commenced on 1 April 2011 will expire on 31 March 2022 and a new agreement is required in order for the Partnership to continue delivering the operation from 1 April 2022 into a new term.

Background

- 4.5 When NEPP and SEPP were set up, the on-street parking enforcement arrangements were operating at an unsustainable deficit of around £900,000 with very little investment into the maintenance of parking related signs and lines and limited funds to implement essential traffic management schemes; one of the key aims was to change this outturn position moving to a cost neutral position, and ultimately a surplus position.
- 4.6 The delegation of this function to the two Joint Committees had the benefit of the surplus remaining in the full control of the Joint Committees but also had the added risk of being responsible for any deficit to the account.
- 4.7 To manage the risk, the long-term business aims of SEPP throughout the current term of the Joint Committee Agreement were to:
- Support the core principles of the Traffic Management Act 2004
 - Achieve an overall financial account to operate parking enforcement and the Traffic Regulation Order (TRO) function at zero deficit and to provide an operational fund to invest back into the operation
 - Maintain a reserve fund in the region of £300,000
 - Partnership lead officers take all reasonable steps to ensure individual Partnership areas reduce the level of any individual deficit
 - Maintain signs and lines and TROs to an acceptable level ensuring suitable funding is available
 - Invest in innovation and initiatives to improve service delivery.
- 4.8 To date the Partnership has exceeded its aims and ambitions and successfully developed an operational model which fully funds and delivers the core parking enforcement operation. The surplus achieved from this operation has enabled suitable funding to cover the cost of the TRO operational costs (£172,000) and provide an annual budget of £200,000 for the essential maintenance of parking related road signs and road markings and for the introduction of new parking schemes which require a new TRO.

- 4.9 The success of the Partnership has also enabled the Joint Committee to invest in new innovations and initiatives to improve the enforcement operation and customer experience. Appendix B provides more information on the funding and areas of investment and the benefits of the partnership.
- 4.10 The schemes which the £116,591 SEPP funds for the District were allocated against are shown below. These are all schemes that are delivered by the local highways panel which SEPP have either fully or part funded (some are work in progress and yet to be completed):
- Scheme name: Improvements – Sunny Road / Elizabeth Close, Hockley. PROW in a very poor state of repair and difficult for pedestrians to use. Scheme would see the ECC PROW Team carry out levelling and edging works, as well as infilling and compacting works, to improve the overall condition of the PROW.
 - Scheme name: Rochford Garden Way, Rochford – Grasscrete Scheme details: Installation of grasscrete at various points where required.
 - Scheme name: Twyford Avenue, Great Wakering – Grasscrete Scheme details: Installation of grasscrete on the eastern side / southern end of Twyford Avenue.
 - Scheme name: Eastwood Road, Rayleigh – Signalised Crossing. The zebra crossing outside of Sainsbury's Local in Eastwood Road, Rayleigh. Scheme details: Upgrading the current zebra crossing to a signalised crossing due to a number of pedestrian/vehicle collisions.
- 4.11 The operational and financial performance of SEPP has provided a solid foundation to continue the operation and maintain the essential level of investment into a new agreement considering both the needs of ECC and the Partnership.
- 4.12 ECC views the Parking Partnerships to be a success with a new proposal that would specifically include:
- A surplus sharing model for the new arrangement
 - Plans and ideas for innovation and technology
 - How cost efficiencies could be delivered in future
- 4.13 A project team consisting of nominated officers from ECC, NEPP and SEPP in consultation with the NEPP and SEPP Chairmen and the Cabinet Member for Highways, collectively agreed a new working proposal for a new term of a Joint Committee Agreement.

New Working Proposal – April 2022

- 4.14 The proposal is summarised at Appendix A.

- 4.15 Under the new proposal, the Joint Committee governance arrangements, the on-street parking delegations and the operation will remain unchanged and incorporates a new arrangement to manage the operational surplus achieved from the parking enforcement account.
- 4.16 The new arrangement ensures that the surplus generated at the end of every financial year will be applied across three key areas split into three parts. Part 1 and 2 ensures that the Parking Partnership maintains a suitable reserve in the region of £400,000 and maintains the same level of required funding to cover the cost of the TRO Team, the maintenance of parking related road signs and road markings, the implementation of new traffic management schemes and secures the essential investment into new technologies and innovations for continual service improvements.
- 4.17 Any surplus that is allocated to Part 3 will contribute to wider Essex strategic highways priorities and is proposed to be governed through a new Strategic Panel consisting of the NEPP and SEPP chairmen and the ECC cabinet Member for Highways. ECC will work with the two Lead Authorities to develop the assessment criteria for bids for this funding. Bids will be put forward by officers from both the partnerships and ECC.
- 4.18 The current surplus remaining at the close of financial year 2021/22 (the end of the current agreement term) will transfer into the new arrangement but will remain the sole responsibility of the SEPP Joint Committee Members to determine how this surplus is used and allocated in accordance with Section 55 of the RTRA 1984.
- 4.19 In addition to the functions covered in the Joint Committee Agreement there is the opportunity and option for ECC as the Highway Authority to approach the Parking Partnerships to manage and deliver new initiatives and functions that they wish to implement on the public highway. This provision is unchanged from the previous agreement and ECC reserves the right to implement schemes which fit within their wider highway traffic management needs and strategies. These proposals will be reviewed on a case-by-case basis in line with the appropriate procurement requirements and subject to separate management arrangements and service level agreements. The Joint Committee Members for each respective area can consider these proposals and help shape and influence the implementation of such schemes.

ECC Decision and Formal Offer

- 4.20 On 21 September 2021, a report was presented to the ECC Cabinet with a proposal to agree to enter into Joint Committee Agreements under which the Council (ECC) delegates civil parking enforcement to the two area Joint Committees with the same areas as the current Joint Committees under the terms of the proposal at Appendix A for a period of five years with an option to extend for a further twelve months on three consecutive occasions.

A formal letter of offer setting out this proposal was sent to the SEPP Chairman on 17 October 2021.

Partner Authority Approval

- 4.21 On 28 October 2021 the SEPP Joint Committee approved the proposed new working arrangements and accepted the formal offer from ECC to enter into a new Joint Committee Agreement under the terms of the proposals contained in Appendix A.
- 4.22 The Committee authorised the SEPP Manager to agree the terms of the new Joint Committee Agreement in consultation with each of the SEPP partner authority lead offers and the lead authority (Chelmsford City Council) legal representative.
- 4.23 Each Joint Committee Member is now asking their respective Councils to formally approve continued membership of the SEPP under the terms of the new offer; this will also be subject to the new Joint Committee Agreement being signed. These decisions will be taken by each partner Council no later than 31 January 2022. Each partner Council has been asked to provide written notice of its decision, to the SEPP Manager, no later than 31 January 2022.

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 To not participate in the future Joint Committee Agreement as part of SEPP. This would result in SEPP continuing to undertake on-street parking functions within the Rochford District but would result in the Council not having membership of the Joint Committee and therefore no influence in the decisions and direction of the partnership regarding on-street parking matters.

6 RISK IMPLICATIONS

- 6.1 Should the Council not agree to the proposed working arrangement, the parking partnership would continue to undertake on street parking functions but the Council would have no influence in these decisions.

7 CRIME AND DISORDER IMPLICATIONS

- 7.1 The proposal as set out in Appendix A will Support the core principles of the Traffic Management Act 2004

8 RESOURCE IMPLICATIONS

- 8.1 There are no direct resource implications arising from this report.
- 8.2 There is a financial risk to the Partnership Authorities if SEPP fails to make a surplus. This risk is mitigated by retaining a £400,000 reserve in the Partnership account. In addition, the Joint Committee will also retain full responsibility of the surplus being carried forward from the existing

arrangement and can use this fund to manage a deficit, in the unlikely event this should arise. The proposed level of reserve is considered sufficient to mitigate any potential variation in performance during the course of the partnership.

9 LEGAL IMPLICATIONS

- 9.1 The Council has a duty under the Traffic Management Act 2004 and relevant statutory guidance when discharging its civil parking enforcement duties and managing the road networks within its district. Since 2011, the Council has been part of the Joint Committee ensuring delegating its civil enforcement duties to it.
- 9.2 The SEPP Joint Committee manages the Parking Partnership in accordance with the Local Government Act 1972, the Local Government Act 2000, the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.

10 PARISH IMPLICATIONS

- 10.1 The proposal will cover the entire District; however, there are no specific Parish implications other than the arrangements as set out in Appendix A.

11 EQUALITY AND DIVERSITY IMPLICATIONS

- 11.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

I confirm that the above recommendation does not depart from Council policy and that appropriate consideration has been given to any budgetary and legal implications.



LT Lead Officer Signature: _____

Assistant Director, Assets & Commercial

Background Papers:-

None.

For further information please contact Matt Harwood-White (or Sharon Braney) on:-

Phone: 01702 318164

01268 798608

Email: matt.harwoodwhite@rochford.gov.uk

sharon.braney@rochford.gov.uk

If you would like this report in large print, Braille or another language please contact 01702 318111.

Appendix A



Proposed new working arrangements for a new term of the Joint Committee Agreement

1 Overview of recommended joint proposal

- 1.1 The proposals reflect a joint officer approach discussed by all partners for taking forward as the recommended approach for the future of on street parking arrangements in Essex.
- 1.2 The proposed operational model has been developed to introduce two financial models for different aspects of the services being provided. The first model applies to the current operational services being delivered by The South Essex Parking Partnership which are covered by the Joint Committee Agreement. The second model is for new Essex County Council (ECC) services that may be added to the Parking Partnership under separate arrangements such as a service level agreement.

2 Term of the new agreement

- 2.1 The proposed term is five years with the option to extend a further twelve months on three consecutive occasions.

3 Business model to deliver the current services covered by the Joint Committee Agreement.

For current services it is proposed that the surplus generated at the end of every financial year will be applied across three key areas split into three parts.

Part 1

- 3.1 The principle in Part 1 ensures the maintenance of a suggested deficit reserve of up to £400,000 per partnership (agreed by the Parking Partnership Managers). This level of reserve must be maintained (and topped up as appropriate) before any surplus is moved into the second and third parts. The level of reserve will be monitored through the quarterly meetings. Provided that this reserve is maintained (which is the priority), this minimises the deficit risk to all members of the partnership, which was an issue at the outset of the original joint committee agreements.

Any surplus generated after any calls to maintain the Part 1 deficit reserve at the agreed level will be split on the following basis between Part 2 (55%) and Part 3 (45%) subject to the conditions of part 2 below.

Part 2

3.2 Part 2 is used for local needs as set out in the annual business plan and specifically; a) the operational and funding costs for TROs and the essential maintenance of parking related signs and lines and; b) innovation around different ways to manage parking within each partnership. This reflects the existing arrangements within the joint committee agreement. Any capital / innovation funds required above the level agreed in the annual business plan that cannot be contained within Part 2 can be bid for in Part 3 and will be considered on merit against other county-wide priorities.

3.3 It is recognised that there are fixed and ongoing commitments in relation to ongoing TRO costs therefore any in year surplus must cover the below costs (see **table 1** below, Part 2 Breakdown). Therefore, a priority is to ensure that these costs are always covered within the 55% split.

3.4 In the event that the 55% share does not cover the required costs in the table below, those costs will be covered but the remainder will be allocated to Part 3.

Table 1 -Part 2 breakdown	<u>SEPP</u>
a) TRO delivery (operational and funding costs plus essential maintenance of parking related signs and lines)	*£372,000
b) Innovation to manage on street parking	*£56,000
TOTAL ANNUAL CAP	*£428,000

*These figures will be reviewed on an ongoing basis and any changes will be agreed between ECC and the Lead Authority

Note: The surplus generated in one year will be allocated for spend in the subsequent year.

Part 3

3.5 The principle in **Part 3** is to cover Essex wider strategic highways priorities and is proposed to be governed through a new Strategic Panel. It is proposed the new Panel is led by the ECC cabinet member, with the two chairmen possibly with one other member from each of the three partners. Any surplus achieved in this area from NEPP and SEPP will be directed towards county-wide priorities within the respective areas, still in line with section 55 of the RTRA 1984. ECC will work with the two Lead Authorities to develop the assessment criteria for bids for this funding. Bids will be put forward by officers from both the partnerships and ECC.

4 SEPP Operational surplus - carry forward into new arrangement

4.1 Any surplus remaining at the end of the current Joint Committee Agreement will transfer into the new arrangement but will remain the sole responsibility of the SEPP Joint Committee to determine how this surplus is used and allocated in accordance with Section 55 of the RTRA 1984.

5 Management of deficit under the new arrangement

5.1 In the unlikely event that an operational deficit presents itself, which is not able to be contained by the current business plan (i.e. the deficit reserve or by cessation of spending in part 2 and part 3 or reducing any other part of operational expenditure as appropriate), then the remaining deficit will be supported on an equal basis by each of the seven members of the SEPP Joint Committee.

5.2 The SEPP Annual Business Plan for 2022-23 to be presented to the Joint Committee at its meeting in December 2021 will recommend the allocation of £300,000 of the Joint Committee held reserve fund to mitigate any risk of a deficit position to the Partners and this level of reserve will be maintained throughout the term of the new agreement.

6 Service delivery of other functions and new initiatives on behalf of ECC

6.1 In addition to the functions covered in the Joint Committee Agreement there is the opportunity and option for ECC as the Highway Authority to approach the Parking Partnerships to manage and deliver new initiatives and functions that they wish to implement on the public highway. This provision is unchanged from the previous agreement and ECC reserve the right to implement schemes which fit within their wider highway traffic management needs and strategies

The additional functions that have previously been discussed and jointly been agreed in principle with the parking partnerships are:

- the rollout of the Park Safe project (to promote safe parking outside school clearways, monitored in real time by civil enforcement officers (CEOs) viewing cameras located in optimum locations close to the school)
- additional on street Pay & Display (P&D) parking

The model for these projects is detailed in detailed in **Table 2** – these are not included within Parts 1, 2 and 3 above as they will be delivered under a separate arrangement to be agreed by the Joint Committee Members.

Table 2

Description	SEPP
On Street P&D Parking: a) existing sites	All expenditure and income remains in the SEPP account and contributes to parts 1,2&3
b) additional sites	Equipment investment and on-going maintenance costs funded by ECC
	Income (P&D) to ECC; No SEPP management or operational costs to be charged to ECC but SEPP will retain all PCN income
	Where ECC don't want to pursue any proposed new sites but the Joint Committee do, the Joint Committee will fund the implementation of the schemes and the income contribute to parts 1, 2 and 3 of the new working arrangements.
Park Safe (outside schools):	Camera equipment investment and maintenance cost, plus agreed SEPP management cost for SEPP to operate the function to be funded by ECC. ECC retain PCN income

7: Possible future initiatives

7.1 The agreement will also set out a basis for other activities to be incorporated in the future – e.g. discretionary disabled badge holder bays, enforcement on highways outside country parks, Traffic Management Act 2004 Part 6 moving traffic offences and electric vehicle charging points, should ECC wish to pursue any of the above. This list is not intended to be exhaustive and these will be reviewed on a case-by-case basis in line with the appropriate procurement and subject to separate arrangements agreed by the Joint Committee Members

Appendix B: South Essex Parking Partnership achievements and benefits of Partnership working

This note provides an update on the benefits of Partnership working since launching on 1st April 2011.

1. Financial aims

- Reduce the 2010/11 £378,000 annual deficit under previous agency agreements
- Achieve an overall financial account to operate parking enforcement and the Traffic Regulation Order (TRO) function at zero deficit, while maintaining a high level of service provision and supporting the core principles of the Traffic Management Act 2004
- Maintain a reserve of £300,000
- Utilize any surplus in accordance with Section 55 RTRA 1984 to create an operational fund to invest back into the enforcement and TRO function and maintain the long-term business plan.

2. Allocation of operational fund to manage the TRO function

- Surplus carefully managed to date ensuring the cost of operating the TRO function could be realistically achieved without the risk of operating the overall function in a deficit position. Since 2015 this has enabled the withdrawal of financial support from ECC for the TRO function.
- Annual TRO operational costs of £172,000 and £200,000 budget allocated annually for the essential maintenance of signs and lines and the implementation of traffic management schemes which require a TRO
- Since 2015 a total of £1,624,000 from the SEPP account has been allocated to cover these costs.
- Level of reserve to be maintained, increased from £200,000 to £300,000 to offset any future risks to the account.

3. Joint Committee approved funding from SEPP operational fund.

- £14,000 for new Response Master System
- £120,000 for new handheld computer (HHC) equipment and printers for CEOs
- £18,000 for new CCTV car and associated equipment for Basildon
- £27,000 for new CCTV body worn cameras to improve CEO safety and wellbeing
- £85,000 for replacement of on-street pay and display
- £80,000 to launch and the on-going delivery of the new School Parking Initiative (3PR) at zero cost to the schools
- £150,000 to complete a review of all existing parking restrictions for compliance and the introduction of a new digital TRO mapping system.
- £76,000 to engage in partnership working arrangements with partner councils to provide additional enforcement coverage in known problem areas outside of normal core working hours.

- £816,000 allocated to the seven partner authorities (£116,000 each) to invest in local highway and car parking schemes within their respective areas in accordance with Section 55 of the RTRA 1984

4. Improvements and projects implemented

- A Partnership working model, ensuring partners maintain an influence on local parking matters.
- Response Master System installed and linked to the Partnership Discretion Policy providing a consistent outcome and response to letters of challenge against a Penalty Charge Notice
- New virtual resident permit system introduced across all Partnership areas, offering a quick, flexible and convenient method for residents to manage their permit allocation via an on-line account.
- Central back office, central TRO team and area-based CEOs - offering consistent working practices, across the Partnership areas
- Central policies providing consistency and transparency on how and why the Partnership operates parking enforcement
- Staff welfare improvements with the introduction of CCTV body worn cameras for CEOs
- New HHC equipment, issued to all CEOs, with built in camera and real time data, streamlining and improving the administration process.
- Good working practices shared between the North and South Partnerships.
- Dedicated staff resource introduced to manage new projects, review current, new and best practice, develop and maintain the website and support the various Partnership IT functions
- Introduction of the award-winning School Parking Initiative called 3PR, the 3 parking rules [3PR UC – Care, Caution & Consideration](#)
- MiPermit cashless payment solution available on all on-street pay and display machines
- New TRO digital mapping system, all TROs across the Partnership are now digital and mapped and checked for compliance and available to view on-line via the Traffweb portal
- Off-street parking enforcement arrangements with Chelmsford, Basildon and Castle Point to deliver enforcement coverage in public car parks offering greater staff resilience and patrol coverage.
- Service level agreements with Brentwood and Maldon to utilise their community safety officers to deliver parking enforcement on behalf of and in partnership with SEPP outside of core operational hours

5. Current enforcement projects

- Enforcement of resident permit zones using Automatic Number Plate Recognition (ANPR) equipment to validate permits
- Exploring the merits of parking bay sensors for a data led enforcement approach
- Implement wave and pay credit / debit card payments on pay and display machines to move to a totally cashless solution

6. Benefits of Partnership working

- Maintaining local influence on parking and enforcement matters
- Achieving an overall financial account to operate parking enforcement and the Traffic Regulation Order (TRO), maintaining a surplus position to invest back into the operation and essential traffic management schemes.
- Maintaining a high level of service provision and supporting the core principles of the Traffic Management Act 2004
- The provision of traffic management schemes which meet the aims and objectives of the Parking Partnership and are fit for purpose
- Greater consistency of the application of TROs across the Partner areas
- A higher level of consistency with maintaining signs and lines ensuring compliance for enforcement purposes.
- Partnership lead officers contributing to the development of the Annual Business Plans, the allocation of the operational fund and the implementation of essential traffic management schemes within their respective areas
- Partnership working with partner authority community safety teams to co-ordinate joint patrols

7. Risk if a partner authority withdraws from the Partnership

One of the key benefits of the Parking Partnership has been the ability for Joint Committee Members and Lead Officers to retain influence and input regarding parking matters within their respective areas. The success of SEPP to date has been the contribution of the Joint Committee Members and Lead Officers, from each partner area, providing valuable input into the development of the Annual Business Plans, formulating high level Risk Assessments and approving policies and procedures which meet the aims and objectives of the Parking Partnership. In addition, all new proposals for new Traffic Management Schemes are subject to local decision by the respective area officers and Joint Committee Members for final decision and approval.

The Joint Committee Members recognise the benefits of this Partnership working model and have indicated support to continue into a new Joint Committee Agreement from 1 April 2021. This will enable the Joint Committee to build on the successes achieved to date and to develop the Partnership further.

If a Partner Authority decides to withdraw from SEPP at any time, the delegated functions for on-street parking enforcement, TROs and signs and lines maintenance would still be delivered within that geographical area by SEPP but without an elected Member from that Authority being part of the Joint Committee.