

	<b>London Borough of Hammersmith &amp; Fulham</b>  <b>CABINET</b>  <b>11 AUGUST 2014</b>
<b>PARKING ENFORCEMENT ON HRA LAND</b>	
<b>Report of the Cabinet Member for Housing, Councillor Lisa Homan</b>	
<b>Open Report</b>  A separate report on the exempt Cabinet agenda provides exempt information about the procurement process and recommends acceptance of a tender.	
<b>Classification:</b> For noting	
<b>Key Decision:</b> Yes	
<b>Wards Affected:</b> All	
<b>Accountable Executive Directors:</b> Melbourne Barrett – Executive Director of Housing & Regeneration; Nigel Pallace – Bi-borough Director of Transport and Technical Services	
<b>Report Author:</b> Wendy Reade Project Manager Housing and Regeneration and Naveed Ahmed Parking Project and Policy Manager Transport and Technical Services	<b>Contact Details:</b> Tel: 020 753 4375 Email: wendy.reade@lbhf.gov.uk Email: naveed.ahmed@lbhf.gov.uk

## 1. EXECUTIVE SUMMARY

- 1.1 Parking control arrangements were terminated on 1 October 2012 due to changes in regulations for parking enforcement on private land. New arrangements are therefore required which comply with the revised regulations and two principle options are available to the Council as landlord. Whilst longer term options continue to be explored it is proposed to put in place interim arrangements for parking control through a newly tendered contract. This report seeks approval to let a contract to undertake parking enforcement on HRA land.
- 1.2 The Contractor will be responsible on designated housing estates for patrolling estates for the purpose of enforcement parking controls and issuing Parking Charge Notices to deal with unauthorised or illegally parked cars and collecting fines. They will also be responsible for issuing permits and visitor scratch cards.
- 1.3 Two previous reports have been presented to Cabinet on 24 June 2013 and 6 January 2014. The report of 23 June 2013 summarised the changes in legislation, options available to the Council and the outcomes from the resident consultation exercise. It recommended and Cabinet approved for residents to pay a flat fee annual charge to park on HRA housing estates.

- 1.4 The report of 6 January 2014 sought approval to appoint consultants, overseen by the Parking Projects and Policy Manager in Transport and Technical Services, to undertake a review of the longer-term options available and gained approval to the commencement of an interim parking management contract. Furthermore it delegated authority to the Executive Director of Housing and Regeneration (HRD), and the Executive Director of Transport and Technical Services (TTS) to award an interim contract. This report also outlined the options, issues and recommendations for the management of garages on Council estates. Further progress and recommendations concerning the garages will be presented to Cabinet separately at a later date.

## **2. RECOMMENDATION**

- 2.1. That the report be noted.

## **3. REASONS FOR DECISION**

- 3.1 The report to Cabinet dated 24 June 2013 confirmed that the contract to manage parking on HRA estates was terminated on 1 October 2012, as a result of legislative changes. Since then there has been no parking enforcement on HRA land which is causing inconvenience for residents who have a permit to park on their estate. A total of 143 residents have terminated their licences, representing 11% of the total car parking spaces that were let at 1 October 2010, at an estimated loss of rental income to the HRA of circa £20,000 a year.
- 3.2 The separate exempt tender acceptance report is submitted for Cabinet Member approval in accordance with paragraph 12.5.1 of Contract Standing Orders, which states that contract award decisions are delegated to the relevant Cabinet Member(s) where the scheme's value is £100,000 or more but less than £1,000,000, providing the proposed scheme has been previously approved by Cabinet as a Key Decision.

## **4. INTRODUCTION AND BACKGROUND**

- 4.1. The introduction of the Protection of Freedom Act (POFA) in October 2012 resulted in a limitation to the Housing & Regeneration Department's (HRD) contractors' ability to enforce parking controls on housing estates because it became unlawful to tow or clamp vehicles parked without authorisation on private land. As a result, HRD's enforcement contract was terminated at this time.
- 4.2. Cabinet agreed on 6 January 2014 that a full appraisal of the best options for the longer-term parking enforcement on each HRA housing estate should be undertaken and Cabinet approved the appointment of consultants through Transport and Technical Services. TTS were commissioned in the sum of £176,000 and the specification for the work they are carrying out is attached at Appendix 1.
- 4.3. There are broadly two key options for parking enforcement on our estates as follows:
  - 4.3.1. Parking enforced by a private contractor through Parking Charge Notices;  
and

- 4.3.2. Parking enforced by our own Parking Services through Penalty Charge Notices (PCNs) which requires Traffic Management Orders (TMOs).
- 4.4. Advice from the London Councils is that the best option to enforce parking on HRA housing estates is through TMOs, as 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. Because of the minimum timescale of 18 months to assess the layout of each of the 91 housing estates; whether TMOs are the best option; and to put them in place, interim arrangements are required to manage parking during this period. Cabinet agreed on 6 January 2014 that an interim parking enforcement contract should be procured whilst the review is carried out. This report presents the outcome of the procurement exercise that has been undertaken to appoint an interim parking management contractor and recommends the appointment of Parking Enforcement Agency (PEA on terms set out in the exempt report.
- 4.5. The report to Cabinet on 6 January 2014 advised members that the full analysis of the options, likely costs and the consultant's report would be presented to Cabinet at a later date. It also advised that it would take 18 months to implement the first tranche of estates where a TMO was recommended.
- 4.6. Work on the long term solution to assess the 91 sites with parking or where enforcement is required (as set out in Appendix 2), has started and initial site visits will have been completed before the end of September 2014. A report will be presented to Cabinet in April 2015 with the findings and costing for the long term solution. The timing of this Cabinet report is aligned to the Department of Transport changes to the Traffic Signs Regulations and General Directions (TSRGD) 2002, that come into effect in March 2015. These changes could have a major impact on reducing the cost of implementing TMOs.
- 4.7. The interim parking enforcement contract that is recommended within this report, will commence at the end of September 2014 across all estates and will operate for a contract period of 2 years, with an option to extend for a further year. The proposed interim contract allows for estates to be removed from the contract with a short period of notice, to establish alternative arrangements such as a TMO. This enables alternative arrangements to be phased in during the interim contract period.

## **5. PROPOSAL AND ISSUES**

### **5.1. Proposed Contract**

- 5.1.1. The interim management contract will operate across designated HRA housing estates and will commence at the end of September 2014 and will operate for a period of 2 years with the option to extend for a further year. The contractor will be responsible for:

- Patrolling estates for the purpose of enforcement parking controls
- Responding to requests to deal with unauthorised or illegally parked cars
- Issuing and processing of Parking Charge Notices
- Printing permits and visitor scratch cards and vouchers
- Taking payment and issuing permits and visitor scratch cards/vouchers
- Initial appeals against Parking Charge Notices
- Refunds for parking permits

- Complaints and enquiries relating to the Service
- Replacement of damaged signs
- Reporting damage to lines or gates.

5.1.2 As outlined above, the contract is anticipated to 'go live' at the end of September 2014, with active patrols on the designated HRA estates enforcing the car parking restrictions. Residents will be made aware of the new arrangements and the active enforcement of car parking permits and visitor vouchers. There will no doubt be some positive and negative feedback concerning the enforcement of the restrictions, but overall, residents should have access to more parking availability as a result of the new interim management arrangements and unauthorised parking will be addressed.

## **6. CONSULTATION**

- 6.1. The Cabinet report of 24 June 2013 presented the results of the resident consultation exercise on potential parking management options. 15,040 letters were sent as part of the consultation exercise and 635 (4.2%) responses were received. Cabinet approved for residents to be charged a flat fee annual charge to park on HRA housing estates.
- 6.2. Following completion of the TTS surveys and its option appraisal of each estate, HRD will undertake consultation with all stakeholders to ensure the most suitable outcome for each estate. This will include any recognised Tenant and Resident Associations and the individual residents.

## **7. EQUALITY IMPLICATIONS**

- 7.1. Cabinet considered the equality implications in the same report of 24 June 2013.

## **8. LEGAL IMPLICATIONS**

- 8.1. The legal implications are described in this report.
- 8.2. Implications verified/completed by: Andre Jaskowiak, Senior Solicitor (Contracts) telephone 020 7361 2756.

## **9. FINANCIAL AND RESOURCES IMPLICATIONS**

- 9.1 The approved budget for 2014/15 within the Housing Revenue Account (HRA) is for net income to be generated from parking activities of (£70k). This is offset by budgeted expenditure of £176k relating to the cost of an external review to ascertain the most appropriate option for parking control.
- 9.2 The current forecast for income in 2014/15 from parking licences indicate that the (£70k) income target will not be achieved this year, and an under-recovery of £5k is predicted. This is due to an ongoing decline in the number of licences being renewed as a result of the absence of parking enforcement on HRA land.
- 9.3 The following table sets out the expected net additional revenue (income)/expenditure to be generated from the implementation of the interim

parking management contract. There will be a part-year effect in 2014/15 with a full year effect in 2015/16.

<b>HRA Financial Revenue Impact of Interim Contract for Parking Enforcement</b>				
	<b>14/15 Part Year</b>		<b>15/16 Full Year</b>	
	Lower Limit	Upper limit	Lower Limit	Upper limit
	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>
Fines	(105)	(140)	(211)	(281)
Parking Permits	(67)	(147)	(158)	(452)
Visitor Vouchers	(7)	(10)	(13)	(19)
<b>Income</b>	<b>(179)</b>	<b>(297)</b>	<b>(382)</b>	<b>(752)</b>
One-off infrastructure costs	75	200	50	400
Ongoing maintenance costs	0	0	100	100
Operational costs	75	75	150	150
<b>Expenditure</b>	<b>150</b>	<b>275</b>	<b>300</b>	<b>650</b>
<b>Net (Income)/Expenditure</b>	<b>(29)</b>	<b>(22)</b>	<b>(82)</b>	<b>(102)</b>
Net Income to Sep 14	(33)	(33)		
<b>Budget</b>	<b>(70)</b>	<b>(70)</b>	<b>(70)</b>	<b>(70)</b>
<b>Variance</b>	<b>8</b>	<b>16</b>	<b>(12)</b>	<b>(32)</b>

- 9.4 The table includes a number of assumptions regarding the activity levels expected under the new interim arrangements and accordingly includes lower and upper limits in accordance with this approach. Key assumptions include annual permits costing £119 per annum and this is based on a consultation letter issued in December 2012 and reported upon at Cabinet on 24 June 2013. It also includes the first tranche of improvements work to allow for enforcement. The programme of spend to improve estate lining will be brought forward should the higher levels of income be realised; this will allow service users to see the improvements faster and ensure the balancing of parking income with expenditure. There is a risk that the upper and lower limits in terms of financial implications could be exceeded. However, activity levels will be closely reviewed as part of robust client and internal monitoring arrangements and will be reported on via the Council's monthly monitoring regime.
- 9.5 It is noted that the budgeted expenditure of £176k for the review of long term parking enforcement options for each estate is expected to be fully spent in 2014/15. Any additional costs that may arise will be closely monitored and will be covered by income from the enforcement contract. A further report will be presented to Cabinet following completion of the review (expected in April 2015), this will include full consideration of the financial implications of the proposed options.
- 9.6 Implications verified/completed by: Danny Rochford, Head of Finance, HRD, 0208 753 4023.

## 10. RISK MANAGEMENT

- 10.1. The department is responsible and accountable for identification, recording, evaluation and management of procurement risk associated with the procurement. As the report recommendation is to approve the tender from Parking Enforcement Agency Ltd there are no further risk management implications other than ensuring a successful implementation post award of the contract.
- 10.2. Implications verified/completed by Michael Sloniowski, Principle Consultant Risk Management 0208 753 2587.

## 11. PROCUREMENT AND IT STRATEGY IMPLICATIONS

- 11.1. The Contract has been tendered in accordance with the Council's Contract Standing Orders, using the London Procurement Portal. Accordingly, the Director supports the recommendations contained in the report.
- 11.2. In accordance with CSO 12.5.1, the Cabinet member may award this contract.
- 11.3. Implications verified/completed by: (Robert Hillman, Procurement Consultant, x1538).

### LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Procurement & Project documents (exempt)	Wendy Reade Ext: 4375	Housing & Regeneration 3rd Floor, HTH Ext Hammersmith W6 9JU
2.	Project Development	Wendy Reade Ext: 4375	Housing & Regeneration 3 <sup>rd</sup> Floor, HTH Ext Hammersmith W6 9JU

- LIST OF APPENDICES:** (1) TTS Specification for surveys  
(2) List Of estates included in the TTS parking survey

## Appendix 1: Specification for surveys and timescales TTS consultant

Action	Timescales
Begin initial site visits and background research 1/5/14	1-2 months
Identify all works required to allow HRD to implement interim parking enforcement contract and arrange works following HRD approval	2-3 months
Conduct details reviews into existing legislation. Examine planning conditions/applications and conflicts of interest with any proposed schemes. - Checking records for private land	1-2 months
Compile data and site visits. Report on findings to HRD following visit to each site	1-2 weeks
Formulate recommendations. Begin the initial review of estates based on survey date, information from residents/stakeholders and other sources , draft proposed options for each Estate based on information	Each batch 2-3 months
Draft a report for Cabinet based on recommended long term parking enforcement proposals for each estates with timescales and costs and seek approval	1 month + lead in period
Upon approval of recommendations - begin the design of for each estate this requires stats and utility surveys <ul style="list-style-type: none"> <li>• produce detailed designs of each estate identify road and off street locations</li> <li>• identify sign and potential sign locations</li> <li>• identify lining conditions</li> <li>• prepare lining/signing spec options</li> </ul> Discuss DfT designs intent to use signs and get DfT approval	2 months to produce 2-3 estate designs
Upon approval of designs - implement designs and organising contractors - Including the creation of TMOs - Checking physical site works	Minimum 3-6 months

## Appendix 2: List of 91 HRA Housing Sites

Ward	Estate	No. Properties	Current parking capacity
<b>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>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