



# HIGHWAYS, TRANSPORT AND ENVIRONMENT OVERVIEW AND SCRUTINY PANEL

TUESDAY, 6TH DECEMBER, 2016

At 5.30 pm

in the

DESBOROUGH 2 & 3 - TOWN HALL,

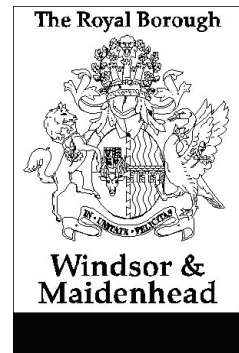
## SUPPLEMENTARY AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
<b>4a</b>	Delivering Differently in Operations & Customer Services - Civil Enforcement Officer & Community Warden Services The Chairman has agreed to add this as an urgent item to enable Members to comment on the report prior to it going to Cabinet on 15 December 2016. Report to Follow.	3 - 16

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Report for: ACTION



<b>Contains Confidential or Exempt Information</b>	<b>No – Part I</b>
<b>Title</b>	Delivering Differently in Operations & Customer Services – Civil Enforcement Officer & Community Warden Services
<b>Responsible Officer(s)</b>	Simon Fletcher, Strategic Director of Operations, 01628 796484
<b>Contact officer, job title and phone number</b>	Craig Miller, Head of Community Protection & Enforcement, 01628 683598
<b>Member reporting</b>	Cllr Cox, Lead Member for Environmental Services & Parking
<b>For Consideration By</b>	Cabinet
<b>Date to be Considered</b>	15 December 2016
<b>Implementation Date if Not Called In</b>	Immediately
<b>Affected Wards</b>	All
<b>Key Words</b>	CEO's, CW's, Community Warden, Parking Officer

## REPORT SUMMARY

1. A review and soft market testing exercise for Civil Enforcement & Community Warden services has been undertaken in order to test the viability of combining the services and using a private sector provider to deliver them for the Council. This work has highlighted that the combination of these services will not offer the opportunities to enhance service provision for residents as previously expected. The paper sets out an amendment to the original proposal approved by Cabinet in order to allow third party service provision to be considered for Civil Enforcement services.
2. A competitive procurement process will be undertaken to test the market and a further report will be submitted to Cabinet in April 2017 seeking where appropriate authority to award a contract to the preferred bidder.

## If recommendations are adopted, how will residents benefit?

Benefits to residents and reasons why they will benefit.	Dates by which they can expect to notice a difference.
Effective Civil Enforcement services are provided across the Royal Borough that	September 2017

effectively reflect and meet the parking enforcement needs of the area.	
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## **1. DETAILS OF RECOMMENDATIONS**

### **RECOMMENDATION: That Cabinet:**

- i. Agrees the amendment of the ‘in principle’ approval given by Cabinet on June 30, 2016, removing Community Warden services from the scope of the proposal and that third party service providers now be considered for Civil Enforcement services only**
- ii. Delegates authority to the Strategic Director of Operations & Customer Services in conjunction with the Lead Member for Environmental Services to conclude a competitive procurement process for the provision of Civil Enforcement services within the Royal Borough.**
- iii. Requests a further report be submitted to Cabinet in April 2017 detailing the outcome of the competitive procurement process and if appropriate seeking authority to award a contract to the preferred bidder**

## **2. REASON FOR RECOMMENDATION AND OPTIONS CONSIDERED**

- 2.1. On 30 June 2016, Cabinet approved in principle a proposal to consider the use of a private sector provider for the delivery of Civil Enforcement and Community Warden Services on behalf of the Council.
- 2.2. The original proposal had been built on intelligence gathered from the market place that suggested there was a positive appetite for a portfolio of this nature and opportunities to enhance service provision and shape more effective and efficient functions. Information was also gathered from other local authorities that had utilised third party providers in this way. Westminster City Council was the primary reference site and in particular the Westminster Marshal Service that discharges the civil enforcement function. The Marshals were described as officers who undertake parking enforcement tasks as well as community roles.
- 2.3. This intelligence indicated that a similar approach and model could align well with the objectives of both the Civil Enforcement and Community Warden functions at Windsor & Maidenhead.
- 2.4. Cabinet was advised that feedback received through the overview and scrutiny process and broader consultation with Lead and Principal members had highlighted some concerns about the proposal. In particular, the potential erosion of the community relationship and value that each individual Community Warden provides to their parish/ward area should they be aligned with parking functions that are purely enforcement focussed. Equally, concern was raised in respect of the impact on the Royal Borough Community Warden brand and potential loss of local knowledge should a third party provider be employed. Reassurance was given that these matters would be considered

within a detailed options appraisal and all risks and impacts positive or negative would be reported to members.

- 2.5. Cabinet requested that further research be undertaken on this work stream and a detailed proposal be brought back setting out the options considered and a recommendation for the future configuration of this service area.
- 2.6. Since June, Officers and the Lead Member for Environmental Services have undertaken further soft market testing and intelligence gathering. This has incorporated visits to Westminster City Council and the commencement of a pilot utilising third party resource to deliver Civil Enforcement services within a defined area of the Borough. Further details are set out below:

#### **Westminster City Council**

- 2.7. Two visits were undertaken to Westminster to meet with Lead Member and Senior Officer counterparts in order to better understand their Westminster Marshal function. Unfortunately, this identified that the marshal function was not as originally described and did not fully align with the Royal Borough's expectation of what an enhanced and expanded Community Warden Service would be.
  - 2.8. The visits did however highlight a different service that was considered to be more closely aligned to a model that would fit with the Council's thinking to enhance the Community Warden role and expand its scope to have greater involvement in some enforcement functions e.g. environmental crime.
  - 2.9. Westminster deploy City Inspectors to undertake a combination of community functions and some low level environmental enforcement functions e.g. littering, graffiti and dog fouling. The inspectors also work in conjunction with the council's regulatory services teams to assist with their investigations e.g. environmental protection initial information or evidence gathering.
- #### **Civil Enforcement Pilot**
- 2.10. The Lead Member for Environmental Services communicated with Members on August 10, to advise that he had approved the implementation of a pilot to use a third party provider to discharge civil enforcement services within a discrete area of the Borough. The purpose of the pilot was to test the concept of using an alternative service provider and to gain robust intelligence that would be more realistic and representative than data from case studies or third party service delivery by Local Authorities in other areas of the country.
  - 2.11. The pilot has been in operation since August 15, 2016 and encompasses four officers operating in a defined area of the Borough incorporating part of Maidenhead Town Centre, Ray Mead Road (A4094), Lower Cookham Road (A4094), Cookham Village and part of Cookham Rise. Maps of the pilot area are at Appendix 1.
  - 2.12. The pilot is being operated in accordance with the Council's existing policies and procedures and the officers are uniformed in the same style as the in-house resource. The council resource that usually patrols the pilot areas has been deployed to other parts of the Borough for this period meaning there is no reduction in service provision.

- 2.13. Monitoring of the pilot to date indicates that services are being deployed effectively thus far and feedback suggests that there has been a positive impact. A small number of complaints have also been received.
- 2.14. The council has received complimentary feedback citing resolution of some issues that have been a problem for some time and examples of excellent customer interaction. Positive impacts have also been reported on parking behaviours around Claires Court School during peak drop off and pickup times due to a visible presence of the pilot resource.
- 2.15. Five complaints have been received in respect of the pilot since August. Investigation of each case has determined that four of these would not be upheld with some seemingly relating to circumstances where the council's in house resource may not have previously enforced parking restrictions or schemes as intended in certain town centre locations.
- 2.16. Officers and the Lead Member for Environmental Services have reflected on the further intelligence gathered to date and have listened to the feedback received from members and interested parties in respect of the value that is placed on the Community Warden service. Both are now of the view that third party provision of Community Warden and Civil Enforcement services together is no longer appropriate for the Royal Borough.
- 2.17. The current internal resource arrangements do not adequately cover the full parking enforcement need of the Borough, particularly in non town centre locations and during major events. However, utilising a third party provider to deliver Civil Enforcement services alone is considered likely to provide potential opportunities to enhance service provision, achieve better, more visible coverage across the Borough enabling improved responsiveness to our customers needs.
- 2.18. The Council will want to ensure a balanced approach to future parking enforcement that maintains a sensible level of control over off and on street parking provision. Any future parking enforcement services will be delivered in accordance with the Council's recently approved Parking Enforcement strategy. This specifies that enforcement service will be delivered in a firm but fair manner and will improve consistency of application across the Borough. This document and the principles of it will be embodied in contract specification documents should the Council choose to employ the services of a third party provider in the future.
- 2.19. In view of the above, approval is sought to amend the original Cabinet decision to authorise officers to conclude a competitive procurement exercise for Civil Enforcement services alone. If appropriate, a contract will be awarded following suitable due diligence to the preferred third party bidder.
- 2.20. Since June, the Council has received expressions of interest from two neighbouring local authorities to access civil enforcement services through any arrangement that the Council may decide to enter into with a third party provider. The Council could develop an arrangement in such a way so as to enable a framework approach facilitating named authorities to access services from the provider. This could offer opportunities to generate an income

through for example a management fee etc. Officers will ensure that this option is incorporated in any contractual arrangement should this be pursued.

- 2.21. It is proposed that Community Warden services are now considered alongside the council's regulatory and enforcement functions in the second phase of the Delivering Differently in Operations & Customer Services project during 2017/18. These service areas will be reviewed as part of an Innovation Partnership looking at different delivery models for the broad range of functions and where appropriate drawing on service design expertise from the private sector. Specific focus will be placed on delivering the administrations manifesto commitment to increase the number of Community Wardens from 18 to 36.

<b>Option</b>	<b>Comments</b>
a) Conclude a competitive procurement process for Civil Enforcement services  <b>This option is recommended</b>	This will provide potential opportunities to deliver service enhancements, better more visible services with the flexibility to better meet residents parking enforcement needs. Cabinet will be able to make an informed decision based on actual responses from the market. This service configuration responds to and respects feedback provided by elected members and key parties in respect of combined Civil Enforcement & Community Warden services.
b) Do nothing.  <b>This option is not recommended</b>	The council will not realise opportunities to enhance services and better meet the Borough's parking enforcement need.
c) Conclude a competitive procurement exercise for Civil Enforcement and Community Warden services  <b>This option is not recommended</b>	Market intelligence has indicated that existing models for this service configuration do not align with the Council's expectations and aspirations for the Community Warden service.

### 3. KEY IMPLICATIONS

<b>Defined Outcomes</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Significantly Exceeded</b>	<b>Date they should be delivered by</b>
Competitive procurement process concluded	31/03/17	10/03/17	03/03/17	27/02/17	10/03/17
Future CEO	31/09/17	01/09/17	14/08/17	01/08/17	01/09/17

service arrangements implemented					
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#### 4. FINANCIAL DETAILS

The use of a third party provider could enable future efficiency savings through alternative staffing and/or operational models. The financial implications of any third party provision will of course be considered as part of the competitive procurement process and reported back to Cabinet in April 2017.

Financial impact on the budget

##### 4.1. Revenue Funding

	2015/16	2016/17	2017/18
	Revenue £'000	Revenue £'000	Revenue £'000
Addition	£0	£0	£0
Reduction	£0	£0	£0

##### 4.2. Capital Funding

	2015/16	2016/17	2017/18
	Capital £'000	Capital £'000	Capital £'000
Addition	£0	£0	£0
Reduction	£0	£0	£0

#### 5. LEGAL IMPLICATIONS

- 5.1. Local authorities by way of section 72 Traffic Management Act 2004 (**TMA 2004**) can be tasked with parking enforcement. Section 73 TMA 2004 establishes those parking/road traffic conventions which are subject to civil enforcement, including parking contraventions and the removal of vehicles under section 102 of the Road Traffic Regulation Act 1984. Section 76 TMA 2004 establishes the creation of Civil Enforcement Officers who can be tasked with the enforcement of road traffic contraventions. This individual can be an employee of the Council or, under section 76(2)(b) may be any person employed to act as a Civil Enforcement Officer by way of the Council making arrangements with a person for the provision of such a service. In short the TMA 2004 envisages the outsourcing of the role of Civil Enforcement Officers, posing little vires risk.

#### 6. VALUE FOR MONEY

- 6.1 The recommended option will provide potential opportunities to enhance service provision, achieve better, more visible coverage across the Borough enabling improved responsiveness to our customers needs.

#### 7. SUSTAINABILITY IMPACT APPRAISAL

- 7.1 Effective and robust parking enforcement arrangements will support highway networks and parking provision operating as designed and used as expected.

#### 8. RISK MANAGEMENT



Risk	Uncontrolled Risk	Controls	Controlled Risk
Potential reputational issues associated with the use of a commercial company to provide enforcement services.	Medium	Service specifications do not contain performance targets or income requirements. Services will be delivered in accordance with the Council's Parking Enforcement Strategy.	Low

## 9. LINKS TO STRATEGIC OBJECTIVES

- 9.1 One of the key strands of the "Residents First" strategic objective in the corporate strategy is to improve the environment, economy and transport. Effective parking enforcement functions are an important part of ensuring the road networks, thoroughfares and parking provision is used and operates effectively.

## 10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

- 10.1 The Council's parking enforcement service will be delivered in a consistent and proportionate manner in accordance with the recently approved Parking Strategy

## 11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

- 11.1. TUPE transfer processes will be applicable to affected employees should Cabinet be minded to award a contract to a third party provider in the future.

## 12. PROPERTY AND ASSETS

- 12.1 None

## 13. ANY OTHER IMPLICATIONS

- 13.1. None

## 14. CONSULTATION

- 14.1. The report will be considered at the Crime & Disorder and Highways & Transport Overview & Scrutiny Panels with comments reported to Cabinet for consideration.

## 15. TIMETABLE FOR IMPLEMENTATION

December 2016	Cabinet consider report
Dec 16/Jan 17	Procurement exercise conducted and options report developed

April 2017	Future service provision arrangements determined and if appropriate, contract awarded
September 2017	New service arrangements implemented

## 16. APPENDICES

Appendix 1 – Civil Enforcement Pilot Maps

## 17. BACKGROUND INFORMATION

None

## 18. CONSULTATION (MANDATORY)

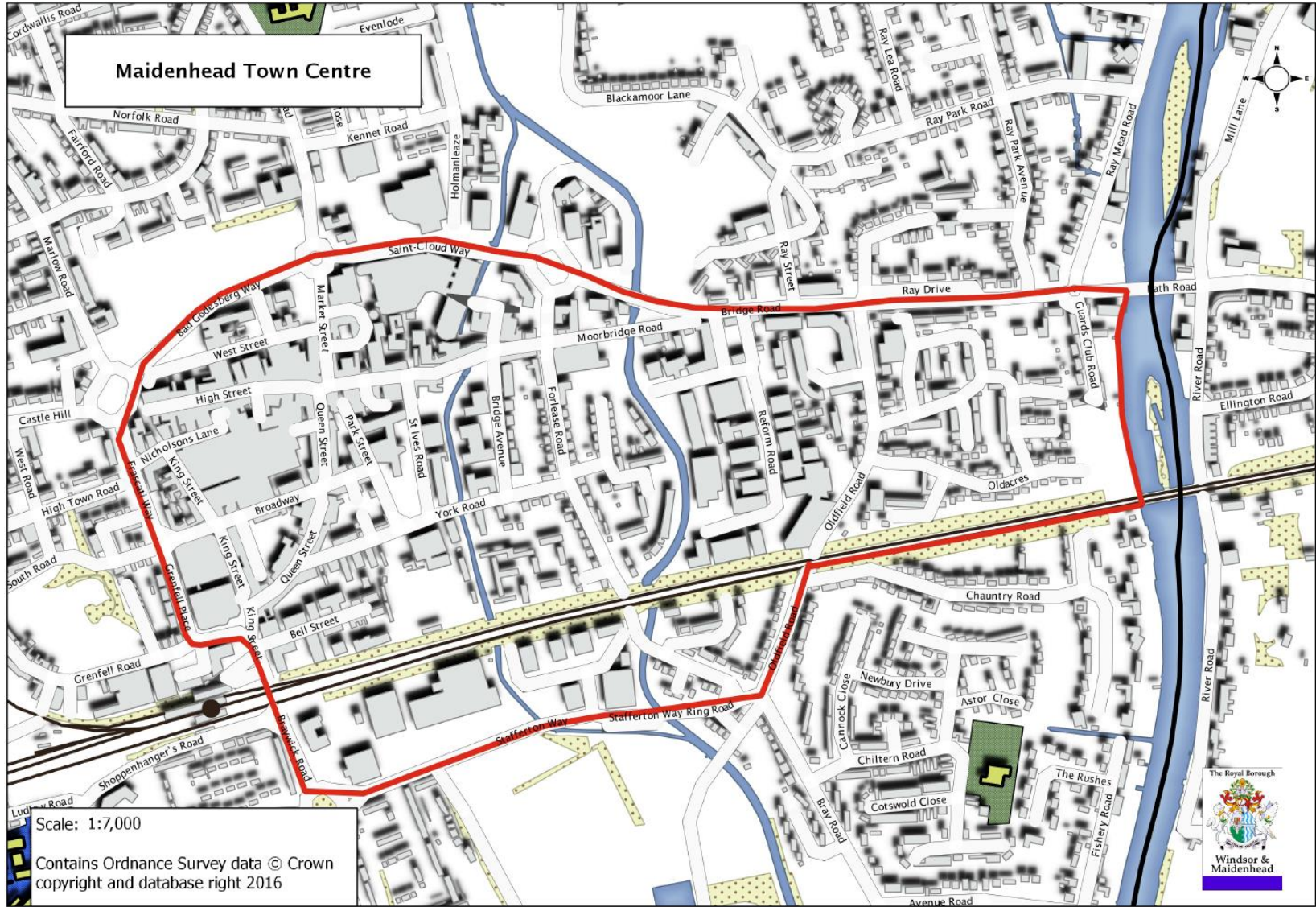
Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
<b>Internal</b>				
Cllr Cox	Cabinet Member for Environmental Services (including Parking)	16/11/16	17/11/16 & 31/11/16	.
Simon Fletcher	Strategic Director of Operations	16/11/16	17/11/16 & 31/11/16	Recommendations and through body of report.
Alison Alexander	Managing Director	17/11/16	17/11/16 & 01/12/16	Recommendations & through body of report.
Russell O'Keefe	Strategic Director Corporate and Community Services	17/11/16		
Elaine Browne	Shared Legal Services	16/11/16	17/11/16	
Mark Lampard	Finance Partner	16/11/16	17/11/16	
Lyn Hitchinson	Procurement Manager	16/11/16	16/11/16	
Neil Walter	Parking Principal	16/11/16		
Terry Baldwin	Head of Human Resources	17/11/16		
Michelle Dear	HR Business Partner	16/11/16	17/11/16	
Steve Johnson	Enforcement Principal	16/11/16	17/11/16	
Steph James	Town Centre Manager Maidenhead	16/11/16	17/11/16	
Paul Roach	Town Centre Manager Windsor	16/11/16	17/11/16	

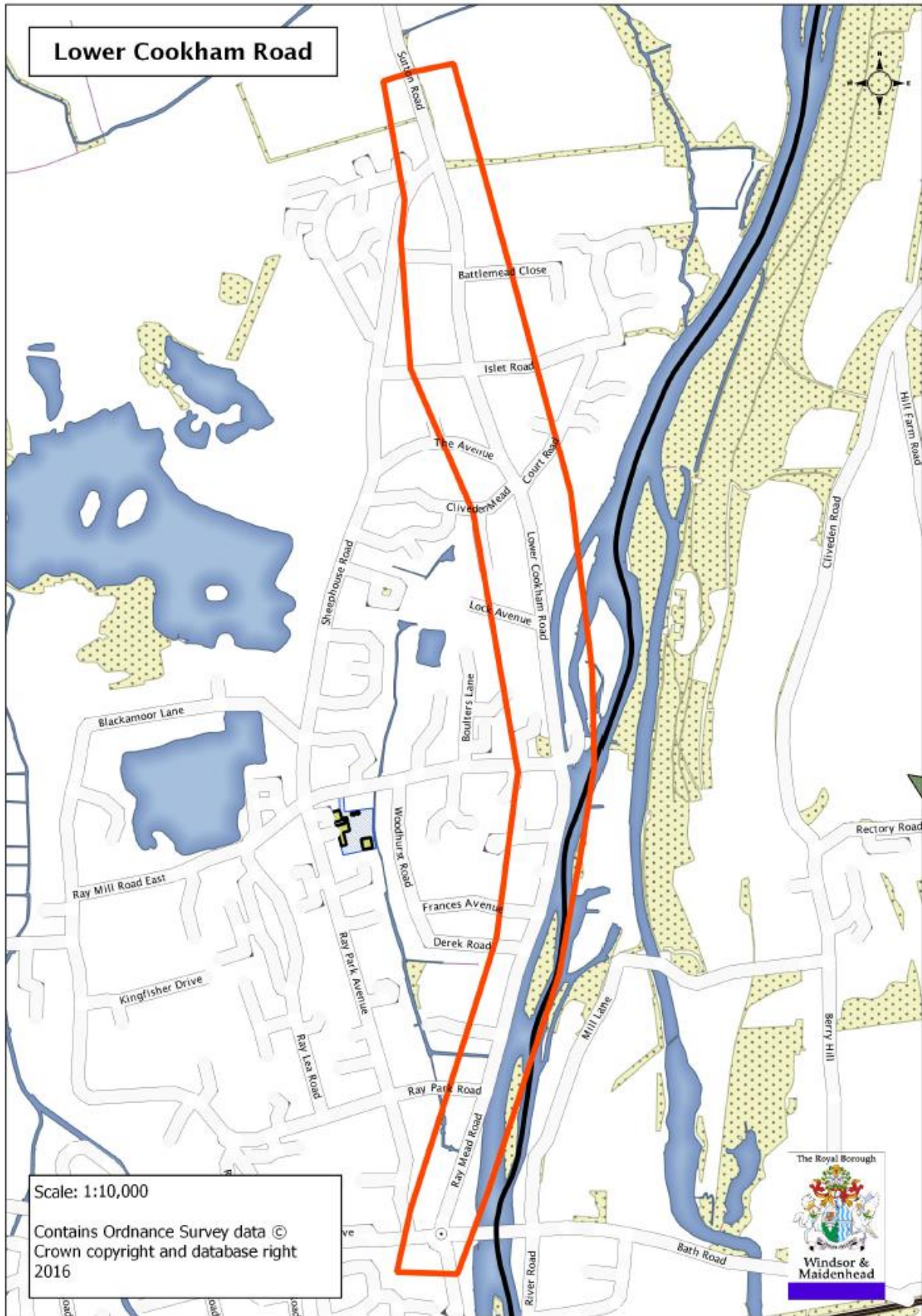
## REPORT HISTORY

<b>Decision type:</b>	<b>Urgency item?</b>	
For information	No	
<b>Report author</b>		<b>Full contact no:</b>
Craig Miller	Head of Community Protection & Enforcement	01628 683598

# Appendix 1 –Civil Enforcement Pilot Maps

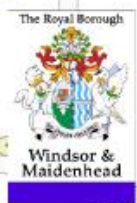
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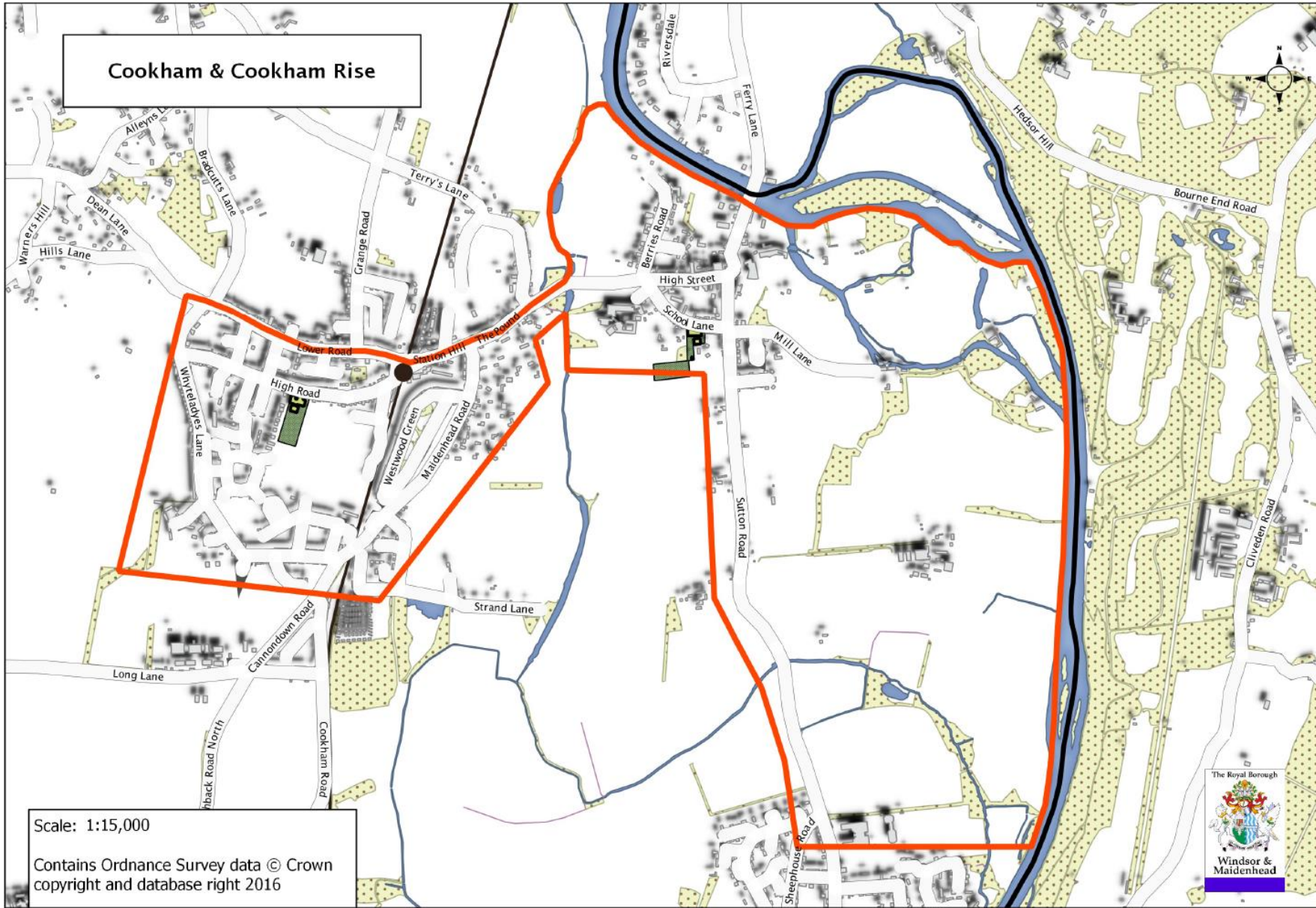


**Lower Cookham Road**

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# Cookham & Cookham Rise



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