

Report to Director of Highways, Transport and Planning

January 2022

Adur and Worthing Agency Agreement for Parking Services

Report by Miles Davy, Parking Manager

Electoral division(s): Broadwater, Cissbury, Durrington & Salvington, Goring, Kingston Buci, Lancing, Northbrook, Saltings, Shoreham, Southwick Sompting and North Lancing, Tarring, Worthing East, Worthing Pier and Worthing West.

Summary

The current Agency Agreement with Adur and Worthing Councils for the provision of parking services: *Civil Parking Enforcement (CPE) services and operational management of the Worthing Controlled Parking Zone (CPZ)* is due to expire on 31 March 2022. Approval is sought to continue with the existing arrangements by way of putting in place a new agreement, set to commence from 1 April 2022, for a period of five years.

As part of the process of agreeing a new contract, the opportunity has been taken to make some minor improvements and variations so that the agreement best reflects current working practices, not only in Adur and Worthing but across the county.

Recommendations

That the Director of Highways, Transport and Planning agrees a new Agency Agreement with Adur and Worthing Councils for a five-year period until 31 March 2027 for the procurement, management and operation of Civil Parking Enforcement in Adur and Worthing and operational management of the Worthing Controlled Parking Zone, under the provisions of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000/2851.

Proposal

1 Background and context

- 1.1. West Sussex County Council, in its capacity as highway authority, is responsible for managing all aspects of on-street parking in West Sussex. The County Council has the ability to delegate responsibility for some functions of both on and off street parking management to a Borough or District Council through the use of an "Agency Agreement".

- 1.2. The County Council entered into an Agency Agreement with Adur and Worthing Councils on 01 April 2020. The Agreement, in summary, is for the discharge of the on-street parking enforcement service, provision of a Controlled Parking Zone (CPZ) management service in Worthing, and management of any local off-street parking assets in the District of Adur and Borough of Worthing.
- 1.3 Arrangements under the Agreement have run very successfully and are due to expire on 31 March 2022. A new Agreement is required in order for those arrangements to continue after 01 April 2022. A five-year Agreement will give sufficient time to complete a review of the entire civil on-street parking strategy. Following the review a decision can be made as to whether an extension to the Adur and Worthing contract is required to include more clarity and robust terms and conditions.
- 1.4 The new Agreement will delegate the County Council's relevant functions to Adur and Worthing Councils to discharge by way of the procurement, management and operation of Civil Parking Enforcement (CPE) and operational management of the CPZ, together with management of any local County Council off-street parking assets in the District of Adur and Borough of Worthing.

2 Proposal details

- 2.1 The new Agreement will be broadly similar to the current Agreement, although updated to reflect changes to the Adur and Worthing parking enforcement contract, current best practice across the county and to correctly reflect the financial budget delegated from the County Council to Worthing and Adur. The present division of responsibility for discharge of the functions for on and off-street parking management will remain unaltered.
- 2.2 Examples of the updates referred to above include revisions to the TUPE and Pensions provisions and the 2019 sign/line remedial work protocol. Additional schedules also outline the County Council's Parking Policy, Parking Scheme Operational Guidance, Service Level Agreement and Data Processing activities.

3 Other options considered (and reasons for not proposing)

- 3.1 The Department for Transport (DfT) has issued Operational Guidance which sets out the policy framework within which the Government believes that all English local authorities, both inside and outside London, should be setting their parking policies and, if appropriate, enforcing those policies.
- 3.2 Within the context of this advice officers are currently looking at the long-term operational efficiency of the Agency Agreements across the county to ensure that they continue to offer best value. Notwithstanding that review extending the Worthing and Adur Agreement allows officers to continue the productive arrangements currently in place with Worthing and Adur.

4 Consultation and engagement

- 4.1 The Parties, including Worthing and Adur Councillors and Officers, have discussed and agreed changes subject to review and agreement of Legal Services and the Procurement Board.
- 4.2 The Cabinet Member for Highways and Transport has been consulted.

5 Finance

- 5.1 The new Agency arrangements do not have any additional resource implications since the provisions will be broadly similar to those already in place. The annual cost is currently agreed at £1.222m for Adur and Worthing.
- 5.2 The service will be contained within the existing budgets and the Agreement will be kept under continuous review as it matures, in order to ensure that every opportunity is taken to reduce costs and improve the efficiency of the service.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Objection to parking management or intervention.	<p>In the management of on-street parking a balance needs to be struck which shares out a finite amount of kerbside parking space amongst the many competing users and user groups. Management and enforcement of parking provides a key element of the framework within which these competing and conflicting needs are identified, assessed and prioritised.</p> <p>The availability and access to both on and off-street parking is important in supporting the economic vitality of town centres and reducing traffic congestion. Achieving the correct level of enforcement is not an exact science and there is no 'one size fits all' approach. Instead, many factors need to be balanced in order to arrive at an appropriate level of enforcement. Regular monitoring and performance management will take place across Adur and Worthing. This monitoring and performance management informs officers if parking management and enforcement resources are deployed at an appropriate level to meet published objectives.</p>

7 Policy alignment and other matters taken into account

- 7.1 Pursuant to Part 6 of the Traffic Management Act 2004, the County Council is a parking enforcement authority. Section 101 of the Local Government Act 1972 provides that a local authority may arrange for the discharge of any of their functions (powers or duties) by any other local authority. The delegation of function to another local authority is a not "public contract" for the purposes of the Public Contract Regulations 2015 and therefore they do not apply.
- 7.2 The Council has a duty to consider Best Value under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to economy, efficiency and effectiveness.
- 7.3 All customers will be positively affected by good management of on street parking, and more integrated management of on and off-street parking, across Worthing Borough and Adur District. This will be experienced in the form of:

- the greater availability of on-street parking spaces;
- less time spent and distance travelled searching for a parking space;
- less traffic congestion and pollution arising from 'searching' traffic;
- encouraging 'good neighbourliness' within the local community;
- better and easier access for Blue Badge holders; and
- better access to loading bays supporting deliveries to local business.

7.4 Greater accessibility of town centre parking will benefit the local economy and support local shops and services.

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Appendices

None

Background papers

None