



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
9 November 2021
Agenda Item 6

Key Decision: Yes

Ward(s) Affected: ALL

Procurement of Services for Civil Parking Enforcement & New Agency Agreement with West Sussex County Council (WSSCC)

Report by the Director for Digital, Sustainability & Resources

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Executive Summary

1. Purpose

- 1.1 West Sussex County Council has agency agreements with Adur District Council and Worthing Borough Council (who act as agents) for the provision of on-street civil parking enforcement in the council areas. This agreement is due for renewal on 1st April 2022.
- 1.2 Adur District Council and Worthing Borough Council have a joint contract with NSL Services for the provision of decriminalised traffic and parking enforcement services and controlled parking zone management in the council areas. This agreement expires on the 31st March 2022 and a procurement exercise is required in order to procure services to commence 1st April 2022.
- 1.3 By agreeing to enter the new contract with West Sussex County Council and procure enforcement services for 5 years (with the option to extend for a further 2 years) the Councils are ensuring a level of influence over on-street arrangements, and involving West Sussex County Council in discussions about positively impacting on the regeneration of the town centre.

1.4 The purpose of this report is to seek approval to:

- Enter into a new Agency Agreement to start 1st April 2022 with West Sussex County Council and to act as their parking enforcement agents in relation to Civil Parking Enforcement
- Authority to procure services for Civil Parking Enforcement
- Authority for the Director to award the contract to the most economically advantageous supplier and for the contract to start 1st April 2022 for 5 years with the option to extend for a further 2 years.

2. Recommendations

- 2.1 To authorise Adur District Council and Worthing Borough Council to enter into a new agency agreement with West Sussex County Council on the terms set out in this Agreement for the delivery by our Councils of Civil Parking Enforcement services for West Sussex County Council, to commence 1st April 2022
- 2.2 To authorise officers to procure services for a Civil Parking Enforcement Supplier to carry out those Services.
- 2.3 To authorise the Director of Digital, Sustainability & Resources to enter into a contract with the most economically advantageous supplier from the tender process to commence on 1st April 2022 for a term of 5 years with the option to extend of a further 2 years

3. Background

- 3.1 Responsibility for car parking policy and enforcement is dependent on whether it is on-street or off street.
- 3.2 On-street parking is the responsibility of West Sussex County Council as the Highways Authority. This includes responsibility for:
- The setting of parking tariffs
 - The establishment and management of Controlled Parking Zones (CPZs) and policies around the management of resident and other permits. Worthing has CPZs in operation. There are no CPZs in Adur and there are no on-street parking charges in Adur.
 - Managing parking restrictions eg single and double yellow lines
 - Establishing the on street parking enforcement policy
- 3.3 On street parking enforcement is managed by means of Civil Parking Enforcement under the Traffic Management Act 2004 (Part 6). The service is

run on behalf of West Sussex County Council through an Agency Agreement with Adur District Council and Worthing Borough Council.

- 3.4 Adur District and Worthing Borough Councils have no direct powers over on street parking enforcement and any concerns or recommendations coming from the Committee should be directed to the County Council.
- 3.5 Off street parking (in council owned surface and multi storey car parks) is the responsibility of Adur District and Worthing Borough Council. The responsibilities for off street parking include:
- Parking enforcement
 - Setting parking tariffs
 - Management of the car park infrastructure including payment machines.

4.0. Objectives of Parking Enforcement

- 4.1 Worthing Borough Council adopted CPE (Civil Parking Enforcement) powers on 10th September 2007, followed by Adur District Council on 5th March 2009. This has allowed the councils to take over the role of on-street parking enforcement from Sussex Police, on behalf of West Sussex County Council. The current service provider is NSL Services Group who manage this on a day-to-day basis. The scheme is managed in accordance with the Traffic Management Act 2004.
- 4.2 Income generated by on-street Fixed Penalty Notices (FPNs) is retained by West Sussex County Council and used to fund the costs of enforcement with any surplus money contributing to transport, parking and other environmental improvements in the borough and district.
- 4.3 The objectives of CPE include
- Encouraging a high level of compliance by motorists with the parking controls and waiting and loading restrictions.
 - Integrating traffic management policies with effective on-street enforcement.
 - Ensuring the equitable distribution and management of the availability of parking space.
 - Being responsive to changing priorities, local factors and demand.
 - Providing parking permits and dispensations for residents and businesses, the disabled, and others as appropriate.
- 4.4 Parking enforcement is managed in accordance with the following principles:
- Fairness in applying the legislation and securing compliance.
 - Focusing enforcement action where necessary.

- Consistency of approach.
- Transparency about what enforcement action is taken and why.
- Recognition that an effective relationship between all areas of the enforcement operation is needed.

5.0 Controlled Parking Zone (CPZ's)

5.1 There is one CPZ in Worthing. It is one of seven across the county. The CPZ is designed to:

- manage on-street parking
- improve safety and access
- raise the commercial viability of town and city centres
- protect the amenities of residents in the adjacent areas
- encourage motorists to review their journeys and consider alternative modes of travel, such as public transport, cycling, walking and car sharing.

6.0 Enforcement Contract

6.1 The existing contract with NSL expires on 31 March 2022. The new contract for Civil Parking Enforcement Services will fulfill the same range of functions as the existing contract, namely:

- On-street enforcement
- Pay and display machines maintenance
- Pay and display cash collection
- On-street permit management (including parking suspensions and dispensations)

6.2 The contract performance will continue to be managed through the use of Key Performance Indicators which are linked to Performance Related Payments (the indicators relate to levels of compliance, they do not relate to the number of PCNs issued). As part of the new contract, virtual permits will be rolled out for resident parking zones. This will eliminate the need for paper permits and visits to the Parking Shop for renewals. The roll out follows the successful introduction of virtual permits in Chichester. Residents who are not digitally enabled will be offered assistance with their permits and will be able to apply by post.

Customers will be able to purchase their on street permits through the MiPermit system which will be through the council website, there will be a

back up facility for those residents who do not have access to a computer to purchase a permit.

6.3 For off street car parks the service provider will carry out the following activities on behalf of Adur and Worthing:

- Pay and display cash collection
- Pay and display machine maintenance
- Car park enforcement
- Season ticket processing

6.4 Civil Enforcement Officers will be working between the hours of 07.30am to 19.30 Monday to Saturday and between 09.00am to 5.00pm on Sundays and Bank Holidays. These hours can be extended on a case by case basis to meet the needs for enforcement for example for events or if there is a particular enforcement issue at certain times of the day or evening.

6.5 Subject to agreeing to a new Agency Agreement (set out below), the Councils will need a provider to administer the on-street parking service. It is proposed that the Council complete a procurement exercise for a service provider to provide Civil Parking Enforcement services and for the contract to start 1st April 2022.

7.0 New Agency Agreements

7.1 The Agency Agreement defines joint working between Adur District Council, Worthing Borough Council and West Sussex County Council. To date it has worked well, integrating on street parking management (which is the responsibility of the County Council as the Highways Authority) and off street parking management which is the responsibility of the Borough and District Councils. There is a high degree of transparency across the service, with effective and proportionate enforcement activity to support the objectives of local transport policies and traffic management. The integrated approach to on street and off street parking makes it easy for users to access the service.

7.2 It is proposed that in the future Agency Agreement it will remain on the same terms apart from the removal of the requirement to provide a Parking SHop following the successful introduction of virtual permits.

7.3 The advantages of an effective Agency Agreement include:

- More opportunities for joint working over on-street parking provision in Adur or Worthing.

- An integrated approach to on-street and off-street parking enforcement, resulting in greater value for money and better services for residents.

7.4 In the absence of an Agency Agreement West Sussex County Council would have to make separate arrangements for on-street enforcement, which could include West Sussex County Council appointing another District or Borough to manage the on-street provision for Adur and Worthing on its behalf.

7.5 There would also be implications for the existing Parking Services Team which would likely transfer to West Sussex County Council under Transfer of Undertakings (Protection of Employment) Regulations 2006, as over 50% of each person's time is spent on on-street matters. This will leave no expertise or staff to oversee the off-street service.

7.6 Adur District and Worthing Borough Council currently benefit from tapping into some of the on-street provision, without the agency agreements, Adur and Worthing Councils will have to provide these as a standalone provision which carries significant cost.

8.0 Engagement and Communication

8.1 This report has been written in consultation with Miles Davy Lead Professional, Parking Strategy Team West Sussex County Council

8.2 The timeline for implementation is shown below:

Action	Deadline
JSC	9th November 2021
WSSCC Agency Agreement	Notify WSSCC once approved by JSC
Commence Procurement Process	22nd November 2021
Tender evaluation	Evaluate by 21.1.2022
10 days standstill	31.1.2022
Contract Execution	Mid Feb 2022

9.0 Financial Implications

- 9.1 The current cost of the civil enforcement contract is £948,853 per year which can be broken down as follows:
- Worthing On-Street: £743,711
 - Worthing Off-Street: £41,370
 - Adur On-Street: £124,490
 - Adur Off-Street: £39,282
- (these are estimates based on a percentage agreement and can vary with deployment of parking enforcement officers and other additional costs)
- 9.2 Worthing Borough Council also administers the Controlled Parking Zones on behalf of the County Council and receives a contribution from the County of £223,000 per year towards these costs. The proposed agency agreement will extend this arrangement for a further 5 years. The contract allows for the costs to be annually assessed and reimbursed via the income generated from enforcement fees.
- 9.3 The cost of the current parking off-street enforcement arrangements are contained within the Councils' car parking budgets. West Sussex County Council currently funds all costs for the provision of the on-street service within Worthing Borough Council.
- 9.4 Working in partnership with West Sussex County Council offers economies of scale to all parties in terms of staffing, IT and contract costs. This is currently happening with the current provider enforcing both on and off street car parks, with the staffing and other expenses costs proportioned accordingly.
- 9.5 If the off-street parking services were provided by the Councils as a standalone service, this would result in additional costs for the contract elements currently proposed to be included in the combined enforcement contract. In addition, if the agency agreement were to cease, the Councils would incur additional staffing and IT costs (as a new stand alone system would have to be procured and implemented).
- 9.6 Worthing On-street is currently accounted for via a holding account, where all income is returned to West Sussex County Council after all expenses have been met. This is returned on a quarterly basis along with a full reconciliation.

9.7 Adur District and Worthing Borough Council receive a contribution to cover the expected gap in costs for Adur On-street from West Sussex County Council, which is received as a one off yearly payment, increasing with CPI on a yearly basis.

10.0 Legal Implications

10.1 s1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation

10.2 s1 Local Government (Contracts) Act 1997 confers power on the local authority to enter into a contract for the provision of making available of assets or services for the purposes of, or in connection with, the discharge of the function by the local authority

10.3 The Council must ensure that any contract entered into pursuant to this Report is compliant with the Public Contracts Regulations 2015.

10.4 In making arrangements for off-street parking and enforcement the Councils are to comply with The Road Traffic Regulation Act 1984; The Traffic Management Act 2004; The Borough Council of Worthing (Off Street Parking Places) (Consolidation Order) 2007 (as amended) and the The Adur District Council (Off Street Parking Places) (Consolidation Order) 2011 (as amended).

10.5 In making arrangements for on-street parking and enforcement, the Councils are to comply with The Road Traffic Regulation Act 1984; The Traffic Management Act 2004; the West Sussex County Council (Worthing Parking Places & Traffic Regulation) Consolidation Order 2007 and the West Sussex County Council (Adur Parking Places & Traffic Regulation Consolidation Order 2009).

Background Papers

- JAW/010/19/20
<https://democracy.adur-worthing.gov.uk/ieDecisionDetails.aspx?ID=131>
- JOSC 26th July 2018 item 7
<https://democracy.adur-worthing.gov.uk/Data/Joint%20Overview%20%20Scrutiny%20Committee/201807261830/Agenda/media.150017.en.pdf>

Sustainability & Risk Assessment

1. Economic

- To provide sufficient on-street car parking in town and village centres to maintain economic vitality and viability without encouraging unnecessary or excessive car use.
- Health and Wellbeing Objectives
- To reduce levels of car ownership and reliance on the private car as the principle mode of choice through the promotion and support of alternatives, including car clubs, car sharing, non-car modes and active travel.
- To facilitate the adoption of less polluting technology, such as electric vehicles, through the development of appropriate support infrastructure.

2. Social

2.1 Social Value

- Matter considered and no issues identified

2.2 Equality Issues

- Matter considered and no issues identified

2.3 Community Safety Issues (Section 17)

- Matter considered and no issues identified

2.4 Human Rights Issues

- Matter considered and no issues identified

3. Environmental

- Matter considered and no issues identified

4. Governance

- This meets the Council's Priorities of 'protecting front line services', 'promoting a clean, green and sustainable environment', 'supporting and improving the local economy' and 'ensuring value for money and low Council Tax'.

5. Financial Objectives

- For parking schemes to be self-financing. Individual schemes should, preferably, recover their set-up costs over a period of time and return a surplus to the On-Street Parking Account to provide for on-going maintenance, monitoring, enforcement, review and extension, where necessary. In the case of new development, these costs should be borne by the developer.
- To review parking charges regularly and to set those charges at levels that cover operating costs and influence short and long stay parking demands, consistent with traffic management and demand management objectives

- WSCC's On-Street Parking Account, to which all expenditure and income is assigned, to operate in surplus, as required under Section 55 of the Road Traffic Regulation Act 1984. Any surplus, should be used, in the first instance, to implement or support parking schemes and subsequently to improve parking facilities and approved transport and environmental improvement schemes, strategically across the County irrespective of where they originated.

6. Locational Objectives

- To encourage the location of activities in well-served and accessible areas.
- To locate long-stay parking spaces in off-street car parks or less central on-street areas, subject to the safeguarding of residents' parking needs.
- To support the provision of out-of-town Park and Ride schemes that reduce long-stay town centre parking.
- Enforcement Objectives
- These are may be summarised as follows:-
- To provide a single integrated parking service, combining on-street and off-street management and enforcement that will be accessible, at a local level within the Districts and Boroughs.
- To provide the effective enforcement of parking controls.

7. Community Objectives

- To prioritise parking in residential areas for use by residents and their visitors.
- To ensure that the parking and transport needs generated by new development are adequately provided for by the development and do not have adverse impacts upon local communities.

8. Traffic Management Objectives

- To manage the free flow of all traffic on the highway and to maintain road safety for all road users.
- To share out limited kerb space amongst competing user groups, fairly and transparently.
- To maintain town centre parking charges and controls that provide effective demand management to:
 - protect the needs of residents and their visitors;
 - encourage the turnover of on-street parking of short duration;
 - support local businesses
 - encourage long-stay parking to take place in off-street car parks and/or designated on-street locations; and
 - minimise the effect of circulating traffic 'searching' for spaces.