

# **Report to the Cabinet**

**Report reference:** C-054-2009/10  
**Date of meeting:** 30 January 2012



**Portfolio:** Safer, Greener and Highways

**Subject:** Off street parking operations across the District

**Responsible Officer:** Qasim (Kim) Durrani (01992 564055)

**Democratic Services Officer:** Gary Woodhall (01992 564470)

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## **Recommendations/Decisions Required:**

- (1) To note the revised yearly cost of £260,000 for the membership of North Essex Parking Partnership (NEPP) for managing Council's off street car parking enforcement arrangements;**
- (2) To delete the four existing posts in the Car Parking Team;**
- (3) To create the following two new posts following the transfer of enforcement operations to the NEPP in October 2012:**
  - (a) Parking and Street Furniture Manager, and**
  - (b) Parking and Street Furniture Support Officer; and**
- (4) That this will result in a salary saving of £32,500 in 2012/13 and a further £32,500 in 2013/14.**

## **Executive Summary:**

The North Essex Parking Partnership (NEPP) has formally agreed to manage the off street parking operation within the district from 1 October 2012, at the end of the Council's contract with its current provider Vinci Parks Limited. This is in addition to the on street enforcement responsibility that NEPP will undertake on behalf of the Essex County Council.

The current Car Parking Team consists of four officers. Under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) all four officers are transferrable to NEPP from 1 October 2012. However the Council needs to consider the staffing levels required to manage and monitor the arrangement with NEPP, manage its own car parking assets and carry out the remaining highways general fund functions.

The off street car parking operation generates an income of over £1.1 million a year and the Council needs to ensure there are adequate staffing resources to safeguard this income post October 2012.

The report sets out the requirements to retain adequate staffing resources to carry out the Council's duties and responsibilities.

## **Reasons for Proposed Decision:**

It is necessary to maintain an adequate level of resource to manage the agreement with

NEPP and to deal with the highway general fund functions that are the Council's responsibility. It is recommended that two officers be employed to manage these responsibilities for the Council.

#### **Other Options for Action:**

- To not have an adequate officer resource to manage the agreement with NEPP, look after the Council's car parking assets and carry out the remaining highways general fund functions like maintenance of street furniture, and not to make appropriate budget provision for 2012/13. This option cannot be recommended due to the need to safeguard the income from the off street operations and the need to maintain the car parks and street furniture across the district in a good state of repair. It is an officer assessment that the workload requires two full time posts. If adequate staffing resources are not made available then there could be a reduction in the £1.1 million revenue generated annually from the car parks. In addition the Council could be exposed to legal claims if the street furniture assets are not adequately maintained.
- Not to TUPE transfer the existing posts to NEPP and retain them in house to manage the contract with NEPP and other highway general fund functions. This cannot be recommended because the Council would find itself responsible for potential future redundancy costs.

#### **Report:**

1. The agency agreement between the County Council and all Essex Districts for the provision of decriminalised parking enforcement commenced in April 2002. The Council has carried out the enforcement function through the use of an outsourced private contractor. Following a review of on street enforcement arrangements, the County Council, as the Highways Authority, created two new Parking Partnerships for the County, one for the north (NEPP) and one for the south of Essex. Whilst in general the on street enforcement transferred to NEPP in April 2011, it was agreed that this Council should retain its on street enforcement operations until our contract with Vinci Parks Limited ends in September 2012. The Cabinet, at its meeting on 12 September 2011, agreed that in order to continue to achieve economies of scale through the provision of combined on and off street car parking enforcement and cash collections operations, to enter into arrangements with NEPP for them to also manage the Council's off street parking operations within this district.
2. NEPP consists of this Council, Harlow, Uttlesford, Braintree, Tendring and Colchester (the lead authority). Prior to the formation of Partnership, all members, with the exception of this Council, were delivering parking enforcement through in house operations. All staff from those authorities have been transferred to Colchester from 1 April 2011, with the exception of Tendring who continue to provide off street enforcement in house.
3. The Council's car parking and highways general fund team consists of a permanent staff establishment of 4 Full Time Equivalent (FTE). This consists of one Parking Manager, two Assistant Parking Managers and a Parking Officer. These officers undertake a number of activities ranging from dealing with challenges by motorists who have been issued Penalty Charge Notices (PCN) to looking after litter bins along the public highways. The work load of the team is spread out in such a way that nearly 60% of the work of the team is related to dealing with off and on street parking enforcement. On this basis it is agreed that all four FTE would be subject to Transfer of Undertakings (Protection of Employment) Regulations (TUPE).
4. In addition to the Council's own staff those members of Vinci Parks staff, the majority of whose work will be delivered by the Partnership in future, will be subject to TUPE. These members of staff will have the same terms and conditions, at the time of transfer, as their current employer. If there are any redundancy costs as a consequence of TUPE then these

shall be borne by the County Council under the terms of the Partnership agreement. In the event that a member of staff decides to not accept the TUPE transfer then they would effectively be resigning from their employment and they would not be entitled to any redundancy payments.

5. The on and off street enforcement activities will transfer to NEPP from 1 October 2012. This will include the back office functions associated with PCN challenges and appeals, all of which will be performed by NEPP. There will however be a need for staffing resources at the Council to undertake the following functions:

- (i) manage the Council's agreement with the Partnership including performance monitoring to ensure that the existing off street car parking revenue of £1.1 million per annum is maintained;
- (ii) manage the Council's car parks and keep them in a good state of repair;
- (iii) carry out the maintenance of the street furniture for which the district is responsible (street name plates, litter bins, some bus shelters and benches etc); and
- (iv) continue existing audit and governance checks in respect of pay and display income from car parks and Penalty Charge Notices.

6. The above requirements essentially consist of two components, firstly the client function to monitor NEPP to ensure the income from the off street operation is not compromised and secondly the function of maintaining the car parking and street furniture assets. The above functions will require two FTE to carry out the Council's responsibilities post October 2012.

7. The two new posts will be different and new job descriptions and personal specifications have been written. These cannot be formally reviewed by the Job Evaluation Panel until a Cabinet decision is obtained, for the purpose of budget setting the costs are estimated to be around £65,000 (salaries and car mileage costs) per annum. This is subject to a formal job evaluation process.

### **Resource Implications:**

The current establishment cost of the car parking operations includes on and off street enforcement as well as highway general fund functions. From 1 October 2012 both on and off street operations will be carried out by NEPP. All current costs and income associated with the on street operations will transfer to the NEPP from 1 October 2012. In respect of the off street operations the Council will pay a sum of £260,000 per year to NEPP, subject to inflationary increases as agreed across the Partnership, for performing all the off street parking activities currently performed by Vinci Parks Limited for example enforcement and cash collection from the Pay and Display machines in car parks.

If the Council had continued with Vinci Parks for the provision of off street car parking enforcement services, and based on the current contracted charges, it would have cost £333,000 a year. The NEPP is charging £260,000 for same service and this will result in a yearly saving of £73,000.

The current budgeted cost of the Car Parking Team is £279,000. This consists of the car parking team costs of £133,000 (salaries and car mileage) and support service costs of £146,000. If the recommendations in the report are approved then there will be a saving of £68,000 (representing 51 percent of existing budget) in the car parking establishment from October 2012 onwards.

The current car parking operations are managed from the Burton Road Depot in Loughton

Broadway. The NEPP wishes to operate from the Latton Bush Centre in Harlow. It is possible that the Housing Directorate may find a use for the depot, alternatively if the depot is decommissioned then there could be a CSB saving of £4320.

### **Legal and Governance Implications:**

The highway assets that are the Council's responsibility have to be kept safe and fit for use by undertaking routine inspection and maintenance works. The assets include street name plates, litter bins, some bus shelters, benches and some lighting features across the district.

The car parks are in the Council's ownership and it has a responsibility to keep them safe for all users. There is an inspection and maintenance regime in place to carry out immediate repairs including emergency salt gritting in the winter months.

### **Safer, Cleaner and Greener Implications:**

Green & Unique – maintenance and upkeep of street furniture by carrying out timely repairs to street signs, bus shelters, waste bins and benches enhances the street scene and discourages anti-social behaviour.

### **Consultation Undertaken:**

North Essex Parking Partnership, Human Resources and Legal Services in respect of TUPE legislation.

### **Background Papers:**

Previous Cabinet reports.  
Details of original consultation exercises.

### **Impact Assessments:**

#### Risk Management

There are a number of identifiable risks:

(1) From October 2012 the Partnership will carry out on and off street parking enforcement and cash collection across the district. The operational base for the enforcement functions will be at the Latton Bush Centre in Harlow while the back office functions will be performed from Colchester. The Council will need to monitor the performance of the Partnership to ensure the income from the car parks is not at risk. This will only be possible if there are dedicated resources available;

(2) It is a legal responsibility of the Council to inspect and maintain certain highway assets; these include street name plates, litter bins, some bus shelters, benches and some lighting features across the district. Failure to do so can make the Council liable for personal injury claims; and

(3) The Council owns 18 car parks and it has a responsibility to keep them safe for all users. If these car parks are not adequately maintained then their usage could drop resulting in a loss in income to the Council. There could also be personal injury claims against the Council for example due to trips and falls or claims of damage to property for example damage to vehicles due to poor state or car park(s).

#### Equality and Diversity

*Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications?*

No

*Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken?* No

*What equality implications were identified through the Equality Impact Assessment process?*  
N/A

*How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?*  
N/A