



Cabinet

Tuesday, 9 February 2021

Car Parking County Partnership

Report of the Executive Manager – Neighbourhoods

Cabinet Portfolio Holder for Neighbourhoods, Councillor Rob Inglis.

1. Purpose of report

- 1.1 The purpose of the report is to present recommendations for how Rushcliffe Borough Council manages its off-street car parks, and the on-street car parking provision on behalf of Nottinghamshire County Council, while delivering a cost-effective, high quality service that plans for the future.
- 1.2 The report seeks approval for the Council to withdraw from the car parking district partnership ('the partnership'), from using the procured County services for enforcement officers and cash collection, and from managing Nottinghamshire County Council's on-street enforcement.
- 1.3 The report further seeks approval to employ enforcement officers, developing them into a team of Community Wardens managed by Broxtowe Borough Council's parking team, and to use Broxtowe Borough Council's cash collection service, whilst continuing to use Nottinghamshire County Council's processing unit for managing the Council's penalty notices under a separate agreement.
- 1.4 The recommendations propose a cost efficiency saving of £41,000 per annum whilst expanding the enforcement officer role to Community Wardens.

2. Recommendation

It is RECOMMENDED that Cabinet:

- a) Approves the withdrawal from the Car Parking District Partnership which includes withdrawal from using the procured County services for enforcement officers and cash collection, withdrawal from managing Nottinghamshire County Council's on-street enforcement and responsibility for deficit liability;
- b) Approves the employment of enforcement officers;
- c) Approves the use of Broxtowe Borough Council's cash collection service; and
- d) Delegates to the Executive Manager for Neighbourhoods to negotiate an agreement for the continued use of the processing unit of Nottinghamshire County Council for managing the Council's penalty notices.

3. Reasons for Recommendation

- 3.1 In order to fulfil its statutory obligations the Council must ensure appropriate arrangements are in place to operationally manage its car parking functions. However, such arrangements must also be efficient and cost effective and following a review the Council has identified that cost efficiencies (of up to 17%) can be achieved by withdrawing from the partnership and employing relevant staff directly who would also have an expanded community remit to maximise the Council's impact on place management. In addition, even greater cost efficiencies of up to 40% can be achieved by changing from the current partnership cash collection arrangements.
- 3.2 Withdrawal from the partnership will also help to protect the Council from any future financial liability for on-street parking deficit and remove the additional annual £20k from the street management fee.

4. Supporting Information

- 4.1 The Council has 27 off-street car parks, of which six are pay and display and 12 are enforced. Net surplus (income from pay and display against overall running costs) in 2019/20 was £455,437. Appendix 1 lists the Council's off-street car parks.
- 4.2 The Council has been part of the District Partnership Agreement since 2008, which includes six other Nottinghamshire authorities, covering both on and off-street car parking. The partnership includes provision for enforcement officers, cash collection and penalty notice processing and has been a positive initiative over the last 12 years. Since 2008, Broxtowe Borough Council's parking team has managed the day-to-day, operational parking services for Rushcliffe under a service level agreement.
- 4.3 In 2014, under the partnership agreement, Rushcliffe Borough Council became responsible for managing the County's on-street parking in the Borough. It was agreed that any surpluses should be re-invested in the service and, therefore, not passed to the Council; however, the Council would still be liable for any deficits. Deficits may arise when the income generated from enforcement is insufficient to cover the running costs. Until now, it was thought to be unlikely that the service would fall into a deficit position. That deficit risk has now changed because of pressure on the County Council's on-street surplus due to:
 - a) Fixed income from maximum fines, which are set by the Government, has not increased since 2008 in Nottinghamshire, offset against.
 - b) Higher costs by the contracted provider for enforcement officers and services.
- 4.4 In addition, Nottinghamshire County Council has covered Broxtowe's costs for running Rushcliffe's on-street parking which is due to cease at the end of this financial year. As such, the cost of Broxtowe managing Rushcliffe's on-street parking, will be passed directly to Rushcliffe Borough Council at an additional charge of £20,000 per annum; this will double the current service management fee from £21,000 to £41,000 per annum. At present, the County Council has taken back management of on-street car parking due to the pandemic, but it is

not clear how long this will continue and as soon as they stop, the additional service cost will start. To offset this, Rushcliffe are discussing options with the County based on the Council's pending withdrawal from the partnership.

- 4.5 The County Council has asked councils in the partnership, which services they would like to continue with under the next round of their procurement. Feedback from other councils in the partnership includes:
- Two other council partners are giving on-street enforcement back to County.
 - One of these councils already employs its own enforcement officers and cash collection service at a significantly lower cost and is withdrawing from the partnership.
 - One other council has arranged a different relationship with County having them manage both their on- and off-street parking.
- 4.6 Given this overall picture, the Council has undertaken a review of the service in-line with the Council's governance practice for *best value for money*. In addition to the identified cost savings above, the Council would also be able to reduce the cost of enforcement officers by between £7 to £13k per annum by employing officers directly. A further saving of £11,158 per annum is achievable for cash collections by using Broxtowe Borough Council's contractor. The Council has also been included in Broxtowe's procurement exercise for cash collection in case this is required in the future.
- 4.7 In addition to these cost efficiencies, the Council could plan for developing the enforcement role into a wider Community Warden function: localised, on-the-ground, hi-vis guardians, acting as Council ambassadors. For example:
- 'Street wardens', helping to make people feel safer, responding to residents' queries, directing to local activities and services.
 - General car park maintenance work, e.g., cutting shrubs back to keep parking signs clear, litter picking, reporting street issues.
 - Reviewing the Police Community Safety accreditation scheme, that gives wardens additional powers to deal with issues that are important to the community.
 - Linking up with the WISE enviro crime pilot if this became permanent in the future.
- 4.8 The cost efficiencies generated through these recommendations, also means that the Council could develop the service further by utilising some of the savings, e.g., cover additional costs for expanding warden responsibilities and explore apprenticeship options.

- 4.9 Withdrawal from the partnership requires 24 months' notice. However, as the procured service provision contract has been extended beyond its term due to Covid-19, the County Council and Rushcliffe have agreed that a natural breakpoint for Rushcliffe's withdrawal would be at the changeover under County's new procurement on or before June 2022.
- 4.10 A key point to note is that TUPE would apply to any change so the Council would seek to TUPE transfer a small staff contingency, i.e., 1.6 to 2.1 FTE, from NSL onto the Council's payroll. The specific number of hours for TUPE within this range will be agreed once the formal process starts. The employment terms and conditions will protect people's existing terms and conditions, in accordance with TUPE legislation. The development of the enforcement role into Community Wardens would be progressive and managed alongside the legal requirement for protection of terms and conditions under TUPE.
- 4.11 The Council proposes to retain use of County's Central Processing Unit under a separate agreement with County, who have provisionally agreed to this arrangement. The Central Processing Unit processes Rushcliffe's penalty notices. The service runs well and is cost effective.

5. Alternative options considered and reasons for rejection

Summary of alternative options and reasons for rejection:

Alternatives	Reasons for Rejection
a) Status quo – do nothing.	<ul style="list-style-type: none"> • Higher enforcement and cash service costs. • Financial deficit payments for on-street enforcement and reduced surplus. • Extra service costs for managing County on-street parking. • More limited enforcement officer role under current procured services.
b) Withdraw from using the cash collection service only.	<ul style="list-style-type: none"> • Higher enforcement costs. • Financial deficit payments for on-street enforcement and reduced surplus. • Extra service costs for managing County on-street parking. • More limited Enforcement Officer role under current procured services.
c) Remain in the partnership, hand back management of County on-street only and financial liability, drawing officer time from the new service framework.	<ul style="list-style-type: none"> • Current partnership terms requires acceptance of on-street financial liability. • Higher enforcement and cash service costs for councils drawing off services who are outside the contracted framework.

6. Risks and Uncertainties

Appendix 2 details the advantages, risks and mitigating actions.

7. Implications

7.1 Financial Implications

7.1.1 An overall surplus of £455k was achieved across the Council's car parks in 2019/20 this included £32k surplus from car parking enforcement. Covid-19 has caused a dramatic reduction in income during 2020/21 and we are currently forecasting a £45k overall deficit from the service.

7.1.2 Based on the recommendations in this report, the estimated savings (compared to 2019/20 actuals) total £41k including:

- Enforcement Officers - £10k
- Cash Collection - £11k
- Future on-street management costs - £20k.

7.2 Legal Implications

7.2.1 There are TUPE implications arising out of the transfer of staff. The Council will consult with the affected workforce and protect terms and conditions of employment in compliance with this legislation.

7.2.2 The service agreement for use of the County Central Processing Unit and with Broxtowe Borough Council's Car Parking Team will be subject to legal review.

7.2.3 The inclusion of the Council as part of Broxtowe Borough Council's cash collection service procurement has been undertaken in accordance with the Council's Standing Orders.

7.3 Equalities Implications

7.3.1 There are no direct equality implications arising from the transfer of employees.

7.3.2 The consultation and transfer of employees would take place in accordance with equality legislation and considerations.

7.3.3 There will be no change to the current support, access and parking provision for people with different abilities using the car parks under the new employment provision.

7.4 Section 17 of the Crime and Disorder Act 1998 Implications

The current service provision, which contributes to community safety will be kept and expanded on, including: monitoring car parks, reporting car parking defects, alerting and responding to health and safety issues, responding to residents' queries and checking that the lighting and equipment in the car park is working and in good order.

8. Link to Corporate Priorities

Quality of Life	It supports people having access to safe car parking to engage in social and community activities to enhance their quality of life.
Efficient Services	It will provide cost efficiency savings while growing the range and quality of services being provided.
Sustainable Growth	It supports local economies by providing safe, monitored car parks and engaging community officers, supporting people coming to local businesses.
The Environment	The Enforcement Officers' role will be developed to include supporting electric vehicle charging and zero emission advice and support for local residents. It is the intention that the Council vehicle used to support the enforcement role will be electric.

9. Recommendations

It is RECOMMENDED that Cabinet:

- a) Approves the withdrawal from the Car Parking District Partnership which includes withdrawal from using the procured County services for enforcement officers and cash collection, withdrawal from managing Nottinghamshire County Council's on-street enforcement and responsibility for deficit liability;
- b) Approves the employment of enforcement officers;
- c) Approves the use of Broxtowe Borough Council's cash collection service; and
- d) Delegates to the Executive Manager for Neighbourhoods to negotiate an agreement for the continued use of the processing unit of Nottinghamshire County Council for managing the Council's penalty notices.

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Background papers available for Inspection:	Nil
List of appendices:	Appendix 1. Rushcliffe Off-Street Car Parks Appendix 2. Advantages, Risks and Mitigating Actions