

## **Meeting of the Housing and Public Realm Scrutiny Committee**

**Thursday 27<sup>th</sup> April, 2023 at 6pm  
At Saltwells Education Development Centre,  
Bowling Green Road, Dudley, DY2 9LY**

### **Agenda - Public Session (Meeting open to the public and press)**

1. Apologies for absence
2. To report the appointment of any substitute members serving for this meeting of the Committee.
3. To receive any declarations of interest under the Members' Code of Conduct
4. Public Forum
5. [Call-in of the Decision Sheet - Outsourcing of Parking Enforcement \(Pages 5 – 13\)](#)
6. To consider any questions from Members to the Chair where two clear days' notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).



## **Distribution:**

Councillor M Westwood (Chair)  
Councillor W Sullivan (Vice-Chair)  
Councillors A Aston, M Aston, K Casey, J Clinton, R Collins, J Cowell, I Kettle, K Lewis, P Sahota, K Shakespeare and T Westwood

Cc: Councillor D Corfield (Cabinet Member for Highways and Public Realm)  
Councillor L Taylor-Childs (Cabinet Member for Housing and Communities)

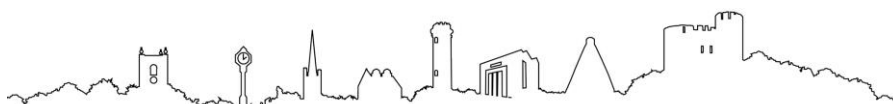


**Chief Executive**

**Dated: 19<sup>th</sup> April, 2023**

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**Meeting of the Housing and Public Realm Scrutiny Committee – 27<sup>th</sup> April, 2023**

**Report of the Lead for Law and Governance (Monitoring Officer)**

**Call-In of Decision Sheet – Outsourcing of Parking Enforcement**

**Purpose of report**

1. To consider and respond to the call-in of the decision of the Cabinet Member for Highways and Public Realm concerning the outsourcing of parking enforcement.

**Recommendation**

2. That the Committee consider the ‘call-in’ of the decision of the Cabinet Member for Highways and Public Realm and the options referred to in paragraph 8 below.

**Background**

3. On 30<sup>th</sup> March, 2023, the Cabinet Member for Highways and Public Realm (Councillor D Corfield), considered and approved a decision sheet concerning the outsourcing of parking enforcement. The Decision Sheet is attached as Appendix 1.
4. The decision was subsequently ‘Called-In’ for scrutiny following a request from five Members of this Committee in accordance with Paragraph 13 of the Scrutiny Committee Procedure Rules.
5. As required by the Scrutiny Committee Procedure Rules, Members of the Committee have been invited to submit written questions in advance of the meeting. Any questions submitted in advance, together with any responses, will be circulated to the Committee. This does not prevent Members from asking questions at the meeting itself.

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6. The Cabinet Member for Highways and Public Realm and the Interim Director of Environment have been invited to attend the Committee to address the meeting and to respond to questions.
  7. The procedure for dealing with the Call-In of the decision, as set out in Scrutiny Committee Procedure Rule 13, is attached as Appendix 2.
  8. In determining the Call-In, the following options are open to the Committee:
    - (a) To raise no objection to the decision in which case no further action is necessary and the decision is implemented with immediate effect.
    - (b) To refer the decision back to the Cabinet Member along with any concerns
    - (c) To refer the matter for discussion at full Council along with any concerns.
  9. In the case of options (b) and (c) above, it should be noted that the final decision rests with the Cabinet Member under powers delegated in Part 3 of the Constitution.
  10. If the Scrutiny Committee is unable to reach a consensus view on any recommendation(s), then a minority report may also be submitted for consideration alongside any recommendations agreed by the majority of the Committee.

### **Finance**

11. The implications are set out in the attached decision sheet.

### **Law**

12. The legal implications relating to the outsourcing of parking enforcement are set out in the attached decision sheet. The provisions regarding the Call-In of decisions are contained in the Scrutiny Committee Procedure Rules in the Council's Constitution. The Constitution was adopted by the Council pursuant to the requirements of the Local Government Act, 2000.

### **Risk Management**

13. The implications are set out in the attached decision sheet.

### **Equality Impact**

14. The implications are set out in the attached decision sheet.

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## **Human Resources/Organisational Development**

15. The implications are set out in the attached decision sheet.

## **Commercial/Procurement**

16. The implications are set out in the attached decision sheet.

## **Environment/Climate Change**

17. This report has no direct implications on the environment or the Council's work in addressing Climate Change and achieving Net Zero target by 2041.

## **Council Priorities and Projects**

18. The implications are set out in the attached decision sheet.



**Mohammed Farooq**  
**Lead for Law and Governance (Monitoring Officer)**

Report Author: Karen Malpass (Democratic Services Officer)  
Telephone: 01384 818116  
Email: [karen.i.malpass@dudley.gov.uk](mailto:karen.i.malpass@dudley.gov.uk)

## **Appendices**

Appendix 1 – Decision Sheet – DPR/02/2023 - Outsourcing of Parking Enforcement

Appendix 2 – Procedure for a Scrutiny Committee dealing with a 'Call-In'  
(Extract from Scrutiny Committee Procedure Rule 13)

## **List of Background Documents**

[The Council's Constitution:](#)

Part 2 - Article 6 (Overview and Scrutiny)

Part 4 - Scrutiny Committee Procedure Rules

# Decision Sheet

<b>Reference:</b>	DPR/02/2023
<b>Key Decision:</b>	No
<b>Decision Sheet Re:</b>	OUTSOURCING OF PARKING ENFORCEMENT
<b>Decision Maker:</b>	Councillor D Corfield, Cabinet Member for Highways and Public Realm
<b>Wards affected:</b>	All
<b>Contains exempt information:</b>	No

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## 1. Decision

Following Full Council approval of March 6th 2023, Officers are authorised to outsource parking enforcement, as per the detail contained in this report and by completing the following steps:

To commence a procurement exercise as soon as possible, with a tender evaluation completed by the end of April 2023.

To award a contract and commence any TUPE process in May 2023.

To begin contract mobilisation during June 2023, with contract implementation at the end of July 2023.

## 2. Background

### The Service

In July 2008, Civil Parking Enforcement powers were granted to the Council's Parking Services Team by the Secretary of State. Parking was de-criminalised and on-street enforcement of Traffic Regulation Orders, e.g. double yellow lines, was transferred from the local Police, to the Council's Civil Enforcement Officers (CEOs).

CEOs are responsible for the enforcement of off street car parks, on-street parking spaces that can be found in around our local centres and parking restrictions e.g. double yellow lines. Enforcement is undertaken by a budgeted establishment of 21 CEOs, but with 15 full time equivalents currently in post.

### Civil Parking Enforcement Performance

The Parking Services budget is split into Car Parks and Civil Parking Enforcement with the total cost of the service for 2022/23 projected to be £1.36M against budget after income and expenditure.

Whilst the Civil Parking Enforcement operation budget assumes that fine income covers the cost of the service, the reality is different with a projected deficit of approximately £335k in 2022/23.

Management concerns exist regarding performance, both in terms of staff attendance but also in terms of the efficiency of the issuing of Penalty Charge Notices (PCNs). Recruitment and retention remain a challenge and sickness levels are high, circa 14 days per FTE.

### Medium Term Financial Strategy (MTFS)

A review of parking enforcement was approved as part of the MTFS budget setting by Full Council on 6th March 2023.



# Decision Sheet

**Reference:** DPR/02/2023

**Key Decision:** No

A benchmarking exercise has taken place with three comparator authorities. All were performing to a higher standard in terms of PCN issue rate per deployable hour and highlighted benefits such as enforcement activity only being paid for when staff are deployed, flexibility to increase or decrease operating hours and overall greater productivity.

Operating an effective and efficient Civil Parking Enforcement Service is important to ensuring fair access to parking, deterring inconsiderate and dangerous parking, keeping highways open for free flowing traffic, including emergency vehicles and improving safety outside schools.

## Outsourcing of Parking Enforcement

Following approval by Full Council on 6th March 2023, a procurement exercise will be undertaken for the supply of a Civil Parking Enforcement service for a period of 4 years, with the possibility of extensions of 2 plus 2 years. Extensions will be granted subject to performance, which will be monitored using a set of KPIs at monthly contract meetings to ensure efficient and successful delivery of the contract. A contract will be awarded using the British Parking Association's model contract.

As part of the project plan, the following steps have been identified to allow for an outsourced operation to commence at the end of July 2023:

Open market tender - March/April 2023  
Evaluation/Clarifications/Moderation - April 2023

The following steps have been identified post tender return:

- Staff Consultation and contract award process - May 2023
- TUPE (timescale to be agreed with contractor) - June and July 2023
- Contract commencement - 31st July 2023

## Risk Management:

The Risk Management Framework has been referenced to identify and assess the significant risks and the severity level associated with this decision.

Risk Assessment and Management will be an on-going process. Where significant risks have been identified, arrangements are in place to review and manage them effectively.

## Human Resources/Organisational Development:

Members of staff who currently undertake enforcement duties may be affected. These members of staff would be subject to the Council's HR processes around redundancy, redeployment and or TUPE as appropriate.

This requirement will be reviewed once tender submissions have been received and assessed.

## Commercial/Procurement:

A benchmarking exercise has taken place with three comparator authorities. All were performing to a higher standard in terms of PCN issue rate per deployable hour.

# Decision Sheet

**Reference:** DPR/02/2023

**Key Decision:** No

An external tender exercise will be used to find a suitable contractor to provide the service and a contract awarded using the British Parking Association's model contract.

Environment/Climate Change:

As part of the tender exercise, contractors have been asked to take into account that it is the Council's intention that where possible any fleet used for enforcement purposes use either hybrid or all electric vehicles as soon as possible. A pricing option has been included for that purpose and a decision will be made either during mobilisation or on subsequent contract annual meeting as to the appropriate time to move to a greener form of transport.

Council Priorities and Projects:

The award helps to ensure Council Priorities are achieved by supporting the Council to be financially sustainable and fit for the future.

### 3. Financial Implications

A review of parking enforcement was approved as part of the MTFs budget setting by Full Council on 6th March 2023.

Based on a comparator authority, outsourcing parking enforcement could result in savings of £50k per annum in enforcement costs whilst potentially enabling the service area to cover its costs.

### 4. Legal Implications

Section 111 of the Local Government Act 1972 empowers the Council to do anything that is incidental to or conducive to the discharge of its functions.

The Council is required to make contract standing orders under section 135 of the Local Government Act 1972.

The Council's Contract Standing Orders specify the requirements for Directors to obtain demonstrable value-for-money from procurement activities.

The Council are required to comply with The Public Contracts Regulations 2015 and Social Value Act 2012 as applicable.

# Decision Sheet

**Reference:** DPR/02/2023

**Key Decision:** No

## 5. Equality Impact

An initial Equality Impact Assessment has been undertaken, and due to the universal nature of the service, no significant equality impacts are anticipated.

A full EIA may be required if outsourcing parking enforcement is considered to have a negative impact on staff. Continued communication with staff will need to take place in relation to this proposal.

There is no direct impact on children and young people.

## 6. Authorisation

Councillor D Corfield, Cabinet Member for Highways and Public Realm

Signed: .....

### In consultation with:

Andy Vaughan, Interim Director of Public Realm

Signed: .....

**Decision date:** Thursday, 30 March, 2023

**Prepared by:** Ed Bradford

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## Associated documents and images

No documents have been associated with this decision  
Cllr Damian Corfield & Andy Vaughan Signatures (pdf)

**Procedure for a Scrutiny Committee dealing with a ‘Call-In’**

- The Chair will deal with preliminary items, set the context and outline the procedure for the meeting.
- The relevant Cabinet Member and/or the relevant Officer, shall be invited to make representations concerning the decision.
- The Committee will deal with any written questions that have been submitted in advance.
- Members of the Committee will have the opportunity to ask questions.
- Contributions will be invited from any other persons present along with any further questions from the Committee.
- Following all questions and contributions, the relevant Cabinet Member and/or the relevant Officer will be invited to make a final statement.
- The Committee will review all the facts, opinions and comments and consider making any recommendations or observations to the relevant decision-taker and/or the Council.

If the Scrutiny Committee considers the decision, and is still concerned about it, the decision may be referred back to the relevant decision-taker or referred to full Council. The decision-taker will be advised of the Scrutiny Committee’s concerns.

If the matter is referred back to the decision-taker, arrangements will be made within 5 working days for the original decision to be reconsidered. The decision-taker will then make a final decision.

If a Scrutiny Committee does not refer the matter back to the decision-taker, or to full Council, the decision shall take immediate effect.

If a decision is referred to full Council and the Council raises no objections, the decision will take immediate effect.

If the Council objects to the decision, it will be referred back to the decision-taker along with the Council's views. Arrangements shall be made within 5 working days for the original decision to be reconsidered. The decision-taker will then make a final decision.