

Report Title:	Award of Contract for Parking Enforcement, Moving Traffic Enforcement and Environmental Enforcement
Contains Confidential or Exempt Information	Part I: Main Report Part II: Appendix B - Financial impact of report's recommendation Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 - costing information (commercially sensitive).
Cabinet Member:	Cllr Geoff Hill Cabinet Member for Highways & Transport, Customer Service Centre and Employment
Meeting and Date:	Cabinet – 29 June 2023
Responsible Officer(s):	Andrew Durrant Executive Director of Place Services Alysse Strachan Head of Neighbourhood Services
Wards affected:	All

## REPORT SUMMARY

The Council's current contracts for Parking & Environmental Enforcement ended in November 2022. Approval was obtained to extend these contracts until November 2023 to enable a robust, compliant and effective procurement process to take place.

In 2022 new legislation was passed to enable Local Authorities outside of London to apply for powers to enforce certain Moving Traffic Contraventions through Part 6 of the Traffic Management Act 2004 and the council applied for these powers in February 2023 following a public consultation.

The procurement for the Parking & Environmental Enforcement contracts was broken down into 4 Lots as set out below:

### Lot 1 Parking Enforcement

Compliance Management and Associated Services, including staffing of the Compliance Management Operation and the provision of an Enforcement Agent Service.

### Lot 2 Compliance Management Technology and Associated Services

Compliance Management Technology and Associated Services, including PCN issue and progression, evidence review, permit management, interfaces and reporting.

### Lot 3 Moving Traffic Enforcement

Moving traffic enforcement technology, including equipment to observe locations and produce evidence packs of vehicles in contravention.

### Lot 4 Environmental Enforcement

Environmental enforcement services, including the provision of a service to staff an enforcement service and provide the back-office system to progress cases.

Detailed specifications and new contracts were drawn up. KPIs were agreed in consultation with the Strategy and Performance Team, to align with the Corporate model. A Find a Tender Notice (FTS) and a Contracts Finder Notice was placed in December 2022 inviting potential suppliers to access the opportunity on our Procurement Portal, with a submission date of February 2023. Evaluation of the submissions was done by Officers, with the Consultants reviewing the submissions and making observations to assist Officers. The recommendations in this report are the culmination of the tender process.

Effective enforcement of parking, moving traffic and environmental crimes supports the council's vision of **Creating a sustainable borough of opportunity and innovation** through reductions in inconsiderate and dangerous parking, reduction in traffic and congestion and improving the environment in which we live.

This report recommends that Marston Holdings Limited (NSL) be awarded the following contracts Parking Enforcement (Lot 1), Compliance Management Technology and Associated Services (Lot 2) and Moving Traffic Enforcement (Lot 3) and that WISE be awarded the contract for Environmental Enforcement (Lot 4).

## **DETAILS OF RECOMMENDATION(S)**

### **1. RECOMMENDATION: That Cabinet notes the report and delegates authority to the Director of Place Services in consultation with the relevant Cabinet Member to:**

1. Award the contracts for Lots 1, 2 and 3 to Marston Holdings (NSL) for a total of 5 years with options for two extension periods of 2 years (5+2+2)
2. Award the contract for Lot 4 to WISE for a total of 2 years with options for two extension periods of 1 year (2+1+1)

### **2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED**

#### **Options**

2.1 This tender followed an Open Competitive Procurement process route. The tender specification was drafted by consultants Parking Matters following a detailed scoping exercise with officers. External lawyers Browne Jacobson drafted the Contract terms and conditions.

2.2 The date for tender submissions was February 17<sup>th</sup>, 2023. Despite interest from a number of suppliers on the procurement portal, we received solo bids for Lots 1, 3 and 4, and no bids for Lot 2. (Marston Holdings (NSL) bid for Lots 1 and 3. WISE bid for Lot 4. No bids were received for Lot 2 so a separate contract with Marston Holdings (NSL) will be entered into under the same specification to ensure continuity of service.

#### **Table 1: Options arising from this report**

<b>Option</b>	<b>Comments</b>
<p>Award contracts to Marston Holdings Ltd (NSL) for Lots 1, 2 &amp; 3</p> <p>Award the contract for Lot 4 to WISE</p> <p><b>This is the recommended option</b></p>	<p>There are no risks attached to this award as far as implementation or timescales are concerned as Marston Holdings Ltd are the incumbent supplier (NSL).</p> <p>A compliant procurement process was run so these award/s pose no risk of challenge.</p>
<p>Do not award the Lot 4 contract to WISE and provide Environmental Enforcement internally</p>	<p>This would require the recruitment of up to 5 new members of staff which would TUPE transfer from the incumbent provider, along with software and hardware systems to enable enforcement to take place. This would also require significant legal resource for prosecutions. However, the benefit would be that all income from FPN's and Prosecutions would remain with the council rather than receiving a fixed percentage of FPN income.</p>
<p>Bring Parking service in house</p>	<p>The Authority does not have the capacity to deliver all the services 'in house' and financially it would not be viable to do so. To bring services back in house would come with a cost and resource implication. This is particularly the case for operational functions. The key areas which would need to be addressed but not exhaustive to are:</p> <ul style="list-style-type: none"> <li>• Management support structure</li> <li>• Governance</li> <li>• I.T.</li> <li>• Accommodation/depot</li> <li>Plant /vehicle fleet/ fleet manager</li> <li>• HR</li> <li>• Finance</li> <li>• H&amp;S</li> </ul> <p>Through continuing to outsource the contracts, the supplier will take financial responsibility for replacing existing equipment; are better positioned to carry out enforcement across all areas of the borough; provide employment</p>

Option	Comments
	through TUPE to all existing employees; will provide increased staff resilience; and allow the Royal Borough to retain control over their operations via contractual obligations.
Do Nothing	<p>Parking and Moving Traffic Enforcement are key factors in the improvement of traffic congestion and road safety in general so to not award contracts would be to the detriment of both traffic congestion and road safety. A lack of parking enforcement will also result in a lack of income from parking due to fewer payments being made for parking in car parks and on street.</p> <p>Cleaner streets and neighbourhoods along with a reduction in fly-tipping and dog fouling are significant factors when residents consider how they feel about the area in which they live or work so not enforcing would have a detrimental effect on residents and businesses</p>

### 3. Background

3.1 The procurement of a new Parking and Environmental Enforcement contract was carried out with the aim of improving and optimising the parking and enforcement services to deal with emerging challenges and opportunities, based on the following objectives:

- To ensure parking services operate efficiently and are effective, getting the best return on investment in parking and associated equipment and services.
- To improve the local environment by:
  - helping to reduce congestion
  - improving air quality by gathering, managing and understanding data in order to deliver on wider transport related objectives
- To make the Royal Borough of Windsor & Maidenhead a cleaner and safer place to live, work and visit.
- To improve customer experience and ensure the Authority's "digital visibility"

The Solution procured will be key to enabling the parking and enforcement services to deliver these objectives.

### 3.2 Parking Enforcement (Lot 1)

- 3.2.1 Civil parking enforcement should contribute to the Authority's transport objectives. A good civil parking enforcement regime is one that uses quality-based standards that the public understands, and which are enforced fairly, accurately and expeditiously.
- 3.2.2 Parking and traffic enforcement is central to the council's overall approach to transport and has as its primary purpose, the achievement of traffic management objectives, through encouraging compliance with traffic regulations. Effective enforcement assists the council in delivering its wider transport objectives.
- 3.2.3 Technological innovation, societal and demographic change are transforming the way we work, spend our leisure time, travel and shop. Those same forces will also transform how we own and use cars, and consequently the way we park.

In brief, this will mean:

- Parking operations, both on and off-street, will become dependent on data and payment systems. Local authorities will need to employ staff with expert skills and invest in new infrastructure and services to keep up with these changes and make the most of the opportunities that they will bring.
- Information about parking availability, and frictionless electronic solutions to pay for it, will be integrated within on-line services from large organisations as well as the myriad of specialist parking and transportation apps. From the users' point of view the distinction between on-street and off-street parking will become blurred and largely irrelevant. This will drive the convergence of on-street and off-street parking operations.
- The intensity of public scrutiny and expectations of an efficient, but fair user-friendly service will increase. Surplus generated from parking activity (especially enforcement) is constantly being challenged. Policy and practice are frequently subject to legal review and there are moves to create more 'fairness' in policies (e.g. grace periods). In some instances, the changes (e.g., increased compliance) are likely to pose a threat to the revenue that local authorities derive from their parking operations. This in turn may put at risk transport programmes supported by that revenue.
- Parking policy will be integrated within the intelligent mobility agenda.
- Authority parking services will be expected to support a diverse range of strategic initiatives including:
  - decarbonisation (for example by providing charging points for electric cars)
  - variable pricing for parking (to encourage the use of vehicles with lower environmental impact) and supporting local economies

### 3.3 Service Objectives

The contract will deliver the following service objectives:

- Increasing levels of parking compliance through efficient and effective operations
- Implementing operational improvements and efficiencies, including the effective use of resources through efficient deployment
- Improving the quality of service to residents and visitors to the Royal Borough of Windsor and Maidenhead
- Complying with current and future Legislative requirements
- Improving year-on-year efficiencies with the introduction of new innovations

The current parking enforcement provider covers a wide range of contraventions which are also incorporated into the new contract including:

- Double and Single Yellow Lines
- Limited Waiting Bays
- Disabled Parking Bays
- Loading Bays
- Taxi Bays
- Permit Holders Bays
- Pay and Display Bays
- Parking Outside of Marked bays
- Failing To pay
- Overstaying

3.3.1 The contract includes an Electric ANPR car which will be used to support the enforcement of on and off-street parking areas and will provide efficient and effective coverage of schools and resident zones. This flexible mobile solution delivers high productivity at a lower operational cost as the ANPR along with video analytics can automatically capture accurate video evidence of vehicles committing traffic offences.

3.3.2 Within the current contract with NSL, over 20,000 Penalty Charge Notices (PCNs) are issued per annum evenly spread across both on and off-street locations. Table 1 below shows the total number of PCNs issued per annum.

**Table 1: PCNs issued**

<b>Financial Year</b>	<b>PCNs Issued</b>
2019/20	27,763
2020/21	14,668
2021/22	20,007
2022/23	23,629
2023/24	25,000

### 3.4 Compliance Management Technology and Associated Services (Lot 2)

- 3.4.1 The current ICT system is supplied by Chipside who have provided the service for over 15 years. However currently the system is supplied through the existing Parking Enforcement contract and this is the preferred delivery model going forward.
- 3.4.2 Through soft market testing and advice from consultants it was agreed that in order to attract more bidders all Lots were separated. Soft market testing identified two key potential bidders for all Lots and a further eight bidders who would potentially bid for individual lots. Unfortunately a number of potential bidders chose not to bid and no bids were received for Lot 2. Therefore a separate contract with Marston Holdings (NSL) will be entered into under the same specification.
- 3.4.3 By awarding to Marston Holdings (NSL), the system can be centrally configured to cover all the requirements of Lots 1 & 3 through a single provider and will result in little or no disruption to the service.

The ICT system currently covers the following:

- Penalty Charge Notice generation
- Penalty Charge Notice administration
- Resident Permits
- Visitor Permits
- Visitor Vouchers
- Season Tickets
- Staff Permits

- 3.4.4 As part of this new contract the intention is to introduce a virtual system for Permits, Vouchers and Tickets. This would reduce paper usage, printing costs and postage charges. The aim is to have all virtual permits introduced in the second year of the contract.

### **3.5 Moving Traffic Enforcement (Lot 3)**

- 3.5.1 Earlier this year, legislative changes were made to the Traffic Management Act (TMA) 2004, which applies to England and Wales. Part 6 of the TMA 2004 permitted Local Authorities to apply for the necessary powers to enforce moving traffic restrictions. This means they can be granted powers that have previously been held only by the police (and London Council's) and will be able to issue fines (PCNs) to drivers for these offences for the first time.
- 3.5.2 These new powers enable councils to decide where and when to enforce moving traffic enforcement and therefore, monitor their own road networks. This means that we can now use cameras to enforce a variety of moving traffic offences on our roads, increasing the effectiveness of measures aimed at improving safety, reducing congestion and protecting the environment:
- The borough can identify problem hot spots on roads resulting in illegal and dangerous driving behaviour.

- This poor driving behaviour includes vehicles making banned turns, stopping on school keep clear areas and driving through pedestrianised zones.
- By preventing illegal and inconsiderate driving, the Council can minimise congestion, keep traffic moving and reduce poor air quality caused by vehicle emissions.
- The powers to enforce moving traffic offences would free up police time to tackle other public priorities and contribute to the borough's net zero carbon emissions target by 2050 (RBWM's Environment and Climate Strategy 2020).

The type of contraventions included for enforcement are:

- Banned Turns
- No Entry
- Vehicle Weight Limits (Bridges)
- School Keep Clear
- Box Hatchings

3.5.3 RBWM applied for an order designating it an enforcement authority for the powers to enforce all moving traffic contraventions included in Part 6 of the Traffic Management Act in February 2023; confirmation of these powers is anticipated to be in June 2023.

3.5.4 The Department for Transport (DfT) has been very clear that the introduction of these enforcement powers is carried with a controlled and measured approach, and this includes a consultation on the use of cameras at each potential new location and the issuing of warning notices for first offences for the first six months of operation at each new site.

### 3.6 Survey Sites

3.6.1 A total of 32 sites for possible enforcement were identified from anecdotal information and intelligence gathered via officers. On site surveys were conducted over a seven-day period to record the number of illegal vehicle movements and 10 priority sites were then identified. This informed the suitability of locations for ANPR enforcement and was based on the Department for Transport criteria to select the proposed sites:

- All moving traffic restrictions to be enforced must be underpinned by accurate traffic regulation orders where applicable and indicated by lawful traffic signs and road markings
- Officer intelligence regarding contraventions identified through feedback and prioritised considering safety concerns identifying a range of different moving traffic offences to pilot sites are enforceable by automated number plate recognition (ANPR) cameras.

3.6.2 It is anticipated that a potential 120,000 PCNs could be issued per annum over the 10 locations. However, it is important to note that an initial peak of contraventions will occur within the first six months at each location. It is envisaged that overall compliance will increase within the first 3-9 months



which will result in less PCNs being issued.

3.6.3 During the first six months of enforcement any first offence will result in a warning being issued rather than a PCN; this would reduce the amount of PCN's issued. However, taking this into consideration, we forecast that upwards of 22,000 PCN's may be issued per annum.

3.6.4 A review of additional sites will be undertaken to ascertain their suitability and ANPR cameras may be relocated to other sites. Any amendments to enforcement sites will be done in consultation with partners including Thames Valley Police, Highways, ISEG, Ward Councillors, Parish & Town Councillors and residents.

### 3.7 **Moving Traffic Enforcement Communications**

3.7.1 Communication and engagement were key to the development of the application to the DfT for the powers to adopt moving traffic offences.

3.7.2 A six-week consultation on the enforcement sites took place from Tuesday 15 November to Saturday 24 December 2022. A specific engagement plan will be developed for the implementation of enforcement at the selected sites.

The communication and engagement plans for this project included:

- Background information, an online survey and set of FAQs available on the RBWMTtogether website at: <https://rbwmttogether.rbwm.gov.uk/hub-page/consultations>
- Hard copies of engagement information on request at RBWM libraries
- RBWM press release and promotion in Council e-newsletters
- Promotion of the engagement through the Council's Facebook and Twitter channels
- A5 promotional postcards delivered to properties around the ten enforcement locations
- Early stakeholder engagement with key community and business organisations
- Presentation to Members on 15 November 2022

3.7.3 The public consultation on the 10 identified sites which returned over 140 responses showed 60% of responders showing support for this enforcement.

3.7.4 Appendix C shows the details of the initial 32 sites and Appendix D shows the 10 priority sites which were consulted on.

### 3.8 **Environmental Enforcement (Lot 4)**

3.8.1 A clean and pleasant environment contributes significantly to public pride and has a positive impact on the quality of life. A practical step authorities can take

to keep land clear of litter and refuse is proportionate and effective enforcement. Quality enforcement influences the behaviour of potential offenders as well as acting as a deterrent. This helps authorities deliver their statutory duties to keep relevant land and highways clear of litter and refuse, improving the appearance and standard of cleanliness.

- 3.8.2 Through enforcing environmental crimes, the council is supporting its objectives of “Thriving communities” and “Inspiring places” as well as Improving our Natural Environment.
- 3.8.3 The contract will include staffing for the enforcement of Environmental Crime through the issue of Fixed Penalty Notices (FPNs) and other proportionate action, the necessary supporting business administration support to process FPNs, and carrying out investigations which includes interviewing through to prosecution. This Contract will also include provision of the technology required to manage all aspects, including payments, storing evidence, complaint and prosecution management and associated equipment.
- 3.8.4 The contract will provide a service to tackle Environmental Crime that is legally compliant, cost efficient, sustainable and proportionate as well as ensuring the community and commuters will be educated about the importance of maintaining a clean, green, local environment.

#### 3.8.5 **Service objectives**

3.8.6 The principal objective of the Environmental Enforcement contract is to improve the local environmental quality by reducing Environmental Crime including fly tipping, litter and dog fouling incidents and complaints within the Borough. Other service objectives include:

- Improving the quality of service to residents, businesses and visitors to the Royal Borough of Windsor and Maidenhead by promoting clean and inviting neighbourhoods and public spaces
- Complying with legislative requirements current and future
- Improving quality of the local environment
- To reduce littering, fly tipping and to increase trade waste compliance
- To reduce Environmental Crime and Anti-Social Behaviour
- To encourage positive behaviour and provide a clear deterrent against Environmental Crime
- Improving year-on-year efficiencies with the introduction of new innovations

3.8.7 The Environmental Enforcement contract will educate and enforce Environmental Crime for the following core enforcement offences:

- Littering (including from vehicles)
- Fly tipping
- Graffiti and Fly Posting
- Commercial Waste Duty of Care

- Domestic Waste Duty of Care
- Dog fouling
- Public Space Protection Orders
- Spitting
- Public Urination

3.8.8 Although environmental enforcement has proved challenging it is now embedded in the council's culture and most residents are now aware of the council's zero tolerance to littering.

3.8.9 A particular challenge has been appropriate legal support for cases which need to be progressed to court. Therefore, a simplified legal process for prosecutions has been included in the new contract which will see the service provider cover the full legal process through preparation to court appearances.

3.8.10 It is imperative that any enforcement is conducted proportionately and a balanced approach is taken. Engagement is key to behaviour change for environmental crime and as well as issuing FPNs for offences, the service provider will pro-actively engage with the community including the following:

- Verbal education with regards to environmental crime, the effects and consequences of committing an offence e.g. in schools and colleges
- Supporting community projects e.g. litter picking days
- Conducting activities such as handing out portable ashtrays to smokers; handing bio-degradable bags to people walking dogs in parks and open spaces; and handing out FAQ leaflets and educational leaflets
- Attending meetings of residents and community groups open to all Stakeholders within the Borough
- Receiving feedback on the Service provided and making improvements based on the feedback.

3.8.11 A contract for Environmental Enforcement has been in place with District Enforcement since October 2020.

Table 2 below shows the total number of FPNs issued since 2020.

**Table 2: Fixed Penalty Notices Issued**

<b>Environmental FPN's Issued</b>			
<b>Year</b>	<b>Issued</b>	<b>Paid</b>	<b>Written Off/Uncollectable</b>
2020	1310	1020	290
2021	3174	2669	505
2022	2637	2240	397
2023 (to date)	589	443	0

3.8.12 The current environmental enforcement contract is a concession contract delivered at zero cost to the Council and we receive 30% of all paid for FPN's.

3.8.13 Under the new contract we will receive 20% of all paid for FPN's however the anticipated number to be issued is 7,600 over the contract period which is significantly higher and will therefore bring increased income.

#### **4. Contract Management**

- 1.1 The contract performance will be managed by the Parking Team using Key Performance Indicators (KPIs) and performance mechanisms (see Appendix E for details of the KPIs).
- 1.2 The service delivery model of Marston Holdings (NSL) will be self-governing and self-monitoring and therefore not fully reliant on the Client team although governance and control measures are still needed to ensure the contract runs effectively. NSL will work proactively to self-monitor and drive contract performance through collaboration with the authority.
- 1.3 A KPI model dashboard will be set up that will aggregate data for each KPI providing daily 'PCN activity' and year to date information, showing performance using indicators to provide a 'snapshot' of daily performance. The model will provide up-to-date information on activity and enable the management team to plan remedial action if any drop in performance is observed. This will also provide day by day verification for RBWM.
- 1.4 Regular review of KPIs will take place where consideration should be given to removing KPIs that are consistently achieved and replaced by new ones.
- 1.5 In addition to the KPIs set out in the specification, NSL propose that additional KPI's are introduced to measure parking compliance. This supports our objective for the service to increase levels of compliance through efficient and effective operations.
- 1.6 NSL being the incumbent provider already have a good understanding of RBWM, the service requirements, communities and the broader outcomes expected from parking enforcement.

## 2. KEY IMPLICATIONS

Table 3: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Increased compliance with parking restrictions	PCNs issued over 25,000 and compliance of the monitored streets and car parks falls below 85%	PCNs issued remains around 20,000 and compliance of the monitored streets and car parks is over 85%	PCNs issued falls below 20,000 and compliance of the monitored streets and car parks is over 88%	PCNs issued falls below 20,000 and compliance of the monitored streets and car parks is over 90%	Annually
Maintain our 2022 ranking in the NHT Survey for parking restrictions and tackling on street illegal parking	Reduction in current ranks of 5 <sup>th</sup> and 7 <sup>th</sup> out of 111	Maintain current ranking of 5 <sup>th</sup> and 7 <sup>th</sup> out of 111	Improve on current ranking of 5 <sup>th</sup> and 7 <sup>th</sup> out of 111 by 1 place	Improve current ranking of 5 <sup>th</sup> and 7 <sup>th</sup> out of 111 by more than 1 place	Annually
Implement MTE at the 10 identified sites and show a reduction in the estimated number of FPNs	Fail to implement sites or no reduction in the number of estimated FPNs issued	All sites live and a 5% reduction in the number of FPNs issued on the number estimated	All sites live and a 10% reduction in the number of FPNs issued on the number estimated	All sites live and a 15% reduction in the number of FPNs issued on the number estimated	End 2024 financial year
Reduction in reported instances of fly tipping	2024 reports of fly tipping exceed 2023 numbers	No increase in the number of reported fly tips in 2024	5% reduction in the number of reported fly tips in 2024	8% reduction in the number of reported fly tips in 2024	End 2024 financial year

## 3. FINANCIAL DETAILS / VALUE FOR MONEY

- 3.1 The financial impact of the report's recommendations is commercially sensitive and is therefore included in Appendix B, which is Part II by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

- 3.2 All financial implications are contained within existing resources. The income from any penalty charge payments received must only be used in accordance with section 55 of Road Traffic Regulation Act 1984 which allows the income to be spent on highways and transport schemes.

## **7. LEGAL IMPLICATIONS**

- 3.3 Parking enforcement and associated functions are carried out by enforcement authorities under the Traffic Management Act 2004 (TMA) and the Road Traffic Regulation Act 1984 (RTRA).
- 3.4 The council was granted the powers to enforce Parking Contraventions included in Part 6 of the Traffic Management Act 2004 in 2007.
- 3.5 The council submitted an application for the additional powers to enforce all Moving Traffic Contraventions included in Part 6 of the Traffic Management Act in February 2023 and confirmation of these powers is anticipated to be in June 2023.
- 3.6 Case Law has clarified that the purpose of civil parking enforcement is not to raise revenue and local authorities would be acting outside of their legal powers if they are seeking to use civil parking enforcement as a vehicle to raise income. The purpose of penalty charges is to dissuade motorists from breaking parking restrictions, the objective of civil parking enforcement should be for 100% compliance, with no penalty charges.
- 3.7 The council is enabled, by section 111 of the Local Government Act 1972, to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The council therefore has a general power to enter into contracts for the discharge of any of its functions; including the proposed contract set out in this report.
- 3.8 The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions under The TMA 2004 states that "Enforcement authorities should not contract out the consideration of formal representations". The consideration and processing of formal appeals against Penalty Charge Notices (representations) will continue to be undertaken within the council's Parking Services team.
- 3.9 A list of parking contraventions that can be enforced are listed in Appendix F. A full list of FPNs which can be issued for the Environmental Enforcement contract are listed in Appendix G.

## **4. RISK MANAGEMENT**

- 4.1 If a new contract is not awarded there is the risk that the service will not continue, this will leave the Authority without the ability to keep the public highway safe and unable to keep traffic flowing. The Authority have a statutory duty to secure the expeditious, convenient and safe movement of

vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. Enforcement of the regulations is therefore necessary in order for this to be achieved.

4.2 There are no additional risks identified by agreeing the outlined recommendations.

**Table 4: Risk Management**

Threat or risk	Impact with no mitigations in place or if all mitigations fail	Likelihood of risk occurring with no mitigations in place.	Mitigations currently in place	Mitigations proposed	Impact of risk once all mitigations in place and working	Likelihood of risk occurring with all mitigations in place.
Lack of ability to manage contract performance	Major 3	High	Contract Management via existing contract client who will manage a suite of performance indicators Contractual mechanism for conflict resolution	Contractual mechanisms in place to resolve issues	Minor 1	Low
Unfair/unproportionate enforcement	Moderate 2	Medium	Contractual compliance with legislation and statutory guidance from Secretary of State for Transport	Contractual compliance with legislation and statutory guidance from Secretary of State for Transport	Minor 1	Low
Lack of flexibility and reactive	Moderate 2	Medium	RBWM has the	RBWM has the	Minor 1	Low

deployment capability without additional or variant contract cost			ability to direct and agree resource deployment if necessary	ability to direct and agree resource deployment if necessary		
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## 8. POTENTIAL IMPACTS

- 4.3 Equality Impact Assessments have been completed for all elements of this report.
- 4.4 By reducing congestion through parking, moving traffic enforcement and reduction in environmental crime we will support the council's commitment to climate change/sustainability.
- 4.5 Data Protection Impact Assessments already exist for parking enforcement and environmental enforcement and the new moving traffic enforcement will use the same system as parking enforcement; any personal data collected will be covered under the existing DPIA.

## 9. CONSULTATION

- 10.1 Consultation on the sites for Moving Traffic Enforcement are detailed in the Member presentation Moving Traffic Enforcement November 2022 listed as Appendix H. Member briefings on moving traffic enforcement have been carried out along with a public consultation on the 10 identified sites which returned over 140 responses with 60% showing support for this enforcement.

## 10. TIMETABLE FOR IMPLEMENTATION

**Table 5: Implementation timetable**

<b>Date</b>	<b>Details</b>
29 June 2023	Cabinet approval
4 July 2023	Cabinet decision published
11 July 2023	Call-in period ends by
12 July 2023	Provisional letters to approved bidders
25 July 2023	Confirmation letters to approved bidders following 10-day procurement standstill by
29 August 2023	Commencement of mobilisation (WISE)
1 November 2023	Contract commencement

## 11. APPENDICES

This report is supported by eight appendices:

- Appendix A            Equality Impact Assessment
- Appendix B            Financial impact of report's recommendation
- Appendix C            Survey sites for Moving Traffic Enforcement
- Appendix D            10 Priority locations for Moving Traffic Offences

Appendix E	Key Performance Indicators
Appendix F	Parking Contraventions
Appendix G	Fixed Penalty Notices for Environmental Crimes
Appendix H	Member Presentation Moving Traffic Enforcement November 2022

## 12. BACKGROUND DOCUMENTS

This report is supported by three background documents:

Statutory guidance for local authorities in England on civil enforcement of parking contraventions <https://www.gov.uk/government/publications/civil-enforcement-of-parking-contraventions/guidance-for-local-authorities-on-enforcing-parking-restrictions>

Explanatory Memorandum to the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022  
[https://www.legislation.gov.uk/ukxi/2022/71/pdfs/ukxiem\\_20220071\\_en.pdf#page=4](https://www.legislation.gov.uk/ukxi/2022/71/pdfs/ukxiem_20220071_en.pdf#page=4)

Parking Strategy 2020-2025

## 13. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>	<i>Statutory Officer (or deputy)</i>		
Andrew Vallance	Head of Finance/ interim S151 Officer	24/05/23	30/05/23
Elaine Browne	Head of Law & Governance/ Interim Monitoring Officer	24/05/23	02/06/23
<i>Deputies:</i>			
<i>Mandatory:</i>	<i>Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>		
Lyn Hitchinson	Procurement Manager	14/03/23	08/06/23
<i>Mandatory:</i>	<i>Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>		
Samantha Wootton	Data Protection Officer	24/05/23	
<i>Mandatory:</i>	<i>Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>		

Ellen McManus-Fry	Equalities & Engagement Officer	24/05/23	31/05/23
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Stephen Evans	Chief Executive	24/05/23	
Andrew Durrant	Executive Director of Place	24/05/23	30/05/23
<i>Heads of Service (where relevant)</i>			
Alysse Strachan	Head of Neighbourhood Services	14/03/23	
Chris Joyce	Head of Infrastructure, Sustainability and Economic Growth	24/05/23	
Tim Golabek	Acting Head of Infrastructure, Sustainability and Economic Growth	24/05/23	30/05/23
<i>External (where relevant)</i>			

Confirmation relevant Cabinet Member(s) consulted	Cllr Simon Werner Leader Cllr Geoff Hill Cabinet Member for Highways & Transport, Customer Service Centre and Employment	Yes
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## REPORT HISTORY

<b>Decision type:</b>	<b>Urgency item?</b>	<b>To follow item?</b>
Key decision First entered into the Cabinet Forward Plan: August 2022	No	No

Report Author: Neil Walter, Parking & Enforcement Manager
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