

# **Report to Overview and Scrutiny Committee**

**Date of meeting: 7 December 2006**

**Subject:** Development Of The New Parking Enforcement Contract

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**Committee Secretary: Z Folley (564532)**

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## **Recommendation:**

**To receive a presentation from Parking Associates Ltd on options for the development of the new parking enforcement contract and consider their attached final report.**

**That the following be recommended to the Cabinet for endorsement:**

- (1) That the British Parking Association contract be used as the basis for the new contract;**
- (2) That the contract assessment be undertaken on the basis of 40% price and 60% quality;**
- (3) That the Essex County Council be approached with a view to them enabling this Council to commission remedial works on yellow lines and associated signage;**
- (4) That the outcome of the consultation exercise with all members, town and parish councils and town centre partnerships be noted and the specification be drawn to include the key findings as outlined in sub – section (d) of the report**
- (5) That the contract specification should include a requirement for the provision of a 'Parking Shop';**
- (6) That in accordance with the Traffic Management Act 2004 the process for dealing with initial challenges to penalty charge notices be undertaken by the Council and that the establishment be increased by one full time equivalent post to resource this change;**

## **Report**

1. (Chairman of the Town Centre & Car Parks Scrutiny Panel). We met on two occasions to review the operation of parking enforcement ahead of letting the new enforcement contract due to come into operation in October 2007. We noted that the Council appointed specialist consultants, Parking Associates, to assist it in that process, and the received 2 reports and 1 presentation on how best to proceed given the requirements of the Traffic Management Act 2004 and the governments expressed views on how parking enforcement should be undertaken.

2. The final report of the consultants is attached to the agenda and the recommendations above reflect those of Parking Associates after consideration by the Panel. Taking each of the recommendations in turn:

### **(a) Type of contract**

3. There has been criticism of the operation of parking enforcement. The operation within this district has been very good, with very few cases reaching the National Parking .

Adjudicator and with those that have having been more often than not found in the Council's favour. The current contract could best be described as a traditional 'adversarial' contract where the contractor endeavours to cut costs as far as possible and the client endeavours to extract as much work as possible for the least possible cost. Changes which will result from the enactment of the Traffic Management Act 2004 (TMA) will require a lot more flexibility in the contract as well and a closer contractual relationship. The House of Commons Select Committee and the Guidance to the new Act both recommend the use of the British Parking Association Model Contract, and for the reasons set out in this and the attached report, we recommend accordingly.

#### **(b) Tender assessment**

4. All tender assessments have a process which allocates a score based upon two main factors – those relating to price and those relating to quality. The relationship between these dictates the nature of the outcome in that either price is most important or quality. Given the Government's clear direction through the TMA it is essential that the new contract places a greater emphasis on the quality of the service to be provided than the current contract does. This can best be achieved, in addition to the wording of the specification, through amending the price/quality balance making up the assessment. The Panel considered this very carefully, and despite some concerns about getting balance right, we concurred with the advice of the consultants that there should be a 40% price, 60% quality balance, and we recommend accordingly.

#### **(c) Signs and lines**

5. When the Council managed the highways service through the Agency, it was relatively straightforward to arrange for simple maintenance jobs such as the repainting of yellow lines and replacement of signs. Since the return of the function to County, this has become more problematical, with the County having higher priorities elsewhere. It would make sense for the Council to be able to commission minor works of this nature, subject to the use of a County approved contractor, and we would wish for the Council to open negotiations with the County. We recommend accordingly.

#### **(d) Consultation**

6. As part of the Panel's consideration, the Head of Environmental Services wrote to all members, town and parish councils and town centre partnerships asking for their views on enforcement (not yellow lines per se). Although the response was limited, the following issues were raised:

- (i) the need to balance enforcement between the towns and more rural areas of the district;
- (ii) enforcement should be targeted more on street than off street;
- (iii) there should be more 'leeway' off street than on street; and
- (iv) the need for greater shift/unsocial hours enforcement with particular reference to junction protection yellow lines and identified local 'hot spots'

The Panel concurred with these findings and would wish to see the new contract specification reflect these matters. We recommend accordingly.

#### **(e) Parking shop**

7. Members will be aware that the Council has a Parking Office in Burton Road, just off of Loughton Broadway. It is far from ideal comprising as it does porta-cabins and garages. It is also not very welcoming for customers and not accessible for those with disabilities. The Panel carefully considered whether such a facility is required given the availability of technology for the payment of penalty charge notices and purchase of season tickets etc. However, on balance we felt that there was a benefit in establishing a parking shop enabling

easy access for customers and space for the Council's client team to be close to the contractor and we recommend accordingly. It should be noted that it is not essential for the Parking Attendants to share the same accommodation.

**(f) Changes to the initial appeals process**

8. At the present time all initial appeals about penalty charge notices are administered by the enforcement contractor. Anyone who remains unhappy with the outcome can appeal to the Head of Service and ultimately to the National Adjudicator. The TMA changes that, making it the clear responsibility of the Council to deal with initial appeals. It also makes it clear that elected members cannot be involved in the appeal processes. It will therefore be necessary to provide the resources required to take on this additional function, and the consultants believe that the work equates to a full time equivalent post. The effect of this financially are unknown, since there may be a reduction in the costs of the contractors element due to them not having to provide this service in the future. However, we recommend at this time that provision is made for the additional client side post.

9. The attached report contains a lot of other information in respect of the new contract, including in particular the need to provide a sophisticated IT system.

10. The consultants are of the view that our current contractual arrangements are expensive, and that a new contractor, even with the additions referred to in the report, should be obtainable at least for the same cost and possibly less. However, members are reminded that only the outcome of the tendering exercise will provide the answer.