

# Guildford Borough Council

**Report to:** Executive

**Date:** 15 July 2024

**Ward(s) affected:** All

**Report of Director:** Dawn Hudd, Strategic Director - Place

**Author:** Andy Harkin, Parking Lead

**Email:** andy.harkin@guildford.gov.uk

**Lead Councillor responsible:** Councillor Catherine Houston

**Email:** catherine.houston@guildford.gov.uk

**Report Status:** Part Exempt

**Key Decision:** Yes

## Off-Street Car Parking Enforcement Contract

### 1 Executive Summary

Waverley Borough Council's contract for off-street car parking enforcement with its current provider (Marston's Group NSL) expires on the 30<sup>th</sup> of September 2024. There are a number of options available to Waverley Borough Council for providing this service once the contract ends. A project has been undertaken by the Business Transformation Team (Waverley Borough Council), both car parking teams and enabling services at both Waverley Borough Council and Guildford Borough Council ("the Council") to explore opportunities to work collaboratively to provide this service. This report sets out the options for the Council to either contract with Waverley Borough Council to provide parking enforcement services or do nothing.

### 2 Recommendation to Executive

The Executive is asked to approve:

- 2.1 That the Council enters into a contract with Waverley Borough Council to provide parking enforcement services as part of collaborative arrangements;
- 2.2 Delegated authority for the Strategic Director - Place to enter into such agreement(s) as will be necessary to implement this decision;
- 2.3 An increase to the Off-Street Staffing budget to cover increased establishment as described in paragraph 11.1.

### **3 Reason(s) for Recommendation:**

The Council will benefit from a reduction in overhead costs but more importantly there will be improved resilience as a result of the larger parking enforcement officer team.

### **4 Exemption from publication**

The content of Appendix 2 is to be treated as exempt as specified in Paragraph 3 of the revised Part 1 of Schedule 12A to the Local Government Act 1972 because the information relates to the financial or business affairs of Guildford Borough Council, Waverley Borough Council and potentially also of NSL. It will remain exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Financial or business affairs includes contemplated, as well as past or current activities.

### **5 Purpose of Report**

The purpose of this report is to seek approval for the Council to accept a contract award from Waverley Borough Council to manage and provide parking enforcement services in respect of Waverley's off-street car parks.

### **6 Strategic Priorities**

- 6.1 The recommended option will fulfil the criteria of Guildford Borough Council's Corporate Plan 2021 – 2025: "Our collaboration

programme with Waverley Borough Council will deliver cost savings and protect or enhance frontline services in priority areas.”

- 6.2 The project fulfils 4 out of 5 of the priorities set out in the Guildford Borough Council and Waverley Borough Council Partnership vision and the Transformation and Collaboration Strategic Objectives.

## **7 Background**

- 7.1 Collaboration has been identified as an opportunity within the Council’s Financial Recovery Plan (item 4.17). Waverley Borough Council’s current compliance enforcement officer contract ends 30<sup>th</sup> September 2024. This presents an opportunity for collaboration with Waverley.
- 7.2 The option recommended in this paper is considered the best direction for Guildford Borough Council due to the benefits which are listed in Appendix 1, Option 2.

## **8 Collaboration with Guildford Borough Council**

- 8.1 In July 2021 the Council and Waverley Borough Council agreed to enter a collaboration, starting with the appointment of a Joint Management Team (JMT), as a way of bringing forward further business cases for collaboration.
- 8.2 In November 2023 both Waverley Borough Council and the Council agreed to begin the Transformation and Collaboration Programme (“the Programme”).
- 8.3 The Business Transformation teams and Parking teams at the Councils have worked closely with colleagues from both councils to identify the options available for the Council and scrutinise them, with a view to ensure the benefits for the Council outweigh the risks of managing parking enforcement in Waverley’s off-street car parks. This is also being judged against the wider aims of the Programme.

Whilst all objectives will be considered when undertaking collaborative projects, the aims most applicable to this project are:

## Vision

- *The two councils will continue to be accountable to their own residents (first point).*

In this arrangement the Council will provide the service to Waverley Borough Council (the client). Waverley Borough Council will monitor service delivery closely whilst remaining accountable to residents for the service.

- *The partnership will help protect and enhance priority services in the face of the critical local government funding challenge (second point).*

This will be achieved through a shared parking enforcement team; providing savings for Waverley Borough Council and both income and savings to the Council to cover the cost of the service.

- *The councils will harmonise internal processes and external service delivery except when there is a good reason not to (fourth point).*

The Council, by undertaking this enforcement work for Waverley Borough Council, will harmonise external service delivery and provide financial and non-financial benefits for the Council.

- *This partnership will form a stable basis for any future collaborative discussions (fifth point).*

Collaborative arrangements such as the one recommended in this report will put Waverley Borough Council and the Council in a stronger negotiating position in the face of future potential local government reorganisation.

## Objectives

- *Bridge budget gaps by making savings (principal objective).*

The Council will receive staffing savings through the proposed solution.

- *Deliver sustainable and resilient public services (second objective).*

A larger team covering both councils offers better resilience.

- *Realise the aims of the collaboration vision, including the delivery of any agreed business cases for further change (fourth objective).*

This project meets the vision as set out above.

- *Respond to local and national economic challenges in terms of services, contracts, and staffing.*

A larger more resilient team will help the Council and Waverley Borough Council face changes to the service and staffing challenges such as staff illness. It should also improve the consistency of off-street parking enforcement across the two boroughs.

## **9 Consultations**

- 9.1 The councils' officers have worked together to establish the potential benefits of the agreed arrangement and consulted with colleagues from both council's Legal, Finance, HR, IT, Procurement and Car Parking teams.
- 9.2 If the recommended option is approved, an assessment will need to be undertaken as to whether the Transfer of Undertakings (Protection of Employment) 2006 ('TUPE') apply between NSL and the Council. If the criteria are met then the Council would be responsible for following the correct TUPE procedures and both Human Resources and Legal will advise.

## **10 Key Risks**

There is a risk that if the Council does not offer to provide the services, then it will be a missed opportunity to collaborate with Waverley Borough Council indicating a lack of ownership of the change required in the face of the government funding challenge.

## **11 Financial Implications**

- 11.1 In order to deliver the contract, Guildford Borough Council will need an additional 7.5 full time equivalent staff and the establishment budget will need to increase to reflect this.
- 11.2 The costs of delivering the contract have been reviewed and offers a small financial saving to Guildford Borough Council through a shared management overhead function. Coupled with increased service resilience this is a positive position for Guildford Borough Council.

## **12 Legal Implications**

- 12.1 The recommendation of this report is that the Council enters into a contract to provide off-street enforcement services to Waverley Borough Council's car parks.
- 12.2 The Local Authorities (Goods and Services) Act 1970 provides for joint arrangements between two or more public bodies through an agreement or contract. It permits councils to enter into contracts with other local authorities for the provision of administrative, professional and technical services.
- 12.3 The Council has power to enter into an agreement to provide these services under s1 of the Localism Act 2011 (general power of competence). The purpose of providing these services is to extend the collaboration and generate savings. It is not considered that this is being done for a commercial purpose as the primary objectives is not to make a profit. The Council therefore has the necessary powers to enter into a contract as proposed.
- 12.3 The contract will set out the obligations on the Council. Careful consideration will be given to these obligations and in particular the termination provisions to ensure that the Council's interests are protected.
- 12.4 It is considered likely that TUPE may apply and therefore the Council will need to act in accordance with statutory requirements in relation to the outgoing contractor and transfer of any staff to

whom TUPE applies. It has already been identified that in order to deliver the service there will be an additional staffing requirement and budget approval is being sought.

### **13 Human Resource Implications**

Human Resources will advise through the process of any staff transfers.

### **14 Equality and Diversity Implications**

There is no known negative impact on residents. Staff will be transferred regardless of profiling and characteristics. Any measures and suggested adjustments will be identified by the TUPE<sup>1</sup> process.

### **15 Climate Change/Sustainability Implications**

- 15.1 The provision and effective management of off-street parking feeds into various of both Council's strategies, including transportation, economic development, climate change and sustainability.
- 15.2 Controlling parking through effective enforcement, allows spaces to be prioritised for particular user-groups and this can assist with traffic, congestion, the resultant journey times and pollution.
- 15.3 The additional travel required by officers from Guildford to patrol Waverley, will raise Scope 1 emissions (if fossil-fuelled vehicles are used), or Scope 2 emissions (if electric vehicles are used). This increase would be accounted for via a percentage split between WBC Scope 3 emission calculations, and GBC via Scope 1 or 2, with a larger percentage being accounted for by WBC. WBC would already be accounting for carbon emissions under Scope 3 for its current contract. The percentage split could be calculated by mileage and fuel use within WBC borders, mileage from GBC depot to WBC

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<sup>1</sup> Transfer of Undertakings (Protection of Employment) regulations (TUPE).

borders, refuelling/recharging points used, and maintenance for the vehicles.

- 15.4 The additional staffing requirements will produce an increase in GBC carbon emissions, for example staff travel to and from work.
- 15.5 However, Guildford is in fact more centrally located to service the majority of Waverley Borough than the current provider's premises, which are located at the very north-west corner of Waverley, in Farnham. In addition to improved access to central and eastern parts of Waverley Borough, the Guildford base's proximity to the A3, should also allow improved access to the south and south-western areas of Waverley Borough. This may in fact help reduce emissions over the existing enforcement arrangements, as well as improving patrol / enforcement efficiencies.

## **16 Procurement Implications**

There are no procurement implications for the purposes of this report.

## **17 Overview & Scrutiny Comments**

This report will be considered by the Services O&S Committee on the 10<sup>th</sup> of June for review and any feedback will be set out for the Executive in the Supplementary Information Sheet.

## **18 Summary of Options**

Appendix 1 sets out the options available to the Executive: "do nothing" or "do more".

## **19 Conclusion**

Officers recommend the option that is most cost effective for the Council, supports the Financial Recovery Plan and meets the strategic objectives set by the Transformation and Collaboration Programme.

## **20 Background Papers**

None

## **21 Appendices**

21.1 Appendix 1 - Options Appraisal

21.2 Appendix 2 – Exempt Waverley Off-Street Enforcement Costs  
(RESTRICTED)

21.3 Appendix 3 – Equalities Impact Assessment (EQIA)