

Overview & Scrutiny Board

16th January 2024

PARKING ENFORCEMENT – SERVICE LEVEL AGREEMENT WITH WYCHAVON DISTRICT COUNCIL

Relevant Portfolio Holder	Councillor S Baxter
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Parry - Head of Environmental and Housing Property Services (Interim)
Report Author	Name: Simon Parry and Pete Liddington Job Title: Head of Environmental and Housing Property Services (Interim) and Engineering Team Leader Contact email: simon.parry@bromsgroveandredditch.gov.uk pete.liddington@bromsgroveandredditch.gov.uk Contact Tel: 534108
Wards Affected	All Wards
Ward Councillor(s) consulted	No
Relevant Strategic Purpose(s)	Communities which are safe, well maintained and green Run and grow a successful business
Key Decision	

1. RECOMMENDATIONS

1.1 The Overview and Scrutiny Board is asked to RESOLVE that:-

The report is noted.

1.2 Within the report to Cabinet the two recommendations will be

1.3 The Service Level Agreement (SLA) with Wychavon District Council (WDC) detailed in Appendix 1 be approved, for the continuation of the management and enforcement of On and Off-Street Parking, commencing April 2024, for a period of 5 years, with an annual review of outputs and outcome.

1.4 That the existing budget of £242k be increased to £335,000 for Parking Enforcement be included in the Medium-Term Financial Plan from April 2024, which is to include an annual inflationary uplift, determined by the Consumer Price Index (CPI), if applicable, agreed by the level published by the Office for National Statistics, or any relevant successor body, for the forthcoming year.

2. BACKGROUND

- 2.1 Bromsgrove District Council (BDC) operates 11 No. fee charging car parks and 3 No. free car parks and has also taken responsibility for the enforcement of On-Street Traffic Regulation Orders (TROs) since Civil Parking Enforcement (CPE) was introduced within BDC on 30 May 2013. This has allowed a more consistent approach to traffic enforcement as staff are able to enforce both On-Street TROs and Off-Street Parking Orders for car parks owned by the District Council.
- 2.2 WDC have been contracted under an SLA to manage the Parking Service on behalf of BDC for the last 10 years. This current SLA came to an end at the end of the 2022/23 financial year and has operated on a month-by-month basis since.
- 2.3 In the proposed SLA (Appendix 1) WDC's responsibilities includes Overall Management of the Parking Service for both on and off-street enforcement and liaison with County Council Highways together with the following non exhaustive list
- Recruitment, management and training of the Civil Enforcement Officers (CEOs) (5.5 posts),
 - Full administration service including general enquiries, challenges, appeals and adjudication (2.5 posts)
 - Recovery of the outstanding Penalty Charge Notices (PCNs) (including warrant instructions)
 - The management of Residents' Parking Schemes (RPSs)
 - Monitoring equipment used to include parking machines to ensure continued usage including restocking machines with ticket rolls
 - The day-to-day operation of the Shop Mobility service including servicing of scooters and liaising with customers
 - Issuing Parking Dispensations
 - School Patrols following liaison with school staff
 - Disabled Blue Badge inspections
 - DVLA Audits
 - Various reporting including car park usage and PCNs issued
- 2.4 Future plans for the service may include the introduction of dropped kerb enforcement, civil littering fines as well as reviewing the potential introduction of the National Parking Platform which seeks to simplify and improve the customer journey by allowing customers to use their preferred service provider app to find and pay for their parking at any participating location.

- 2.5 This has operated as a shared service with Redditch Borough Council, undertaken by WDC for the last 10 years and as such WDC are able to offer savings in management and operating costs.
- 2.6 Typically WDC operate a 10-year SLA with other Authorities that they provide the Service for, however in this instance, a 5-year agreement is proposed, which will provide a level of assurance for employees and service delivery in the medium term. Any shorter length of agreement would impact negatively on the continued service and recruitment of CEOs given some historical issues related to successful recruitment and retention of people within these posts.
- 2.7 The proposal includes 5.5 CEOs for on and off-street enforcement together with school patrols over the course of the current financial year only 3 CEOs have been employed despite ongoing recruitment drives including working closely with the local job centres and subsequent attendance at their offices. This has in the short term impacted on the coverage across Bromsgrove as a whole and reduced the ability to react to individual circumstances/issues. There are however interviews lined up in January 2024 which will seek to extend the team to full capacity.
- 2.8 Within the SLA there is clearly provision for coverage of on street enforcement outside of the town centre. Work is currently in progress to review the patrols that are undertaken across the district, regarding both the frequency and the routes taken.

3. FINANCIAL IMPLICATIONS

- 3.1 Bromsgrove attracts enforcement parking income of approximately £100k from PCNs (On street £55k, Off Street £45k) and approximately £1m from car parking charges per year based on 2023/4 charging rates. The actual income will vary year on year, due to the number of drivers parking illegally, and the number of customers choosing to utilise our car parks.
- 3.2 The budget for car parking enforcement has been static since 2020/21 with the current figure of £242k. This is charged on a quarterly basis in arrears, on a pro rata basis, based on staffing levels such that payment is made only for the staff allocated to enforcement in Bromsgrove. Based on the CPI uplift that would need to be applied on an annual basis between 2020/21 and the proposed commencement at the start of 2024/5 this would equate to £292k.

Year	CPI	Total
2020/21		£242k
2021/22	6.2%	£257k
2022/23	8.9%	£280k
2023/24	4.2%	£292k

- 3.3 However, in the interim, due to difficulties with recruitment into the posts of Enforcement Officers, the salary costs have risen as jobs have been reevaluated to a higher grade. The increases in associated costs linked to management fees, mileage costs, postage costs and administrative fees, together with the additional salary costs mean that a proposed fee of £335,000 is required to run the service within Bromsgrove for 2024/5. Thereafter, in line with the SLA will be subject to annual review based on CPI.
- 3.3 BDC will continue to provide IT equipment, support, and premise costs where applicable.
- 3.4 All District/Borough Authorities that undertake CPE for On-Street enforcement, acting under an agency agreement with Worcestershire County Council (WCC), have been in detailed discussions with WCC, to agree that some financial assistance is provided by WCC to such Authorities, where the annual income from the issue of PCNs does not meet the Authority's costs for undertaking that service.
- 3.5 One of the main outcomes of CPE is that drivers will learn over time that contravening TROs results in a financial burden on themselves, and consequently more drivers will adhere to TROs. However of course, such a successful outcome results in a reduction of income, that participating agent Authorities strongly feel should not result in them having to subsidise themselves if such a financial working deficit results. The discussions with WCC are ongoing at this stage.

4. LEGAL IMPLICATIONS

- 4.1 The legal framework for enforcement authorities in England comprises Part 6 of the Traffic Management Act 2004.
- 4.2 BDC operates a system of providing Off-Street parking for residents and visitors under the Road Traffic Regulation Act 1984. The legislation allows the Council to designate Off-Street car parks (Section 32) and regulate their operation, including the levying of charges through a Local Parking Order.
- 4.3 It is proposed that the new SLA is set up as a 5-year agreement with an annual review of outputs and outcomes.

5. STRATEGIC PURPOSES - IMPLICATIONS

Relevant Strategic Purpose

- 5.1 **Communities which are safe, well maintained and green** – By undertaking On-Street enforcement of all TROs implemented by Worcestershire County Council (WCC), will ensure the safety of road users and pedestrians. Traffic flows are maintained thereby avoiding unnecessary congestion. Enforcement outside schools enables children and parents to enter and leave school safely.
- 5.2 **Run and grow a successful business** – by ensuring our car parks are maintained and operated correctly will promote businesses, with their customers have parking space available when visiting the town.

Climate Change Implications

- 5.3 There are no Climate Change implications in renewing the SLA. However, by introducing the MiPermit virtual permit system has resulted in the reduced amount of paper required for parking tickets and permits, together with Residents' Parking Permits.

6. OTHER IMPLICATIONS

Equalities and Diversity Implications

- 6.1 There are no Equalities and Diversity implications arising from this report.

Operational Implications

- 6.2 By renewing the existing SLA with WDC no Operational implications will be involved.

7. RISK MANAGEMENT

- 7.1 Failure to sufficiently undertake Off-Street enforcement will impact on the financial income generated from our car parks.
- 7.2 Failure to undertake On-Street enforcement could result in reputational damage to the Authority and contravene the On-Street enforcement agreement with WCC.
- 7.3 Through initial discussions with WCC they are not prepared to fund any shortfalls in the cost of on street enforcement. In turn Districts will therefore need to consider the following options

1. Deliver on street enforcement service within budget provided by CPN income.
 2. Subsidise on street enforcement to continue delivering existing or enhanced service
 3. Serve notice on County to terminate agreements. County will then need to reflect on whether it will fund any on street enforcement
 4. Re-negotiate existing agreement (in combination with options 1 and 2 above)
- 7.4 Without suitable parking being made available local businesses trading within the town/area will suffer.
- 7.5 The alternative to agreeing to WDC to continue with Parking Enforcement, is to engage an external Company through a Tender process to provide such services. However, the appointment of an external Contractor would inevitably result in them being inflexible to undertake the periodical patrol requests made by Officers and Members alike. WDC have always been willing to direct their CEOs to patrol certain sites of concern, which have been identified as requiring additional attention in the short term. An external Contractor may presumably prefer to adopt more stringent patrol routes to ensure that their CEOs meet any determined targets set out by the Company.
- 7.6 Attendance at schools by CEOs during crucial hours is a continued requirement, particularly by Members, to try and ensure that parents/guardians when dropping off/picking up their children do act in a manner that does not put children's safety at risk, and also respects residents' vehicular access facilities. As parents/guardians' vehicles are usually not left unattended during these periods, PCNs cannot be issued where TROs are being contravened, as the driver will merely move away when sighting a CEO. Again, an external Contractor would be unlikely to be readily accept such requirements, as such attendance requests are made sometimes at short notice. The non-issue of PCNs at these facilities may also prove averse to the Contractor's set targets for their CEOs.

8. APPENDICES and BACKGROUND PAPERS

Appendix 1 – SLA with WDC to undertake both On-Street and Off-Street enforcement within BDC.

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9. **REPORT SIGN OFF**

Department	Name and Job Title	Date
Portfolio Holder	Councillor S Baxter	
Lead Director/Head of Service	Simon Parry - Head of Environmental and Housing Property Services (Interim)	
Financial Services	Peter Carpenter Director of Finance	
Legal Services	Claire Green Principal Solicitor	
Policy Team	Emily Payne Engagement and Equalities Advisor	
Climate Change	Matthew Eccles Climate Change Manager	