

Report of John White LPTIP Bus Infrastructure Manager

Report to the Chief Officer, Highways & Transportation

Date: 23 March 2021

Subject: Approval to award a new contract under Regulation 32(2)(b)(ii) of the Public Contract Regulations 2015 Negotiated Procedure without prior publication of a Contract Notice for the Conversion of Clean Air Zone Cameras into Bus Priority Enforcement Cameras

Are specific electoral wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Has consultation been carried out?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary

1. Main issues

- The Council has undertaken Bus Priority Enforcement in Leeds since circa 2008. Throughout this time the Council has utilised Videotron, to provide the cameras and the back office equipment, required to issue Penalty Notices under the same system, as the Parking Penalty Notices.
- The Leeds Public Transport Investment Programme (LP TIP) requires 29 Bus Priority Enforcement Cameras to meet the objectives of the project, and it is likely that the City Centre Package, and subsequent programmes (City Centre Package/ Transforming Cities Fund) will all require some degree of Camera enforcement.
- As part of the Clean Air Zone (CAZ), the Council (funded by the Joint Air Quality Unit [JAQU] within central Government purchased 250 cameras to enforce the Zone. The cameras are no longer required to enforce the CAZ, and hence the cameras are available for other uses within the District.
- This Report proposes to re-purpose 29 of these cameras, for use by the LP TIP programme.

2. Best Council Plan implications

- The anticipated benefits of using efficient enforcement cameras will maximise the available funding to create improvements to the Leeds transport network and has the potential to contribute to the Vision for Leeds to be the best city in the UK and the Best Council Plan 2020/21 priorities for inclusive growth, sustainable infrastructure and becoming a child-friendly city.

3. Resource implications

- This report has positive resource implications in that the cameras are already within the ownership of the Council, and this report seeks the funding to procure a 'conversion kit' for the Clean Air Zone cameras which will be repurposed for use initially by the LP TIP, and subsequent programmes thereafter, subject to subsequent approvals.
- Financial approval has already been obtained for the expenditure through the previous Executive Board Reports for the LP TIP schemes.
- The cost for the conversion of the 29 cameras is £221,850.

Recommendations

- In respect of the proposal to convert 29 Cameras initially funded by the Government for the Clean Air Zone to be re-purposed for the Leeds Public Transport Investment Programme, the Chief Officer (Highways & Transportation) is requested to approve the award a new contract under Regulation 32(2)(b)(ii) of the Public Contract Regulations 2015 Negotiated Procedure without prior publication of a Contract Notice at a cost of £221,850.

1. Purpose of this report

- 1.1 The purpose of this report is to seek approval from the Chief Officer, Highways and Transportation to allow the procurement for the conversion of the Clean Air Zone Cameras within Council ownership into Bus Priority Enforcement Cameras, which will result in a saving of nearly 100% for the LPTIP, and facilitate the LP TIP to maximise its objectives.

2. Background information

- 2.1.1 The Council has undertaken Bus Priority Enforcement in Leeds since circa 2008. Throughout this time the Council has utilised Videotron, to provide the cameras and the necessary back office equipment, required to issue Penalty Notices under the same system, as the Parking Penalty Notices.
- 2.1.2 Bus Priority Camera Enforcement is a key tool in locking in the benefits of the capital expenditure of programmes such as the LP TIP. In Leeds in recent years it has proven itself, not only on Bus Corridors such as the A65 Bus Quality Corridor, and Burley Road, but particularly in the City Centre where key areas can be protected both from a road safety and an amenity perspective. On both Corridor

and City Centre schemes the cameras provide improved bus journey times and improve reliability.

- 2.1.3 The LP TIP programme requires circa 29 Bus Priority Enforcement Cameras to meet the objectives of the project, and in the future it is likely that the City Centre Package, and the Transforming Cities Fund, will all require some degree of camera enforcement. The Table below shows where the cameras are to be deployed.

Location	Number of Cameras	Cost, (£)
A647	2	£15,300
A61 South	4	£30,600
Stourton P&R	2	£15,300
Headrow	9	£68,850
Corn Exchange	9	£68,850
Infirmery St/Park Row	3	£22,950
Total:	29	£221,850

- 2.1.4 As part of the Clean Air Zone proposals, the Council funded by the Joint Air Quality Unit (JAQU) of Central Government purchased 250 cameras to monitor the scheme. These cameras are no longer required.

- 2.1.5 Hence the Cameras are available for use by other Council departments, but they will require a 'conversion package' to be suitable for Bus Priority Enforcement.

3. Main issues

Reason for using Negotiated Procedure without prior publication of a Contract Notice

- 3.1 Contracts Procedures should be waived, on this occasion because the Cameras are already in the ownership of the Council, and for a cost of approximately £7,650 per camera can be utilised for Bus Priority Enforcement.
- 3.2 The cost of the cameras from the current supplier is circa £14,500, nearly a 100% more expensive.
- 3.3 In addition the Siemens cameras are of a higher quality and will enable more reliable ticketing and hence enforcement.

Consequences if the proposed action is not approved

- 3.4 If this Report is not approved, it is likely that LCC would need to go to the market, to ascertain whether any other companies, would be able to offer a competitive price for converting the Siemens' equipment.
- 3.5 If this proved fruitless, the course of action would be either to :-
- Revert to accepting the Siemens offer if still available.
- Or
- Return to our original supplier at twice the cost.

Advertising

3.6 No advertising has been undertaken due to the nature of the request.

4. Corporate considerations

4.1 Consultation and engagement

4.1.1 The Executive Board Member for Climate Change, Transport and Sustainable Development has been briefed regarding this proposal on Thursday March 11th.

4.2 Equality and diversity / cohesion and integration

4.2.1 An Equality, Diversity, Cohesion and Integration Screening has been prepared (Appendix 1) and an impact assessment is not required for the approval requested.

4.3 Council policies and the Best Council Plan

4.3.1 The anticipated additional benefits of camera technology will maximise the benefits of the LP TIP funding to create improvements to the Leeds transport network and has the potential to contribute to the vision for Leeds to be the best city in the UK and the Best Council Plan 2020/21 priorities for inclusive growth, sustainable infrastructure and becoming a child-friendly city.

4.3.2 The Bus Priority Enforcement cameras form a key element of the Connecting Leeds funded projects will also contribute to the objectives of the Our Spaces Strategy, HS2 Growth, West Yorkshire Transport Strategy, Leeds Integrated Station Masterplan, City Region Connectivity and Leeds Living.

- The cameras will maximise the efficiency of the Bus Priority measures of the LPTIP, which will assist in delivering the three key objectives of the Connecting Leeds Transport Strategy namely:-
 - Tackling Climate Change
 - Delivering Inclusive growth
 - Improving health and wellbeing

Climate Emergency

4.3.3 With the Climate Emergency declaration the Connecting Leeds team have been working with partners to quantify greenhouse gas changes as a result of the programme as a whole. The predicted reduction in greenhouse gas emissions over 60 years as a result of modal-shift is -15,947 tonnes of CO₂e (from delivered schemes). This is equivalent to over £5 million of carbon savings and 13.4 million car trips. Approximately 47,000 trees would need to be planted to achieve this same reduction over 60 years but transport investment will contribute more quickly.

4.3.4 The wider goals of the LP TIP programme beyond just the transformation of public transport provision provided by; walking and cycling infrastructure, new city centre public realm and pedestrianisation, will also add to the delivery of clean growth in Leeds.

4.4 Resources, procurement and value for money

- 4.4.1 The proposal described in this report provides a valuable capital saving from the Department for Transport funded LP TIP, which is undergoing a stringent Value Engineering exercise.
- 4.4.2 Financial approval has already been obtained for these cameras, in the Executive Board Approvals for the respective reports within the LP TIP Programme, and the approval of this Report proposes a saving on those initial proposals.
- 4.4.3 The cost for the conversion of the 29 cameras is £221,850.

4.5 Legal implications, access to information, and call-in

- 4.5.1 As a significant operational decision this 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.
- 4.5.2 Awarding contracts directly to suppliers in this way could leave the Council open to a potential claim from other suppliers to whom this contract could be of interest that it has not been wholly transparent. In terms of transparency, it should be noted that case law suggests that the Council should always consider whether contracts of this value could be of interest to suppliers from other suppliers, and if it could, the opportunity should be 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 The Council believes that the decision to award a new contract for the conversion of cameras initially intended for the Clean Air Zone to be utilised for Bus Priority Enforcement is permitted pursuant Regulation 32(2)(b)(ii) of the Public Contract Regulations 2015 which states:

32.—(1) In the specific cases and circumstances laid down in this regulation, contracting authorities may award public contracts by a negotiated procedure without prior publication.

(2) The negotiated procedure without prior publication may be used for public works contracts, public supply contracts and public service contracts in any of the following cases:—

(b) Where the works, supplies or services can be supplied only by a particular economic operator for any of the following reasons:—

(ii) Competition is absent for technical reasons

- 4.5.4 Paragraph 3.4 and 3.5 set out the technical reasons required by regulation 32 (2) (b) (ii).

4.6 Risk management

- 4.6.1 The potential risks of accepting the recommendation of this proposal are outlined in paragraph 4.5.2. 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 is considered that this risk is low.
- 4.6.2 The risk of not accepting the recommendation of this proposal is set out in paragraph 3.44 and 3.5. That is, it will result in significantly higher capital costs, and may have on-going revenue considerations.

5. Conclusions

- 5.1 Bus Priority Enforcement will be a key element of delivering the objectives of the LP TIP, and subsequent programmes.
- 5.2 The proposals in this Report provide a means by which the Cameras can be delivered more efficiently, using existing Council resources.

6. Recommendations

- In respect of the proposal to convert 29 Cameras initially funded by the Government for the Clean Air Zone to be re-purposed for the Leeds Public Transport Investment Programme, the Chief Officer (Highways & Transportation) is requested to approve the award a new contract under Regulation 32(2) (b) (ii) of the Public Contract Regulations 2015 Negotiated Procedure without prior publication of a Contract Notice at a cost of £221,850.

7. Background documents

Appendix 1

Equality, Diversity, Cohesion and Integration Screening

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: City Development	Service area: Transportation
Lead person: Gwyn Owen	Contact number: 3787526

1. Title: **Approval to award a new contract under Regulation 32(2) (b) (ii) of the Public Contract Regulations 2015 Negotiated Procedure without prior publication of a Contract Notice for the Conversion of Clean Air Zone Cameras into Bus Priority Enforcement Cameras.**

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify

2. Please provide a brief description of what you are screening

The procurement for the conversion of the Clean Air Zone Cameras within Council ownership into Bus Priority Enforcement Cameras, which will result in a saving of nearly 100% saving for the LPTIP, and then facilitate the LP TIP to maximise its objectives.

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a

greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?		X
Have there been or likely to be any public concerns about the policy or proposal?		X
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		X
Could the proposal affect our workforce or employment practices?		X
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 		X

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity; cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?** (**think about** the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

Consultation has been undertaken with the Lead Member on this proposal. Extensive consultation has occurred in the past detailed in the LP TIP in Reports to the Council's Executive Board and reports to the Chief Highways Officer that the Cameras detailed in this report support.

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

Positive Impacts

- The proposal will enable better enforcement of inappropriate traffic within the LP TIP and hence those with mobility issues and those who are visually impaired will be able to travel in the City Centre with more confidence.

- **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

5. If you are not already considering the impact on equality, diversity, cohesion and integration you will need to carry out an impact assessment.

Date to scope and plan your impact assessment:	N/A
Date to complete your impact assessment	N/A
Lead person for your impact assessment (Include name and job title)	N/A

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Gwyn Owen	Principal Transport Planner	12/02/20

7. Publishing

Though **all** key decisions are required to give due regard to equality the council **only** publishes those related to **Executive Board, Full Council, Key Delegated Decisions** or a **Significant Operational Decision**.

A copy of this equality screening should be attached as an appendix to the decision making report:

- Governance Services will publish those relating to Executive Board and Full Council.
- The appropriate directorate will publish those relating to Delegated Decisions and Significant Operational Decisions.
- A copy of all other equality screenings that are not to be published should be sent to equalityteam@leeds.gov.uk for record.

Complete the appropriate section below with the date the report and attached screening was sent:

For Executive Board or Full Council – sent to Governance Services	Date sent:
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For Delegated Decisions or Significant Operational Decisions – sent to appropriate Directorate	Date sent:
All other decisions – sent to equalityteam@leeds.gov.uk	Date sent:

Appendix 2

What is your reason for waiving CPRs?

There is a genuine, unforeseeable emergency meaning there is no time to go through a procurement process e.g. to deal with the consequences of extreme weather.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
To purchase supplies or services on particularly advantageous terms due to liquidation/administration.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Requirement to put a contract in place with a current provider whilst a review of the services is completed.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Ran out of time to undertake a new procurement exercise	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Other (please provide summary here) An opportunity to utilise equipment already in the ownership of the Council, which requires some expenditure but overall will reduce the expenditure by the Council of 100%.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No