

Report to Cabinet

24th March 2016

By the Cabinet Member for Local Economy

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

West Sussex Local Authority Parking Enforcement Agreement

Executive Summary

The existing Agency Agreement between West Sussex County Council and Horsham District Council for the delivery of on street parking services, introduced in 2006 is due to expire at the end of March 2016.

This report seeks approval from the Cabinet to enter into a new Agency Agreement with West Sussex County Council for the management and operation of Civil Parking Enforcement (CPE) and management of the Horsham and Billingshurst Controlled Parking Zones (CPZ).

The new Agency Agreement does not seek to amend the current operation of the service, but does give the opportunity to achieve financial savings against Horsham's current contributions.

Recommendations

That the Cabinet is recommended:

- i) To enter into the new Agency Agreement with West Sussex County Council with regard to Civil Parking Enforcement and management of the Controlled Parking Zones.

Reasons for Recommendations

- i) To ensure that the service can be managed in an efficient and cost effective way;
- ii) Ensuring that Horsham District Council has control over parking enforcement processes;
- iii) Matching operations against strategic objectives.

Wards affected: All Wards

Contact: Ben Golds, Parking Services Manager, EX5055

Background Information

1 Introduction and Background

- 1.1 In January 2006 West Sussex County Council in its capacity as the Highway Authority took on responsibility of on-street parking enforcement through the introduction of Local Authority Parking Enforcement (LAPE). The introduction of LAPE shifted the responsibility of on-street parking enforcement away from the Police (criminal) to the Highway Authority (civil).
- 1.2 The County Council has the power to delegate responsibility for some functions of both on and off street parking management to district and borough councils through the use of an Agency Agreement.
- 1.3 The County Council entered into an agency agreement with Horsham District Council in March 2006. The agreement, in summary, is to enable the discharge of the on street parking enforcement service; and allow for the provision of a Controlled Parking Zone (CPZ) management service in Horsham and Billingshurst.
- 1.4 Both services under the existing agreement have run very successfully. They have been extended to their full contract term (5 + 5years), and the agreement is now due to expire on 31st March 2016.
- 1.5 Approval is being sought for Horsham District Council to enter into a new 5 + 4year Agency Agreement with West Sussex County Council. The agreement will delegate authority for the procurement, management and operation of Civil Parking Enforcement (CPE) and operational management of the Horsham and Billingshurst Controlled Parking Zones (CPZ).
- 1.6 The new agency agreement will be broadly similar to the current agreement, although updated to reflect changes to the legislative framework and current best practice. The present division of responsibility for on and off street management will remain unaltered.

2 Relevant Council policy

- 2.1 This report supports the Corporate Plan, in particular the Economic key objective by ensuring parking spaces are made available to ensure access to the districts towns and village economic centres.

3 Details

- 3.1 The proposal is as outlined in section 1.1 of this report; which is for Horsham District Council to agree to a new Agency Agreement with West Sussex County Council which will allow Horsham District Council to deliver Civil Parking Enforcement and manage the Controlled Parking Zones within the Horsham District.
- 3.2 Horsham District Council has to manage Civil Parking Enforcement within their off-street parking places to ensure compliance and maximum return on our assets. It is within Horsham's best interest to manage on-street enforcement to ensure operational delivery meets our strategic objectives. Additionally, the most efficient

way to manage both off-street and on-street Civil Parking Enforcement is through one service.

- 3.3 All other Local Authorities within West Sussex that administer Civil Parking Enforcement and Controlled Parking Zones, manage the on-street and off-street parking enforcement through an Agency Agreement.

4 Next Steps

- 4.1 The next step after agreement of the proposal would be to sign and action the new Agency Agreement.

5 Outcome of Consultations

- 5.1 The comments of the Head of Financial Services, the Head of Legal and Democratic Services and the Director of Community Services have been incorporated in the report.

6 Other Courses of Action Considered but Rejected

- 6.1 The only other option for consideration is that we do not move forward with the proposed Agency Agreement with West Sussex County Council. This option was rejected because:
- Department for Transport (DfT) Operational Guidance notes state that in some cases the County Council carries out on-street parking enforcement directly and District Councils enforce off-street parking. They point out that this approach seems likely to be less efficient than having one enforcing authority. There should be significant efficiency gains in having a unified civil parking enforcement operation between the two authorities. West Sussex County Council would have to engage their own on-street parking enforcement contractor that would not be accountable to Horsham District Council or the Council's aspirations nor would it provide local tax payers with value for money.
 - The Operational Guidance says that Non-metropolitan district councils in England are not able to apply for designation orders (CPE powers). DfT Operational Guidance makes it clear that it is important that there should be very close co-operation between district councils and their county councils.
 - For the above reasons this option would appear to be a much less favourable option for the Council.

7 Financial Consequences

- 7.1 Within the 2006 agreement Horsham District Council's contribution was set as an annual amount which had an annual indexed increase. West Sussex County Council would then pay the cost of the difference between Horsham District Council's contribution, any Penalty Charge Notice (PCN) income and the total cost of delivering the enforcement function.

7.2 In the budget year of 2014/15 (the last full year) the costs were split:

Total Cost of the Service	£545,000
Income	£219,000
Horsham District Council contribution	£232,000
West Sussex County Council contribution (difference)	£94,000

7.3 Within the 2006 agreement any savings or improvements in performance benefitted West Sussex County Council, whilst Horsham's contribution remained the same (indexed link growth each year).

7.4 Within the new agreement costs (after income) will be split dependent on the percentage number of PCN's issued on-street and off-street. For example, if 60% of PCN's have been issued off-street then Horsham District Council would pay 60% of the remaining costs and West Sussex County Council would contribute 40% of the costs for the on-street PCN's.

7.5 This arrangement should reduce Horsham District Council's contribution and therefore be more beneficial for Horsham District Council if there is an overall reduction in the costs of the service, improved performance, reduced PCN cancellation rates, and increased debt collection.

7.6 Within the 2016/17 budget we have included an annual saving of £5,000; this is likely to increase over the following years due to even more service efficiency savings.

7.7 Whilst not directly related to the Agency Agreement itself, it is worth noting that income and expenditure for on-street parking is required by law to be contained within the County Council's on-Street Parking Account. This account must be self-contained and held separately from the County Council's other accounts. The purpose for which any surplus might be utilised, should a surplus be generated, is ring-fenced by Section 55 of the Road Traffic Regulation Act, 1984 (RTRA) as amended. In summary, these are:

- to repay any funds for parking measures that have been borrowed from the general rate fund;
- to contribute towards the provision or maintenance of parking facilities;
- to contribute towards improvements to passenger transport services or infrastructure; and,
- to contribute towards other highway improvements.

8 Legal Consequences

8.1 A draft Agency Agreement between Horsham District Council and West Sussex County Council for delivering parking enforcement has been sent to Horsham District Council by the County Council for our approval. The principle terms have been agreed and the final draft is awaited by the Council's Legal Services. The agreement is intended to be legally binding on the Council and the Council's Legal Services will need to approve the detailed terms and conditions to ensure that the Council's interests are properly protected.

9 Staffing Consequences

- 9.1 Horsham District Councils Parking Services team manages the running and enforcement of Horsham off-street car parks; and (on behalf of West Sussex) under this agreement manage the running and enforcement of the on-street function.
- 9.2 The department is staffed to manage both elements; if this agreement was not agreed then the staffing levels would have to be reviewed. Only the off-street function would need to be resourced. Ultimately this would mean a reduction in parking staff.

10 Risk Assessment

- 10.1 The risks within this proposal are minimal as there are no operational changes from the current Agency Agreement that has been running successfully since 2006.

Appendix 1

Consequences of the Proposed Action

<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>Through this agency agreement we will be providing uniformed enforcement staff that patrol by foot and in vehicles around the district. These highly visible officers act as eyes and ears to the authority reporting on any issues or suspect behaviour, as well as deterring any potential opportunist crime.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>The proposal is considered to be consistent with the provisions of the Human Rights Act.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p>	<p>.The proposal is considered to be consistent with the Council's policies on Equality and Diversity and with relevant legislation.</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>Ensuring that traffic is free flowing through town centres and trunk roads contributes to the reduction of carbon dioxide emissions and road user/pedestrian safety which is consistent with the Council's policies on Sustainability.</p> <p>Additionally, enforcing on-street parking bays ensures that spaces are made available to visitors and shoppers who contribute to the local economy.</p>