

Birmingham City Council

Report to Cabinet

20 April 2021



Subject: Contract Extension - Civil Parking Enforcement Services (P129)

Report of: Acting Director Inclusive Growth

Relevant Cabinet Member: Councillor Waseem Zaffar – Transport and Environment
Councillor Tristan Chatfield – Finance and Resources

Relevant O & S Chair(s): Councillor Liz Clements, Chair of Sustainability and Transport Overview and Scrutiny Committee
Councillor Sir Albert Bore, Chair of Resources Overview and Scrutiny Committee

Report author: Stacey Ryans, Parking Services Manager,
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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 008616/2021		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Exempt Appendix 2: Item 3 Information relating to the financial or business affairs of any particular person (including the council)		

1 Executive Summary

- 1.1 To seek approval to extend the current contract with NSL Services Ltd for Civil Parking Enforcement Services (including Vehicle Removals) and for Traffic Regulation Order (TRO) Support for the period 1st February 2022 to 31st January 2023 as an amendment to contract within the scope of regulation 72 of the Public Contracts Regulations 2015.
- 1.2 The reasons for the proposed extension are due to the impact of Covid-19 and the uncertainty regarding the future, together with the need to remain in a strong position to maintain contract stability to deliver the enforcement requirements associated with the Commonwealth Games Summer 2022. Also, sufficient time needs to be allowed to complete the re-commissioning process, which would include the work to review and update the service specification. Re-commissioning activity for a service of this size and nature typically takes between 14-18 months as illustrated below.

Preparatory Work for Tender	Aug 2021-May 2022
Cabinet Approval (Strategy)	Jun-22
OJEU Notice Issued	Jun-22
Tender Response Period	Jul-Aug-22
Evaluation Period	Sep-22
Cabinet Approval (Award)	Oct-22
Contract(s) Award	Oct-22
Mobilisation Period (3 months)	Nov-22 to Jan-23
Contract(s) Start	1 st February 2023

- 1.3 In addition, it is expected that local authorities will be given the powers to enforce moving traffic offences within the next 12-18 months and by delaying the re-procurement until this is the case, the contract specification can be modified accordingly for the replacement enforcement contract.

2 Recommendations

- 2.1 Approves the extension of the contract for the provision of Civil Parking Enforcement Services (including Vehicle Removals) and for Traffic Regulation Order (TRO) Support to NSL Services Ltd, commencing 1st February 2022 for a period of 12 months to 31st January 2023. The estimated annual value is £2.7m and will be funded as part of the costs of enforcement from income generated from enforcement activities.
- 2.2 Notes the risks and mitigations set out in Exempt Appendix 2.
- 2.3 Authorises the City Solicitor (or their delegate) to execute and complete all necessary legal documents to give effect to 2.1.

3 Background

- 3.1 The Council successfully applied for a designation order and adopted the powers contained within the Road Traffic Act 1991; superseded by the Traffic Management Act 2004 (Part 6) to undertake civil parking enforcement, and a vehicle removals operation in Birmingham, with effect from September 2001.

Therefore, the Council has a statutory obligation to enforce the parking restrictions in Birmingham.

- 3.2 The contract award for the provision of Civil Parking Enforcement Services (including vehicle removals and Traffic Regulation Order support) by NSL Services Ltd was approved by Cabinet on 8th December 2014. The contract set out an initial term of five years to 31st January 2020 with the option to extend for a further two years. The Acting Director, Inclusive Growth approved the option to extend for the period to 31st January 2022 by delegated approval on 27th November 2019.
- 3.3 It is proposed to extend the contract, by 12 months to 31st January 2023, as a consequence of the impact of Covid-19 and the uncertainty regarding the future, together with the need to maintain contract stability to deliver enforcement requirements for the Commonwealth Games Summer 2022.
- 3.4 Since the award of this contract, NSL Services Ltd has provided a good service in accordance with contractual requirements. Based on this position it is recommended that the contract is further extended.
- 3.5 It is anticipated that the re-commissioning strategy for replacement service delivery will be presented to Cabinet in Spring/Summer of 2022.

4 Options Considered and Recommended Proposal

- 4.1 If the contract is not extended, it will expire as there is insufficient time to complete the procurement activity for a new tender. As such, there will be no provision to continue to deliver enforcement services which would have a major negative impact on the traffic network and would jeopardise the safety of the public.
- 4.2 If the contract is extended, it will allow the continued ability to deliver enforcement services whilst work takes place to prepare for a new tender.

5 Consultation

- 5.1 Discussions have been held with NSL Services Ltd regarding the potential contract extension.

6 Risk Management

- 6.1 The risks associated with this contract extension are set out within the Exempt Appendix 2.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 This contract will support the following objectives of the Council:

Birmingham is an entrepreneurial city to learn, work and invest in.

Priority 4:- We will develop our transport infrastructure, keep the city moving through walking, cycling and improved public transport.

- the provision of a high-quality parking enforcement service contributes towards achieving the strategic outcomes of improved traffic management and more reliable public transport.
- the parking enforcement operation assists with improving traffic flow and reliability of journey times by tackling and deterring illegal parking, improving the image of local neighbourhoods.
- By helping to ensure that the road network is kept clear of obstructions to the free flow of vehicle traffic, the parking enforcement and vehicle removal operation both contribute towards tackling the causes of traffic congestion and reducing delays to public transport.

Birmingham is a great city to live in.

Priority 4:-We will improve the environment and tackle air pollution.

- by deterring illegal parking, the parking enforcement service helps to reduce traffic pollution caused by congestion.

Priority 5:- We will work with partners to ensure everyone feels safe in their daily lives.

- the activities of the parking enforcement service provide a visible uniformed presence and help to make the streets safer for pedestrians by tackling illegal obstructive parking and enforcing against illegal parking around schools.
- the parking enforcement service will respond to instances of illegal parking identified by local residents.

7.1.2 Birmingham Business Charter for Social Responsibility (BBC4SR)

NSL Services Ltd has signed up to and has adopted the principles of the Birmingham Business Charter for Social Responsibility. Delivery of this will continue during this extension term.

7.2 Legal Implications

- 7.2.1 The authority for the Council to undertake Civil Parking Enforcement is provided in the Statutory Instrument No. 2883 entitled the Road Traffic (Permitted Parking Area and Special Parking Area) (City of Birmingham) Order 2001 made under the provisions for the Road Traffic Act 1991; superseded by Part 6 Traffic Management Act (TMA) 2004 (TMA).
- 7.2.2 Powers to undertake aspects of the vehicle removal function are provided through the Refuse Disposal (Amenity) Act 1978, the Road Traffic Regulation Act 1984, the Removal and Disposal of Vehicles Regulations 1986, the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008 and the Clean Neighbourhoods and Environment Act 2005.

7.2.3 Traffic Regulation Orders (TROs) are implemented by virtue of the Road Traffic Regulation Act 1984.

7.3 Financial Implications

7.3.1 Under the proposed contract extension the costs of provision will continue to consist of a fixed element for core services and a variable element for flexibility of deployed hours for Civil Enforcement Officers.

7.3.2 The variable costs will continue to be subject to increase/decrease in line with the fluctuation clause in the contract that is based on any change in Retail Price Index.

7.3.3 The estimated annual value of the contract extension is £2.7m based on existing levels of enforcement expenditure including Bus Lane enforcement. This will be funded as part of the costs of enforcement from income generated from enforcement activities.

7.4 Procurement Implications

7.4.1 Publication of Contract Modification Notice

As the Council is seeking to modify a contract within the scope of regulation 72(1)(c) of the Public Contracts Regulations 2015 a transparency requirement applies. This means that the Council is required to publish a contract modification notice in the Official Journal of the European Union (OJEU) and Find a Tender Service setting out the nature and extent of the modifications.

7.4.2 Service Delivery and Performance Management

This contract will continue to be managed operationally and commercially by the Parking Services Manager, Highways and Infrastructure, with support from Corporate Procurement Services.

7.5 Human Resources Implications (if required)

7.5.1 None

7.6 Public Sector Equality Duty

7.6.1 The requirements of Standing Order No. 9 in respect of the Council's Equal Opportunities Policy have been incorporated into the contract.

7.6.2 The requirements of the Equality Act 2010 have been specifically included in the contract to comply with the Act.

7.6.3 A stage 1 Equalities Report (EAR) was carried out as part of the Tender Strategy for Civil Parking Enforcement Services (P129) report which did not identify any adverse equalities implications within the service which is subject of procurement and therefore was not necessary to progress to a Stage 2. This has been reviewed and nothing has changed since (Appendix 1).

8 List of Appendices accompanying this Report (if any):

8.1 Appendix 1 Equalities Analysis

8.2 Exempt Appendix 2

9 Background Documents

9.1 Tender Strategy for Civil Parking Enforcement Services (P129) – Public Report
14th July 2014.

9.2 Contract Award for Civil Parking Enforcement Services (P129) - Public Report,
8th December 2014.

Parking Services Equality Analysis

INITIAL SCREENING – STAGE 1

As a public authority we need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Full EINA/EQUALITY ANALYSIS is required.

Name of policy, strategy or function: Highways – Parking Services (Overarching Equality Assessment covering Parking Service Function)	Ref: EC 04 12 PA
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Responsible Officer: Jamie Davies Directorate: Environment & Culture	Role: Chairperson of EINA/EQUALITY ANALYSIS Task Group Assessment Date: 4 th April 2012
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Is this a: Policy <input type="checkbox"/> Strategy <input type="checkbox"/> Function <input checked="" type="checkbox"/> Service <input checked="" type="checkbox"/>
Is this: New or Proposed <input type="checkbox"/> Already exists and is being reviewed <input checked="" type="checkbox"/> Is Changing <input type="checkbox"/>

1. What are the main aims, objectives of the policy, strategy, function or service and the intended outcomes and who is likely to benefit from it

The Parking Service is a key service provision within Highways and is headed by the Traffic Manager, as required by the Traffic Management Act 2004. The Traffic Manager has responsibility for securing the expeditious movement of traffic on the highway network within Birmingham. The Traffic Manager and his team are responsible directly for all on-street parking, BCC off-street parking facilities in the city centre core area, and has an overview for the remainder of the BCC parking service within the City. Key parking functions are:

- Effective management the City Council's car parking Service.
- Enforcement /implementation of the Traffic Management Act 2004 (Road Traffic Act 1991).
- Managing / reducing congestion
- Compliance with and contribution to the City Council's traffic management and congestion management duty and responsibilities.
- Compliance with the legislation controlling the processing of Penalty Charge Notices.
- Liaising with Emergency Services, Highways Agency and other Traffic Authorities, Statutory undertakers, Public Transport providers, stakeholder groups and highway users.
- Resolving issues affecting disabled users, businesses, faith and religious organisations and taking into account equality issues.
- Manage and maintain the provision of Traffic Regulation Orders.
- The effective management of the delivery of capital parking improvement schemes/initiatives and managing the associated parking revenue budgets
- Compliance with and contribution to the City Council's traffic management and congestion management duty and responsibilities.
- Compliance with the legislation controlling the processing of Penalty Charge Notices.

Outcomes of the Service provision and function:

- High Level of compliance with the Parking Regulations throughout the City resulting in effective traffic flow.
- Effective processing of Penalty Charge Notices.
- The expeditious movement of traffic to facilitate predictable, reliable journey times.
- Minimise congestion and unexpected delays to traffic flow.
- Improve the effective operation of a balanced Transportation Policy
- Input to changes in the design of the highway layout and traffic regulations to take into account the particular requirements of specific highway users.
- Ensure Traffic regulation Orders are managed and maintained to facilitate effective enforcement of traffic regulations.
- Meet statutory obligations in accordance with relevant legislation. The key objectives are derived from the National/ West Midland Local Transport Plan.
National objectives: reduce congestion, improve accessibility, improve air quality, improve road safety.

Local objectives: economic revitalisation, improve safety and health, contribute to social inclusion, improve transport integration, promote sustainable development and growth.

Beneficiaries are a wide range of customer groups that benefit from this function. They include

- the general public,
- parent groups,
- businesses and trading associations,

- road user groups,
- people with mobility difficulties e.g. Blue badge Holders requiring use of designated Blue Badge bays,
- public transport bodies.

2. Explain how the main aims of the policy, strategy, function or service will support the Equality Duties?

1. Eliminate discrimination, harassment and victimisation? ☒
2. Advance equality of opportunity? ☒
3. Foster good relations? ☒
4. Promote positive attitudes towards disabled people? ☒
5. Encourage participation of disabled people? ☒
6. Consider more favourable treatment of disabled people? ☒

There is **no potential adverse** impact on equality as a result of delivery of this service / function and the explanation (with examples) in support of each equality duty is given below:

1. Eliminate discrimination, harassment and victimisation

Parking services and associated initiatives are developed not only to serve any one type of stakeholder but their scope is wide ranged to deliver benefits to all protected characteristics of equality. Parking Services fully supports the requirements that need to be met as part of the equality duty e.g. enforcement of blue badge system to prevent abuse, enforcement of use of blue badge parking bays, provision of disabled parking bays both on and off-street bays.

2. Advance Equality of Opportunity

In undertaking changes and initiatives with in the Parking Service, where there are specific equality or disability issues the scheme design can be submitted to the Access Committee who can use their expertise to check designs and provide advice on design standards to ensure disability and equality considerations are fully taken into account in developing the final scheme design. All proposed changes to Traffic Regulation Orders which are associated with Parking changes are sent to the Access Committee inviting comment.

3. Foster Good Relations

Good relations between various groups in the community are fostered by supporting particular community events. E.g. assisting with parking suspensions for community events. The activity would help to foster good relations in respect of Blue Badge holders as we issue Penalty Charge Notices to those using designated Blue Badge bays who are not badge holders/not displaying a badge.

4. Promote Positive attitudes towards Disabled People.

Parking Services seeks to promote positive attitudes towards disabled people by commenting on highway improvement designs. Issues promoted include provision of appropriate footway width, unobstructed footways (including decluttering schemes), provision of pedestrian crossings where appropriate with

appropriate tactile paving /buttons and audible signals for blind and visually impaired, provision of tactile paving at uncontrolled footway crossings. Provision of appropriate disabled parking bays. Provision of disabled bay markings outside residential premises. Implementing pilot scheme to ban parking on footways and verges

5. Encourage participation of disabled people.

All proposed changes to Traffic Regulation Orders associated with Parking changes are sent to the Access Committee for comment. Frontagers and any identified interest groups are contacted to seek their views on the proposals. Where relevant works promoters must submit their proposals to Parking Services for checks on scheme design to ensure access issues have been taken into account in the scheme design. Good highway design standards will assist people with mobility difficulties to be move in the public realm and be more active in the community.

A representative of the Traffic Manager regularly attends the Access Committee to pass on information about future events, works and highway changes and to take on board concerns raised in connection with disability access. We also encourage participation of disabled people as more favourable treatment is given to disabled people who hold a Blue Badge. They are provided with designated bays on street and they can also use the City Council's Pay and Display car parks without having to purchase a ticket if they display their badge.

6. Consider more favourable treatment of disabled people

The provision of advisory residential disabled parking bays outside homes of people with disability mobility issues is carried out to recognise that people with specific mobility requirements may require favourable treatment to assist some citizens in fully integrating into the community and taking advantage of local facilities. The provision of appropriate regulatory disabled parking bays in shopping centres in advantageous favourable locations can also assist people with particular mobility requirements to use facilities and promote social inclusion.

3. Does your policy, strategy, function or service affect:

Service users	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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Employees	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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Wider community	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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Please provide an explanation for your 'Yes' or 'No' answer

As service users, employees and the wider community all have access to the public highway; any changes made will have some form of effect on service users, employees and the wider community. The wider community derives benefits from the service through our effective enforcement strategy e.g. they can find parking space more easily, more efficient traffic flow and safer community by reducing abuse of parking restrictions that could cause accidents to motorists/pedestrians.

However, the affect is **not adverse**. Through the effective commitment, engagement, consultation and monitoring processes, the adverse effect is quantified and then control measures are put in place to minimise its affect.

4. Are there any aspects of the policy, strategy, function or service, including how it is delivered, or accessed, that could contribute to inequality? (including direct or indirect discrimination to service users or employees)

Yes ☐

No ☒

Please provide an explanation for your 'Yes' or 'No' answer

There will be **no direct or indirect discrimination** to service users or employees.

In undertaking changes to the Parking service or new initiatives, officers are required to demonstrate that they have identified and allocated sufficient resources to meet the implications they are changing. There is no proposed change to this protocol. If the potential for an adverse impact is identified during consultation, an alternative measure will be investigated and, where possible, be incorporated into the design. In all instances, no scheme would be implemented if it did not meet scheme objectives and provide an overall improvement over existing conditions. Achieving those objectives should have a direct and positive impact on equalities

5. Will the policy, strategy, function or service, have a adverse (negative) impact upon the lives of people, including employees and service users?

Yes ☐

No ☒

Please provide an explanation for your 'Yes' or 'No' answer

Delivery of this service and function **will not have an adverse impact** on the lives of people or service users, as any adverse effects would be highlighted and dealt with as part of the early engagement and consultation process for each proposed scheme.

The decisions taken will ensure that equality requirements are assessed and any funding implications are clearly determined. This will ensure that resources are available to ensure that highway infrastructure is maintained to an appropriate professional and technical standard to serve all forms of equality strands.

6. Is an Equality Impact Needs Assessment/Equality Analysis required?

If your answer to question 2 has identified potential adverse impact and you have answered '**yes**' to any of the following questions 3, 4, or 5, then you should carry out a Full EINA/EQUALITY ANALYSIS.

Does the Policy, Strategy, Function or Service require a Full EINA/EQUALITY ANALYSIS? **Yes** ☐ **No** ☒

If a Full EINA/EQUALITY ANALYSIS is required, before proceeding you should discuss the scope of the assessment with service managers in your service area as well as the Directorate EINA/EQUALITY ANALYSIS Contact Officer.

If a Full EINA/EQUALITY ANALYSIS is Not required, please sign the declaration below and forward a copy of the Initial Screening to your Directorate EINA/EQUALITY ANALYSIS Contact Officer

DECLARATION

A Full EINA/EQUALITY ANALYSIS is not required, the Initial Screening has demonstrated that the Policy, Strategy, Function or Service is robust; there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.

Chairperson: Jamie Davies

Summary statement:

Sign-off Date: 4th April 2012

I have reviewed the initial screening - Stage 1 analysis and concur that it represents the consideration of the Task Group. This demonstrates that the commitment, engagement, consultation and monitoring processes are considered sufficiently robust to eliminate any potential for discrimination or adverse impact as a result of delivering the Parking function and the implementation of initiatives, changes and improvements by Parking Services

Quality check: The screening document has been checked using the agreed audit arrangements in the Directorate:

<p>Name: (Officer/Group carrying out the Quality Check)</p> <p>Lesley Ariss</p> <p>Directorate:</p> <p>Environment and Culture (now known as Local Services Directorate).</p> <p>Contact number:</p> <p>303 9121</p>	<p>Date undertaken:</p> <p>12 April 2012</p>	<p>Screening review statement:</p> <p>The service have advised that they give due regard and consider all relevant groups.</p> <p>There is no change to the service and I confirm there is no requirement to proceed to a Full Eina.</p> <p>I suggest that stakeholders details are included in the Task Group list as we are required to show that we have included these in the review of the service.</p>
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EINA/EQUALITY ANALYSIS Task Group Members

<u>Name</u>	<u>Role on Task Group</u> (e.g. service user, manager or service specialist)	<u>Contact Number</u>
1. Jamie Davies	Chairperson	0121 303 7189
2. Kevin Hicks	Manager	0121 303 7679
3. Bob Wilde	Service Specialist	0121 303 6421
4. Sue Cartwright	Service Specialist	0121 303 7871
5. Stacey Ryans	Service Specialist	0121 303 6427