

BROMSGROVE DISTRICT COUNCIL

Cabinet

14th February 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
Non-Key Decision	
This report contains exempt information as defined in Paragraph(s) 3 of Part I of Schedule 12A to the Local Government Act 1972, as amended	

1. RECOMMENDATIONS

The Cabinet RESOLVE that: -

- 1.1 **A Service Level Agreement (SLA) with Wychavon District Council (WDC) 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 a quarterly review of outputs and outcomes to be summarised in an annual report presented to Cabinet.**
- 1.2 **Delegation be given to the interim Head of Environmental and Housing Property Services to finalise the details of the revised SLA following consultation with the Portfolio Holder for Economic Development and Regeneration, and the Head of Legal, Democratic Services and Property Services.**

Or

- 1.3 A strategic review of requirements for parking services including on and off street enforcement, be undertaken. This review would provide a Business Case based on options that would consider agreement of a longer-term SLA with WDC, tendering all or part of the service, in house delivery of the service or other options to be brought back to Cabinet for further consideration.**
- 1.4 Delegation is given to the interim Head of Environmental and Housing Property Services following consultation with the Portfolio Holder for Economic Development and Regeneration, and the Head of Legal, Democratic Services and Property Services to agree a shorter-term (18 month) SLA with WDC with an appropriate end/term to enable recommendation 1.3 to take place.**

The Cabinet RECOMMEND that: -

- 1.5 An increased budget of £60K for Car Parking be included in the Medium-Term Financial Plan from April 2024.**
- 1.6 Subject to agreement of recommendation 1.3 above, a one off budget of £50K be included in the MTFS to fund the proposed work.**

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 30th 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 and an excellent working relationship has been developed. 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 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 By operating as a shared service with Redditch Borough Council WDC are able to offer savings in management and operating costs.
- 2.6 The proposal includes 5.5 CEOs for on and off-street enforcement together plus one part time school enforcement CEO to prioritise those restrictions near a school. 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. Interviews were held in January 2024 and were successful with new starters being offered these positions to provide a full structure for the delivery of the Service.
- 2.7 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.
- 2.8 On 16th January 2024 the Overview and Scrutiny Committee considered the Parking Enforcement report. Recommendations were proposed to Cabinet for consideration at its meeting on 14th February 2024 as follows:

RECOMMENDED that with regard to the parking enforcement service the Cabinet consider the following options:

- a) go out to tender for the parking enforcement contract;
- b) have the service delivered in-house.

- 2.9 On 17th January 2024 Cabinet approved that these recommendations be considered at its meeting on 14th February 2024. This report takes into account the issues raised including a review of the SLA, patrols outside of the town centre and options for future requirements and delivery model review.

3. FINANCIAL IMPLICATIONS

- 3.1 BDC will continue to provide IT equipment, support, and premise costs.
- 3.2 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.
- 3.3 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.
- 3.4 Any financial implications as a result of amendments to the SLA or future provision for the service will be subject to a further report.

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.
- 4.4 Any decision regarding amendments to the SLA and or termination will be undertaken in conjunction with Legal Services.

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 BDC must have a secure agreement in place to ensure the smooth operation of its car parks given the importance to the economy of Bromsgrove and the income derived.

- 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 may 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 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.
- 7.7 Should the Strategic Review of the service be approved sufficient time should be allowed in order to undertaken this diligently. It is anticipated that the expertise required to assess options, costs and risks for the

future provision of parking enforcement and management services will require external consultancy. This timeline will need to be agreed with any proposal to terminate the existing SLA arrangements in order to ensure continuity of parking enforcement provision.

8. APPENDICES and BACKGROUND PAPERS

Appendix 1 – Exempt Information

Background Papers:

Cabinet Minutes from the meeting held on 17th January 2024: (Minute 58/23 [Minutes from Cabinet meeting held on 17th January 2024](#))

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Councillor S Baxter	25.1.24
Lead Director/Head of Service	Simon Parry - Head of Environmental and Housing Property Services (Interim)	Author
Financial Services	Peter Carpenter Director of Finance	25.1.25
Legal Services	Nicola Cummings Principal Solicitor	25.1.24