

Notice of Non-key Executive Decision

Subject Heading:	Approval to enter into an Access Agreement with LB Enfield and call off under the LB Enfield Cycle Training Framework from April 2021.
Cabinet Member:	Councillor Osman Dervish, Lead Member for the Environment.
SLT Lead:	Barry Francis, Director of Neighbourhoods.
Report Author and contact details:	Martin Day, 01708 432869 martin.day@havering.gov.uk
Policy context:	Mayors Transport Strategy 2018, Local Implementation Plan 2019. LBH Air Quality Action Plan 2019, LBH Obesity Strategy, LBH Climate Change Strategy.
Financial summary:	Funding of £26,000 from the Department for Transport Emergency Fund is available to use on this contract until 31 st August 2021. The Council anticipates receiving further funding from Transport for London through the Local Implementation Plan (LIP) in the region of £60,000.
Relevant OSC:	Environment
Is this decision exempt from being called-in?	It is a non-key decision by an officer

The subject matter of this report deals with the following Council Objectives

Communities making Havering	[x]
Places making Havering	[x]
Opportunities making Havering	[x]
Connections making Havering	[x]

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Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

1. This report seeks approval to enter into an Access Agreement with the London Borough of Enfield in order for the Council to access the Cycle Training Framework. Under the terms of the Access Agreement, 1% of the contract price is payable by the Council to LB Enfield as a framework levy.
2. This report also seeks approval to directly award a services contract to Cycle Confident for cycle training to be delivered to children and adults who live, work or study in the borough.
3. The Council is seeking to directly award the contract under an existing framework set up by the London Borough of Enfield for cycle training services.
4. The Council intends to enter into a contract with Cycle Confident for a period of 5 months initially from 1 April 2021 – 31 August 2021, using the funding available from TfL's Streetspace programme.
5. This report also seeks approval to have the option to extend the contract with Cycle Confident until 31 March 2022, subject to confirmation of LIP allocation from TfL. The Council is waiting for confirmation from TfL regarding the LIP allocation for cycle training delivery but anticipates it will be in the region of £60,000.
6. It is expected that this confirmation will be received by mid May 2021. When confirmation of LIP funding is received, the Council will seek to extend the contract with Cycle Confident under LB Enfield's framework until 31 March 2022.

AUTHORITY UNDER WHICH DECISION IS MADE

7. Power to authorise the direct award under the framework agreement and to enter the access agreement is delegated to members of the Second Tier Management under Part 3 (Responsibility for Functions), Paragraph 3.4 of the Council's Constitution as follows:
8. Contract powers
 - a) To approve commencement of a tendering process for, and to award all contracts below a total contract value of £500,000 but above the EU Threshold for Supplies and Services.

STATEMENT OF THE REASONS FOR THE DECISION

Background

9. The Council has provided free at the point of delivery National Standard Bikeability cycle training using Transport for London funding allocated in the LIP for over ten years and it remains hugely popular. Anyone who works, lives, or studies in the Borough can access the training. Demand always outstrips the funding available, especially from schools.
10. The delivery of the skills needed for trainees to be able to cycle safely and responsibly on our roads is a key part of encouraging cycling. Cycling has a number of mental and physical wellbeing benefits and also assists in reducing congestion on the Borough's roads and harmful emissions.

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11. Residents are often keen to either switch or return to the bike but feel they need either a refresher or new knowledge in order to use their bike more often, especially for cycling on roads. For all concerned, especially children, they are receiving a very important life skill.
12. Delivering cycle training every year supports the Council's Local Implementation Plan, and the Mayor's Healthy Streets Agenda. Furthermore, it contributes to the Mayor's target of every Londoner doing 20 minutes of active travel each day by 2041.
13. It also supports the work Havering does with schools in the borough encouraging more pupils to travel actively to and from school through the School Travel Plan process.
14. Giving individuals confidence to cycle can open up a new travel mode for them with all of the benefits that it brings to them personally and the wider community. Around 75% of the cycle training budget is spent on the highly successful schools training programme.
15. Cycle Confident, the current service provider, have also delivered bike maintenance sessions, Safer Urban Driver training, Dr Bike, as well as the popular cycling hubs programme in the school holidays at five locations spread across the Borough.
16. The Council, through a fully compliant procurement process, appointed Cycle Confident to deliver cycle training for a period of three years from 1 April 2018. This contract expired on 31 March 2021.
17. As was required under the current contract the Council have written to Cycle Confident formally terminating the existing contract.

Procuring a new cycle training provider

18. In previous years, funding has been allocated by TfL a few months ahead of a new financial year starting, which enabled the Council to undertake a procurement process and appoint a supplier to deliver the services by the beginning of April.
19. Due to the Pandemic, Transport for London have been under severe financial pressure and as a result have been unable to provide boroughs with the funding certainty that has been the case in previous years. Officers have therefore been exploring options to provide a seamless service to residents by having a supplier in place as soon as possible in the 2021/22 financial year.
20. The Council's procurement and legal teams have advised that the Council can access a cycle training framework set up by the London Borough of Enfield in 2017. The London Borough of Enfield had carried out a fully compliant procurement process, which attracted bids from three cycle training providers.
21. The successful supplier was Cycle Confident, who are also our current supplier. Around six other London Boroughs also currently access the LB Enfield framework.
22. The hourly rates for instructors charged under the Framework and the cycle training agreement Havering has previously had in place with Cycle Confident are extremely similar. This means there will be no change in the number of trainees who can access the service throughout the financial year compared to previous years.
23. LB of Enfield charges any organisation that wishes to access the Framework a levy, which is 1% of the contract price. This is stipulated within the Access Agreement, which the Council is required to enter into with LB of Enfield prior to accessing the framework. The Council's usual

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LIP allocation for cycle training is £60,000 therefore in that circumstance the levy payable to LB Enfield would be approximately £600.

24. The 1% charge is a very small sum especially when compared to the costs and associated time, and resources that would otherwise be required to run a separate procurement process, even if time and funding had made that possible.
25. The Council has confirmed funding from Transport for London up until at least August 2021 through the TfL Streetspace programme for cycle training and it is anticipated that additional LIP funding from TfL will be confirmed soon, so there is no financial impact on the Council.

Next Steps

26. Once the Executive Decision is signed off, the Council's Legal Services department have confirmed that Havering can then sign the Access Agreement with the London Borough of Enfield and begin using the Framework once signed.
27. The Legal Services department have looked over the Access and Framework agreements and have been in contact with the Legal team at LB Enfield. The Legal Services department are content for it to be signed by a member of the Transport Planning team who will oversee the day-to-day management of the Agreement and will liaise with LB Enfield and Cycle Confident.

OTHER OPTIONS CONSIDERED AND REJECTED

28. Do nothing – not to deliver a cycle training service, which provides all the benefits outlined above, and given that TfL funding is available specifically for this purpose, was considered and rejected as potential cycle training trainees, of all ages, would have no access to this important service.
29. Running a competitive tender could have been considered but there is insufficient time to do so, as well as additional costs and resources of undertaking such a process. This option was rejected.

PRE-DECISION CONSULTATION

30. Consulted with SPU, Legal, LB Enfield, and the current provider.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Martin Day

Designation: Senior Transport Planner

Signature: *Martin Day*

Date: 28 April 2021

LEGAL IMPLICATIONS AND RISKS

31. The Council is a local authority and a best value authority with duties and powers to make arrangements to secure continuous improvement in the way it exercises its functions, pursuant to Part I of the Local Government Act 1999. The Council has the general power of competence under section 1 of the Localism Act 2011 to do anything an individual may generally do, together with the power under section 111 of the Local Government Act 1972 to do anything ancillary to or which facilitates any of its functions, including the matters set out in this report.
32. The Council can enter into the Access agreement and the contract may be awarded in accordance with these powers.
33. Under paragraph 3.4 (Powers of Members of Second Tier Manager) of Part 3 [Responsibility for Functions] of the Council's Constitution, members of the Second Tier Management have delegated authority to approve commencement of a tendering process for, and to award all contracts below a total contract value of £500,000 but above the EU Threshold for Supplies and Services.
34. The proposed contract value is below the EU threshold for service contracts (currently £189,330) and accordingly is not subject to the full rigours of the Public Contracts Regulations (PCR) 2015. The procurement needs only to comply with the treaty principles of equal treatment, non-discrimination and transparency and the Council's Contract Procedure Rules.
35. CPR 3 provides that a contract may only be awarded if the expenditure has been included in approved revenue or capital estimates or has been otherwise approved by, or on behalf of the Council. The body of this report confirms the relevant financial implications arising from the Council's award of the contract.
36. Legal officers are available to assist the client department in finalising the terms and conditions of the proposed contract.

FINANCIAL IMPLICATIONS AND RISKS

37. Havering has historically received funding from Transport for London (TfL) to deliver the Cycle Training programme. There is currently a budget of £0.026m available to spend in 2021/22, which will cover both the contract term and the 1% framework levy. Havering is awaiting confirmation from TfL on whether further funding will be available for cycle training for the 2021/22 financial year and confirmation should be received by mid-May. Any such funding will need to cover both the additional contract term and it is requisite 1% framework levy.
38. Training delivered via the LB Enfield framework contract is being funded from the Transport for London LIP programme. There is no financial cost to the Council as a result of this decision.

**HUMAN RESOURCES IMPLICATIONS AND RISKS
(AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

39. There are no Council Human Resources implications as a result of this decision

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

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40. Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

41. The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

BACKGROUND PAPERS

42. Not applicable.

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Sue Harper, Assistant Director, Neighbourhoods



Signed

Date: 28th April 2021

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____