



# London Borough of Hammersmith & Fulham

CABINET

6 JANUARY 2014

## HOUSING REVENUE ACCOUNT PARKING UPDATE

**Report of the Cabinet Member for Housing- Councillor Andrew Johnson; and the Cabinet Member for Transport and Technical Services – Councillor Victoria Brocklebank-Fowler**

### Open Report

**Classification** - For Decision

**Key Decision:** Yes

**Wards Affected:** All

**Accountable Executive Director:** : Melbourne Barrett Executive Director of Housing and Regeneration; Nigel Pallace Executive Director of Transport and Technical Services

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## 1. EXECUTIVE SUMMARY

- 1.1. This reports sets out the need for a full appraisal of the best options for parking enforcement on the HRA housing estates. It asks for agreement for expenditure to use consultants for this review and for agreement to implement interim parking enforcement arrangements while the review takes place. The timetable to procure a contract is set out in Appendix 2 of this report. In accordance with our procedures, the earliest the contract could start is 10 June 2014.
- 1.2. The contract to manage parking on HRA estates was terminated on 1 October 2012, as already reported to Cabinet in a report on parking and garages on HRA land in June 2013.
- 1.3. Currently, there are no parking enforcement arrangements on HRA housing estates and this is now becoming an issue for many residents who are unable to park because of unauthorised parking.
- 1.4. The latest advice from the London Councils is to enforce parking on HRA housing estates through Traffic Management Orders so that Penalty

Charge Notices (PCNs) can be issued. The Council has the lawful authority to collect PCN fines from the registered keeper of the vehicle and they are easy to enforce with the ability to obtain court warrants and cost recovery through bailiff action if necessary. The alternative is to use a private contractor to issue Parking Charge Tickets, although enforcement of these is weaker.

- 1.5. Each estate is different and one solution may not be appropriate for all 91 HRA housing sites. There are also key financial and legal issues that need to be explored to ensure the correct approach is recommended to Cabinet.

## **2. RECOMMENDATIONS**

- 2.1. That approval be given to appoint consultants from Transport and Technical Services' Term Contractors (either Opus or Project Centre) to review the most appropriate option for parking control on each of the 91 HRA sites and delivery of the proposed scope as listed in Appendix 1, at an estimated cost of £176,000 which will be funded from HRA general reserves.
- 2.2. To note that a procurement exercise is currently being undertaken to procure an interim parking management contract, the cost of which is to be funded from within current budgets.
- 2.3. That the decision to award the interim parking management contract be delegated to The Cabinet Member for Housing in conjunction with the Executive Director of Housing and Regeneration (HRD) and the Executive Director Transport and Technical Services (TTS).

## **3. REASONS FOR DECISION**

- 3.1. To ensure there is suitable parking management and enforcement on the Council's housing land, both in the long term and on an interim basis.

## **4. INTRODUCTION AND BACKGROUND**

- 4.1. Cabinet considered a report on parking and garages on 24th June 2013, noting the outcome of consultation on parking arrangements; and that a review of parking arrangements was ongoing with Transport and Technical Services (TTS) following the change in legislation that stopped towing and clamping on HRA land.
- 4.2. Currently, there are no parking enforcement arrangements on the 91 estates that either have parking facilities or have issues with unauthorised parking following the termination of the Housing parking management contract. The lack of enforcement is now causing problems for residents

with parking permits being unable to park, resulting in increasing complaints about parking.

- 4.3. It was reported to Cabinet that those who responded to the consultation supported enforcement of parking on HRA estates, but there was less support for paying for this. Cabinet agreed the concept that all those who wished to park on HRA land must be prepared to pay a reasonable annual fee to do so, consistent with good management of parking space and any necessary enforcement. The HRA needs to balance income and expenditure and therefore it is equitable that the cost of services provided should be paid for by those that use and benefit from them.
- 4.4. It was reported to Cabinet on 24 June 2013 that a suitable parking solution for Hammersmith and Fulham estates still required further work and may require the implementation of a single or, more likely, mixed approach. A joint working group was set up between HRD and TTS whose in-house expertise in parking matters could be used to investigate and report back on the best way forward.
- 4.5. The joint working party has concluded that in order to provide a long term and viable solution for parking enforcement it will be necessary to review the most appropriate option for parking control on each of the 91 HRA sites. Because TTS already has a significant programme underway with finite staff resources and this additional and very substantial review is required as soon as possible, it recommended that a consultant is appointed to undertake this work.
- 4.6. The brief and scope for the appointment of a consultant would be written and agreed jointly by HRD and TTS. The engagement and clienting of the consultant/s would be undertaken by TTS as the technical expert and the funding would be the responsibility of HRD and paid from the HRA.
- 4.7. The estimated cost of this to the HRA is £176,000. Details of the scope of the work and time required for the main tasks are provided in Appendix 1.
- 4.8. The consultant's full review and recommendations are likely to take around 18 months and then will be reported back to Cabinet.
- 4.9. The joint working party has also proposed that in order to alleviate the current parking issues on HRA Estates, interim control arrangements are put in place while the review is taking place. This interim arrangement would be a ticket based enforcement contract delivered by a private contractor.

## **5. PROPOSAL AND ISSUES**

- 5.1. Cabinet agreed on 24th June 2013 the concept that all those that wish to park on HRA housing estates land must pay an annual flat fee to do so. In line with Council policy and the MTFs programme, all services provided

should be self-financing. An overwhelming majority of residents who responded to the parking consultation want a parking enforcement service.

- 5.2. Currently, some residents are paying to park and others are parking free of charge. The contract to enforce parking arrangements was terminated on 1 October 2012, because the Protection of Freedom Act (POFA) which came into force on that date outlawed the towing or clamping of vehicles parked without authorisation. Many residents who currently pay to park are unhappy because they are unable to use their parking bays due to unauthorised parking and the lack of enforcement.
- 5.3. Both HRD and TTS are of the opinion that the appointment of a consultant and procurement of an interim ticketing contract by a private contractor is the best way forward at this time.
- 5.4. Because of the size, layout and location of each estate, a single solution is not practicable.
- 5.5. In addition there are financial issues about the distribution of income and expenditure that require consideration on an estate by estate basis.
- 5.6. Because of the complexity of financial, legal and operational issues involved, agreement is sought to engage consultants to advise on the most appropriate solution for parking enforcement on each of the 91 estates with parking facilities or where unauthorised parking is an issue, and to cost and prioritise the implementation of the solutions. This work will also take into consideration any design issues and statutory consultation.
- 5.7. It is advised by TTS that the process to recruit consultants, carry out surveys and assess the best solutions and then to design and implement TMO, where these are recommended, will take a minimum of 18 months to implement on the first 2-3 priority estates.

## **6. OPTIONS AND ANALYSIS OF OPTIONS**

- 6.1. The Cabinet report of 24 June 2013 reported on a number of options for car parking. Further appraisal of these options is required to assess viability and appropriateness in relation to consultation feedback and would be undertaken by the consultant. It was recommended in this report that the option of retaining the current arrangements of no enforcement is not sustainable in the long term.
- 6.2. It is recognised that the minimum timescale to get the first 2-3 priority estates established with enforcement under a TMO is 18 months. This timescale is too long a period to continue to allow uncontrolled parking on HRA estates. To manage the risks associated with this, it is therefore envisaged that interim arrangements are put in place to manage parking. This would involve the procurement of an interim ticketing contract by a private contractor.

6.3. The full analysis of the options and costs arising from the review and the consultant's report, will be brought to a future Cabinet meeting.

6.4. **Interim parking enforcement arrangements for HRA land**

6.4.1. Parking enforcement on private land, such as housing estates, is unregulated and relies on the laws of contract and trespass. If drivers park their vehicle on private land they are deemed to have accepted the parking terms and sanctions that apply, meaning if they were to park without a valid permit they would be issued with a ticket and a fine. Private landowners must clearly sign the conditions for parking and the sanctions.

6.4.2. The POFA places a duty on the keeper to identify the driver so that the breach of contract can be successfully pursued. If the driver cannot be identified the keeper becomes liable for any charges due as a result of that breach of contract. However the POFA excluded local authorities from seeking redress from the registered keeper of the vehicle for fines incurred and gave local authorities the power to pursue only the driver of the vehicle. While this does not provide a long term solution, as identification of the driver may not be practicable and therefore enforcement would be less effective, it would nevertheless provide some deterrent to unauthorised parking in the interim period before the consultant's recommendations can be implemented.

6.4.3. Vehicle owners must be able to use an Independent Appeals Service. The London Councils in conjunction with the British Parking Association (BPA) have set up and funded POPLA - Parking on Private Land Appeals service. It is the Council's intention to procure a BPA registered operator.

6.4.4. Under the proposed interim parking enforcement contract it is anticipated that the contractor will undertake the following activities on behalf of the Council:

- Assisting the Council with mobilising the interim parking arrangements, including writing to all residents informing them of the timetable for implementation, the application process and the parking arrangements and restrictions that apply to their estate.
- Input into the signing and lining of estate roads and parking spaces.
- Issuing permits once officers have supplied them with details of residents that are eligible, based on the Council's criteria.
- Collecting permit income on behalf of the Council and being paid a fee for each permit issued.
- Patrolling the estates, monitoring compliance with the agreed parking conditions.

- Issuing tickets to vehicles/drivers that do not comply with the parking conditions – i.e. parking without a permit or in an area not designated for parking.
- Where practicable, recovering fine income from the vehicle driver on the Council's behalf. A percentage of the fine income will be paid back to the contractor as a fee for their services; the percentage will be dependent on their bid.

6.4.5 The timetable to procure a contract is set out in Appendix 2 of this report. In accordance with our procedures, the earliest the contract could start is 10/06/14.

## **7. CONSULTATION**

- 7.1. Consultation regarding parking on HRA estates was conducted during December 2012 and January 2013 and was in compliance with the statutory requirements placed upon the Council under s105 of the Housing Act 1985.
- 7.2. The outcome of the consultation was reported to Cabinet on 24 June 2013. It was reported that a majority of residents who responded wanted an enforcement service but did not want to pay; two estates were asked if they wanted to become part of the local CPZ and the majority of those that responded did not agree with the proposal.

## **8. EQUALITY IMPLICATIONS**

- 8.1. An EIA was provided to Cabinet In June 2013 regarding the parking and garages recommendations. There are no new equality implications arising from the recommendations in this report.

## **9. LEGAL IMPLICATIONS**

- 9.1. The Regulation and control of the parking of vehicles on housing estates is part of the proper functions of a local authority in managing a housing estate under the Housing Act 1985 s.21(1). In addition, or alternatively ,it is conducive or incidental to a local authority's management of the houses of the estates within the Local Government Act 1972 s111.
- 9.2. Implications verified/completed by: Janette Mullins, Head of Litigation, telephone: 020 8753 2744 and Lindsey Le Masurier Solicitor (Planning, Highways & Licensing), Legal Services, telephone: 020 7361 2118.

- 9.3. Legal Services are available to provide ongoing advice and assistance in relation to the procurement process to ensure compliance with the Council's Constitution and the Public Contracts Regulations 2006.
- 9.4. It is essential that the necessary contract documentation is in place and the relevant procedures are followed once the contract is awarded.
- 9.5. Implications verified/completed by: Kar-Yee Chan, Solicitor, 020 8753 2772.

## **10. FINANCIAL AND RESOURCES IMPLICATIONS**

- 10.1. This report is seeking funding of £176,000 from HRA general reserves. The figure being sought can be broken down as:
- £88,000 for the employment of an external contractor, to:
    - provide recommendations on the best option for parking control on each estate and regular updates to HRD and TTS on progress
    - provide outline costing for the implementation of TMO's if appropriate on the 91 estates
    - provide a timetable for implementation of TMOs
    - provide advice on design for estate parking for Hidden Homes programme, Housing Improvement Programmes and Housing Improvement Project.
  - £44,000 estimate to carry out a parking stress survey to inform the recommendations.
  - £22,000 estimate to provide detailed designs and costing (including CAD design, and other planning design work) for the first phase of TMO's.
  - £22,000 estimate to carry out consultations on parking proposals on the first phase of TMO's (printing costs, design, postage and exhibitions) and to dealing with all correspondence.
- 10.2. The £176,000 will need to be funded from HRA General reserves in 2013/14 and appropriate provision will need to be made in the 2014/15 budgets should this report be approved. It should be noted at this point that these costs are only for the pre design stage. Should it be deemed that the schemes designed are acceptable, funding for implementation will need to be sought through another Cabinet decision.
- 10.3. To be able to proceed with a clear understanding in regard to finance, it is essential to set out the financial principles of any parking arrangement that

may be implemented in the future. These are that income and expenditure from the issue of PCNs and permits will be accounted for in accordance with:

- The Road Traffic Regulation Act 1984 (Section 55 of which governs what the surplus from on street parking and on and off street parking enforcement can be spent on); and
- The statutory HRA ring fence which was introduced by Part IV of the Local Government and Housing Act 1989 where the land concerned is held within the HRA. This means that income and expenditure associated with HRA land must be accounted for within the HRA.

- 10.4. Further advice is being taken on the technical details.
- 10.5. The cost of procuring an interim parking management contract can be funded from the current HRA parking budgets. Any interim contract management arrangements are expected to be cost neutral to the HRA.
- 10.6. Permit fees will be set to reflect those for residents who have highway parking permits.
- 10.7. Implications verified/completed by: Kath Corbett, Director, Finance and Resources, Housing and Regeneration in conjunction with Mark Jones Director for Finance and Resources, Transport and Technical Services Department, Environment, Leisure and Residents Services Department, telephone: 020 8753 3031 and 020 8753 6700.

## **11. RISK MANAGEMENT**

- 11.1. A risk register has been prepared, to be managed within the project. This can also accommodate and escalate any emerging risks and issues as they arise.
- 11.2. Management of risk is an active process, managed from business case to procurement of the project, mobilisation and on-going performance of the successful contractor. In addition, ongoing risk of the implementation of Traffic Management Orders will be managed at regular meetings with TTS.
- 11.3. The Project is noted on the department's overall risk register and has been discussed with the Risk Manager.
- 11.4. Implications verified/completed by: Michael Sloniowski, Principal Consultant Risk Management, telephone 020 8753 2587.



## **12. PROCUREMENT AND IT STRATEGY IMPLICATIONS**

- 12.1. Due to the value of the proposed interim parking contract, the appropriate OJEU procurement processes as defined under the Public Contracts Regulations 2006 (as amended) and the Council's Contract Standing Orders will be undertaken.
- 12.2. Implications verified and completed by: (Robert Hillman, Procurement Consultant (projects) telephone 020 8753 1538)

### **LOCAL GOVERNMENT ACT 2000**

#### **LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

<b>No</b>	<b>Description of Background Papers</b>	<b>Name/Ext of holder of file/copy</b>	<b>Department / Location</b>
1.	None		

#### **LIST OF APPENDICES:**

**Appendix 1: Draft Timescales of appointment and management by TTS of consultants**

**Appendix 2: Draft timescales for procuring an interim parking management contract**

**Appendix 3: List of 91 HRA Housing Sites**

**Appendix 4 – Draft Parking Risk Management**

**Appendix 1: Draft Timescales of appointment and management by  
TTS of consultants**

	<b>Action</b>	<b>Timescales</b>
Upon commencement	Begin initial site visits and background research	1-2 months
Commission parking stress surveys	Organising the surveyors to conduct parking stress surveys of estates:  - Organising the data and prioritising programme of works	2-6 months (depending on number of estates)
Conduct details reviews into existing legislation	Examining planning conditions/applications and conflicts of interest with any proposed schemes.  - Checking records for private land	1-2 months
Compile data and site visits to create report	Creating a report for HRA based on recommendations for a certain number of estates and seeking approval	1-2 weeks
Formulate recommendations	Begin the initial review of estates based on survey date, information from residents/stakeholders and other sources (such as information attached in Appendix 3), drafting proposed options for each Estate based on information:  - could be produced in batches	Each batch 2-3 months
Upon approval of recommendations	Begin the design of for each estate  - requires stats and utilities surveys  - produce detailed designs of each estate	2 months to produce 2-3 designs
Upon approval of designs	Implementation of designs and organising contractors  - Including the creation of TMOs  - Checking physical site works	Minimum 3 months

**Appendix 2: Draft timescales for procuring an interim parking management contract**

<b>Action</b>	<b>Timescale</b>	<b>End date</b>
Set up tender evaluation panel and meeting dates	7 days	6/11/13
Draft documents and specification e.g. <ul style="list-style-type: none"> <li>• ITT</li> <li>• Contract conditions</li> <li>• Information sharing document</li> </ul>	4 weeks	04/12/13
Get sign-off of documents by Tender Appraisal Project Team (TAPT) including Legal and procurement	7 days	11/12/13
Draft OJEU advert	7 days	18/12/13
Get sign off documents from Exec Directors	7 days from 11/12/13	18/12/13
Issue advert & invite interest	2 days	20/12/13
Wait 55 days to deadline for return of tenders including 10 days for contractors queries	55 days	13/02/14
Evaluate outline questionnaires and reject failures	3 working days	18/02/14
Evaluate remaining bids	7 days	25/02/14
TAPT to recommend contract award	3 working days	28/02/14
Cabinet Member for HRD and Exec Directors to award contract	7 days	07/03/14
Cooling off period	10 days	17/03/14
Publish contract award	1 day	18/03/14
Mobilise contract	12 weeks	18/03/14 - 10/06/14

### Appendix 3: List of 91 HRA Housing Sites

	<b>Estate</b>	<b>No. Properties</b>	<b>No. marked bays</b>
<b>NORTH Ward 1</b>	Wood Lane	140	45
	Rosewood Sq.	28	0
	Woodman Mews	54	29
<b>Ward 2</b>	Askham Court	56	3
	Lugard House	31	4
	Wengham, Hayter & Orwell	52	0
	Wormholt	316	2
<b>Ward 3</b>	Edward Woods Estate	754	132
	Frithville Gardens	54	3
	William Church Estate	116	64
	Aldine Court	49	0
	Clifton House Uxbridge Road	30	0
<b>Ward 4</b>	Emyln Gardens	246	51
	Kelmscott Gardens	82	39
	Becklow Gardens	245	46
	Malvern & Landor Ct	62	7
	Hayden Park Road 67-106	35	14
	94-108 Coningham & Stowe Road 70-100	35	10
	128-158 Coningham	12	8
	The Grange Goldhawk Road	36	
<b>Ward 5</b>	Flora Gardens	197	48

	Ashchurch Park Villas	18	5
	Marryat Court	38	5
	Standish House	51	19
	Cardross House	11	0
	Mylne Close	18	9
<b>Ward 6</b>	Aspen Gardens	116	29
	Queen Caroline Estate	268	73
	Riverside Gardens	219	83
	Banim St	35	4
	Verulum	56	0
	Benbow Court	20	0
<b>Ward 7</b>	Sulgrave Gardens	48	3
	Netherwood Road	33	14
<b>Ward 8</b>	Lytton Estate	295	26
	Planetree Court	31	8
	Munden	30	6
	Waterhouse Cl.	41	10
	Linacre Court	69	28
	24-26 Matheson Road	6	3
	Springvale Estate	214	24
<b>South Ward 9</b>	Bavonne Estate (Brecon)	409	66
	Magravine Estate	394	82
	Kier Hardy House	42	8
	Wentworth Court	40	6
<b>Ward 10</b>	Maystar Estate and Cheeseman Terrace	287	92

	Alice Gilliat House	77	24
	Vereker Rd 50	26	3
	West Kensington	587	115
	Gibbs Green	98	48
	Browning Court 53, Turnville Rd	30	5
<b>Ward 11</b>	Robert Owen House	102	34
	Adam Walk & Crabtree Lane	32	4
	Stevenage Road	81	27
	Swanbank Court	34	6
	Eternit Walk, Cedar Lodge,	81	27
	Meadowbank Close	98	20
	Rowberry Close	31	8
	Wheatsheaf Lane 1-27	27	4
<b>Ward 12</b>	Aintree Estate	203	55
	St Peters Terrace	54	10
	Wyfold Road	36	14
<b>Ward 13</b>	Clem Atlee	672	274
	Seagrave Road & Viking Ct	75	8
	Farm Lane	29	11
<b>Ward 14</b>	Arthur Henderson House	60	24
	William Banfield House	70	0
	Barclay Close	105	60
	Lancaster Court,	226	94
	Fulham Court	356	120
	Barclay Road	106	4
	Laurelbank Gdns	22	5
	Burlington Place	20	7
	Burnfoot Avenue 30	12	12
	Burnfoot Avenue 39-49	6	4

	Ethel Rankin Court	38	10
	Bearcroft House	30	5
<b>Ward 15</b>	43-47 Peterborough Road	18	8
	Dan Leno Walk	12	9
	Eric Macdonald House	12	8
	Richard Knight House	8	8
	Manor Court Bagleys Lane	60	4
	Broxholme House	74	10
	Stanford Court	31	6
	Walham Green	120	93
<b>Ward 16</b>	Carnwath House	27	16
	Townmead Estate, Barton House	76	61
	Sullivan Court	480	121
	John Dwight House	8	8
	Philpot Square	84	38
	Bulow Estate inc Pearscroft Court & Jepson House	166	52

## Appendix 4 – Draft Parking Risk Management

Detailed below, with the principal risks and mitigations.

Risk		Mitigation
Supplier is unable to fulfil contractual obligations	1	There are adequate arrangements in the procurement documents to ensure the contractor has both a track record of delivery and is financially sustainable. Regular meetings with the contractor will be set up and performance reports will be required to identify problems at an early stage.
Rise in complaints due to service quality or the new parking arrangements	2	Clear service standards and performance indicators will be developed and clienting arrangements put in place to manage the contractor effectively
Negative feedback from Traffic Management Order (TMO) consultation resulting in TMO not being ratified	3	The estates could continue to be managed by the parking contractor should residents not want a TMO.
Timetable for implementing TMO does not meet expectations	4	Project plan agreed and signed off by all contributing departments