

# Overview and Scrutiny Select Committee

Thursday 8 July 2010 7.30pm

**Council Chamber**  
**Runnymede Civic Centre, Addlestone**

## Members of the Committee

Councillors P B Tuley (Chairman), C J Chapman (Vice Chairman), H A Butterfield, Mrs R M Denby, J M Edwards, Mrs L M Gillham, A M Moore, C J Norman and A P Tollett

## AGENDA

### Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Overview and Scrutiny Select Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr J Gurmin, Committee Section, Administration and Leisure Department, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425624). (Email: [john.gurmin@runnymede.gov.uk](mailto:john.gurmin@runnymede.gov.uk)).**
- 3) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on [www.runnymede.gov.uk](http://www.runnymede.gov.uk).
- 4) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

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## اردو

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## **LIST OF MATTERS FOR CONSIDERATION**

### **PART I**

#### **Matters in respect of which reports have been made available for public inspection**

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### **PART II**

#### **Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.**

- a) Exempt Information  
(No reports to be considered under this heading)
  
- b) Confidential Information  
(No reports to be considered under this heading)

1. FIRE PRECAUTIONS

The Chairman will read the Fire Precautions which set out the procedures to be followed in the event of fire or other emergency.

2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

3. MINUTES

To confirm and sign the Minutes of the Overview and Scrutiny Select Committee held on 15 April 2010 (attached at Appendix 'A') as a correct record.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

Members may wish to note Part 2 of the Code of Conduct for Members (pages 358 to 360 in the Council's Constitution) which sets out the definitions of personal and prejudicial interests.

Members' attention is drawn to Paragraphs 11 and 12 of the Code of Conduct which relate to prejudicial interests arising in relation to overview and scrutiny committees. These paragraphs read as follows:-

**"Prejudicial interests arising in relation to overview and scrutiny committees**

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where –
- (a) that business relates to a decision made (whether implemented or not) or action taken by another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

**Effect of prejudicial interests on participation**

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority –
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held –
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
    - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting; unless you have obtained a dispensation from your authority's standards committee
  - (b) you must not exercise executive functions in relation to that business; and
  - (c) you must not seek improperly to influence a decision about that business.

- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise”.

6. SURREY COUNTY COUNCIL PROPOSALS FOR CIVIL PARKING ENFORCEMENT (DTS)

1. Purpose of Report

- 1.1 **To inform the Committee of Surrey County Council's proposals for future arrangements for parking enforcement in Surrey and of the Economic Development Committee's resolution on the matter.**
- 1.2 **To invite the Committee to consider what further response it may wish to make on this issue.**

2. Background Information

- 2.1 This report has been placed on the Agenda at the request of the Chairman.
- 2.2 On Tuesday 25 May 2010 Surrey County Council's (SCC) Transport Select Committee considered a report on the future enforcement and administration of civil parking enforcement in Surrey. A copy of the report is at Appendix 'B'.
- 2.3 The current arrangement whereby the eleven Boroughs and Districts operate on-street parking enforcement alongside their management of off-street car parks was phased in between 2004 and 2007 after SCC took over the responsibility for on-street parking enforcement from the police. Runnymede Borough Council (RBC) began on-street enforcement in November 2004. The agency agreements have been amended so that they all end on 31 March 2011 and SCC has little time to consider alternative options for future arrangements.
- 2.4 SCC's main concern is that the civil parking enforcement operation costs about £3.6M with income of £3.1M (deficit of about £0.5M).
- 2.5 The Transport Select Committee considered five options for future arrangements:
1. No change.
  2. Boroughs and Districts combine areas to reduce duplication of staff.
  3. Four 'area contracts' combining Boroughs/Districts. SCC states that the Boroughs/Districts could bid for the tender against the private sector. If a private contractor is selected the report states that Boroughs and Districts could include off street car park enforcement within this contract.
  4. Single county wide enforcement contract. Unlikely that Boroughs/Districts could bid. The report states that they could include off street car park enforcement in this contract.
  5. Delegate total responsibility to Boroughs/Districts. SCC as highway authority could not delegate the responsibility but could pass the parking operation to the Boroughs and Districts with no subsidy and the Boroughs and Districts retaining the surplus.
- 2.6 The Committee recommended Option 3, which is the introduction of up to four area enforcement contracts with the option for service providers to tender for one or more areas. The recommendation has been put to a SCC Cabinet meeting on 27 June 2010. However, the matter has been deferred from that meeting.
- 2.7 This recommendation is likely to preclude future involvement of Boroughs and Districts in on-street enforcement and result in two organisations carrying out enforcement in each area unless the Borough/Districts handed over off-street enforcement to the contractor. RBC

could bid for the work whether alone or in partnership, but commercial risk would pass to the Boroughs if pricing was wrong.

2.8 Representatives of Surrey County Council have been invited to this Committee meeting to explain the County Council's position.

### 3. Report

3.1 Under the agency agreements the Boroughs and Districts claim quarterly in arrears for all of their costs in operating the enforcement service. Any income from the on-street enforcement in Runnymede is passed to SCC. In Runnymede the only income is from penalty charge notices. In other Boroughs there is income from Controlled Parking Zones (CPZ)s and on-street parking charges.

3.2 The report to the Transport Select Committee says that SCC has limited control over what they are charged. In fact SCC could have taken the opportunity to discuss costs at any time during the last six years that the agency agreements have been operating. RBC submits a very detailed spreadsheet of the costs it is claiming and SCC has only questioned the payment of one item on one occasion in the six years. The Agency Agreement specifically provided for reviews which could have looked at costs and action to reduce deficits.

3.3 SCC, with the advice of the consultant that they employed in setting up the agencies, originally accepted that on-street parking enforcement can only operate at a deficit, particularly in a Borough where there are no CPZs or on-street parking charges to generate income.

3.4 It is only recently that SCC has announced that they wish to reduce the on-street parking deficit. The analysis described in the Transport Select Committee report was carried out with no consultation with the Boroughs and Districts. Instead of proposing radical changes that affect all of the Boroughs and Districts, their staff, and their off street parking operations, SCC could have worked with the agents to find ways of making the economies needed to change the financial 'balance sheet'. This could have included introducing CPZs and on-street parking charges where they do not currently exist.

3.5 The report states that "informal discussions have been held with district and borough councils". Prior to the circulation of the report, borough and district parking Officers had discussed the future of the service with County Officers but were not aware at that time of the conclusions contained in the report.

3.6 The report also states that having eleven agents results in a duplication of efforts. This comment fails to recognise that the agents are also operating off-street car parks, most of which operate at a surplus. This was the original reason for choosing the Boroughs and Districts to operate on-street enforcement in their areas. This arrangement is, potentially, a better deal for the Surrey taxpayer as a whole.

3.7 SCC is proposing to carry out a tender process for the management of on-street parking enforcement on the assumption that this will be more cost effective. SCC does not appear to have prepared any cost estimates to support this assumption as they have not yet decided how many client staff to manage the contract.

3.8 The proposals give Boroughs and Districts the opportunity to tender alongside commercial providers but the timescales do not give them the opportunity to explore all of the partnering options that could bring about a more efficient and effective service than the proposed arrangements.

### 4. Runnymede Officers' Concerns

4.1 There are a wide range of concerns about the SCC proposals:

- SCC has not adequately worked with the current providers (Boroughs and Districts) to reduce the deficit and work towards a break-even point under the current arrangements;
- SCC has not adequately consulted with Boroughs and Districts in reaching this recommendation;

- The report fails to recognise the overall benefits to Council tax payers of the Boroughs/Districts operating both on and off street enforcement in each area;
- The recommendation goes against the 'partnership working' that SCC has been promoting;
- Unless Boroughs and Districts agree to include their car parks in the contract, two separate organisations will be carrying out enforcement in the same area (on-street/off-street);
- There is concern about the performance of contractors who have won contracts elsewhere;
- SCC has not appreciated the contribution made by the Borough and District parking teams in dealing with complaints and appeals and the other administrative issues involved, including dealing with problem areas and liaising with the police on problems such as outside schools;
- Employing contractors would result in a loss of local knowledge and local control;
- Most Boroughs/Districts would not be willing to hand over control of their car parks;
- Staff would be TUPE'd to the new contractor, resulting in an uncertain future.

## 5. Council Policy

- 5.1 The Council has long had a policy to seek to work collaboratively with others in partnerships that offer mutual benefit. Most recently this has been formalised through the Surrey First Initiative which originally arose from Surrey County Council.

## 6. Legal Implications

- 6.1 Under the Traffic Management Act 2004, enforcement of off-street parking places can be undertaken by the district Council which provided them under the Road Traffic Regulation Act 1984. Operational Guidance to Local Authorities stresses that there should be very close co-operation between districts and their county. It further confirms that there should be significant efficiency gains in having a unified civil parking enforcement operation.

## 7. Conclusions

- 7.1 It is disappointing that SCC has chosen to take this action with little consultation with Boroughs and Districts. There is particular concern that new arrangements will be less efficient and more costly to local tax payers, when taken in the round with separate off-street parking arrangements.
- 7.2 It is considered that working collaboratively with districts, mutually acceptable arrangements could have been put in place that reduced SCC's costs whilst maintaining efficient operation.
- 7.3 Given Runnymede's experience in running both on and off-street parking enforcement, it is considered that a reasonable case can be put that it be devolved locally and run on behalf of the County Council. The mechanism by which this could be done needs further work and may well involve collaborative working with other Councils.
- 7.4 Such arrangements could be achieved through a variation in the Agency agreement and such an agreement would be required as it remains a County Council function.
- 7.5 The cost implications would have to be looked at carefully as if Runnymede took over the function in its entirety (keeping income from Penalty Charge Notices but bearing all costs) it also takes responsibility for all financial risk. Whilst an initial informal assessment would suggest that the service could be operated on a 'break-even' basis, this needs to be properly modelled in terms of a business case.
- 7.6 Having considered the information contained within this report, the Economic Development Committee, at its meeting on 24 June, resolved that Runnymede should seek to take over

administration of on – street car parking management in the borough from Surrey County Council and should continue to manage on and off-street parking, working alone or in collaboration with others and that further reports on this should be brought back to the Economic Development Committee.

- 7.7 This view has been conveyed to Surrey County Council in a letter jointly signed by Councillor Pat Roberts as Chairman of the Economic Development Committee and County Councillor Marisa Heath as Chairman of Surrey County Council's Local Committee for Runnymede.

**OFFICERS' RECOMMENDATION that –**

**the Committee notes the action taken by Surrey County Council and the resolution of the Economic Development Committee on this matter and indicates what further response it wishes to make on the issue of parking enforcement in Surrey.**

**(TO RESOLVE)**

Background Papers

Transport Select Committee meeting agenda, Surrey County Council, 25 May 2010

7. PROGRESS REPORT ON ENFORCEMENT OF PLANNING CONTROL (DTS)

Attached at Appendix 'C' is the progress report on enforcement of planning control as at 14 June 2010.

**(FOR INFORMATION)**

Background Papers

None

8. ANNUAL REPORT OF OVERVIEW AND SCRUTINY FUNCTION (DAL)

1. Purpose of Report

- 1.1 **To request the Committee to confirm the contents of the Annual Report of the Overview and Scrutiny Function for the Municipal Year 2009/10 for submission to the Council Meeting on 22 July.**

2. Background Information

- 2.1 Sub-paragraph 6.03 (d) of the Council's Constitution states:-

"(d) **Annual Report.** Overview and Scrutiny Committees must report annually to a full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate."

- 2.2 The Committee is asked to confirm if it is content for the report at Appendix 'D' to be submitted to full Council in July, or if it wishes to make any amendments.

**OFFICERS' RECOMMENDATION that –**

**the Annual Report at Appendix 'D' be submitted to full Council.**

**(TO RECOMMEND)**

Background Papers

None

9. TREASURY MANAGEMENT ANNUAL REPORT 2009/10 (DF)  
(Ref: Minutes of Overview and Scrutiny Select Committee, 3 February 2010, page 516, para. 552)

1. **Purpose of Report**

1.1 **To present the annual report on treasury management activity and performance for the 2009/10 financial year for review and comment.**

2. **Report**

- 2.1 In March 2010, the Council approved revised governance arrangements by which the Overview and Scrutiny Select Committee became the body responsible for scrutinising treasury management. The body that makes recommendations on treasury management is the Corporate Management Committee
- 2.2 At its meeting on 27 May, the Corporate Management Committee received a report on the Council's treasury management activities and performance for the 2009/10 financial year. The agenda report is at Appendix 'E' and the minute is at Appendix 'F'.
- 2.3 Sterling Consultancy Services, (the Council's appointed treasury management consultants), have recently produced a bench-marking report for their clients and this is reproduced at Exempt Appendix '1'. The report compares Runnymede's treasury management performance in 2009/10 with other clients and provides a useful additional perspective on the matters already reported to the Corporate Management Committee.
- 2.4 Members may also find the treasury management training delivered on 29 June helpful in formulating any response.

**OFFICERS' RECOMMENDATION that -**

**the Committee scrutinises the report and makes recommendations to the Corporate Management Committee for any changes to treasury management policy and procedures as it considers appropriate.**

**(TO RECOMMEND)**

Background Papers

None

10. EXCLUSION OF PRESS AND PUBLIC

If the Committee is minded to consider the foregoing reports in private session, is the

**OFFICERS' RECOMMENDATION that -**

**where appropriate, the press and public be excluded from the meeting during the discussion of the report(s) under Section 100A(4) of the Local Government Act 1972 on the grounds that the report(s) in question would be likely to involve disclosure of exempt information of the description specified in appropriate paragraphs of Part I of Schedule 12A of the Act.**

**(TO RESOLVE)**

**PART II**

**Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection**

a) Exempt Information

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)