

Cheltenham Borough Council
Cabinet – 15 January 2013
Integrated Transport Retained Organisation Review

Accountable member	Councillor Andrew McKinlay – Cabinet Member Built Environment
Accountable officer	Grahame Lewis
Ward(s) affected	All
Key Decision	Yes
Executive summary	<p>In October 2007 the Cabinet approved the introduction of Civil Parking Enforcement (CPE) for Cheltenham as a result of the transfer of parking enforcement functions from the police authority to the Highways Agency (GCC).</p> <p>At that time the Borough Council was already responsible for off-street parking enforcement and subsequently applied the new provisions to its own car parks.</p> <p>In two tier authority areas, the on-street enforcement functions could also be carried out by District Councils on behalf of the Highways Authority by means of an Agency Agreement and it was therefore agreed that in Gloucestershire the necessary powers would be delegated to the Districts, including Cheltenham, to undertake this task.</p> <p>Gloucestershire County Council (GCC) has now decided that it would be in its own best interests if it were to take this responsibility back, and is entering into a County wide contract with a private company to carry out this on-street car parking enforcement work on its behalf in the future.</p> <p>Unfortunately, at the time of writing this report, no firm details of this new contractual arrangement are available.</p> <p>It has been confirmed by the County Council that as from 1st April 2013, all enforcement of on-street car parking will no longer be the responsibility of Cheltenham Borough Council (CBC). However, CBC will still need to enforce car parking arrangements in its own car parks and the report clarifies how this will be undertaken post 1st April 2013.</p> <p>Finally, there is a range of other non-statutory highway, planning and general street related activities which have also been undertaken by the existing Integrated Transport Team over the last few years and the report sets out how the Council should approach these matters in the future.</p>

Recommendations	<p>I therefore recommend that Cabinet:</p> <ol style="list-style-type: none"> (1) Note the position as regards future on-street car parking enforcement being undertaken by a private contractor on behalf of Gloucestershire County Council. (2) Agrees to retain the Borough Council's off-street car parking service in-house as set out in this report pending a review by the Executive Director of the Gloucestershire County Council's Framework Agreement within the next 15 months. (3) Agrees that the Executive Director in consultation with the Cabinet Member for Built Environment should ensure that adequate provisions are put in place to maintain a reasonable level of response to formal Gloucestershire County Council requests for information specifically in relation to Highways related matters.
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Financial implications	<p>The retained organisation staffing and operational requirements need to be resourced within existing budgets.</p> <p>Consideration to existing off-street car parking income budgets needs to be made when determining the necessary ongoing resource to ensure income levels are not negatively impacted.</p> <p>Contact officer: Nina Philippidis, Accountant nina.philippidis@cheltenham.gov.uk, 01242 775221</p>
Legal implications	<p>The Authority has a contract with Gloucestershire County Council by which the County Council delegated to the Authority the management of the County Council's on-street car parking functions in the Borough. The contract can be ended on 12 months prior written notice. The County Council gave notice in March 2012 that this arrangement will come to an end on 31 March 2013.</p> <p>If the Authority subsequently decides to engage the services of an external contractor to provide its off-street car parking services, a procurement compliant with the Public Contract Regulations 2006 is required. Gloucestershire County Council has carried out a procurement exercise for its on-street parking services. As part of this procurement exercise it included the district councils off-street parking services in the contract specification and has established a framework agreement. This means that if the Authority at some point in the future wishes to do so, it can appoint the contractor engaged by the County Council to carry out its off-street parking services without having to carry out its own procurement exercise. The Authority is able to access the Council's Framework Agreement and contract with the successful contractor up until 31 March 2017.</p>

	<p>Framework agreements are permitted by the Public Contract Regulations 2006 and Contract Procedure Rule 21 (Frameworks Agreements) is specifically relevant.</p> <p>Contact officer: Donna Ruck, Solicitor, donna.ruck@tewkesbury.gov.uk, 01684 272696</p>
HR implications (including learning and organisational development)	<p>There will be a requirement to transfer under TUPE (Transfer of Undertakings Protection of Employment) Regulations 2006 15 employees to GCC's chosen contractor. Work has already started to ensure CBC complies with the TUPE regulations and the key steps are included in the project plan. The statutory requirement for a full and proper consultation will begin in January and run through to March. Trade Unions are aware and are being kept up to date on each step of the process.</p> <p>Consultation will also need to take place regarding the retained organisation and the potential impacts on employees who are not transferring to GCC's chosen contractor. This will also take place from January through to March. Key activities for this process are included in the project plan.</p> <p>Contact officer: Sarah Flury, HR Business Partner, sarah.flury@cheltenham.gov.uk, 01242 775215</p>
Key risks	As defined under Risk Assessment – Appendix 1
Corporate and community plan implications	<p>As part of the commissioning review, it was noted that the work of the Integrated Transport Team makes a contribution to a number of corporate strategy outcomes:</p> <ul style="list-style-type: none"> ▪ Cheltenham's natural and built environment is enhanced and protected. ▪ Carbon emissions are reduced and Cheltenham is able to adapt to the impacts of climate change. ▪ Cheltenham has a strong and sustainable economy ▪ Communities feel safe and are safe. ▪ Our residents enjoy a strong sense of community and are involved in resolving local issues. <p>The Cabinet Member Built Environment and Executive Director will therefore need to be mindful of how best this positive contribution can be sustained in their deliberations about the final staffing and operational arrangements.</p>
Environmental and climate change implications	<p>Some elements of the team's additional activities have supported and promoted forms of travel which have a much lower impact on the environment and on climate change. Consideration will need to be given to how this can be achieved in the future to ensure the council continues to make a positive contribution to the environment and climate change in the local travel and transport sector.</p>

2. Background

2.1 Future arrangements for on-street car parking enforcement

- 2.1.1 From 1st April 2013 the County Council, through a new contractual arrangement with a private company take over the full responsibility for on-street car parking enforcement. This is likely to cause a significant amount of confusion for the general public who will in the future need to be directed to GCC or its contractors to resolve parking disputes or pay parking fines.
- 2.1.2 Officers will be working to ensure that an appropriate communication strategy is put in place, in order to assist the public post 1st April 2013. The Borough Council will still have a diminishing responsibility to process parking enforcement tickets issued prior to that date and the necessary arrangements are being put in place to manage this transition.

2.2 Retained off-street car parking enforcement activities

- 2.2.1 As already mentioned the County Council is currently developing new contractual arrangements to undertake on-street car parking enforcement.
- 2.2.2 The County Council has offered CBC the opportunity of using its new private contractors to also undertake CBC's off-street car parking enforcement.
- 2.2.3 This matter was given due consideration by the in-house officer Project Board established to oversee and manage this project.
- 2.2.4 After due consideration of all the relevant financial, legal and operational factors, the Project Board decided to recommend to deliver an in-house off-street enforcement service from 1st April 2013. The key reasons for this decision are:
- The costs and service delivery details of "calling off" from this contract will not be available until 21st December at the earliest, when the County Council intends to award its contract. This being the case, and even if the contract is available on the 21st December as advised by GCC, this leaves CBC with very little time or resource to support a robust value for money evaluation of the contract in order to enable Cabinet to make an informed decision on 15th January 2013.
 - Providing an in-house off-street service from 1st April 2013 will buy CBC time in which to evaluate the County Council's contract. If it were subsequently considered advantageous for CBC to access the County Council's new contract, then it could 'opt in' at any time within the next 4 years.
- 2.2.5 The retained off-street activities have now been appropriately assessed by officers to ensure that the Borough Council exercises its statutory powers correctly.
- 2.2.6 The primary activities are:
- In addition to the management of ANPR related operations and the processes associated with this type of operation, issuing penalty charge notices (PCN's) under the civil enforcement regime established by the Traffic Management Act 2004 to drivers who do not comply with the orders the Borough Council has put in place to govern the use of the car parks. ;

- Processing of PCNs once issued in accordance with the above Act, which includes:
 - Dealing with challenges
 - DVLA liaison regarding keeper details
 - Preparing evidence packs and statements when motorists appeal
 - Representing the Council at any Traffic Penalty Tribunal
 - Registering debits against unpaid PCNs
 - Reconciliation of all car parking income
 - Processing car parking permits of elected members, public and staff
 - Dealing with enquiries and complaints from the public
 - Monitoring car parks, ensuring appropriate levels of maintenance are provided and collating management data.
 - Day to day management of car park facilities including the identification and reporting of maintenance requirements.
- Determining the amount of car parking charges and other variations to the Car Parking Orders.

2.2.7 It is very important that the Council provides an efficient and effective off-street car parking enforcement function and that appropriate levels of staffing resource are put in place to undertake this work. Although final details have yet to be finalised the expected cost of carrying out this enforcement work post 1st April 2013 is expected to be in the region of £80,000 per annum.

2.3 Other activities carried out by the Integrated Transport Team

- 2.3.1 Over the last four to five years, the Integrated Transport Team has undertaken a range of additional duties which, whilst being helpful and supportive on many levels, are not strictly speaking mandatory functions which the Council is obliged to provide.
- 2.3.2 These interventions have nonetheless added considerable value to how CBC has interacted with its partners and stakeholders for the general benefit of both residents of and visitors to the town alike.
- 2.3.3 Some of these additional activities are listed below:
- Off-street car park enabling – eg: giving directions, help and advice to the public;
 - Local Transport Plan 3 support and consultation response;
 - Greener travel initiatives;
 - Localised on-street parking schemes – eg: assisting local groups;
 - Cycling and walking initiatives;
 - Planning Applications related to sustainable transport;
 - Local Taxi Forum;
 - Coach friendly town initiative;
 - Local highway network management;
 - Audit inspections – eg: condition of streets and pavements, particularly following utility

repairs;

- Adverse weather support;
- Supporting Cheltenham Development Task Force on local highway schemes;
- Dealing with cruisers;
- Guidance to members;
- Mobility and disability – eg: dropped kerbs;
- Events and festivals – eg: working with partners on major events which have an impact on the highway.

2.3.4 Given the significant financial pressures which the Borough Council currently finds itself under, together with the fact that the above functions are either wholly the responsibility of the Highways Authority, e.g.: GCC, or could be stopped without causing major strategic or operational difficulties; it was felt that each item needed to be supported with detailed background information clarifying the impacts on the Borough Council if they were to cease.

2.3.5 Following receipt of this information several conversations with elected members have taken place and it was concluded that although these activities have added some value in the past they cannot be maintained into the future.

2.3.6 What has however been recognised is that when the Highway Authority do formally consult with the Borough Council in the future on specific local issues relating to highway matters, then officers will need to provide an appropriate response. The Council's Development Task Force, supported by the Urban Design Team may be best placed to arrange such responses. In fact the initial proposed network changes were made public through this route and the junction efficiency trial on St Margaret's Road was also delivered on a joint platform. Given GCC's formal responsibility for highways, the baton passes to them in the New Year with the Task Force and Urban Design team providing support rather than lead.

2.3.7 Given that such instances appear to be very sporadic, and are part of the wider Task Force delivery this is not seen as being overly problematic to manage within existing resource levels. This matter will be resolved as part of recommendation (3) above.

3. Consultation and feedback

3.1 A robust project management approach has been taken in reviewing the Integrated Transport's remit post 1st April 2013, with appropriate internal stakeholders being consulted and involved from project inception. Plans are currently being developed to consult and inform external stakeholders on the services the Council will offer from this date.

3.2 In September 2012 a Project Board was set up to consider the implications of the termination of the on-street parking enforcement agency by Gloucestershire County Council, and to review the retained services currently provided by the Integrated Transport team. To this end, the Project Board's first meeting took place on the 10th September and it has subsequently met six times. The Board includes representation from the following business areas:

- Built Environment, Integrated Transport, One Legal, Finance, Town Centre Management, Commissioning, HR, Public Protection, Customer Services and Project Management.

3.3 The Project Board's principal remit has been to develop, review and cost a matrix of retained services which the Integrated Transport team currently delivers, and to establish what the Council has a statutory duty to deliver, what it delivers in line with current policy and what is purely

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discretionary. The Board also considered ways in which some services within the remit could feasibly be transferred to other service areas, with financial viability as a key consideration. This work has resulted in a draft operating structure for an off-street car parking enforcement service, and other retained services, for consideration by Members at Cabinet on the 15th January 2013.

- 3.4 To support the work of the Project Board the Project Manager has set up an operational group (Project Team) which meets weekly. The team has met seven times to develop a detailed project plan and includes representation from Integrated Transport, Built Environment, HR, IT, Customer Services and, latterly, Communications.
- 3.5 It should also be noted that other ad hoc operational meetings continue to take place outside these meetings.
- 3.6 The workstreams within scope have been categorised, and are best managed from an operational point of view, as follows:
 - On-Street Decommissioning
 - Off-Street Enforcement
 - Retained Organisation
- 3.7 In terms of consultation, there will be a need to inform the public of the changes to on-street enforcement and the virtual permits scheme. The project team is about to commence working with our in-house communications team and the County Council to develop a Communication Plan to address this. The plan will also need to address the different delivery mechanisms, contact and payment points for the proposed in-house off-street car parking enforcement service, so the public are clear on the new processes, and how to pay any parking fines.
- 3.8 Furthermore it will need to communicate any changes to services currently delivered by CBC as a result of Cabinet decisions on 15th January 2013.

4. Community and equality impacts

- 4.1 The Council takes its statutory duties to promote equality of opportunity seriously. The 2010 Equality Act sets out that we must have due regard to the need to advance equality of opportunity between people who share a protected characteristic and those who do not. The groups that share a protected characteristic include those defined by age, ethnicity, disability, religion or belief and sexual orientation.
- 4.2 The Cabinet Member Built Environment and Executive Director will therefore need to be mindful of this statutory duty in their deliberations about the final staffing and operational arrangements.
- 4.3 The community and equality impacts of the three work-streams are as follows:
- 4.4 On-street decommissioning – The council is confident that as part of the contract with Gloucestershire County Council, the new contractor will have to comply with equality obligations in the deployment of the new service.
- 4.5 Off-street enforcement – as there are no changes proposed in this cabinet report into how this service is delivered (as set out in section 2.2), there are no detrimental community or equality impacts.
- 4.6 Retained Organisation – Section 2.3.3 lists a number of areas of activity that are known to have beneficial community or equality impacts:

- The team have made representations as part of the LTP3 process to ensure that mobility and access is improved for all users. This activity has a particular benefit for disabled people and older people.
- The team have been able to ensure that local community groups' views have been considered by GCC as part of the decision-making regarding on-street parking schemes.
- The team provide an early warning system with regard to pavement and highway defects that could provide hazardous to pedestrians and drivers – this activity has a particular benefit for disabled people and older people.
- The team aim to ensure that the highway is free from obstructions and that street furniture / street signs are not hazardous to pedestrians. This activity has a particular benefit for disabled people and older people.
- The team have worked with local trader groups to enable them to act as snow wardens so that they can keep pavements clear of ice and snow. The team also work directly to clear car-parks of snow and ice. This activity has a particular benefit for disabled people and older people.
- The team represent the public's views to GCC about the best location for dropped-kerbs, traffic islands, pedestrian crossing to make sure that all highway users are as safe as possible. This activity has a particular benefit for disabled people and older people.
- The team work with local community groups to ensure that they comply with statutory processes regarding events on the highway.
- The team support greener travel initiatives, cycling and walking initiatives, provide advice on planning applications related to sustainable transport and are also responsible for the development and implementation of the council's own green travel plan. This work makes an important contribution to reducing the impact of both the community and the council on climate change.

Although the final staffing and operational arrangements are not known yet, it is recommended that the beneficial work of the team in the above areas is noted and that consideration is given as to how these work-streams are maintained by CBC, or where this is not possible, some form of mitigation is put in place.

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Appendices	1. Risk Assessment
Background information	

Risk Assessment

Appendix 1

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the three contracts for managing elements of on-street car parking are not co-ordinated or delayed there is a risk that it impacts on service delivery.	G Lewis	December 2012	3	3	9	R	The Borough Council is in a position to continue delivering its off street enforcement service in-house, insulating it from any timescale or contract related slippages which the County Council may experience which might otherwise impact our service provision. CBC can then evaluate the option of calling off services for off-street enforcement from the County's contractor once the contracts are fully operational and without undue pressure on timescales to make a decision.	31 March 2014	Mike Redman	
	If the new county contract arrangements do not allow for the free coning, suspensions and waivers for local events and festivals as well as utilities and other highways related obstructive works then it may impact on the economic viability of such events and ultimately impact on the quality of life for the town.	G Lewis	December 2012	3	4	12	R	Discussions are ongoing with the County with regard to the provision of services such as coning, suspensions and waivers for local events and festivals as well as utilities and other highways related obstructive works.	31 March 2013	Mike Redman	

	If the public are not given sufficient information about the changes and who to contact for what services it could lead to frustration and impact on the reputation of the borough council.	G Lewis	December 2012	3	3	9	R	A communications plan is being developed to signpost the public to the new providers of services and to communicate new processes and procedures for PCN payments, complaints, appeals and determinations etc.	31 March 2013	Mike Redman	
	There is a risk that employees within the service areas choose to leave before their posts are TUPE to the new contractor	G Lewis	December 2012	3	3	9	R	A robust plan to manage the TUPE process is in place, and the timeline and workload is being managed to prevent the loss of valued staff as far as possible.	31 March 2013	Mike Redman	
	There is significant work to be undertaken to ensure that there is a smooth transition to the new contract arrangements and delivery of inhouse retained services. There is a risk that staff who may be identified as at risk of redundancy will be demotivated and may seek employment elsewhere before the transitional plans are completed.	G Lewis	December 2012	3	3	9	R	<p>Consultation will take place regarding the retained organisation and the potential impacts on employees who are not transferring to GCC's chosen contractor. This will take place from January through to March. Key activities for this process are included in the project plan.</p> <p>Staff, who following this process, are identified as being at risk of redundancy will be given support and advice and will be placed on the redeployment list.</p>	31 March 2013	Mike Redman	

Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

Likelihood – how likely is it that the risk will occur on a scale of 1-6

(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close

Guidance

Types of risks could include the following:

- Potential reputation risks from the decision in terms of bad publicity, impact on the community or on partners;
- Financial risks associated with the decision;
- Political risks that the decision might not have cross-party support;
- Environmental risks associated with the decision;
- Potential adverse equality impacts from the decision;
- Capacity risks in terms of the ability of the organisation to ensure the effective delivery of the decision
- Legal risks arising from the decision

Remember to highlight risks which may impact on the strategy and actions which are being followed to deliver the objectives, so that members can identify the need to review objectives, options and decisions on a timely basis should these risks arise.

Risk ref

If the risk is already recorded, note either the corporate risk register or TEN reference

Risk Description

Please use “If xx happens then xx will be the consequence” (cause and effect). For example “If the council’s business continuity planning does not deliver effective responses to the predicted flu pandemic then council services will be significantly impacted.”

Risk owner

Please identify the lead officer who has identified the risk and will be responsible for it.

Risk score

Impact on a scale from 1 to 5 multiplied by likelihood on a scale from 1 to 6. Please see risk [scorecard](#) for more information on how to score a risk

Control

Either: Reduce / Accept / Transfer to 3rd party / Close

Action

There are usually things the council can do to reduce either the likelihood or impact of the risk. Controls may already be in place, such as budget monitoring

or new controls or actions may also be needed.

Responsible officer

Please identify the lead officer who will be responsible for the action to control the risk.

For further guidance, please refer to the [risk management policy](#)

Transferred to risk register

Please ensure that the risk is transferred to a live risk register. This could be a team, divisional or corporate risk register depending on the nature of the risk and what level of objective it is impacting on