

**Meeting:** Cabinet **Date:** 25 April 2024

**Wards affected:** All Wards

**Report Title:** Award of Contract for Civil Enforcement System (Parking Notice and Permit Processing System)

**When does the decision need to be implemented?** Contract Award will be made upon conclusion of the call-in period.

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## 1. Purpose of Report

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- 1.1 The purpose of this report is to seek approval to award the Civil Enforcement System contract which enables the Council to issue parking penalty charge notices and permits. This system ensures parking penalty charge notices are issued to vehicles parking in contravention, an appeals service and recovery of unpaid penalty charge notices in line with legislation. The system also provides a permit module to issue all parking permits to park in either car parks or on street. The value of the contract exceeds £50,000. The new contract will be higher than the existing, further detail is set out below in financial implications and Exempt Appendix 1.
- 1.2 The current contract ends on the 31 March 2025. It is critical for service delivery that the Council has this system in place, which has been appropriately procured.

## 2. Reason for Proposal and its benefits

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- 2.1 The reason for this proposal is to ensure that the Council can continue to issue parking penalty charge notices and permits within Torbay. To continue with this service is to meet the objectives of parking enforcement which include:-
  - The integration of traffic management policies with effective on street enforcement

- Provide dedicated on street enforcement
- Be responsive to changing priorities, local factors and demand
- Provide parking exemptions or dispensations as appropriate

### 3. Recommendation(s) / Proposed Decision

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1. That the Contract for Civil Enforcement System (Parking Notice and Permit Processing System) be awarded to the successful Applicant as set out in Exempt Appendix 1.

#### **Appendices**

Appendix 1: Except – Preferred Supplier and Tender Details.

#### **Background Documents**

None

# Supporting Information

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## 1. Introduction

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- 1.1 The Council have a requirement under Section 8 of the Traffic Management Act 2004 to enforce parking restrictions across Torbay.
- 1.2 Torbay Council enforce everywhere within a Special Enforcement Area (SEA) this includes on-street and off-street parking within Torbay.
- 1.3 An IT system is required to be able to issue parking penalty charge notices, (PCNs) ensure the system follows the legal process to make representations and appeal the issuing of the penalty charge and ensure recovery of unpaid penalty charge notices. Torbay issued 37,149 Penalty Charge Notices (PCN) in the year 22/23.
- 1.4 An IT system is used to manage the different types of permits to be used in car parks and on street in controlled parking areas, etc. Several permit types are virtual permits.
- 1.5 The current contract offers a system which manages the PCN process and the issuing of parking permits.
- 1.6 The current contract for this system is due to expire on 31 March 2025, due to the requirement of an implementation period in the event of a new supplier being awarded a new contract, a formal procurement process was commenced in January 2024.
- 1.7 The decision was made following a request for information to the market that the most effective procurement process would be a further competition from the ESPO Parking framework.
- 1.8 The procurement process was completed in March 2024 with the identification of the Council's preferred supplier as the most economically advantageous tender.

## 2. Options under consideration

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- 2.1 Option 1 would be to award the contract to the preferred supplier, identified following a compliant procurement exercise, as the applicant who submitted the most economically advantageous tender. The contract would be for an initial period of three years with three optional extensions of 12 months each.
- 2.2 Option 2 is not to award the contract, allow the current contract to expire and the Council will have no method to enforce parking restrictions across Torbay or to issue permits.

- 2.3 The current contract has no further extensions and there is no option to direct award the contract to the incumbent provider as this would be in breach of the Public Contract Regulations 2015.

### 3. Financial Opportunities and Implications

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#### 3.1 Opportunities as follows:

- This system will allow further efficiencies both in how PCNs are issued including more look up functionality and in the back-office system for dealing with representations and recovering unpaid penalty charge notices.
- It is likely once the system has been fully in use for a few months further permits can become virtual which will save on postage for reminder letters and the use of paper permits.
- Further digital methods to contact other departments within the Council direct to advise where there are issues which require further inspection or repair seen by the Civil Enforcement Officers.
- The reporting suite assists Torbay to provide more intelligence led enforcement when completing deployment plans. This will enable the authority to dedicate resources to areas of known non-compliance.
- The system has the functionality to also issue Fixed Penalty Notices.

#### Implications

- The cost of the new contract is higher than the existing contract (see Appendix 1). This is a standalone contract and is not shared with other authorities. The existing contract was shared with three other authorities with Torbay as the Lead. Whilst financially the service will cost more Torbay will see less time spent managing and monitoring the contract as Torbay acted on behalf of all the authorities. A benefit to is the system can be set up specifically to Torbay's requirements which will ensure the most efficient way of working. This could not be fully accomplished with a shared contract.
- The implementation and new equipment costs will be funded from a reserve fund specifically set up for updating and re-procuring a notice and permit processing system. Annually an amount is allocated to this reserve fund to support when a new system or equipment is required.
- If this system is not approved, on the 1<sup>st</sup> April 2025 uncollected debt for outstanding penalty charge notices will also cease for all preceding years. For the years 22/23

and 23/24 from the 1<sup>st</sup> April 2024 – 20<sup>th</sup> February 2025 this amounted to £211,187.00.

## 4. Legal Implications

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4.1 There are no known legal implications.

## 5. Engagement and Consultation

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5.1 Key internal departments were involved within the procurement process and contributed to the evaluation process.

## 6. Purchasing or Hiring of Goods and/or Services

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6.1 Social Value was built into the tender opportunity and the Council has secured social value commitments which will benefit the local community.

6.2 The delivery of these commitments will be managed through the contract.

## 7. Tackling Climate Change

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7.1 The award of this contract continues with the use of electronic/virtual methods to appeal and to obtain permits where appropriate.

7.2 Where legislation allows electronic methods are used to be able to appeal the issuing of the notice.

## 8. Associated Risks

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8.1 If approval is not granted the existing contract will cease on the 31<sup>st</sup> March 2025 and the Council will have no method to enforce parking restrictions across Torbay or to issue permits. Once this is in the public domain the risks are as follows:-

- Road safety issues especially outside of schools.
- Traffic management issues with vehicles parking inappropriately and stopping or hindering traffic flow.
- Non-compliant parking which may increase the risk of road traffic incidences across the bay including collisions.
- Loss of parking income from pay and display areas.
- Loss of revenue from car parks
- Loss of permit income.
- Increased difficulties for the authority to provide other statutory services i.e. street cleansing, waste management etc.

## 9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			There is no differential impact
People with caring Responsibilities			There is no differential impact
People with a disability			There is no differential impact
Women or men			There is no differential impact
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			There is no differential impact
Religion or belief (including lack of belief)			There is no differential impact
People who are lesbian, gay or bisexual			There is no differential impact
People who are transgendered			There is no differential impact
People who are in a marriage or civil partnership			There is no differential impact
Women who are pregnant / on maternity leave			There is no differential impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact

## 10. Cumulative Council Impact

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10.1 None

## 11. Cumulative Community Impacts

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11.1 None