

## Civil Parking Debt Enforcement Services Contract

<b>Earliest date:</b>	07 October 2019
<b>Latest date:</b>	18 October 2019
<b>Public Protection, Parking and Libraries</b>	Cllr Dave Norman
<b>Key Decision</b>	Yes
<b>Background Papers</b>	<ul style="list-style-type: none"> <li>• The Traffic Management Act 2004</li> <li>• The Civil Enforcement of Parking Contraventions (England) General Regulation 2007</li> <li>• The Tribunals Courts and Enforcement Act 2017</li> <li>• The Criminal Justice &amp; Courts Act 2015</li> <li>• The Taking of Goods Regulations 2014</li> <li>• The Human Rights Act 1998</li> <li>• The Equalities Act 2010</li> </ul>
<b>Location/Contact for inspection of Background Documents</b>	<a href="https://www.legislation.gov.uk/ukpga/2004/18/contents">https://www.legislation.gov.uk/ukpga/2004/18/contents</a> <a href="http://www.legislation.gov.uk/uksi/2007/3483/contents/made">http://www.legislation.gov.uk/uksi/2007/3483/contents/made</a> <a href="https://www.legislation.gov.uk/ukpga/2007/15/contents">https://www.legislation.gov.uk/ukpga/2007/15/contents</a> <a href="http://www.legislation.gov.uk/ukpga/2015/2/contents/enacted">http://www.legislation.gov.uk/ukpga/2015/2/contents/enacted</a> <a href="http://www.legislation.gov.uk/uksi/2014/1/contents/made">http://www.legislation.gov.uk/uksi/2014/1/contents/made</a> <a href="https://www.legislation.gov.uk/ukpga/1998/42/schedule/1">https://www.legislation.gov.uk/ukpga/1998/42/schedule/1</a> <a href="https://www.legislation.gov.uk/ukpga/2010/15/contents">https://www.legislation.gov.uk/ukpga/2010/15/contents</a>
<b>Main Consultees</b>	Enforcement Agents, Other Local Authorities and LACEF (Local Authority Civil Enforcement Forum).
<b>Planned Dates</b>	Commencement date of the proposed procurement arrangements described in this report is February 2020
<b>Divisional Councillor</b>	All
<b>Officer</b>	<p>Any representations should be sent to:</p> <p>Philip Williams, Lead Commissioner Communities &amp; Infrastructure  Email: <a href="mailto:Philip.williams@gloucestershire.gov.uk">Philip.williams@gloucestershire.gov.uk</a></p> <p>By 5pm on Friday 4 October 2019</p>

<b>Purpose of Report</b>	To seek Cabinet Member approval to procure and award a four year Civil Parking Debt Enforcement Services Contract to replace the current contract for such services when it expires in February 2020.
<b>Recommendations</b>	<p>That the Cabinet Member for Public Protection, Parking and Libraries authorises the Lead Commissioner Communities &amp; Infrastructure to:</p> <ol style="list-style-type: none"> <li>1) carry out a public procurement law compliant procurement process for the purpose of awarding of a four year contract for the supply of services comprising the recovery of on and off street parking, bus lane and bus gate enforcement debts in Gloucestershire;</li> <li>2) keep the Cabinet Member for Public Protection, Parking and Libraries updated with respect to the progress of such procurement and award process</li> <li>3) award such contract (following the conclusion of the said procurement process) to the preferred tenderer evaluated as providing the most economically advantageous tender or, in the event that the preferred tenderer is unable or unwilling to enter into the proposed contract, to award such contract to the next willing and able highest scoring tenderer.</li> </ol>
<b>Reasons for Recommendations</b>	The current contract arrangements expire in March 2020 and a replacement contract is required to ensure the council is able to have a civil parking debt recovery agent in place from this date.
<b>Resource Implications</b>	<p>There is no cost to the council when enforcement agents recover costs from civil parking debtors. The enforcement agents are permitted to charge statutory rates against such debtors to cover their costs.</p> <p>In 2017/18 enforcement agents recovered and paid £122k of unpaid parking and bus lane fines from debtors to the council.</p> <p>It is estimated that £488k in unpaid PCN revenue will be paid to the council under the proposed contract over its four year term.</p>

## **MAIN REPORT CONTENTS**

### **1. Background**

- 1.1 Parking restrictions are critical to the smooth operation of the highway network and encourage better traffic flow. To ensure that the parking restrictions are adhered to there is a requirement to enforce them. Without enforcement it is likely that many restrictions would be ignored by motorists. Enforcement of the regulations takes place by utilising Civil Enforcement Officers (CEOs) who issue Penalty Charge Notices (PCNs) if any contraventions are identified. Furthermore, the parking team manage the enforcement of bus lanes and other areas of the road network that may have restrictions imposed on it.
- 1.2 If there was no enforcement of traffic and parking regulations there would be increased congestion and reduced traffic flow that would have a number of negative effects including a decline in road safety, an increase to pollution and business disruptions and a considerable reduction in efficiency of the highway network.
- 1.3 To ensure that any unpaid parking fines are paid after a statutory period any unpaid fines are referred to the Traffic Enforcement Centre (TEC) at Northampton (a bulk handling civil court). This body processes unpaid traffic fines and is able to issue warrants that enable enforcement agents to chase a debtor in order to recover the cost owed for the outstanding Penalty Charge Notice (PCN), TEC fees and the cost owing to the bailiff for their resource during the debt recovery process.
- 1.4 Enforcement agent action takes the form of letters to the debtor, contact via social media or a visit in person. It should be noted that an enforcement agent is not lawfully permitted to enter a property, unless goods have been claimed from previous visits to the property, or invited to by the debtor. Payment by the debtor normally takes the form of a payment plan, but can result in goods owned by a debtor being seized and sold.
- 1.5 In the period 2018-2019 4144 cases were referred to enforcement agents to chase unpaid parking debt. This resulted in £122k being returned to the Council. If debts remain uncovered after a period of 12 months the debt is written off. Current collection rates are 27.9%.

### **2. Current Arrangements**

- 2.1 In 2016 a contract was procured through the Yorkshire Purchasing Organisation (YPO) Framework for two suppliers to provide parking debt enforcement services to the council. The logic behind using two enforcement agents was that cases not collected by one provider could be recycled to the second provider who may then be able to trace the debtor. It has transpired that this approach has not delivered the expected benefit and having a secondary

enforcement agent has not added any value over and above having one provider.

- 2.2 The current contract arrangements expire in February 2020 and a replacement contractor will need to be appointed through a new legally compliant procurement process to ensure that there is continuity of the parking debt collection service.

### **3. Conclusion**

- 3.1 The overarching strategy of using enforcement agents to recover parking debt is a sound and well proven approach used by councils across England. This approach has been used in Gloucestershire since the powers to enforce parking transferred to local councils so it is pragmatic to continue with this tried and tested approach after the current enforcement contract expires.

### **4. Options**

- 4.1 A range of options have been identified and evaluated in a business case to ensure the council is adopting the best approach to the recovery of parking debt.
- 4.2 Ceasing enforcement agent activity is not a viable option as GCC would lose £122k per annum of unrecovered PCN costs. The number of customers paying for PCNs and complying with the parking restrictions, i.e. paying the correct parking charges set by the Council, would be likely to decrease.
- 4.3 The option of working with other local authorities, including the six Gloucestershire district councils, has been considered and discounted following consultation with these organisations and other neighbouring authorities.
- 4.4 A further option of undertaking the debt collection services in-house has been considered and rejected on the grounds of cost and the fact that the council does not have the appetite to internalise this service.
- 4.5 The only viable option, in view, of the level of regulation and council statutory obligations in relation to highway management, is to procure a standalone enforcement agent service from the private sector.

### **5. Risk Assessment**

- 5.1 Failure to agree to a new enforcement agent contract may lead to failure to be able to enforce traffic regulations and result in the authority breaching its obligations under the Road Traffic Act 2004. A loss of income for the council due to unrecovered PCNs and associated fees may result in the delivery of the parking service and the management of assets leading to a financial loss. This will also mean that there will be reduced surplus to reinvest back in to highways improvements.

- 5.2 Non-approval would also result in likely failure to deliver financial benefits, currently £122k per annum of unpaid parking fines.
- 5.3 The lack of ability to recover parking debt would likely lead to increased levels of non payment,, reduced levels of compliance with highway restrictions and loss of income that enables the council to deliver a self financing parking service.

## **6. Consultation Feedback**

- 6.1 Civil Parking Debt Enforcement Services Suppliers have been consulted and made aware that the council is considering inviting tenders for a new enforcement contract.
- 6.2 Advice and guidance has been received from LACEF (Local Authority Civil Enforcement Forum) in regards appropriate contracting approaches and contracting requirements.
- 6.3 The Council has liaised with The Crown Commercial Service in relation to utilising CCS Frameworks and their debt recovery service.

## **7. Equalities Considerations**

- 7.1 A due regard statement was produced in relation to this cabinet report and is included as an appendix. People with disabilities benefit from the enforcement of disabled 'blue badge' parking places and yellow lines adjacent to dropped kerb crossings. Having a mechanism in place to recover parking debts makes the enforcement of permitted parking places and parking restrictions much more effective than would otherwise be the case, which helps all road users.

## **8. Performance Management/Follow-up**

- 8.1 Contract performance against a range of financial and quality indicators will be monitored on a monthly basis to ensure adequate supplier performance including due regard to equalities.

<b>Report Title</b>	<b>Civil Parking Debt Enforcement Services Contract</b>
<b>Statutory Authority</b>	<ul style="list-style-type: none"> <li>• The Traffic Management Act 2004</li> <li>• The Civil Enforcement of Parking Contraventions (England) General Regulation 2007</li> <li>• The Tribunals Courts and Enforcement Act 2017</li> <li>• The Criminal Justice &amp; Courts Act 2015</li> <li>• The Taking of Goods Regulations 2014</li> <li>• The Human Rights Act 1998</li> <li>• The Equalities Act 2010</li> </ul>
<b>Relevant County Council policy</b>	Local Transport Plan (2015-2031) Council Parking Policy
<b>Resource Implications</b>	<p>There is no cost to the council when enforcement agents recover costs from civil parking debtors. The enforcement agents are permitted to charge statutory rates against such debtors to cover their costs.</p> <p>In 2017/18 enforcement agents recovered and paid £122k of unpaid parking and bus lane fines from debtors to the council.</p> <p>It is estimated that £488k in unpaid PCN revenue will be paid to the council under the proposed contract over its four year term.</p>
<b>Sustainability checklist:</b>	
<b>Partnerships</b>	We work closely with the current enforcement agents in ensuring that efficient and effective transport provision can be maintained
<b>Decision Making and Involvement</b>	<p>The proposal has been shared with the Cabinet Member for Public Protection, Parking and Libraries.</p> <p>The Commercial Unit has been closely involved in the development of the project.</p> <p>The Business Case has been reviewed by the Business Case Assurance Group and their suggestions incorporated.</p>
<b>Economy and Employment</b>	The proposal should enable economic development associated with the turnover of parking places.
<b>Caring for people</b>	Enforcement agents are required in law to not pursue or harass vulnerable people. This will be a key requirement of the council contract.
<b>Built Environment</b>	n/a
<b>Natural Environment' including Ecology (Biodiversity)</b>	n/a

<b>Education and Information</b>	n/a
<b>Tackling Climate Change</b>	Carbon Emissions Implications? Well managed parking regulations aid a reduction in carbon emissions from road traffic..  Vulnerable to climate change? No
<b>Due Regard Statement</b>	Has a Due Regard Statement been completed? Yes
<b>Human rights Implications</b>	None
<b>Consultation Arrangements</b>	The Lead Commissioner will keep the Lead Cabinet Member regularly informed of the progression of this this procurement.