

HOUSING CABINET MEMBER MEETING

Agenda Item 113

Brighton & Hove City Council

Subject:	Procurement of parking enforcement contract – Housing Management land		
Date of Meeting:	21 April 2010		
Report of:	Director of Housing, Culture and Enterprise		
Contact Officer:	Name:	Robert Keelan	Tel: 29-3261
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Key Decision:	No	Forward Plan No. HSG 14536	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To implement recommendations around the way Housing Management parking controls are enforced and the outcome of the recent parking procurement process.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Housing agrees the proposal to place a contract with Ethical Parking Management for three years.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS.

- 3.1 The Housing Management department own approximately 2500 rentable spaces split between approximately 1300 car parking spaces and 1200 garages.
- 3.2 Clamping has been the preferred method for parking enforcement on housing land since 2004. Parking control by clamping is a recommendation of the Car Parks and Garages Working Group,
- 3.3 The contract is the third to be awarded, the earlier contracts being 2004 and 2007. The current contract expired at the end of 2009.
- 3.4 Interviews took place in October 2009 with the preferred candidate being Ethical Parking Management. The evaluation team consisted of Officers from Housing Management and the Procurement Team plus two tenant representatives from the Car Parks and Garages Working Group.

4. CONSULTATION

4.1 The new contract was discussed with the Car parks and Garages Working Group leading up to the tender process. The working group consists of two tenant representatives from all four geographical areas of the city. The working group wanted the following questions asked of the clamping firms and these were incorporated into their written responses and presentations. The questions were to ensure that the clamping enforcement would be tailored to the needs of local residents.

4.2 **Question 1**

Communication with the council is very important. How would you ensure that you had a good working relationship with the Car Parks and Garages team of BHCC both at the start of the contract and during the contract?

Ethical Parking Management responded with:

- An allocated contract manager.
- Bi-monthly management meetings.
- Statistics on key performance indicators as per the requirements of the council.
- 24 hour telephone response (no answer machines).

Question 2.

The successful clamping company will resolve complaints at first instance. What process will your clamping operatives undertake to ensure that you have appropriate records to deal with any such complaints and how will you store and retrieve such information when dealing with a complaint?

Ethical Parking Management responded with:

- All invoices given on payment will have full details of how to appeal or complain.
- They have a written appeals procedure.
- They have a clear record keeping strategy with photographs of all parking infringements.
- They will work with BHCC and to allow BHCC employees to sit in on the appeals meetings at their request.

Question 3

BHCC owns approximately 2500 parking spaces yet only half of these are currently covered by the clamping contract. Please can you advise how you would be able to run the clamping contract but also meet the needs of future sites being added to the contract?

Ethical Parking Management responded with:

- Dedicated staff to patrol the BHCC car parks.

- Relief staff from other areas who will be trained in our sites.
- Two visits to each site in a 24 hour period.
- 24 hour management to divert resources.
- Additional staff as the contract grows as and when sites are added.

Question 4

As you will be aware, residents will often discover they have been clamped when they are starting off on a journey. The speed of being unclamped is therefore paramount. Please can you advise on your processes and timescales after somebody makes the initial call? How would your processes differ if the call was made after midnight? What do you do if you don't meet the target response time? Would your response differ if the person clamped was verbally aggressive on the telephone?

Ethical Parking Management responded with:

- A target maximum response time of one hour whenever possible from the time that the release payment is made.
- Brighton and Hove based patrollers to facilitate this response time in unsociable hours.
- A response after midnight will have no lesser a response than that made in traditional working hours.
- A response that took longer than one hour would be considered in the appeals process for a part or full refund.
- Staff training in dealing with aggressive customers and an acknowledgment that this is part of their work.
- Police support where threats are made to ensure the safety of the vehicle immobiliser.

Question 5

It is important that your clamping operatives give good customer service and can handle people who may be distressed at being clamped. Please can you advise what training your clamping operatives receive and how the quality of their work is monitored?

Ethical Parking Management responded with:

- All operatives trained in social and communication skills.
- All operatives trained in conflict.
- All operatives trained in to maintain a 'friendly but firm' approach.
- A full training program with regular appraisals.
- A strict uniform policy.

Question 6

The regulations of the Security Industry Authority are important. What is your knowledge of these regulations and how does your company take these regulations into account in terms of licensing, training and choice of operatives?

Ethical Parking Management responded with:

- The owners of Ethical Parking management have many years experience of working with the 2001 Private Security Industry Act.
- Knowledge of the requirement to be licensed under the Act.
- All employees are licensed operatives.
- All employees understand that they risk losing their individual licence if they :
 - Clamp a visitor showing a disabled badge
 - Clamp an emergency vehicle
 - Do not provide a receipt highlighting the location, licence details, their name and date

4.3 Further, we advised the clamping companies that BHCC may move towards penalty charge notices (parking ticket fines) rather than applying clamps and asked the companies to comment on their thoughts and how they could implement this system. Ethical Parking Management already run penalty charge schemes for other land owners and would be able to implement such a system for the council as and when it can be put in place.

4.4 The company most suited to locally deliver the standards set by the Car Parks and Garages Working Group was the current contractor Ethical Parking Management. Ethical Parking Management only employ accredited immobilisers and are accredited under the Security Industry Act voluntary approved contractor scheme.

4.5 The contractors are clear that they will be required to meet with the car parks and garages team on request, that managers are accessible by telephone during working hours and that we can visit their offices without prior notice. Ethical Parking Management have advised that they would welcome regular meetings, as often as BHCC would require and recommended as a minimum bi-monthly.

4.6 Following a robust evaluation and scoring process, the evaluation panel agreed that Ethical Parking Management have submitted the most advantageous tender on the basis of both quality and meeting the expectations and aspirations of our residents.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 There will be no direct costs to the Housing Revenue Account from the proposal to place the contract with Ethical Parking Management. The contract will be funded by the contractor who will keep the revenue generated by the service. There will be some internal staff time required to

manage the contract but this will be absorbed within existing staffing resources.

The contract will allow the Housing Revenue Account to maximise the income from its car parks as the service will minimise illegal parking.

Susie Allen, Principal Accountant *22 March 2010*

Legal Implications:

- 5.2 The general power of management, regulation and control given to local housing authorities in section 21 (1) of the Housing Act 1985 is sufficiently wide to allow the Council to enforce parking restrictions on its housing land. The method of procurement undertaken and described in the report accords with both the EU Procurement Directive and corresponding UK Regulations. The Council must take the Human Rights Act into account in respect of its actions but it is not considered that any individual's Human Rights Act rights would be adversely affected by the recommendation in this report.

Lawyer Consulted: *Liz Woodley* *Date: March 2010*

Equalities Implications:

- 5.3 Blue badge holders are exempt from being clamped providing that their badge is displayed appropriately on the dashboard of their vehicle.

Sustainability Implications:

- 5.4 There are none

Crime & Disorder Implications:

- 5.5 There are none

Risk and Opportunity Management Implications:

- 5.6 There are none

Corporate / Citywide Implications:

- 5.7 Clamping controlled sites can operate through the city but are currently concentrated in central Brighton. Sites are added at the request of BHCC residents through the resident association structure.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 No parking control. As licence holders can pay £20.00 per week for an exclusive space, this is not considered an option. Licence holders want a deterrent to stop casual users accessing their space.
- 6.2 Lockable posts could be provided to all spaces. A lockable post would be approximately £150.00 per space and the expenditure is not thought to be viable at this time. 1300 spaces would be £195 000.
- 6.3 Parking could be patrolled by the on-street team issuing penalty charge notices. The on street team patrol highways land, the housing department owned land cannot simply be added to the patrol routes. To do so would involve consultation and the application and granting of a Road Traffic Order. As this would take some time to see through, it was not felt to be a viable option at this time. Similarly, the additional sites were not part of the on-street tender and this would need to be tendered separately.
- 6.4 The contract tendered was entitled 'Security Wheel Clamping Contract', The primary function of the contract is clamping. There is some ability within the contract to vary the services but a complete change from clamping to issuing Penalty charge notices (parking tickets) would be beyond the scope of the contract offered.
- 6.5 With the current clamping system, the company retains the income, under a penalty charge system, the council would expect a contribution. It is expected that officers examine this system in view of implementation at the next tender round in three years time. There is scope within the current award to trial this on a small scale. The preferred contractor, Ethical Parking Management, run penalty charge schemes locally and have indicated at interview that they would happily implement such a trial.
- 6.6 The current contract expired at the end of 2009 and is continuing with the goodwill of the contractor on a periodic basis. We need to remedy this and ensure appropriate procurement as per the council's procurement guidelines

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To seek authorisation from the Cabinet Member for Housing to procure a contract with Ethical Parking Management for three years.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents In Members' Rooms

None

Background Documents

None

