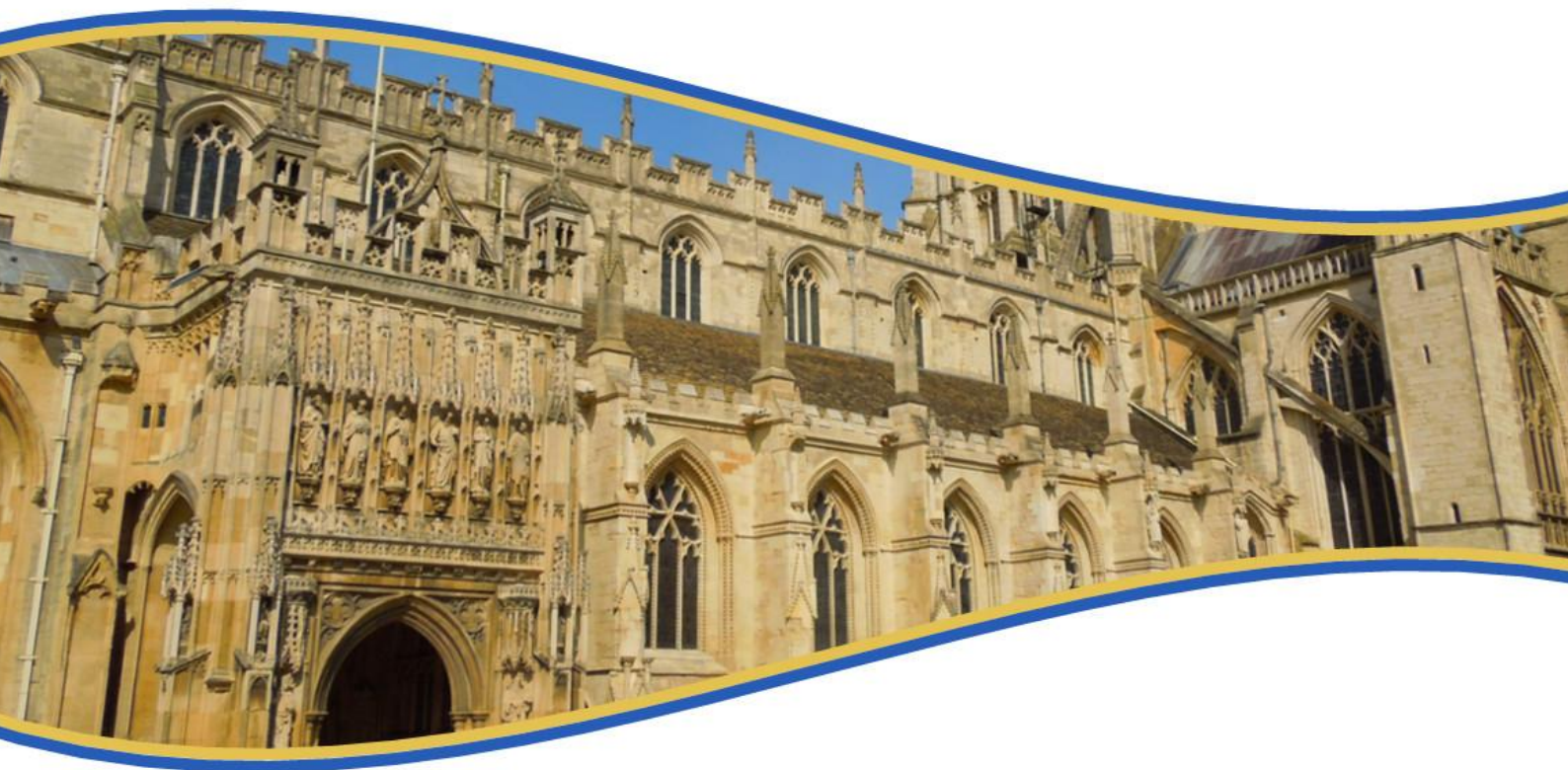


Car Parking Review

16th January 2019

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Executive Summary

Introduction

The Road Traffic Regulations Act 1984 states that a local authority may provide off-street parking places for the purposes of relieving or preventing congestion of traffic, and can make provision as to the conditions for the use of such parking places, including applicable charges.

The primary purpose of imposing and setting the level of parking charges must be to secure the expeditious, convenient and safe movement of vehicles and other traffic in the locality concerned, having regard to the need to secure access to premises, the effect on the amenity of the locality, the national air quality strategy and the need to secure the passage of public service vehicles. The cost of providing parking facilities may be an appropriate secondary consideration in the setting of parking charges.

The Council currently operates thirty-seven car parks; nine of these located within Stroud, Painswick and Stonehouse charge a fee, whilst the remainder have limited waiting times, but are free to use, albeit there is still a cost of providing these car parks. All are covered by enforcement and require ongoing maintenance.

During 2018 the Council reviewed the case for introducing charges in Cainscross, Dursley, Minchinhampton, Nailsworth, Stratford Park (Stroud) and Wotton-under Edge.

Audit Scope

The then Acting Head of Paid Service commissioned Internal Audit on 15th November 2018 to conduct an investigation into the procurement process in respect of the appointment of the consultant in connection with the Car Parking Review and also the nine points of concern that have been raised from a member of the public.

Key Findings

Procurement

The commissioning of the consultant to investigate the appropriateness of charging in a number of car parks within the district was approved under paragraph 15 (a) as an exemption from compliance with the Council's Contract and Procurement Procedure Rules (CPPR), this being applied under paragraph 18 (a i) the supplies or services to be provided relate to goods, services and materials which are proprietary articles.

It is noted however that when the consultant was commissioned to undertake the previous work upon which the exemption is based, the Council's CPPR was not strictly adhered to. Only two, rather than three suppliers were approached, and there is no written record to evidence that officers attempted to demonstrate that value for money was sought, by comparing prices from different suppliers or contractors.

Whilst the market may not have been fully tested the appointed consultant claims to be a global professional services firm of designers, engineers and planners with an extensive range of technical expertise with a focus on the built environment and as a firm have delivered a whole range of parking advice for a large number of private and public sector clients in the UK and abroad.

Officers tasked with taking the project forward advised Internal Audit that they had time pressures placed upon them to deliver the project, alongside a number of other key competing work priorities.

The Audit and Standards Committee has been monitoring the Council's performance in relation to procurement and contract management over a number of years. The Committee received a procurement update report at their meeting of 9th October 2018, where members decided to highlight its general concerns about officers on occasion, not following the full procedure when procuring services (including setting out a clear specification and fully advertising the proposed contract). The recommendation that was subsequently put to full Council for their endorsement on 18th October 2018 is as follows:

The Corporate Team is reminded of the importance, without exception, of ensuring:

- Forward planning for any procurement, whether a completely new service or a renewal (as opposed to an extension) of contract;
- All procurements undertaken are recorded in writing and documents are retained in line with the Council's documentation retention policy; and
- All applications for exemptions (granted or otherwise) to the Council's Procurement and Procedure Rules are reported to the Audit and Standards Committee as part of the regular procurement updates.

Internal Audit, during 2017/18-2018/19 has also undertaken a review of procurement activity, the findings emanating from the review was reported to Audit and Standards Committee on 9th October, 2018. The review resulted in four medium priority recommendations all of which have been accepted by management.

In light of the above, Internal Audit does not propose to make any further recommendations.

1. That SDC falsely claimed the consultant's report was commissioned to look into the 'appropriateness of parking' when, in fact, the official letter shows that the consultant agreed to find opportunities for imposing parking – and some £9k of public money was spent on this exercise.

Internal Audit reviewed the Stroud District Parking Review Report (May 2018), the signed consultant's instruction and budget setting documentation. It is evident that the consultant's report includes the reference 'appropriateness of parking' and the consultant's instruction includes 'basis for any changes in charging 'and 'opportunities for the introduction of payments'.

It is acknowledged therefore that the references within the consultant's instruction could be interpreted as the complainant has stated however it is important to note that for there to be any change to charges, the Council is required to (and in the current case, did expect to) follow a required procedure that is set down in law.

In addition, as part of the Council's budget setting process the pro-forma completed by the Head of Community Services makes reference to 'introducing any new charge on the basis that it is appropriate and proportionate'.

In light of the above, Internal Audit concludes that there is sufficient evidence to support that the Council commissioned the consultant to look into the appropriateness of parking.

2. That there was no written brief from SDC - it was all done verbally (Why? And how can this process be so lacking in transparency?)

There was no formal written specification prior to the scoping meeting that was held with the consultant on 9th November 2017. Following the meeting the specification was formalised in writing (consultant's instruction), and was subsequently duly signed by both parties. From discussions held with officers involved in the procurement it is evident that they acknowledge, in hindsight, that a written specification could have been in place prior to engagement.

In light of the above, Internal Audit concludes that there is an instruction letter / brief.

3. That industry standards – publicly and prominently cited by SDC and the consultant as being used to do the vehicle-counts at the heart of the report - never in fact existed.

The consultant provided the Council with a written document dated 30th November 2017 detailing the methodology for conducting car park surveys. It had been produced with the understanding that the Council would be providing enumerators to conduct the surveys manually.

Section four of the document details the recommended methodology to be applied to provide the most accurate parking information with the most efficient use of resources, this being a 15-minute parking beat survey.

Internal Audit contacted the consultant in order to establish the source upon which the Parking Survey Methodology was based. An Associate confirmed that the reference to industry standards refers to a methodology for parking surveys typically applied in terms of utilization / occupancy recording and is widely used.

Internal Audit concludes, based on the review of the above information that the reference to industry standards as referred to within the Stroud District Parking Review Report (May 2018) relates to the Parking Survey Methodology document, dated 30th November 2017.

4. That the surveys done by neighbourhood wardens were unaudited (they were sent the template by email); largely unnamed; done to different methodology; and done to highly unlikely time-frames (one person was counting up to 300 cars every 15 minutes over several hours) – as such, they are invalidated.

Internal Audit reviewed the completed surveys and compared these to the Parking Survey Methodology, dated 30th November 2017 that was provided by the consultant. The methodology for conducting car park surveys had been produced with the understanding that the Council would be providing enumerators to conduct the surveys manually, and is based on the knowledge of the car parks to be surveyed within the following five locations Nailsworth, Dursley, Minchinhampton, Wotton-under Edge, and Cainscross.

Internal Audit concludes, based on the information reviewed that the surveys were not undertaken in strict accordance to the Parking Survey Methodology, dated 30th November 2017. The main deviations being:

- That all of the car parks were not surveyed on the same weekday to enable a direct comparison as suggested however, all car parks were surveyed on the same day where multiple car parks exist in the same location i.e. Nailsworth, Dursley, and Wotton-under-Edge;
- The time period for the Saturday survey was five hours less than that of the weekday surveys, however the Community Services Manager has advised Internal Audit that the deviation to the survey periods was largely due to the available resource and was discussed and agreed with the consultant as being acceptable; and

- The survey data does not evidence / include intimal counts although within the methodology, reference is made to this being less important in a beat survey, distinctive vehicles to measure length of stay, a verification count at enumerator cross over point, or demonstrate the agreed path taken to survey the car park to ensure consistency and accuracy.

Should any similar surveys be undertaken in the future, management will need to ensure that the template to be used is adequate to capture the respective data as prescribed within any agreed methodology.

5. SDC claimed to me the wardens were also, at the same time, performing their normal duties (impossible); in fact, an FOI email to them tells them NOT to perform normal duties or multi-task - just to concentrate on surveys.

The Director of Customer Services had sent an email to the complainant dated 27th July 2018 in response to a question which confirms the reference, 'The Neighbourhood Wardens and other SDC staff undertook the car park survey work as part of their normal working day at the same time as continuing to respond to phone calls relating to their day job.'

A response from the Council in respect of complaint 848 includes 'Due to the expanse of car parks surveyed, some of the staff were stationed in one car park only. This allowed them to take phone calls whilst undertaking this duty considering they were surveying every 15 minutes'.

In response to FOI 4781, an email dated 23rd January 2018 from the Community Services Manager to enumerators does state 'Tempting as is may be, please don't multi task and do enforcement whilst undertaking the surveys'.

This issue was discussed with the Community Services Manager who advised Internal Audit that:

- Due to the locations of the car parks some enumerators were required to walk between car parks whilst others were sited within one small car park. It was therefore practical and an efficient use of resource for some enumerators, sited within a single small car park to be able to take phone calls relating to their day job; and
- The comment within the email dated 23rd January 2018 to enumerators had been included to reiterate the decision made at a previous team meeting where it had been discussed as to whether it would be appropriate to conduct enforcement, which is a different task to that of undertaking a phone call.

Internal Audit concludes, based on the review of the above information that enumerators were appointed to different locations, some of which, where deemed practical, were able to undertake other simple work related tasks.

6. That the consultant should never have been paid - the report is unclear, inconsistent, lacks evidence for its conclusions (for example, a main reason for introducing parking charges is 'churn'; yet churn is not measured in the report).

See combined response under 8 below.

7. The report claims that the counts were done on quiet days. This is false: the Saturday Nailsworth count was done on a day when Forest Green Rovers were playing at home, with more than 2,000 spectators.

The surveys were undertaken during the month of January, which is a month that falls within term time, is post Christmas and were conducted on a neutral day, as termed within the Car Parking Methodology, with the Saturday survey being conducted within the same week of the middle week of the three week survey period.

With reference to the point raised concerning the FGR (Forest Green Rovers) match, the Community Services Manager advised Internal Audit that he was not aware that FGR had a home match fixture.

Internal Audit viewed the Forest Green Rovers 2017/18 Results table, (from their web page). In summary:

- 50 matches were played during the season, 25 of these were played at home, and 25 were away;
- During the football season August to May, on six occasions home matches took place either on a Monday, Tuesday, or Friday, however the majority of matches (19) took place on a Saturday. It is evident that on Saturday 20th January, there was a home game, kick-off time for the match was 3.00 pm; and
- During the 10 month season, Saturday matches took place three times each month during November and December, twice a month in September, October, January-March, and for the remaining three months August, April and May, one match a month.

In light of the frequency of home matches held on a Saturday (minimum once a month, maximum three times a month) during the ten month football season, it could be considered by some for this to be a 'typical' event, and whilst it had not been identified that such an event was due to take place when planning the survey dates, inclusion of survey data when such an event occurs, has enabled insight as to patronage within the Nailsworth car parks on such days.

Internal Audit concludes, based on the review of the above information that:

- Surveys were conducted in line with the 'neutral' criteria, as stated within the consultant's Car Parking Methodology; and
- The Saturday survey was conducted within the same week of the middle week of the three week survey period.

8. There are two invoices submitted by the consultant for the same work; there was no explanation or email about it (which I requested under FOI); yet SDC finance department somehow knew which one to pay and why. How is this possible or accountable?

The consultant's instruction dated 27th November 2017 is signed by both parties and constitutes a written contract, i.e. the offer and acceptance of commissioned services in exchange for a lump sum fee of £9,950 + VAT. The tasks and deliverables specific to the consultant's work being detailed within the brief under six bullet points.

Section D, paragraph D3.8 of the Council's Financial Regulations makes provision for goods and services to be checked on receipt to verify that they are in accordance with the order. In addition, paragraph D3.9 states that payment shall not be made unless a proper VAT invoice has been received, checked, coded and certified for payment, in accordance with the procedures specified by the Section 151 Officer. Invoices shall not be amended; if any invoice is found to be incorrect, a replacement shall be requested from the originator.

The consultant invoiced the Council for the agreed lump sum plus VAT (invoice number 1016929). Upon receipt of the invoice, the Principal Community Services Officer advised Internal Audit that he had contacted the consultant to negotiate the original lump sum fee as it was deemed that the sixth bullet point was not fulfilled as the requirement for this element of the brief was no longer needed. The consultant agreed to reduce the fee and the invoice was put on hold, pending receipt of a credit note (10001719) and amended invoice (1020488), reflecting the agreed reduced fee.

Internal Audit was able to verify that the consultant's report was subject to document verification checks i.e. version control, preparer, checker and authoriser. This demonstrates the quality assurance applied to the report prior to release.

Internal Audit concludes, based on the review of the above information that:

- The consultant's report evidences that a quality assurance process was applied prior to release of the report; and
- Verification checks, as required under D3.8 upon receipt of an invoice was undertaken and subsequent action taken in line with paragraph D3.9 of the Council's Financial Regulations to request an amended invoice to reflect the work undertaken.

9. That when I asked for relevant info from FOI, very little of this appeared. It was only produced when I came up with evidence to prove my FOI request had not been fulfilled.

The Freedom of Information Code of Practice (FOI COP) dated 4th July 2018 provides guidance for public authorities on best practice in meeting their responsibilities under Part I of the Act. It sets the standard for all public authorities when considering how to respond to Freedom of Information requests. In relation to point 9, section four, time limits for responding and section five, internal reviews are relevant.

Internal Audit accessed the Council's Freedom of Information (FOI) Administration System to view the number of FOI requests that have been made by the applicant in relation to this subject. It is evident that during the period 21st June /2018 – 2nd November 2018 four requests have been lodged (reference numbers 4669, 4718, 4781, and 4908). The first two requests relate to point 9, references 4669 and 4718.

The initial request (4669) dated 21st June 2018 asked to see all correspondence between the District Council and the consultant regarding the Stroud District Parking Review (May 2018). The FOI request was acknowledged on 22nd June 2018 (next day) and a formal response was subsequently sent on 20th July 2018 (within 20 working days) releasing two documents, the signed consultant's instruction and emails between the then Principal Community and Facilities Officer and the consultant during the period 27th October 2017 – 30th October 2017.

On 24th July 2018 the complainant responded to the Council requesting for a review of the information given under the FOI. This request was passed to the Head of Legal Services, (thus the internal review was undertaken by an individual other than the person who took the original decision) and resulted in some additional information being released on 9th August 2018 (also in response to FOI 4718) and an official response to the internal review being provided to the complainant on 24th August 2018.

Internal Audit concludes that the Council has conformed to the respective requirements of the FOI COP in processing the respective FOI requests.