

 Brent	Cabinet 20 July 2020
	Report from the Strategic Director of Community and Wellbeing
Parking Enforcement on Council Housing Estates	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt:	Open
No. of Appendices:	Appendix 1: Projected Cost Appendix 2: Estates Survey Plan Appendix 3: Housing Sites Survey Plan Appendix 4: Prioritised Site Plans Appendix 5: Project Phases
Background Papers:	None
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1. Purpose

- 1.1. Brent Housing Management (BHM) is in the process of reviewing its approach to parking enforcement on Council owned housing estates. Currently, BHM operates parking enforcement through a contract with Wing Parking (Wings). Changes in legislation has limited the effectiveness of this service and the Council has continued to receive complaints from residents, Councillors and emergency services regarding obstructive and inconsiderate parking from both residents and non-residents of the estates.

- 1.2. This report sets out how the Council intends to introduce Off Street Controlled Parking (OSCP) through a Traffic Management Order (TMO) on land owned within the Housing Revenue Account (HRA). The report sets out two options for a parking enforcement service, both of which involve implementing OSCP but different in approach to how it is managed.
- 1.3. The report proposes that the agreed approach is first piloted on five sites with an aim to roll out to all Council owned Housing estates later.
- 1.4. The proposal is informed by recommendations from a commissioned review carried out by the Project Centre Limited (PCL), who are parking consultants.

2. Recommendations to Cabinet

It is recommended that Cabinet

- 2.1. Note the contents of the report and approve the proposal to introduce Off Street Controlled Parking through Traffic Management Orders on land owned by the Council within its Housing Revenue Account.
- 2.2. Delegate authority to the Strategic Director for Community Wellbeing, in consultation with the Strategic Director for Regeneration and Environment, to carry out statutory consultation in relation to proposed Traffic Management Orders, consider the consultation responses and thereafter, subject to any modifications as he sees fit, to make and implement Traffic Management Orders on land owned by the Council within its Housing Revenue Account.
- 2.3. Endorse Option Two as the preferred service delivery option, as set out in paragraphs 4.8.6 to 4.8.12 of the report. This option involves implementing Off Street Controlled Parking through a Traffic Management Order and following implementation, varying the Council's contract with SERCO to enable them manage the scheme.
- 2.4. Note the proposed five pilot sites as set out in paragraph 3.8 of the report and approve the approach to further roll out, subject to an evaluation report, consultation with residents and approval of the capital investment required.
- 2.5. Agree to charge residents £50 per annum per vehicle for their parking permits under Off Street Controlled Parking schemes on Council estates.

3. Background

- 3.1. Brent Housing Partnership (BHP) contracted Wings to undertake enforcement action on Council owned Housing estates and this contract was in operation from 01 August 2012. The Council now contracts with Wings.
- 3.2. In 2012, the government introduced The Protection of Freedoms Act 2012, which reduced Wing Parking's ability to take any meaningful and effective

enforcement action. The Act stopped Wings from accessing information from the Driving Vehicle Licensing Agency (DLVA) and as such, any parking tickets issued cannot be pursued unless driver's details are already known.

- 3.3. This has made it difficult to control parking from non-residents on Housing estates. Meaning, Wings can only enforce parking tickets against the residents who have purchased permits. The 2012 Act also makes it illegal for the Council or its contractors to remove or clamp vehicles on private land without a TMO.
- 3.4. The following table shows the percentage of Parking Charge Notices (PCN) issued by Wings on Housing estates that were paid, by year.

2015	2016	2017	2018	2019
49%	39.7%	31.6%	29.3%	28.2%

- 3.5. Following on-going complaints from residents, Councillors and emergency services regarding obstructive and inconsiderate parking by both residents and non-residents of the estates, BHM set out to review alternative options for parking enforcement on Council housing sites.
- 3.6. This report focuses specifically on five sites that have been identified as a priority by BHM, residents and elected Members. These sites will be used as a pilot for the new approach to parking enforcement.
- 3.7. In order to find a sustainable solution for the parking issues on the Housing sites, a project was commissioned by BHM between September 2018 and March 2019, in collaboration with the Parking and Highways teams in Environmental Services, to consider the introduction of more effective parking controls.
- 3.8. This project identified five priority sites in consultation with elected Members and residents. The sites are:
- Alexandra Court
 - Windmill Court
 - Seymour Court
 - Landau House
 - Joules House

Further details regarding the five sites, including maps, can be located in Appendix 4.

- 3.9. Under this project, BHM carried out informal and formal consultations with residents in the five priority sites. Discussions focused on the current parking issues and potential solutions and ultimately, the introduction of OSCP through a TMO.
- 3.10. The introduction of OSCP would require residents to purchase a permit. Initially, it was proposed that this should be aligned to the cost of a typical resident permit for Controlled Parking Zones (CPZ) on the public highway. The current

(2020/21) average price of a single standard parking permit in the Council's CPZ is £92 a year, a substantial increase in the existing permit charge of £10 a year.

- 3.11. Following the informal and formal consultations on targeted sites during 2018/19, it was established that the residents saw the proposed fee (then £88) as excessive and would therefore not support OSCP.
- 3.12. BHM offered an alternative solution, carrying out estate improvement works with an aim to reduce access and capacity issues caused by inconsiderate parking. At Alexandra Court, BHM repainted parking lines, placed new signs on the estate, installed bollards, extended/narrowed accesses to the bins and parking areas; and extended the existing on-street parking controls to the area of public highway outside the north gate to deter obstructive parking at this site. Unfortunately, the reconfiguration of Alexandra Court, although alleviated the issues, did not fully resolve inconsiderate parking.
- 3.13. This issue is not limited to Brent Council, the Pan-London estate parking platform highlighted the majority of London Borough are considering or currently implementing OSCP.
- 3.14. London Borough of Southwark and Royal Borough of Kensington & Chelsea (RBKC) are two boroughs who have successfully introduced the scheme on the majority of their housing sites. RBKC, who have achieved better success than most, adopted the following approach:
 - Recruited a consultant who mapped out all parking sites, established the improvements that needed to be made on each site and quantified the overall cost to the Council.
 - Carried out informal and formal consultation across the housing sites and introduced off street controlled parking, where there was clear resident support for the scheme and/or where H&S issues could not be resolved without off street controlled parking.
 - Carried out tailored improvements (lining and signing, roads and parking areas surface improvement, electronic gates, etc.) for the sites where large majority of residents did not support OSCP and/or where there were no H&S concerns for the sites.
 - Provided designated parking bays for the Blue Badge holders on each site.
- 3.15. The implementation of the scheme took over two years. The changes have now been embedded and they no longer have major parking problems on their Housing sites.
- 3.16. RBKC currently charges £47 for the permits. The reduction in charges for permits played a significant role in persuasion of their residents to support

OSCP scheme. Their current charges for permits in that borough also comfortably cover the management and enforcement cost for the scheme.

- 3.17. BHM therefore, appointed the PCL to assist with reviewing, redesigning and recommending the best option to manage the parking situation on each site.
- 3.18. It is important to note, the Highways and Infrastructure service is developing a Brent Parking Management Strategy this year ahead of the expansion of the Ultra-Low Emission Zone in October 2021. Consideration will be given to the findings of Estate Parking Management Project in developing this strategy including the effects of potential parking displacement.
- 3.19. PCL has also been commissioned to support the development of the Brent Parking Management Strategy in 2020. Information on the Estate Parking Project will be included in the strategy.

4. Options appraisal

- 4.1. With the change in legislation and the current experience of an unenforceable scheme, it has become clear that a TMO is the only way to resolve the parking issues on Housing estates.
- 4.2. TMOs are legal documents drafted and made by the Council, usually under the Road Traffic Regulation Act 1984. They regulate the use of public highways for movement and parking by drivers of vehicles and pedestrians. They also regulate off-street parking areas (normally Council car parks). TMO's can also be used to regulate parking on streets or in 'off street' areas that are not designated as public highway.
- 4.3. To achieve the desired level of quality and service delivery, officers believe there are two options available.
- 4.4. The options appraisal aims to establish the most efficient and effective option for the future service delivery in line with the Council's broader service delivery objectives.
- 4.5. Both options are based on a two phased approach. These are introduction of OSCP scheme to the five prioritised estates and roll out of the scheme to other agreed relevant Council estates.
- 4.6. Under both options, BHM will be able to carry out a comprehensive assessment of the sites, develop bespoke solutions for those sites and carry out necessary improvements concerning the surface of roads and parking areas through PCL.
- 4.7. Under both options, it is proposed that the contract with Wings will continue until an alternative scheme is in place.
- 4.8. The two options are as follows:

Option One- Implement OSCP through a TMO and following implementation, either extend Wings contract or retender for a new contractor to manage the scheme.

- 4.8.1. Under this option, the Council may resolve current parking issues through an incremental approach and through using internal resources and the current contractor.
- 4.8.2. The process of resolving parking issues may require tendering of the service, which may further prolong the required urgent solutions for addressing parking issues, and there are cost implications and legal requirements regarding the OJEU threshold.
- 4.8.3. The Health and Safety issues on the sites and the lack of enforcement have become one of the major concern for residents, which require an urgent solution and holistic approach to resolve the current challenges. The incremental approach to current parking issues may not necessarily provide the desired outcome.
- 4.8.4. The residents' confidence in the current contractor is low. This may become a significant obstacle to get the necessary support from residents for the proposed solutions during the consultation period.
- 4.8.5. The business base for the current contractor has significantly reduced since the change in legal provision. They are therefore, facing serious challenges to survive and sustain their business in the market.

Option Two– Implement OSCP through a TMO and following implementation, vary the Council's contract with SERCO to enable them manage the scheme.

- 4.8.6. This option will require a variation to the Serco contract, which may only be varied provided it complies with Regulation 72 of the Public Contracts Regulations 2015. Environmental Services have confirmed that adding Housing sites for management and enforcement to the contract will only form a small proportion of the current £25m+ turnover of the contract. That may assist in meeting the requirements of Regulation 72 of the Public Contracts Regulations 2015. The cost of variation to contract will also be variable, based on uptake of permits and issuing of PCN.
- 4.8.7. In addition, it will also enable BHM to have a new contractual framework for the enforcement through the current contractor SERCO for an effective and efficient implementation of OSCP schemes on the housing sites.
- 4.8.8. SERCO advises that they have the capability through their existing IT system to issue permits and accommodate visitor bookings.
- 4.8.9. This approach provides the advantage of fully legitimising the Council's approach to vehicle parking enforcement on Housing land and offers consistency between the enforcement regimes in the Council's Housing

car parks and its other off—street car parks. The Council's Parking and Lighting service would manage enforcement carried out by SERCO and BHM will have a SLA with them.

- 4.8.10. The Parking service has advised that the revenue raised from permits charged at £50 p.a. per vehicle should be sufficient to cover all operational costs. The charges for PCNs will be consistent with on street charges (£130- discounted by 50% for early payment).
- 4.8.11. Using SERCO and their expertise in the field will result in development of a holistic and more effective solution to the current urgent parking issues, as they have been providing similar services to Brent and other local authorities in London
- 4.8.12. Following the implementation of the project on prioritised housing sites and the project outcomes, BHM will have better perspective about the overall cost, appropriate permit charges, and effectiveness of the scheme before rolling out the scheme to the rest of Housing sites.

4.9. The table below provides a more detailed analysis of Options One and Two.

	Option One	Option Two
Staffing/ People	Advantages	Advantages
	Continuity in service delivery through the current contract	SERCO to provide the service in line with the specification through their current staff or recruiting additional staff
	The contractor will carry all operational risks linked to people management function	The contractor will carry all operational risks linked to people management function
	Extensive knowledge of the sites and site related issues across the borough	Contractor will be able to draw staff from a larger pool, to cover leave and sickness absence
		Extensive experience and expertise re enforcement and ability to remove obstructively parked vehicles (tow away). Systems in place for the issuing of residents permits.
		Seamless and consistent borough wide service
	Disadvantages	Disadvantages
Lack of confidence in the contractor due to historical poor level of enforcement and staff visibility		
Value for money	Advantages	Advantages
	Competitive tendering may provide opportunity for more efficient and effective service delivery	Established effective service provider with capability to deliver more efficient and effective service delivery through existing infrastructure, which may potentially reduce the in contract costs through economy of scale.
	Disadvantages	Disadvantages
	Profit/surplus is kept by the contractor	
	Initial cost of investment in the modernisation of parking services	Initial cost of investment in the modernisation of parking services
Reduced capability in term of providing efficient and effective service due to reduction in their business base and poor confidence in their service delivery		
TUPE	Advantages	Advantages
	None	None
	Disadvantages	Disadvantages

	None	None
Service quality	<p>Advantages</p> <p>Contractor is in better position to utilise more efficient and effective service delivery mechanism due to their profit orientation</p>	<p>Advantages</p> <p>Contractor is in better position to utilise more efficient and effective service delivery mechanism</p> <p>Currently providing effective service delivery in line with the contract specification for On-street controlled parking across the borough</p>
	<p>Disadvantage</p> <p>Residents highly dissatisfied with the quality of current service</p>	<p>Disadvantage</p>
Resident engagement	<p>Advantages</p> <p>It provides an opportunity to engage residents and to use their feedback to design the new service delivery model and involve them in the future service improvement/development</p>	<p>Advantages</p> <p>It provides an opportunity to engage residents and to use their feedback to design the new service delivery model and involve them in the future service</p>
Opportunities / Risks	<p>Advantages</p> <p>Re-alignment of the service regarding the Council's service transformation objectives and future strategic direction</p> <p>Investment in the infrastructure and improvement in the operation</p> <p>Improvement in the specification and performance management framework</p>	<p>Advantages</p> <p>Re-alignment of the service regarding the Council's service transformation objectives and future strategic direction</p> <p>Investment in the infrastructure and improvement in the operation</p> <p>Improvement in the specification and performance management framework</p> <p>Consistency between the enforcement regimes in the council's housing car parks and its other Off street car parks.</p>
	<p>Disadvantages</p> <p>Inconsistency between enforcement regimes across the Council</p> <p>A skills gap which is likely to result in cost and time implications for staff training and mentoring</p>	<p>Disadvantages</p>

5. Implementation of the two options

- 5.1 The preferred option (option two) would first be piloted on the five prioritised sites and then rolled out to other 123 designated sites, following formal consultation with residents.
- 5.2 This would be subject to the introduction of a TMO following approval of the proposed approach by Cabinet.
- 5.3 Due to various dependencies, the completion of the whole project is likely to take between 18 – 24 months and further details regarding the project phases can be located in Appendix 5.
- 5.4 PCL has already completed the survey for the prioritised five sites, prepared an inventory plan and recommended OSCP for these sites. The survey, inventory plan and recommendations for the remaining 123 sites to be completed by June/July 2020.
- 5.5 To implement the above plan, PCL will draft the TMOs for Highways & Infrastructure and implement the scheme. They will follow the same process for all remaining Council sites and aim to complete the survey, inventory plan and propose recommendation for each site by July 2020.
- 5.6 PCL will also assist with the preparation of consultation documents, providing information including FAQ's on their website, responding to enquiries and the analysis. Unfortunately, it will now not be possible to arrange public exhibitions due to government social distancing requirements in response to the coronavirus pandemic but alternatives will be explored. Officers will however explore ways of delivering this virtually.

6. The projected cost and income

- 6.1 The cost and income revenue projections for this project are extremely challenging due to several variables and unknowns. Some of key variables and unknowns are as follows:
 - Quantifying the cost of improvements required to the estate parking and roads surfaces.
 - The number of PCNs that will be issued and enforced per annum.
 - The number of permits required for residents and visitors per annum.
 - The number of sites where OSCP Schemes will be implemented, as it depends on the outcome of consultations, H&S condition on each site and political will to implement such schemes.
 - The cost of signs/ lines and improvement to the surface of parking areas and road across the estate.
 - Service specifications.

- Contract price to deliver the service.

- 6.2 The figures provided in the followings projections therefore, need to be assessed with caution.
- 6.3 The projected costs for prioritised and remaining housing sites for implementation of all phases of the project are based on the information the Project Centre gathered from the sites that they have already mapped out. Further details regarding this can be located in Appendix 1.
- 6.4 Accordingly, the projected total capital cost for implementation of all phases of the project for prioritised and remaining sites respectively will be £74,391 and £902,047
- 6.5 The above figures do not take into account the ongoing cost of staff required for enforcement, their uniforms and equipment or the cost of paying a contractor to deliver the service, as these costs depend on the scope and specification of the service. These ongoing costs would instead be met by revenue from the proposed £50 p.a. permit charge.
- 6.6 The provided projected cost may also significantly go above the provided figures, due to potential improvement required to the surface of the roads and parking areas.
- 6.7 In addition, the figures are based on the assumption that the Council will implement OSCP on all housing sites. This may not be possible due to lack of residents' support and we may have to develop tailored solutions for some of these sites outside the scope of OSCP.
- 6.8 Consequently, depending on the result of consultation with residents and various other factors, the actual cost may significantly be more than the projected cost.
- 6.9 There were approximately 2,444 residents and visitors permits for 71 sites by the end of March 2020. Assuming we extend parking control to the remaining 123 sites, the projected number of permits issued for all sites will be around 6,700.
- 6.10 If BHM charge £50 per permit, the total projected annual income from permit will be £333,350. Under the current regime, residents tend not to buy permits due to lack of enforcement. BHM will be able to issue more permits under OSCP, as demand for permits will be much higher under OSCP due to effective enforcement. It is therefore, reasonable to project that the revenue from permits will be higher.
- 6.11 Wing Parking also issued 1,755 PCNs for 71 sites during 2019. See table below.

	Numbers of PCNs issued during 2019 by Wing Parking Ltd -71 sites												
	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
No. of PCNs issued during month	133	122	84	178	177	143	118	139	154	174	188	145	1755

6.12 Based on the current number of PCNs issued by the contractor during 2019, the projected number of PCNs that could be issued and enforced by BHM may be in the region of 5,000 per annum (£300K p.a. with 50% discount), if BHM implement OSCP for all 194 sites.

6.13 However, due to the lack of enforcement under the current scheme, the PCNs issued by the contractor during the last 5 years has reduced by 60%. It is therefore reasonable to project that the number of PCNs would initially be noticeably increased under OSCP and the potential income revenue from PCNs will be much higher in the immediate short term than the above figure, though the projected figure may later reduce due to effective enforcement and debt recovery.

6.14 There are two source of income under the OSCP schemes:

- Income from permits
- Income from PCNs

6.15 Permit and PCN income from Housing estates will be collected by the contractor and then credited to the Parking Services account (client). They will retain all the permit income to meet the enforcement and their (the client) own costs.

6.16 Parking Services will also monitor PCN's income from Housing estate PCN issuance, estimate income and make the necessary deduction for notice processing and appeal costs. The remaining PCN revenue will be a surplus for transfer to HRA.

6.17 The recommended £50 for permits will therefore, enable BHM to meet the ongoing management and enforcement cost. However, it is not possible to guarantee that surplus from PCNs through these schemes will gradually pay off the initial capital cost, as it depends on the numbers of sites where the Council will implement OSCP, the number of PCNs that will be issued and the proportion of debt successfully recovered.

6.18 The recently purchased development at Gloucester & Durham, come with parking spaces. The parking spaces for the s.106 block, originally bought by Notting Hill Genesis, were planned to be let at £300 per year and colleagues had advertised this to potential tenants. However, the spaces for the 'for sale' block was bought by the Council for £20,000 each. Letting these at £300 per

year would mean a loss of £500 to the HRA, for each parking space i.e. £23,000.

- 6.19 As part of our purchase of the s.106 scheme at Grand Union, we are negotiating the purchase of car parking spaces. They have been offered to us at £25,000 per space. At £300 a year, this will not be a viable purchase but if we don't buy it, our tenants are not likely to be able to park in spaces available within the block they live.
- 6.20 In order to avoid a multi-tier system, where tenants on one estate pay a different parking charge to others, it is proposed that an initial charge of £300 per year will be levied across all sites.

7. Financial Implications

- 7.1 There are two potential income streams being considered through OSCP schemes, £50 per annum for permits and £130 for penalty charge notices (PCN) with 50% discount for early payment. It is estimated within Regeneration and Environment finances, that revenue of £50 per permit will be sufficient to cover the unit cost of paying and managing the SERCO contract.
- 7.2 Revenue from PCN is received in the Council General Fund to cover costs in relation to notice processing and appeals, any surplus will be transferred over to the HRA. It is anticipated that unauthorised parking will significantly reduce, once Council has the powers to successfully pursue enforcement. Reduction of PCN's will mean that it is unlikely there will be sufficient surpluses generated to cover capital outlay and ongoing maintenance costs incurred in the HRA.
- 7.3 The estimated cost of £0.07m for implementing OSCP in five pilot sites in housing estates, will be met from within existing HRA resources for the 20/21 financial year, through re-allocation of budgeted resources.
- 7.4 The estimated capital cost of implementing OSCP in the remaining 189 sites across Brent housing estates is £0.9m. The HRA capital budgets currently do not have provision for this expenditure. This larger investment is of course subject to approval from the capital investment and governance process.
- 7.5 There will be a requirement for ongoing funding in the HRA to maintain the off-street parking infrastructure, the cost implications will be known once surveys have completed.

8. Legal Implications

- 8.1 Under the Road Traffic Regulation Act 1984 (RTRA 1984), a local authority has powers to designate parking places on and off the highway, to charge for use of them, and to issue parking permits for a charge.

- 8.2 The Council will only be able to enforce parking control on its housing estates and take enforcement action if it is able to target such action against the registered keeper of an unauthorised vehicle. This could be done by making Traffic Management Orders under the relevant provision of the Road Traffic Regulation Act 1984 and then enforcing them under the provisions of the Traffic Management Act 2004. Under the 2004 Act the Council would have access to DVLA records to find the registered keeper of the vehicle.
- 8.3 The proposals in this report relate to off street controlled parking and do not involve on street controlled parking and as a result, income and expenditure in relation to off street parking can be made within the Council's Housing Revenue Account ("HRA") if the areas of land that are subject to off street controlled parking are on HRA land. Under section 55 of the Road Traffic Regulation Act 1984, parking enforcement local authorities must keep account of their income and expenditure in respect of on-street parking places and any surplus must be applied towards specific purposes as set out in section 55(4) of the 1984 Act and the proposals in this report will be outside the ambit of section 55 of the 1984 Act.
- 8.4 Officers recommend at paragraph 2.2 the variation of the existing contract with Serco to cover enforcement as the preferred service delivery option. Any variation of the Serco contract must fall within one of the permitted grounds for variation as set out in Regulation 72 of the Public Contracts Regulations 2015 (PCR 2015). In paragraph 4.8.6, it is indicated that Environmental Services have confirmed that adding Housing sites for management and enforcement to the contract will only form a small proportion of the current £25m+ turnover of the contract. Further information regarding management and enforcement costs will be required however to establish that the proposed variation meets the requirements of Regulation 72 of the PCR 2015.

9.0 Equality Implications

- 9.1 The proposal will lead to an enhanced service to council tenants and leaseholders with the permit revenue paying for much more effective enforcement and therefore protecting residents' own parking.
- 9.2 BHM will assess the need for the 'Disabled Parking Bays' and ensure residents with Blue Badge' have sufficient parking bays on each site.

10.0 Consultation with Ward Members and Stakeholders

- 10.1 Ward members and stakeholders will also be consulted during the relevant phase of the project.

11.0 Human Resources/Property Implications

- 11.1 None

Report sign off:

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Strategic Director of Community and Wellbeing