



**Cabinet**  
12 December 2022

**Report from the Corporate Director,  
Resident Services**

**Authority to Award Contracts for Parking & Traffic Civil Enforcement and Cashless Parking Services**

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Part Exempt – Appendix 1 is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"
<b>No. of Appendices:</b>	Four Appendix 1(exempt): Name of tenderers Appendix 2: Parking & Traffic Civil Enforcement Tender Evaluation Grid Appendix 3: Cashless Parking Tender Evaluation Grid Appendix 4: Equality Impact Assessment
<b>Background Papers<sup>1</sup>:</b>	None
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## 1.0 Purpose of the Report

- 1.1 This report concerns the award of contracts for the provision of Parking & Traffic Civil Enforcement and Cashless Parking services (collectively referred to as “the contracts”) following approval of Cabinet on 7th February 2022 to tender for the provision of these services. This Cabinet report set out in detail the aims and objectives of the Redefining Local Services programme, the procurement strategy and contract and service improvements.
- 1.2 This report requests authority to award contracts as required by Contract Standing Order 88. This report summarises the process undertaken in tendering these contracts and, following the completion of the evaluation of the tenders, recommends to whom the contracts should be awarded. The report also sets out the sets out the financial savings and benefits associated with the contracts.

## **2.0 Recommendations**

That Cabinet:

- 2.1 Approves the award a contract for the provision of Parking and Traffic Civil Enforcement Services to Marston Holdings Limited for an initial contract period of five (5) years, with an option to extend for up to a further five (5) years on an annual basis and notes that the value of the contract is estimated to be circa £4.47m per year, or circa £44.54m over the 10 year duration of the contract (excluding CPI indexation and LLW increases).
- 2.2 Approves the award a contract for the provision of Cashless Parking (including permits) Services to Pay by Phone Limited for an initial contract period of five (5) years, with an option to at extend for further five (5) years and notes that the value of the contract is estimated to be circa £36,439 per year, or circa £364,390 over the 10 year duration of the contract (excluding indexation increases).
- 2.3 Notes the contents of Section 4 of the report with regard to the financial savings and benefits associated with the letting of the contracts referred to in Recommendations 2.1 and 2.2 above.

## **3.0 Detail**

- 3.1 The Council entered into a contract for provision of traffic and parking enforcement services with Serco on 17th June 2013 (the “Contract”). The Contract includes; Civil Enforcement and CCTV enforcement / IT / Permits / Cashless Parking.
- 3.2 As detailed in the 2021/2022 Annual Parking Report, the income from the Contract for the parking services provided by Serco is circa £20.2m per annum, operational budget costs for contract payments and council staff in the Parking teams are £8.58m, and overall, there was a surplus of £11.6m. The use of any surplus in the parking account is governed

by Section 55 of the Road Traffic Regulation Act 1984 and this was allocated to assist in meeting the cost of concessionary fares: The London 'Freedom Pass' which cost £13.8m.

3.3 The report to Cabinet on 7th February 2022 titled: "Authority to Tender Contracts for Parking and Traffic Civil Enforcement Services" provided information aims and objectives of the Department's Redefining Local Services (RLS) programme and set out the aims and objectives for service improvements, risks and potential mitigations, along with the approach to the procurement of two new parking services contracts for;

- i) the Parking and Traffic Civil Enforcement Services Contract (5+5 years, extended annually); and
- ii) the Cashless Parking Contract which includes parking permits (5+5 years).

3.4 The Parking and Traffic Civil Enforcement Contract is therefore for an initial term of 5 years but may be extended for a further 5 years annually, for up to 10 years, based on good performance. Likewise, the initial term for the Cashless Parking Contract is 5 years with an ability to extend it for a further 5 years, up to 10 years, based on good performance over the term of the contract.

3.5 The decision to extend will be based on these services being delivered to a minimum satisfactory standard, outlined in up to 20 key performance indicators, covering the range of services.

3.6 There were delays to the procurement process due to;

- The complexity of these contracts resulting in a number of clarifications and requests for extensions by bidders.
- The need to clarify the impact, if any, on the commercial submissions following the increase in the London Living Wage ("LLW") announced on 22<sup>nd</sup> September 2022 which was unprecedented in terms of timing and scale as a result of the ongoing "Cost of Living Crisis". There is a contractual requirement for the successful bidder to pay the LLW as a minimum.

3.7 The Contract with Serco is currently due to expire on 31st March 2023, although the Contract as originally let allowed for extension of the Contract to expire on 3<sup>rd</sup> July 2023. As Officers consider an additional mobilisation period is required to avoid any disruption of services, Officers will seek delegated authority to vary the Contract with Serco, to agree a further extension to 3<sup>rd</sup> July 2023.

## **The Tender Process**

### Overview

- 3.8 The RLS programme considered the Council’s strategic approach to the delivery of key council services, including parking services. Following statutory best value consultation, the Final RLS Delivery Model, agreed by Cabinet on 16 August 2021, is a “specialist contracts delivery model with low to moderate levels of insourcing”. This delivery model comprises outsourcing using discreet, specialist contracts and the insourcing and enhancement of a small number of client functions that would provide the Council with greater strategic and financial control and improved contract management and stakeholder engagement. Arrangements were made for the insourcing of the Pre-Notice to Owner (NTO) Correspondence Team (the Team dealing with the first stage of appealing a Parking Penalty Charge Notice). This involved the transfer to the Council of two contractor posts currently assigned to that function pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”). This was completed on 1<sup>st</sup> April 2022.
- 3.9 On 16th November 2021 the Council held a soft market engagement / Bidders Open Day to discuss the tender and potential approach to tendering for a new Parking Civil Enforcement contract with potential bidders. The soft market engagement opportunity was advertised via the Brent e-tendering portal and ‘Find a Tender Service’. Ten organisations expressed an interest and responded to the questionnaire. All ten companies attended the open day.
- 3.10 The Open Day consisted of two sessions where initially the Council briefed on its current service status, the changing environment and openness for innovation. There were opportunities for clarification from the attendees collectively. The second session involved organisations meeting with officers individually to share their ideas and services confidentially. It was made clear in this process that any proposed procurement approach was provisional and subject to Cabinet decision in February 2022.
- 3.11 The main aims of the market engagement were to seek views from potential bidders on the Council’s outline procurement strategy and to understand what would make any procurement exercise attractive to the market. The discussions were highly informative and can be summarised as follows:
- There was consensus on the length of the contract linked to the expected life of the associated vehicle fleet; a main term of ten years, with an initial term of five years and with cumulative extensions up to a further five years granted on an annual basis.
  - The proposed use of the Restricted Procedure for tendering was understood by all, with opportunities for clarification included in the procurement procedures for this contract.

- Regarding the tender structure, there was a balance of views. The more established companies in the market suggested a sole provider delivering all services was preferred, but they could also work with nominated sub-contractors or other lot winners.
- Cashless and IT providers made cases for multiple LOTs, on the basis that they did not feel a main contractor added any value to their offering. There was some sympathy with this view from the major providers with regard to cashless parking provision.
- Feedback on IT raised concerns about changing from the current system, considering the service recently changed systems following a fairly disruptive change over process during 2018/19.
- Most of the providers understood the Council's need to protect the volume and quality of parking enforcement activity, taking account of budget planning considerations, as well as maintaining residents' confidence, and therefore it was considered vital that quality would be weighted highly at tender evaluation stage.
- There was reticence about pricing bids and there appeared to be a preference for contract budgets highlighted upfront, showing what services could be delivered for that with profit declared as part of open book accounting policies.
- The range of Price / Quality ratios suggested ranged from 30/70 to 40/60 respectively.
- Innovation was heavily linked to technology rather than methodology.
- IT providers did not think that their added value solutions would be 'primed' by main providers, and as a result the Council would secure potential benefits. For example, there are systems which integrate PCN and Permit administration into a single solution.
- This again pointed to a preference for the LOT approach, as this gives contractors an opening opportunity and then the ability to offer added value later on with offerings across the wider service.
- A contract term up to of 10 years was welcomed with points around return on capital investment, particularly on first renewal, highlighted.
- Organisations appeared knowledgeable and supportive of the green agenda, with matters regarding electric vehicles and charging points and low traffic neighbourhoods discussed in detail.
- Issues raised included:

- the tender date clashing with other local authorities and allowance for sufficient time to construct tender responses;
  - the contract base and vehicle pound location; and
  - Flexibility / variability – length of contract means things are likely to change. How will LBB build this into specification?
- All companies supported our Social Value and Ethical Procurement Policy objectives, understanding that Social Value should be a core part of doing business with Brent.
  - All companies understood and supported the Parking Services' contract requirement that the London Living Wage must be the minimum salary payment to staff working on the contract.

3.12 The Cabinet report of 7<sup>th</sup> February 2022 set out the aims and objectives to improve services and the approach to procurement, as detailed in Table 1 below.

**Table 1 – Approach to the Procurement of Parking Services**

<b>Contract</b>	<b>Services</b>	<b>Tender Route</b>
<i>Parking and Traffic Civil Enforcement Services</i>	<ul style="list-style-type: none"> <li>• <i>Premises – Base for contractor operation</i></li> <li>• <i>Premises - Vehicle pound</i></li> <li>• <i>Vehicles supply and maintenance – CCTV cars / Removal Lorries / Civil Enforcement Officer (CEO) transport / Mopeds</i></li> <li>• <i>On-Street enforcement (CEO deployment)</i></li> <li>• <i>Vehicle Removals and relocations</i></li> <li>• <i>Reporting Signs and lines maintenance</i></li> <li>• <i>Blue Badge enforcement</i></li> <li>• <i>Persistent Evader management</i></li> <li>• <i>Event Day management (Wembley Protective Parking Scheme)</i></li> <li>• <i>Safe School Streets enforcement</i></li> <li>• <i>Low Traffic Neighbourhoods enforcement</i></li> <li>• <i>Bay suspensions enforcement</i></li> <li>• <i>CCTV - Moving Traffic enforcement &amp; ANPR</i></li> <li>• <i>Car Parks enforcement</i></li> <li>• <i>Car Parks management (inc.</i></li> </ul>	<i>Restricted</i>

	<p><i>opening/closing)</i></p> <ul style="list-style-type: none"> <li>• <i>Pay and display cash collection and banking</i></li> <li>• <i>Pay and display – maintenance 1<sup>st</sup> line</i></li> <li>• <i>Pay and display – machine provision (quotes with option to/not to procure)</i></li> <li>• <i>Permits Administration (staff)</i></li> <li>• <i>Call handling for general enquiries</i></li> <li>• <i>Suspensions and dispensations administration</i></li> <li>• <i>IT support – administration of PCNs, Handheld devices and Permits</i></li> </ul>	
<i>Cashless Parking</i>	<ul style="list-style-type: none"> <li>• <i>Cashless Parking (virtual pay and display)</i></li> <li>• <i>Permit System</i></li> </ul>	<i>Restricted</i>
<i>IT System</i>	<i>Integrated central parking IT system (including suspensions module). This is used for issuing PCNs</i>	<i>Direct award contract until 31<sup>st</sup> December 2025 to mitigate risks</i>

3.13 Officers from the Parking Client team, with support from an independent specialist parking consultant developed the specification for the contracts in consideration of service improvements identified through the RLS programme and provided a data pack with information on quantities and outputs.

3.14 The new Parking and Traffic Civil Enforcement Services contract will be let using the British Parking Association (BPA) model contract (with some minor amendments to meet Brent requirements supplemented by special conditions), an industry standard contract developed by the BPA, government, contractors and service providers and endorsed by the Transport Select Committee and included in Statutory Guidance. This is recognised as good balance between client and contractor obligations. The new Cashless Parking Contract will be let using a specialist SAS (Software as a Service) contract prepared by the council's Legal Team as it is more suited to that type of service provision.

3.15 An officer project team was established for the procurement of these contracts, comprising of managers within the Healthy Streets and Parking team supported by an independent specialist Parking Services

Consultant, with representatives from Procurement, Finance and Legal services. A project plan was developed which reported on progress at monthly RLS Board meetings chaired by the Operational Director for Environment.

### **Stage 1 Selection Questionnaire – Parking and Civil Enforcement Services**

- 3.16 Advertisements were placed on the 'Find a Tender Service' (FTS) and the London Tenders Portal on 30th May 2022 to seek initial expressions of interest, which elicited three (3) initial enquiries. Bidders were provided with the full tender pack to initially complete a Selection Questionnaire ("SQ") using the Council's Electronic Tendering Portal. Three (3) contractors subsequently completed the SQ.
- 3.17 The SQ provided information on the organisations ability to meet the following criteria;
- Economic and financial standing and evaluation of the most recent audited accounts
  - Health and safety
  - Quality Assurance
  - Equality
  - Business Continuity
  - Resources
  - Experience
- 3.18 Shortlisting was carried out on the basis of the organisations response to the SQ and on 21st July 2022, all three (3) bidders were invited to tender.

### **Stage 1 Selection Questionnaire – Cashless Parking Services**

- 3.19 Advertisements were placed on FTS and the London Tenders Portal on 13<sup>th</sup> June 2022 to seek initial expressions of interest, which elicited four (4) initial enquires. Contractors were provided with an outline specification and requested to complete a SQ using the Council's Electronic Tendering Facility. Four (4) contractors subsequently completed the SQ.
- 3.20 The SQ provided information on the organisations ability to meet the required criteria.
- 3.21 Shortlisting was carried out on the basis of the organisations response to the SQ and on 29<sup>th</sup> July 2022, two (2) contractors were invited to tender.

### **Stage 2 Invitation to Tender (ITT) - Parking and Civil Enforcement Services**



3.22 The tendering instructions stated that the contract would be awarded on the basis of the most economically advantageous offer to the Council. At tender evaluation stage, the panel evaluated the tenders against the following criteria:

- 30% Price
- 60% Quality
- 10% Social Value

A higher weighting was given to quality due to the financial outcomes being sought and that the risk around price is somewhat mitigated as it is based on current budget (2020/21).

3.23 The quality criteria communicated to tenderers that were used to determine the most economically advantageous bid, are listed in table 2 below:

**Table 2 – Quality Criteria Parking and Traffic Civil Enforcement**

<b>MS1</b>	<b>Skills and Expertise</b>	<b>10%</b>
MS 1A	Mobilisation plan	30%
MS 1B	Deliverables	70%
	<i>MS1 Total</i>	<i>100%</i>
<b>MS2</b>	<b>Technical - Enforcement Services</b>	<b>70%</b>
MS2 A	Standard Enforcement Delivery Plan	70%
MS2 B	Special Enforcement Delivery Plan	20%
MS2 C	CCTV Enforcement Delivery Plan	10%
	<i>MS2 Total</i>	<i>100%</i>
<b>MS3</b>	<b>Technical - Enforcement Services</b>	<b>20%</b>
MS3 A	Parking IT System Management	20%
MS3 B	Cash Collection	10%
MS3 C	Suspension Service	10%
MS3 D	Pay & Display Maintenance	10%
MS3 E	Removals Service & Vehicle Pound	20%
MS3 F	In & Outbound Print and Post	10%
MS3 G	Blue Badge Enforcement	10%
MS3 H	Permit Processing	10%
	<i>MS3 Total</i>	<i>100%</i>
	<b>Total Method Statement Quality</b>	<b>60%</b>
	<b>Social Value</b>	<b>10%</b>

	<b>Price</b>	<b>30%</b>
	<b>Total</b>	<b>100%</b>

3.24 Tenderers were required to submit additional information providing details of their proposed arrangements for performing the contract including (but not limited to) the following:

- The proposed locations of premises including the car pound, and distances from key locations in the borough.
- Their approach to enforcement of the borough's parking restrictions and the advantages of their solutions.
- Their approach to the supply of supporting services and the advantages of their solution

### **Stage 2 Invitation to Tender (ITT) – Cashless Parking Services**

3.25 The tendering instructions stated that the contract would be awarded on the basis of the most economically advantageous offer to the Council. At tender evaluation stage, the panel evaluated the tenders against the following criteria:

<b>Award Criteria</b>	<b>Weighting (%)</b>
<b>Quality/Technical</b>	50%
<b>Social Value</b>	10%
<b>Pricing Schedule</b>	40%
<b>Total</b>	100%

3.26 The quality criteria communicated to tenderers that were used to determine the most economically advantageous bid, are listed in table 3 below:

**Table 3- Quality Criteria – Cashless Parking**

<b>MS1 Cashless Parking</b>	<b>50%</b>
MS 1A Mobilisation	30%
MS 1B Delivery	70%
<i>MS1 Total</i>	<i>100%</i>
<b>MS2 Parking Permit</b>	<b>50%</b>
MS2A Mobilisation	30%
MS2B Delivery	70%

<i>MS2 Total</i>	<i>100%</i>
<b>Total Method Statement Quality</b>	<b>50%</b>
<b>Social Value</b>	<b>10%</b>
<b>Commercial</b>	<b>40%</b>
<b>Total</b>	<b>100%</b>

3.27 Tenderers were required to submit additional information providing details of their proposed arrangements for performing the contract including (but not limited to) the following:

- The quality of their public facing phone solution for the payment of Cashless Parking transactions within the borough.
- Approach to changing on street signage for pay by phone services.
- Permit solutions, examples of efficiencies and user experience.

### **Evaluation process**

#### **Evaluation - Parking and Civil Enforcement Services**

3.28 All tenders had to be submitted electronically no later than Monday 22<sup>nd</sup> August 2022 at 12 noon. Tenders were opened on 23<sup>rd</sup> August 2022 and 3 valid tenders were received. Each member of the evaluation panel read the tenders and carried out an initial evaluation of how well they considered each of the award criteria was addressed in the tender.

3.29 The tender evaluation process was carried out by a panel of officers from the Healthy Streets and Parking, supported by Procurement, Finance and Legal Services. The process consisted of 3 elements Quality, Social Value and Price being scored separately and the results from each section combined to give an overall MEAT (Most Economically Advantageous Tender) score for each bid.

3.30 The scoring scheme for the quality evaluation for both Parking and Traffic Civil Enforcement and Cashless Parking is shown below in table 4.

**Table 4 - Scoring for Quality/Technical questions**

<b>Score</b>	<b>Definition</b>	

<b>0</b>	<p>The information required is either omitted or fundamentally fails to meet the relevant submission requirements to address the Council's requirements.</p> <p>Insufficient evidence to demonstrate that the relevant submission requirements or the Council's requirements can be met.</p>	<b>Unacceptable</b>
<b>1</b>	<p>The information submitted has insufficient evidence that the specified requirements can be met.</p> <p>Significant omissions, serious and/or many concerns.</p>	<b>Major reservations</b>
<b>2</b>	<p>The information submitted has some minor omissions in respect of the relevant submission requirements.</p> <p>The tender satisfies the basic minimum requirements in some respects but is unsatisfactory in other respects and raises some concerns.</p>	<b>Some Reservations</b>
<b>3</b>	<p>The information submitted provides some good evidence to meet the relevant submission requirements and/or the Council's requirements.</p> <p>It is satisfactory in most respects and there are no major concerns.</p>	<b>Satisfactory</b>
<b>4</b>	<p>The information submitted provides good evidence that all the relevant submission requirements and/or the Council's requirements can be met.</p> <p>Full and robust response, any concerns are addressed so that the proposal gives confidence.</p>	<b>Good</b>
<b>5</b>	<p>The information submitted provides good evidence that all the relevant submission requirements and/or the Council's requirements can be met and the proposal is outstanding.</p> <p>Exemplary in the industry, provides full confidence and no concerns.</p>	<b>Outstanding</b>

3.31 The panel met on 26th August and 31st August 2022 and each submission was marked by the whole panel against the award criteria.

3.32 In terms of price, the price evaluation was based on the annual cost attributable for the first five years of the contract. This involved calculating a sum based on the annual operational costs of the contract together with one fifth of the mobilisation costs. The maximum

available marks were awarded to the lowest price submission, and all other submissions awarded marks relative to the variance between their cost and the lowest cost.

- 3.33 The names of the tenderers are contained in Appendix 1. The scores received by the tenderers are included in Appendix 2. It will be noted that Contractor B was the highest scoring tenderer. Officers therefore recommend the award of the contract to Contractor B, namely, Marston Holdings Limited.
- 3.34 It is proposed that the contract commence in late June or early July 2023, subject to the Council's observation of the requirements of the mandatory standstill period noted in paragraph 5.2 below.

### **Evaluation – Cashless Parking**

- 3.35 All tenders had to be submitted electronically no later than 12<sup>th</sup> Sept 2022 by 12:00 noon. Tenders were opened on 13<sup>th</sup> September 2022 and two (2) valid tenders were received. Each member of the evaluation panel read the tenders and carried out an initial evaluation of how well they considered each of the award criteria was addressed in the tender.
- 3.36 The tender evaluation process was carried out by a panel of officers from the Healthy Streets and Parking supported by Procurement, Finance and Legal Services.
- 3.37 The scoring scheme for the quality evaluation was as 3.30 above.
- 3.38 In terms of price, the price evaluation was based on the annual cost attributable for the first five years of the contract. This involved calculating a sum based on the annual operational costs of the contract together with one fifth of the mobilisation costs. The maximum available marks were awarded to the lowest price submission, and all other submissions awarded marks relative to the variance between their cost and the lowest cost.
- 3.39 The names of the tenderers are contained in Appendix 1. The scores received by the tenderers are included in Appendix 3. It will be noted that Contractor 2 was the highest scoring tenderer. Officers therefore recommend the award of the contract to Contractor 2, namely, Pay by Phone Limited.
- 3.40 It is proposed that the contract commence in late June or early July 2023, subject to the Council's observation of the requirements of the mandatory standstill period noted in paragraph 5.2 below. This will coincide with the commencement of the new Parking and Traffic Civil Enforcement contract.

## **4.0 Financial Implications**

- 4.1 The Council's Contract Standing Orders state that contracts for services / supplies exceeding £5 million shall be referred to the Cabinet for approval of the award of the contract. The value of the Parking and Traffic Civil Enforcement Services contract is estimated to be significantly over the threshold and the value of the Cashless Parking contract is estimated to be considerably under the above-mentioned threshold.
- 4.2 The annual value of the contract for the provision of Parking and Traffic Civil Enforcement Services is estimated to be circa £4.47m at today's prices and the annual value of the contract for the provision of Cashless Parking Services is estimated to be circa £36k at today's prices. The cost of these contracts will be fully funded from the existing revenue budgets.
- 4.3 The award of both contracts is for an initial period of five years, with an option to extend for a further five years, making the total contract cost of both contracts £22.53m over five years, at today's prices. Both contracts are subject to inflationary increases and this risk needs to be considered as part of the Council's Medium Term Financial Planning.
- 4.4 A net saving is anticipated as a result of this reprocurement due to economies of scale and a longer term contract enabling further efficiencies. However, this benefit will not be realised until the contract is fully embedded as costs depend on volumes and there may be fluctuations depending on the Council's requirements in relation to future deployment and resources required, for example costs will increase for the enforcement of Housing Estate Roads, new Controlled Parking Zones, and the provision of new CCTV enforcement.
- 4.5 A representative of Brent Financial Services attended the evaluation panel.

## **5.0 Legal Implications**

- 5.1 The estimated value of the Parking and Traffic Civil Enforcement Services Contract over its lifetime is in excess of the threshold for Services and the award of the contract is therefore governed by the Public Contracts Regulations 2015 (the "Regulations"). The award of the Parking and Traffic Civil Enforcement Services contract is subject to the Council's own Standing Orders in respect of High Value contracts and Financial Regulations. The award of the Cashless Parking contract over its lifetime is also in excess of the threshold for Services and the award is governed by the Regulations and subject to the Council's own Standing Orders in respect of Medium Value contracts and Financial Regulations.
- 5.2 As advised in the report for Cabinet on 7 February 2022 requesting authority to tender these contracts, the Council must observe the

mandatory minimum 10 calendar day standstill period before the contract can be awarded. Therefore, once the Cabinet has determined which tenderer should be awarded the contract, all tenderers will be issued with written notification of the contract award decisions. A minimum 10 calendar day standstill period will then be observed before the contracts are concluded – this period will begin the day after all Tenderers are sent notification of the award decisions – and additional debrief information will be provided to unsuccessful tenderers. As soon as possible, after the standstill period ends, the successful tenderers of each contract will be issued with a letter of acceptance and the contracts can commence.

- 5.3 The Legal Implications relating to TUPE and Human Rights have been set out in section 8.0 below.

## **6.0 Equality Implications**

- 6.1 The Council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment and victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,

pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.

- 6.2 Under the Public Sector Equality Duty, having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 6.3 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.4 In 2020 an Equality Analysis was undertaken in relation to the RLS programme as a whole and no adverse equality or diversity implications were identified. This was updated in July 2021 to include consideration of the Final RLS Delivery Model and again no adverse equality or diversity implications were identified.

- 6.5 The proposals in this report have been subject to an equality analysis as set out in Appendix 4 and officers believe that there are no adverse equality implications.
- 6.6 Systems for cashless parking services are designed against the background of the W3C Web Content Accessibility Guidelines and to be accessible to individuals with a range of disabilities.

Arrangements to support impairment or learning disability include:

- All agents are native English speakers and fully trained in assisting all motorists including those who may be deemed vulnerable through any protected characteristics as set out in the Equalities Act 2010.
- Motorists who find it very difficult to use telephone keypads can simply ask our customer care agents to register an account and/or start a session on their behalf.
- Customers with hearing impairments will benefit from the simplicity of SMS texts and downloadable apps.
- Near Field Communication (NFC) technology for payments, which can be a welcome solution for many customers.

Specific arrangements for multilingual support include:

- 24/7 live agent support and online tutorials through short YouTube videos showing how to use all aspects of the service.
- A website that supports over 300 languages and a phone app that is available in 11 languages.
- Capability of a call centre to handle over 21 European languages for both oral and written communications, and Arabic.
- Access to a translation services company, LanguageLine which offers a translation service for correspondence and interpreting services for calls in 170 languages, such as Gujarati, Hindi etc. It takes around 30 seconds to obtain a translator who participates in a three-way call with a non-English speaking caller.
- As part of the Social Value commitment, support the Council's efforts to reduce digital exclusion and the provision of laptops to those in most need through the Resident Support Fund, Brent's Living Room and the Refugee Support. They will support a 'donate your device' campaign for one month per year and work with Age UK and Elders Voice to agree the content of Digital Inclusion workshops to maximise their effectiveness.

## **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 Targeted consultation on the RLS Delivery Model Options to comply with Section 3 Local Government Act 1999 took place from 17 May to 28 June 2021 and the results of this exercise and how these have influenced the Final RLS Delivery Model are set out in section 4 of the August 2021 Cabinet Report, with further detail in Appendix 1 of that



report.

- 7.2 The RLS Members' Reference Group has met several times to consider the RLS programme, the RLS Review, the Delivery Model Options and statutory consultation results and the Final RLS Delivery Model.
- 7.3 Decisions on service changes which are likely to result in a significant change in the services provided to residents require consultation with them on common law grounds. Whether or not consultation is required will depend on the scale and significance of the proposed changes.
- 7.4 There are no significant changes to services proposed. Service delivery is guided by the Traffic Management Act and related legislation, along with the Secretary of State's Statutory Guidance and the London Councils Code of Practice. Therefore, no resident consultation is required.

## **8.0 Human Resources/Property Implications (if appropriate)**

- 8.1 The existing services are currently provided by an external contractor, Serco and there are no implications for existing Council staff or property arising from retendering the contract. The new contractual arrangements have resulted in two existing Serco posts transferred into the Council (see paragraph 3.8 for details) and arrangements shall be made for those individuals to be moved to LBB Terms and Conditions.
- 8.2 An alternative contractor has been recommended for the award of the Parking and Traffic Civil Enforcement Contract, therefore the incumbent contractors staff that are currently employed in the provision of these services will be eligible to transfer pursuant to TUPE. It is expected that the vast majority of the incumbent contractor's staff will transfer under TUPE to the new contractor although it is common practice for the outgoing contractor to offer alternative roles to a small number of people.
- 8.3 TUPE information was made available to bidders. The levels of staff required by the new contractor to deliver the services are of a comparative level to those provided by the incumbent contractor and the incoming contractor outlined in its submission the steps it has in place to deal with any gaps that might arise at the time of TUPE.
- 8.4 It is not envisaged that any staff employed in connection with services to be delivered under the Cashless Parking Contract will TUPE transfer.

## **9.0 Public Services (Social Value) Act 2012**

- 9.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 ("the Social Value Act") to consider how services being

procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement and more detail is provided in section 9.2 below.

9.2 Social Value was scored against the criteria in table 5 below.

**Table 5 – Social value Criteria**

<b>Score</b>	<b>Definition</b>	
<b>0</b>	The Social Value offer was omitted or fundamentally failed to meet the relevant Social Value measures.  Insufficient evidence to demonstrate that the relevant submission requirements or the Council's requirements can be met.	<b>Unacceptable</b>
<b>1</b>	The Social Value offer is adequate but there is insufficient evidence to demonstrate that the relevant Social Value offer can be met.  Significant omissions, serious and/or many concerns.	<b>Major reservations</b>
<b>2</b>	The Social Value offer has some minor omissions in respect of the relevant Social Value measures.  The Social Value offer satisfies the basic minimum requirements in some respects but is unsatisfactory in other respects and raise some concerns.	<b>Some Reservations</b>
<b>3</b>	The Social Value offer submitted provides some good evidence to meet the relevant Social Value commitments offered in the Council's view.  It is satisfactory in most respects and there are no major concerns.	<b>Satisfactory</b>
<b>4</b>	The Social Value offer submitted provides, in the Council's view, good evidence that all the Social Value commitments offered can be met.  Full and robust response, any concerns are addressed so that the proposal gives confidence.	<b>Good</b>
<b>5</b>	The Social Value offer submitted provides strong evidence, in the Council's view, that all the Social Value commitments offered can be met and the proposal is outstanding.	<b>Outstanding</b>

Score	Definition	
	Provides full confidence and no concerns.	

### Parking and Traffic Civil Enforcement – Social Value

Contractor B provided commitments against the following 3 themes.

Theme	Commitment
Every opportunity to succeed	Local employment and a minimum of 14 apprentices per annum. Improve the gender pay balance across the company and for Brent residents, and increase the female workforce.
A future built for everyone, an economy fit for all	A commitment to reduced travel and Carbon emissions by 2030. Aiming to transition to a fully electric fleet by contract year 2.
A Cleaner, More Considerate Brent	A commitment to lower emission vehicles, and to contribute 30 trees per annum to Brent's 'Sponsor a tree' fund.

### Cashless Parking – Social Value

Contractor 2 provided commitments against 3 themes.

Theme	Commitment
Strong Foundations	A minimum of 2 I.T events p/a provided or sponsored in the community for residents, businesses and / or schools, colleges and universities.
A Cleaner more Considerate Brent	A minimum of 37 trees p/a to be planted either on our streets, in our public spaces or parks.
A Borough where we can all feel Safe, Secure, Healthy and Happy.	Promoting Active travel, health and wellbeing opportunities and initiatives for use by the wider community which supports healthier lifestyles and community cohesion. Commitment to

	a minimum of 3 events per annum.
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- 9.3 The tender submissions for Social Value for both Contractor B and Contractor 2 were found to be meet the Council's requirements.

Related Document (for reference):

Cabinet Report titled: Authority to Tender Contracts for Parking and Traffic Civil Enforcement Services 7<sup>th</sup> February 2022

**Report sign off:**

**Peter Gadsdon**

Corporate Director, Resident Services