

Report to the Chief Officer (Highways and Transportation)

Date: 18 March 2014

Subject: Waiver Report for Cycle Hoops Car Bike Ports

Capital Scheme Number : 32017 / 000 / 000

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): City and Hunslet	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. Improving the quantity and quality of cycle parking in Leeds City Centre will complement ongoing Leeds Core Cycle Network route provision (including the City Connect Project) and will encourage greater cycle use – this will help reduce CO2 emissions, reduce congestion and contribute to improving the health of the residents of Leeds with all the economic and life-standard benefits that brings. This is consistent with the Best Council Plan as a priority for 2013/14 and will also contribute to the Tour de France legacy.
2. Providing additional cycle parking spaces will also help to discourage inconsiderate parking on other items of street furniture such as benches, trees, guardrail etc.
3. After a rigorous study of cycle parking options, one system has been identified for provision of on-carriageway locations where no footway space is available; Car Bike Ports.
4. An appraisal of different systems of on-carriageway cycle parking options has been undertaken and Car Bike Ports, produced by Cycle Hoop is the only product to offer a tried and tested option that gives a good balance between aesthetics and the practical needs of cycle parking. This report seeks approval to order the Car Bike Port product without request for quotes to competitors.

Recommendations

5. The Chief Officer (Highways and Transportation) is requested to:

- i) note the contents of this report; and
- ii) approve the waiver of Contract Procurement Rule *No 8.1 and 8.2 – Intermediate value procurements* to allow Leeds City Council to appoint Cycle Hoop to supply 16 no. Car Bike Ports without request for quotes to competitors, and approve the supply of these at a cost of £64,974.

1. Purpose of this report

1.1. To approve the waiver of Contract Procurement Rule *No 8.1 and 8.2 – Intermediate value procurements* to allow Leeds City Council to appoint Cycle Hoop to supply 16 no. Car Bike Ports without request for quotes to competitors, and to approve the supply of these at a cost of £64,974.

2. Background information

- 2.1. The Grand Depart for the 2014 Tour de France will be leaving from Leeds City Centre. The events and promotions surrounding the event will lead to an increase in the popularity of cycling, including city centre commuting. A “Legacy” proposal for Leeds is being developed to lock in the benefits of the Tour, and the improved city centre cycle parking proposed in this report will form a part of it.
- 2.2. In August 2013 the West Yorkshire Integrated Transport Authority (Metro), in partnership with Leeds City Council and Bradford Metropolitan District Council were awarded £18.1m from the Department for Transport’s Cycle City Ambition Grant fund. This was matched with over £10m of local funds to deliver the City Connect project. This project includes a programme of cycle route provision and initiatives to promote and support cycling as a means of cycling to work and for leisure. This project will also see an increase in the numbers of cyclists entering the city and therefore an increase in demand for cycle parking.
- 2.3. The City Connect project also includes funding for cycle parking. This will be focused on high profile cycle hubs and potential initiatives to encourage businesses to improve in-house parking. (in line with consultation feedback detailed in para 4) These initiatives will complement the proposals in this report.
- 2.4. An appraisal of potential cycle parking options was undertaken and the option proposed in this report stood out as having practical applications for provision of cycle parking on the Highway where no footway space is available:
- 2.5. **Car Bike Ports** – These are produced by the company; Cycle Hoop. An information sheet is attached as Appendix A. This product enables us to provide on-carriageway parking in locations where on-footway cycle stands are not possible due to space restrictions. They will be placed in Pay and Display bays, which will be suspended for the duration of a trial period. Installation of Car Bike Ports will mean revenue loss equivalent to 16 bays. To ensure revenue loss is minimised and only incurred where beneficial, use of Car Bike Ports will be monitored to ensure use. If it proves that any location is under utilised they can be removed and redeployed elsewhere. If use is proven then permanent Traffic Regulation Orders will be applied for. It is proposed that the trial period will last for one year but will be reviewed a month after the Grand Depart.

- 2.6. Cycle Hoop's designs have been produced for four years and have been used in many locations across the UK and Europe including Newcastle, Durham, London, Sweden and Germany.
- 2.7. Installation of Car Bike Ports will not require Temporary Traffic Regulation Orders and bays can be suspended at the discretion of the appropriate Officer.
- 2.8. Car Bike Ports are produced by Cycle Hoop and the catalogues of 18 companies (including all major suppliers) have been researched to identify alternatives. None have designs of similar tried and tested products, although when spoken to one has claimed that they can fabricate something similar. Cycle Hoops designs are protected with a European Community Design Registration (number 002261859-0001). The designs are advantageous as they are semi-permanent and can be unbolted and dismantled easily. This means they can be moved to allow streetworks or redeployed if underused or required as temporary parking elsewhere for the Tour de France or later events. They are also aesthetically interesting and provide a high profile cycle park that can be adapted to highlight the Tour and amended to promote the City Connect project.
- 2.9. The profile of Cycle Bike Ports can be raised by the use of integrated advertising banners. These can be produced by the City Connect team and consist of infill banners that can be affixed after installation. Leeds City Council Officers associated with potential revenue sources have been contacted.

3. Main issues

- 3.1. It is proposed to provide Car Bike Ports at locations shown on Appendix B for a trial period of one year but with review one month after the Tour de France in August 2014.

3.2. Reason for Contracts Procedure Rules Waiver

- 3.2.1. Following the selection of the Car Bike Port product by Cycle Hoop as the preferred method of on-carriageway cycle parking provision, the waiver of Contract Procurement Rule No 8.1 and 8.2 – Intermediate value procurements is required.
- 3.2.2. The Cycle Bike Port design is protected by Cycle Hoops with a European Community Design Registration (number 002261859-0001).
- 3.2.3. The "Cycle Bike Port" is the only product on the market that is suitable for the intended use.

3.3. Consequences if the proposed action is not approved

- 3.3.1. We hope to deliver cycle parking improvements by the end of financial year 2013/14 to make use of allocated Local Transport Plan funding. This timescale also means that stands will be in place well before the Tour de France takes place. If a full tender procedure is undertaken, it is unlikely that this timescale can be met.
- 3.3.2. The patented Car Bike Port is the only product identified on the market that is available off the shelf that doesn't require fixtures in the Highway and that would prohibit the flexibility of being removed easily to open the Highway to traffic when necessary. Cycle Hoops designs have been produced for four years and have been used in many locations across the UK and Europe including Newcastle, Durham, London, Sweden and Germany.
- 3.3.3. Failure to take advantage of this year's allocated Local Transport Fund stands could mean that we do not achieve an objective of the Tour de France Legacy and that we are not able to provide the necessary complementary parking to the City Connect project.

3.3.4. Failure to provide adequate cycle parking will mean that either people who might cycle to the city are dissuaded from doing so, and the potential increases in cycle numbers are not maximized. Alternatively people will park bikes against inappropriate street furniture such as trees, benches and guard railing.

3.4. Advertising

3.4.1. No advertisements have been undertaken, as fully designed and tested products are advertised on company websites and in brochures.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 An online Survey Monkey questionnaire was advertised through Twitter and emailed to a wide range of stakeholders. 1700 responses were received. The following is a summary of feedback:

- Access to secure cycle parking is a deciding factor in cycling to work and for encouraging cycling for leisure and retail purposes;
- There is a demand for better cycle parking facilities at work and for leisure or retail purposes in key central locations. Existing cycle parking provision is not considered adequate;
- It was felt that safety and security should be the most important factor to consider when providing new facilities, followed by proximity to destination. Cycle hubs, workplace facilities and frequent on-street stands were given as high priority for improvement;
- A wide range of locations were suggested highlighting the need for improved facilities across the city centre; and
- The need for supporting facilities such as lockers and showers is also important.

4.1.2 Meetings were also held with a subgroup of the Leeds Cycling Consultation Forum, which included the Chair of the Leeds Cyclists Campaign and a representative of the UTravel Active project.

4.1.3 The above feedback led to the proposals within this report and to development of proposals to follow as part of the City Connect project.

4.1.4 Ward Members were contacted by post and email on 14th February 2014. No comments have been received.

4.1.5 Fire, Ambulance and Police services have been contacted as well as Metro, and no adverse comments have been received.

4.1.6 Internal Consultation. Colleagues in Highways and Transportation have been consulted as part of the process. Parking Services has been consulted in the course of preparing this scheme and supports the proposals.

4.1.7 Frontages adjacent to the proposed Car Bike Port locations have not yet been consulted, but all will be approached prior to finalising locations and in advance of installation. Additional locations have been identified should any substantial objections be received. The positioning of Car Bike Ports within Pay and Display bays means that objections are only likely to arise

through aesthetic considerations or vehicle parking reduction, rather than practical ones such as access blocking, sight-line reduction etc. The units provide an upbeat and interesting “look” and have been spaced to keep vehicular parking loss to a minimum.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Consultation has taken place with Leeds City Council Equality Team and they have confirmed that an Equality Impact Assessment Screening is not required for the procurement of the Cycle Bike Port, but is required for installation.

4.3 Council Policies and City Priorities

- 4.3.1 The proposals are consistent with the ‘A Healthy City, Physical Activity Strategy for Leeds 2008 to 2012’. The strategy recognises that physical inactivity is one of the top ten leading causes of death and disability in the developed world. Active Travel provides one of the four key components of the strategy.
- 4.3.2 Development of cycle infrastructure supports the Local Transport Plan objectives to improve connectivity to support economic activity, to make substantial progress towards a low carbon transport system and to improve quality of life. Furthermore, the scheme is consistent with the detailed aims and proposals of LTP3 specifically:
- 4.3.3 Proposal 22: ‘Define, develop and manage networks and facilities to encourage cycling and walking’; and
- 4.3.4 Proposal 22: ‘Define, develop and manage networks and facilities to encourage cycling and walking’; and
- 4.3.5 Implementation Priority: ‘Investment in low carbon modes of travel’.
- 4.3.6 The proposals are in line with the Leeds Vision 2030 which sets out plans for ‘increased investment in other forms of transport, such as walking and cycling routes, to meet everyone’s needs’.
- 4.3.7 The proposals are consistent with the Best Council Plan with sets helping inactive people become more active as a priority for 2013/14. The Leeds Core Cycle Network, and the parking facilities that support it will also help achieve the Leeds City Priority Plan 2011-2014 Priority; of making sure that people who are the poorest improve their health the fastest.

4.4 Resources and Value for Money

- 4.4.1 The total cost of these proposals is £64,974. Approval of this cost and additional installation costs will be subject to a Highways and Transportation Board report to be submitted if this Waiver Report is approved. Costs are intended to be fully funded by the LTP Transport Policy Capital Programme (100% Government Grant).
- 4.4.2 Although there is no direct alternative to the Car Bike Port product on the market, the costs of them are reasonable compared with the nearest alternative measure which is a bank of standard cycle stands protected with permanent traffic islands. The estimated cost of this alternative provision is around £4,500 per unit, or around £72,000 for the proposed 16 units. Costs were estimated on existing cycle parking examples in Camden. This nearest alternative does not provide the flexibility offered by the Cycle Hoop product.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The report is not subject to Call In and there are no grounds for treating the contents of this report as confidential with the Council's Access to Information Rules. The decision is a Significant Operational Decision which will be published.
- 4.5.2 Awarding contracts directly to the contractors in the way proposed could leave the Council open to a potential claim from other contractors to whom this contract could be of interest that it has not been wholly transparent. In terms of transparency, it should be noted that it is a requirement of European case law that contracts of this value are subjected to a degree of advertising. It is up to the Council to decide what degree of advertising is appropriate. In particular, consideration should be given to the subject-matter of the contract, its estimated value, the specifics of the sector concerned (size and structure of the market, commercial practices, etc) and the geographical location of the place of performance
- 4.5.3 In approving this waiver without subjecting the contract to competition, there is a risk of challenge to the Council from other potential providers that have not been given the chance to tender for this opportunity. It is suggested, due to the matters set out at section 3 above, that the risk of challenge is low in this instance.
- 4.5.4 Although there is no overriding legal obstacle preventing the waiver of CPR 8, the above comments should be noted. In making the final decision, the Chief Officer (Highways and Transportation) should be satisfied that the course of action chosen represents best value for money.

4.6 Risk Management

- 4.6.1 We hope to deliver cycle parking improvements by the end of financial year 2013/14 to make use of allocated Local Transport Plan funding. This timescale also means that provision will be in place well before the Tour de France takes place. If a full tender procedure is undertaken, it is unlikely that this timescale can be met.
- 4.6.2 Failure to take advantage of this year's allocated Local Transport Plan funding could mean that we do not achieve an objective of the Tour de France Legacy and that we are not able to provide the necessary complementary parking to the City Connect project.
- 4.6.3 Failure to provide adequate cycle parking will mean that either people who might otherwise cycle to the city are dissuaded, and the potential increases in cycle numbers are not maximised. Alternatively people will park bikes against inappropriate street furniture such as trees, benches and guard railing.
- 4.6.4 It is considered that in terms of the risk of challenge to the procurement route of this contract, the council has taken steps to mitigate this. The contract is of low value meaning it falls outside the remit of the EU Procurement Regulations, beyond the duty to act transparently, fairly and non-discriminatorily.
- 4.6.5 There remains a risk that a complaint could be raised that the council has not followed reasonable procedures, resulting in a loss of opportunity, which could potentially give rise to an Ombudsman Investigation, however it considered that this risk is low.

5 Conclusions

- 5.1 The proposed scheme aims to improve city centre cycle parking and encourage cycle access to the city centre, shops, and services. It is anticipated implementation will lead to higher levels of cycling and the resultant reduced decrease in the levels of congestion and air pollution, with improvements to sustainability and health outcomes. The proposed product is the only one practically capable of meeting the specification, timetable and siting constraints for this project.

6 Recommendations

- 6.1 The Chief Officer (Highways and Transportation) is requested to approve:
- i) note the contents of this report; and
 - ii) approve the waiver of Contract Procurement Rule No 8.1 and 8.2 – Intermediate value procurements to allow Leeds City Council to appoint Cycle Hoop to supply 16 no. Car Bike Ports without request for quotes to competitors, and approve the supply of these at a cost of £64,974.

7 Background documents ¹



- 7.1 Car Bike Port by Cycle Hoop Information sheet included as Appendix A.
- 7.2 Car Bike Port location scheduled included as Appendix B





¹ The background documents listed in this section are available for download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.





Appendix B





Proposed Car Bike Port Locations

Note: No bays will be located at the end of rows of Pay and Display bays, where collisions are more likely. Locations with reference numbers are proposed for installation of Car Bike Ports in the first instance. Those without a number can be used if problems occur with the first 16. All immediate frontages are to be consulted prior to installation. If substantial objections are made, then alternative locations will be used.

Ref.	Address	Description	Photo
1	St. Pauls Street	Outside St. Paul's House	
2	St. Paul's Street	Outside Carlton Tower	
3.	Park Place	Outside Job Centre	

4.	York Place	Outside No. 26	
5.	Queen Street	Outside Monarch House	
6.	Britannia Street	Adjacent to Car Club Bay	
7.	York Place	Outside Kilkenny House	

8.	Park Place	Outside City Point	
9.	St. Paul's Street	Outside 1 East Parade	
10.	Russell Street	Outside La Tasca	
11.	Greek Street	Outside Carluccio's	

12.	South Parade	Outside Sovereign House / Phoenix House	
13.	Lower Briggate	Outside Fibre	
14.	Concordia Street	Outside Prospect House	
15.	Sovereign Street	Outside Addleshaw Goddard	
16	North Street	Outside the Reliant	Awaiting picture

<p>Call Lane</p>	<p>Outside Revolution or 44 Call Lane</p>	
<p>The Calls</p>	<p>Opposite 44 The Calls</p>	
<p>Kirkgate</p>	<p>Outside Domino's</p>	