

## Procurement of Civil Parking Enforcement Services

To: Highways and Transport Committee

Meeting Date: 1 October 2024

From Executive Director of Place and Sustainability

Electoral division(s): Cambridge City, South Cambridgeshire District

Key decision: Yes

Forward Plan ref: 2024/064

Executive Summary: This paper seeks authorisation to procure Civil Parking Enforcement Services, and to delegate authority to award the contract following a full procurement process to ensure a high-quality service at the best achievable cost.

Recommendation: The Committee is recommended to:

- a) Authorise the Executive Director of Place and Sustainability, in consultation with the Chair and Vice Chair of the Highways and Transport Committee, to commence the procurement for Civil Parking Enforcement Services for a term of five years, with an option to extend for a further five years: and
- b) Delegate authority to the Executive Director of Place and Sustainability, in consultation with the Chair and Vice Chair of the Highways and Transport Committee, to award and execute a contract for the provision of Civil Parking Enforcement Services starting 1 August 2025 and extension periods.

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# 1. Creating a greener, fairer, and more caring Cambridgeshire

- 1.1 This procurement aligns with the Council's Strategic Framework and Ambitions in relation to the environment (Ambition 1) as follows:
- Failure to adequately manage parking enforcement will increase congestion and undermine road safety.
  - The management of parking enforcement assists journey times for public transport promoting this mode of travel.
  - Parking enforcement is tied to incentives around the usage of environmentally friendly transport.
- 1.2 In addition to this, the procurement firmly aligns with the second ambition of improving travel across the county through providing the resources needed for the service to manage the road traffic network.
- 1.3 The following bullet points set out details of implications regarding this ambition:
- Enforcement of programmes implemented through the Local Highways Improvement programme
  - The management of parking enforcement assists journey times for public transport promoting this mode of travel.

## 2. Background

- 2.1 The current Civil Parking Enforcement contract was awarded to "Legion" OCS Group UK Ltd, and it expires on 31 July 2025. Therefore, there is a requirement to commence a procurement process to enable a new contract to be awarded from 1 August 2025.
- 2.2 The service provides the enforcement of Traffic Regulation Orders within the Cambridgeshire Special Enforcement Area (SEA). This area currently covers the city of Cambridge and the South Cambridgeshire district area.
- 2.3 The cost of the Council's current contract with Legion (OCS Group UK Ltd) exceeds the requirement for a key decision. There are also other costs involved in providing parking services such as in-house staff, client costs and infrastructure costs. These costs are covered from the income generated from Penalty Charge Notices (PCNs). Any surplus income is ringfenced and re-invested into eligible Council's services in accordance with the legislation laid out in section 55 of the Road Traffic Regulation Act 1984<sup>[1]</sup>.
- 2.4 The current arrangements offer a flexible and scalable approach to the running of parking enforcement within Cambridgeshire, with the contractor working alongside the Council to enable it to increase service levels as operational demand requires. Examples of this can be seen through the expansion of the Resident Parking Schemes and expansion of Civil Parking enforcement to include South Cambridgeshire District. Further examples would be changes to day-to-day operation as required to help the Council achieve their ambitions such as swapping from mopeds to e-bikes. It is therefore important that flexibility is provided for in any new contract.

2.5 Civil Enforcement Officers are one of the front-line services provided by the Council and interact with the public daily. Due to this, they perform an ambassadorial role for the Council. The Council has adopted policies relating to enforcement, to approach enforcement in an ethical and responsible way.

### 3. Main Issues

3.1 The objectives of Civil Parking Enforcement are to manage parking in order to:

- Reduce congestion
- Support business and the communities by addressing inappropriate parking
- Encourage correct, sensible, and safe parking
- Improve compliance with parking restrictions
- Ensure designated parking spaces are used only by those they are intended for
- Enable buses to operate more effectively
- Improve air quality, health, and the general environment
- Reduce delays for emergency services
- Keep Cambridgeshire moving

3.2 The Council will undertake a competitive process and complete all necessary contractual documents in accordance with the Council's Contract Procedure Rules. A draft procurement plan indicating key milestones has already been produced in agreement with the procurement team.

3.3 The Procurement team is currently being consulted to decide how to proceed with the procurement of this service. The options are whether to have an open tender process, to which any potential bidder can submit a tender, or to have a competitive flexible procedure with a pre-qualification stage, which may be more appropriate due to the volume of potential suppliers and sensitivity around information, such as current employment contracts and implications relating to the Transfer Undertakings (Protection of Employment) (TUPE) Act. The tender will be published before the end of February 2025, so will be procured in line with the existing procurement regulations, as the changes included in the Procurement Act 2023 have been delayed until 24 February 2025. Due to the value of the contract, a social value element will also be included as part of the evaluation process.

### 4. Alternative Options Considered

4.1 Other alternatives have been considered. These options would be:

- To do nothing and not re-procure the contract
- Alternate route(s) to market
- To bring the service in-house rather than undertaking the external procurement process

4.2 To do nothing has been discarded as an option, as this would result in the service provided ceasing to function which would lead to several negative implications for the Council. This ranges from being unable to manage the highway effectively, which would be against the Council's ambitions and would lead to a loss in public confidence.

- 4.3 Alternate routes to market have been investigated. On initial exploration with the procurement lead, at this time, there is no suitable framework for use. There is a potential framework to be awarded in October by the Crown Commercial Service (CCS) [2]. However, due to the timelines involved, this would potentially cause issues due to implementation windows.
- 4.4 Following a previous Highways and Transport Committee meeting in July 2023, it was questioned as to whether it was viable to bring the service in-house. The feasibility of whether this would be possible and within the best interests of the Council was investigated, and it was found not to be a viable alternative, due to the operational and financial strain that this would put on the Council. Additionally, to implement bringing the service in-house would take an extended period of time, which would not be feasible given the current timelines.
- 4.5 To expand on bringing the service in-house, contracting the service provides the Council with several benefits. An example of this would be by protecting the Council from potential financial risk relating to the employment and training of new staff, along with other initial outlay, such as uniform for new employees. This is especially relevant as the field often has a relatively high rate of turnover for new employees. It would also potentially avoid legal risk involved in undertaking the TUPE process when looking to bring staff in-house from the existing contract, where the terms of employment often differ greatly to the general terms of employment with the Council. Keeping this as a contracted service also off-loads various associated tasks to the contracted party.

## 5. Conclusion and reasons for recommendations

- 5.1 The recommendation is therefore to procure a new contract for Civil Parking Enforcement Services, as the alternative options available would be of disbenefit to the Council and have severe negative implications.

## 6. Significant Implications

### 6.1 Finance Implications

The following bullet points set out details of significant implications identified by officers:

- A failure to renew the enforcement contract carries the following risks:
  - Failure to adequately manage parking enforcement will decrease compliance with on and off-street parking regulation leading to a substantial loss of revenue through paid for parking.
  - Due to loss of revenue several other highways departments would have budgets significantly affected.

### 6.2 Legal Implications

The following bullet points set out details of significant implications identified by officers:

- The procurement of a new enforcement contract carries the following risk:

- All staff undertaking parking enforcement must be qualified and fully trained. The Transfer of Undertakings (Protection of Employment) Act (TUPE) will apply to staff within the current contract and may move to a new provider with terms and conditions retained.
- The Council shall comply with the Public Contract Regulations 2015 and shall meet the obligations set out in the Council's Contract Procedure Rules.
- The Council shall instruct Pathfinder Legal Services Ltd to assist in drafting and advising during the procurement process and the award of the contract.

### 6.3 Risk Implications

The following bullet points set out details of significant implications identified by officers:

- A failure to renew the enforcement contract carries the following risks:
  - Failure to adequately manage parking enforcement will increase congestion and undermine road safety;

### 6.4 Equality and Diversity Implications

There are no significant implications within this category.

A completed EqIA assessment is attached at Appendix 1.

### 6.5 Climate Change and Environment Implications

The following bullet points set out details of significant implications identified by officers:

- A failure to renew the enforcement contract carries the following risks:
  - Failure to adequately manage parking enforcement will undermine demand management and modal shift strategies.

Throughout the lifespan of the existing contract the council has implemented modal shift in the way the civil enforcement officers move about the SEA by replacing combustion scooters with e-bikes. Going forward, the Council will be stipulating this as a requirement in the specification.

Further to this, in the specification document it will be laid out that where feasible eco-friendly alternatives should be considered and adopted where appropriate, for example with bio-degradable stationery such as PCN wallets. The Council will look to implement this throughout the lifetime of the contract and review where possible as a continuous improvement plan in line with ambition 1.

## 7. Source Documents

7.1 [Road Traffic Regulation Act 1984, section 55](#)

7.2 [Crown Commercial Services Framework RM6349](#)