

## **Making those Decriminalised Parking Enforcement Decisions**

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**“The process, considerations and planning to enforce PCNs by certificated bailiffs should start right at the beginning of the application process,” argues Andy Rose, Managing Director Bristow & Sutor Civil Enforcement Agents.** As more local authorities apply for the power to operate a decriminalised parking enforcement regime outside London, they are faced with the dilemma of operating an in-house service or appointing external service providers.

All too often it can be a hurried exercise some way down the line and not adequately allow for the careful and planned introduction of the right partners and service providers. The timetable should be carefully thought through and take into account various business issues that may impact the course of action. Selecting software and interfacing with the Traffic Enforcement Centre for the production of a warrant is not plain sailing! Without adequate development and lead in time the initial process can be frustrating and troublesome and cause significant delays in the enforcement process. The resources that will ultimately be required must be considered and planned for so as to achieve a smooth, cohesive and seamless process and ensuring early success with effective enforcement.

A major consideration is whether the council wishes to attempt to provide the ‘certificated bailiff’ part of the process from within or if they should explore the marketplace and secure the services of an experienced and competent external service provider. That will be a matter of individual choice but many factors need to be considered. If the preferred option is to carry out the function in-house then staff will have to be recruited and trained.

In addition the Road Traffic Act 1991 stipulates that bailiffs carrying out such enforcement must be certificated through the county court. The process requires applicants to prove they are ‘fit and proper’, provide references, be subject to various checks, provide a bond and be knowledgeable in distress law, being prepared to be examined in open court. In addition there is the consideration of the pending requirements emanating from the enforcement review ‘Towards Effective Enforcement’ and the requirement to belong to a professional body, be licensed and

demonstrate competency through an external examination process to the satisfaction of a regulatory body, proposed to be the Security Industry Authority.

An understanding and compliance with the 'National Standards for Enforcement Agents' will also be required. Resources necessary to perform the enforcement function will be needed and would include vehicles, clamps, removal and sale of goods. There are some serious issues here which would need careful evaluation as to the feasibility of the exercise and the substantial initial investment undoubtedly required to set this model up.

Effective enforcement is not only about having sufficient resources available; it is having the ability to consistently support large numbers of cases and to turnaround those cases during peak times, ensuring that the same quality and standard of service are maintained throughout the year. Local authorities are largely driven to meet and exceed Government's Best Value performance indicators. These indicators provide a measurement of the overall economy, efficiency and effectiveness of the individual Council against not only Audit Commission and other nationally set indicators, but also as an assessment of their own performance. Delivering results against set targets is critical.

The alternative, of course, is to engage an experienced enforcement service provider who in most cases will not incur the council in any ongoing contractual costs and one who can be held accountable for their performance. Bailiffs have been tarred with an image akin to nightclub bouncers and how ironic that the aforementioned 'regulatory body' is the same one who is *currently* licensing and regulating those very people. In reality the modern day bailiff is not as perceived by the media, quite the contrary: the changing times and controls have demanded high levels of integrity and a professional approach to enforcement.

Careful thought should be given as to the council's needs and how you want the service delivered to meet *your* requirements, not just look to 'copy' a neighbouring authority's method, as this may well conflict with your own code of practice i.e. how vulnerable groups should be treated at the various recovery stages?

Where you place your advert or how you approach suitable organisations will need some thought together with your overall timescale for the whole tender process. Key evaluation criteria should include; financial stability, satisfaction of adequate resources, expertise in distraint and recovery of local authority revenues, credibility,

accountability and confirmation that the chosen provider(s) can meet your needs. Do you want a competitive situation whereby you employ the services of two companies? This may have the advantage of allowing you to compare performance to the ultimate benefit of the authority. You feel that you can't confidently make your decision from a correspondence exercise alone and should perhaps consider some key indicators. What are the experiences of other clients serviced by the applicant? Take up references, as this is often the most independent and reliable test you can take. A supplier confident enough to provide a complete list of references, not just a select few, demonstrates total information transparency and open communication. Other measures might be to ask the applicant to come and present their proposals to you or even visit their premises to see at first hand exactly what resources are available. All of these will at least 'stack the deck' in your favour. You would not employ a new member of staff without similar measures.

In addition to the core recovery activity you should be aware of any areas of added service value which could include notice processing, DVLA verification or a web-enabled client link to aid the administration and audit of cases. Our organisation responded largely to the needs of our clients to meet their e-government initiatives by working in partnership with them to develop a client web-link system built around their business needs. The user is provided with real-time management information, case history and activity that integrate with existing software available in the marketplace and already used by a large number of the authorities. This helped reduce the strain on the often overstretched manager or authority resource and complimented existing proven best practice.

Following this approach should ensure the best chance of appointing the right partner and complementing your own enforcement strategy to optimum success of the council.

Any expense will be restricted to the initial tender exercise evaluation and the ongoing monitoring of performance. Making the right appointment is crucial and will result in time and money well spent!