

CABINET

DATE OF MEETING: 9 JUNE 2022

TITLE OF REPORT: TERMINATION OF HAMPSHIRE COUNTY COUNCIL AGENCY AGREEMENTS FOR TRAFFIC MANAGEMENT AND CIVIL PARKING ENFORCEMENT (ON-STREET)

Report of: Head of Environment & Technical

Cabinet Portfolio: Environment

Key Decision: No

Confidentiality: Non-Exempt

PURPOSE OF REPORT

1. To update Cabinet on Hampshire County Council's recent decision to terminate the agency agreements for Traffic Management and Civil Parking Enforcement (On-Street) and seek approval for the Hart District Council 2022/23 Traffic Management Programme.

RECOMMENDATION

That Cabinet note Hampshire County Council's decision to terminate the agency agreements for Traffic Management and Civil Parking Enforcement (On-Street) and agree:

- That the notice period for the Civil Parking Enforcement Agreement is reduced from 18 months to 12 months, to allow for the termination of both agency agreements on 31st March 2023.
- That implementation of the 2022/23 Traffic Management Programme attached at Appendix 1 is prioritised to ensure its delivery before 31st March 2023.
- That the opportunity for delivering a shared off street car parking service with both Basingstoke and Deane and Rushmoor Borough Council is investigated.
- That £7,000 is allocated from the general fund to jointly commission, with neighbouring authorities, consultants to evaluate options for a shared off street parking service.

BACKGROUND

2. As the local Highway Authority, Hampshire County Council (HCC) are responsible for the delivery of Traffic Management and on street Civil Parking Enforcement. Historically, Hart District Council (HDC) together with the majority of other Hampshire districts have delivered these services under agency agreements with the county.
3. On the 10th March 2022 HCCs Executive Member for Highway Operations, Councillor Russell Oppenheimer, agreed that the district agency agreements for both Traffic Management and Civil Parking Enforcement would be terminated. Hart received formal notification of this on the 8th April 2022.
4. The Traffic Management and Civil Parking Enforcement agreements are subject to formal notice periods of 12 and 18 months respectively, although subject to mutual agreement, this period of notice can be reduced.

5. Since receiving notice of termination officers from both authorities have met to discuss the arrangements for the transfer and a schedule for future meetings has been agreed.

MAIN ISSUES

6. The Traffic Management and Civil Parking enforcement services are very closely linked and to ensure a smooth transition of service there is a benefit in aligning the transfer dates. This report recommends that an end date of 31st March 2023 is agreed for both agreements.
7. Termination of the agencies will have a significant impact on the work undertaken by both the Infrastructure and Parking teams and will necessitate a review of the staffing structure that is required to deliver the services that remain with Hart after the transfer. The employment rights of any staff transferring to HCC will be subject to protection under the Transfer of Undertakings Protection of Employment Regulations (TUPE).
8. It will also provide Hart with the opportunity to evaluate the benefits of delivering its off-street parking service as part of a shared service arrangement with Basingstoke and Deane, and Rushmoor Borough Council. Initial conversations with officers at both authorities have suggested that there may be value in exploring this opportunity. This report recommends that £7,000 is allocated to jointly fund the commissioning of consultants to prepare a report on this.
9. Following termination of the agency agreements, HDC will have no responsibility or power to implement, manage or enforce on street parking restrictions. HCC have advised that the enforcement of on-street parking restrictions will be delivered in partnership with a specialist parking services provider, NSL, as an extension to the current arrangements in Gosport, Fareham, New Forest and Test Valley. The contractor will operate frontline enforcement in accordance with Hampshire County Council policies whilst the authority's own in-house Parking Services team will closely manage the operation of the service. The County Council will deal with all aspects of the formal appeals process as well as the management of Residential Parking Permits. The Traffic Management Service will be delivered in-house by the County Council's Traffic and Parking teams, as is already the case for some of the other parts of the County.
10. Despite the termination of the agency agreements, both the District Council and the County Council will continue to work together to ensure that on-street parking and the district owned car parks continue to compliment one another.
11. Functions, such as the processing of local road closures for special events (e.g. street parties, processions, sporting events etc) will continue to be dealt with by the district council under the Town Police Clauses Act as these are powers specific to the district and borough councils.
12. After 31 March 2023 any requests for on street parking enforcement, or alterations to existing parking restrictions in Hart will need to be directed to HCC.
13. Prior to termination of agencies, it has been agreed that the work of the Infrastructure Team Manager will be prioritised to ensure delivery of Harts 2022/23 Traffic Management programme. A copy of the draft programme which has been circulated to all Hart District and County Councillor's for comment is attached at Appendix 1. Cabinet are asked to consider and approve the

2022/23 programme. To ensure that implementation of the programme is completed prior to the agency termination a target completion date for the Traffic Management programme of December 2022 has agreed.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

14. The agency agreements allow for notice to be served by either party subject to the relevant notice being served. An alternative to agreeing to a reduced notice period for the Civil Parking Enforcement agency would be for the council to continue to operate this service until October 2023. Whilst this would enable Hart to retain control of the service for a further 6 months, no benefit to this has been identified. In addition, a termination date which aligns with the termination date for the Traffic Management agency will help facilitate a smooth transition and reduce uncertainty for staff potentially affected. This report, therefore, recommends that a reduced notice period for Civil Parking Enforcement service is agreed.
15. HCC have indicated that they would be prepared to consider a termination date earlier than April 2023 should Hart wish to consider this. However, discussions with HCC officers suggests that the earliest achievable date would be December 2022. An earlier termination date is not recommended as delivery of Harts 2022/23 Traffic Management Programme could not be guaranteed before the agencies transfer, and an earlier date would not promote smooth transition of the service.

CORPORATE GOVERNANCE CONSIDERATIONS

Relevance to the Corporate Plan and/or The Hart Vision 2040

16. Approval of this report's recommendations will contribute the Harts Corporate Plan priority of "An Efficient and Effective Council".

Service Plan

- Is the proposal identified in the Service Plan? Yes
- Is the proposal being funded from current budgets? No (The report recommends £7,000 is allocated from the general fund to commission consultants)
- Have staffing resources already been identified and set aside for this proposal?
Yes

Legal and Constitutional Issues

17. Article 7 of the Councils constitution provides Cabinet with the authority to approve this report's recommendations.

Financial and Resource Implications

18. This report recommends that £7,000 is allocated from the general fund to jointly commission, with neighbouring authorities, consultants to evaluate options for a shared off street parking service which could be operated after the Civil Parking Enforcement agreement has been terminated.
19. It is anticipated that any costs associated with facilitating termination of the agency agreements will be accommodated within the approved 2022/23 revenue budgets for On Street Parking and Highways Traffic Management.
20. The 2022/23 budget for On Street Parking has a gross deficit of £95,045, whilst the Highways Traffic Management budget has a gross surplus of (£23,097). Any financial implications resulting from the termination of the agencies will be incorporated within the 23/24 budget process.

Risk Management

21. No risks arising from implementation of this report's recommendations have been identified.

EQUALITIES

22. An equalities impact assessment was undertaken by HCC as part of their decision process, the outcome from this assessment is provided below.
23. It is considered that the proposal to end agency arrangements for civil parking enforcement and for traffic management would have a neutral impact on protected groups as existing service delivery would be unaffected. Any changes to traffic regulations are subject to the Traffic Order process and therefore formal consultation will be undertaken on a scheme specific basis.
24. Should TUPE requirements arise from the withdrawal of the agreements, all appropriate HR and Legal processes will be followed, including engagement with affected staff.
25. No additional equality implications arising from the recommendations of this report have been identified.

CLIMATE CHANGE IMPLICATIONS

26. No climate change implications arising from the recommendations of this report have been identified.

ACTION

27. Subject to Cabinet approving this reports recommendations work will commence to:
 - Facilitate the smooth transfer of Harts on street parking, and traffic management services to HCC.
 - Progress discussions with both Rushmoor and Basingstoke and Deane Borough Council to explore the potential for a shared off street parking service.
 - Subject to the agreement of neighbouring authorities, jointly commission consultants to evaluate and make recommendations on the potential for a shared off street parking service.
 - Deliver the approved 2022/23 traffic management programme for Hart.

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Appendices

Appendix 1 – Harts Draft Traffic Management Programme for 2022/23

Background Papers: None.