

<b>Subject:</b>	<b>Intelligent Transport System - Bus Lane Cameras Procurement</b>		
<b>Date of Meeting:</b>	<b>27<sup>th</sup> June 2017</b>		
<b>Report of:</b>	<b>Executive Director - Environment, Economy &amp; Culture</b>		
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<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report seeks committee approval for a tender exercise to be undertaken for the procurement of a contract for the provision and installation of Traffic and Parking Enforcement Cameras, associated enforcement support system and ongoing maintenance of the camera system. The contract will replace the existing Traffic Camera contract which supports and maintains 3 camera and allow for the provision and installation of an additional 21 cameras funded by the Local Enterprise Partnership. The proposed new contract will also allow provision for (up to) a further 20 cameras to be purchased and installed during the course of the contract should the Council wish to do so; and for the council to draw down on the contract during the contract term to purchase additional cameras.
- 1.2 The installation and monitoring of strategically placed traffic control cameras is an integral part of the Intelligent Transport System (ITS) solution that will allow the Council to be proactively aware of network issues and to intervene / interact with traffic control equipment remotely thereby offering the ability to reduce congestion and disruption to road users.
- 1.3 The current contract ends on 31<sup>st</sup> March 2018 and the new contract needs to be in place by 1<sup>st</sup> October 2017 to allow time to procure and install cameras at the additional sites in time for the go-live date of 1<sup>st</sup> April 2018.

**2. RECOMMENDATIONS:**

That the Environment, Transport & Sustainability Committee:

- 2.1 Approves the procurement of a new contract for the provision and installation of Traffic and Parking Enforcement Cameras and associated enforcement support system for a term of 3 years with the option to extend for up to a further 2 years;
- 2.2 Grants delegated authority to the Executive Director of Economy, Environment and Culture to:

- (a) carry out the procurement of the contract referred to in 2.1 above including the award and letting of the contract;
- (b) extend the contract referred to in 2.1 above for period(s) up to a total maximum of 2 years should he/she consider it appropriate at the relevant time as outlined in para 3.9.

### **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 The Council's Corporate Plan commits to delivering "a well run city – keeping the city safe, clean, moving and connected". The Council's City Transport mission is "to deliver an accessible, safe and sustainable city transport network able to support and unlock growth".
- 3.2 The Council has a duty under the Traffic Management Act 2004 (TMA) to tackle congestion and disruption on the road network. The TMA gives councils tools to manage parking policies, and enforce some moving traffic offences.
- 3.3 On 29<sup>th</sup> November 2011 the Environment, Transport and Sustainability Cabinet members agreed to approve the use of the powers of the TMA 2004 and regulations made under it. This allowed the enforcement by the City Council to issue Penalty Charge Notices on the basis of CCTV evidence from April 2014.
- 3.4 The introduction of citywide bus lane enforcement and projects such as Valley Gardens has proven that there is a need for additional enforcement cameras to ensure the operation of new initiatives such as bus gates. The Council has received funding from the Local Enterprise Partnership as part of the Brighton Intelligent Transport System programme. Coast to Capital have been appointed as administrators of the £267,750 funding for 21 additional fixed bus lane enforcement ANPR cameras. To receive the funding, it is a requirement that the new cameras are to be purchased and installed by 31 March 2018. A minimum 6 month implementation lead-in time is required to install these cameras and therefore the proposed new contract needs to be in place by October 2017. The new cameras will enable a more efficient process for enforcing and managing the Transport network.
- 3.5 The Council and its partners have undertaken some significant development of systems in the city and have made good progress to date in investing in ITS to manage the traffic and highway network in the city. This package will enable the Council to exert far greater control over the city's road network responds to the challenges caused by traffic congestion.
- 3.6 The objectives of the ITS Package scheme are as follows:
  - expand and upgrade Brighton & Hove's traffic management capability;
  - enable greater interaction between the Strategic Road Network and the city's road network more effectively;
  - enable better management of traffic congestion and road safety and improve journey time reliability;
  - manage traffic for key events on the network more effectively; and improve response to unplanned incidents on the network.

- 3.7 At present, network conditions are monitored through ad-hoc reporting of traffic incidents or emergency street-works being entered onto respective systems. Once this evidence is received, information is distributed using a number of media including travel alerts, publicise incidents via social media or programmed messages onto the current Variable Message Signs (VMS). This approach relies on information being observed and manually communicated to the Traffic Control centre. Therefore, if incidents remain unreported or there are significant delays between an incident occurring and the relay of messages, problems can accumulate rapidly. In addition to managing the situation, limited resources are available to instantly inform road users of network congestion and therefore there can be limited opportunities to aid drivers in making alternative travel or route choices.
- 3.8 This will support the Council in meeting one of the main objectives of the Traffic Management Act 2004 to reduce congestion and disruption on the road network by actively managing the road networks. Section 16 of the TMA introduced a new Network Management Duty (NMD) for local traffic authorities. Section 17 of the Act requires local Traffic Authorities to make appropriate arrangements for planning and carrying out the NMD. The Government's 2004 White Paper 'The Future of Transport' emphasises the importance of the active and coordinated management of the road network.
- 3.9 The proposed new contract will run for a period of 3 years with the option to extend the contract more than once for a total maximum extension period of 2 years. This will give the Council more flexibility should our priorities change mid contract or there are issues with contract performance, for example.
- 3.10 The (Bus Lane) Joint Committee is still the same as 2006 when reported previously and Cllr Saoirse Horan is the Brighton & Hove City Council representative on this Committee.
- 3.11 The level of fines is set by the Secretary of State for Transport and has not changed since 2001.
- 3.12 In 2015 the Information Commissioner's Office released a new Code of Practice for CCTV. The specification for the procurement process will seek to ensure compliance with this. In addition the Council will ensure its own Statement of Principles in in place and published with regard to this CCTV enforcement.
- 3.13 The location of the additional cameras will be determined in conjunction with the new supplier. They will be determined within bus priority corridors, along key routes and by traffic signal operation to reduce congestion and support big projects such as Valley Gardens to ensure the operation of new initiatives.
- 3.14 It is possible that the additional cameras will result in an increase in the number of PCN's being issued and once this increase has been identified an internal business case for additional staffing will be put forward to reflect the increased workload and Traffic Management requirements.
- 3.15 Delegated authority for the Executive Director of Economy, Environment and Culture to award the contract is required to help ensure the meeting of project

timescales to procure and install the cameras before the go-live date of 1<sup>st</sup> April 2018 and to qualify for the funding from the Local Enterprise Partnership.

- 3.16 The proposed procurement process will follow a one-staged open procedure under the Public Contracts Regulations 2015.
- 3.17 The tenders will be evaluated on a combination of price and quality, with the competitive process ensuring the Council achieves best value for money.
- 3.18 The estimated contract spend for the 24 cameras over the 5 year term is £704,000. External Coast 2 Capital Scheme funding of £267,750 and BHCC match funding of £47,250 has been secured to purchase the new 21 cameras. The existing budget of £165,000 will be used to purchase and run the remaining 3 cameras. The majority of spend will be in year one on equipment with only maintenance costs in years 2 and 3. Revenue generated from fines will cover ongoing maintenance and support beyond year three.
- 3.19 In addition, the provision for (up to) a further 20 cameras to be purchased and installed during the course of the contract; and for the council to draw down on the contract during the contract term to purchase additional cameras is up to a value of £815,000. This additional spend is subject to funding from other sources and by no means guaranteed to the contractor. The overall contract value over the 5 year term is therefore £1.5 million.
- 3.20 A report was presented to the Procurement Advisory Board on 19th June 2017 to provide the Board with information on this proposed procurement of a contract for the provision and installation of Traffic and Parking Enforcement Cameras, associated enforcement support system and ongoing maintenance of the camera system. It was recommended that the Procurement Advisory Board notes the work undertaken on this project to date and approves this procurement in order to award a contract later this year.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 Bus lanes form key public transport access routes into and around the city and are used for thousands of bus journeys a day. Keeping the Council's network of bus lanes free of unauthorised vehicles improves effectiveness of the entire transport network and reduces journey times. Failure to address parking and bus lane enforcement within the city would result in the failure of our mission "to deliver an accessible, safe and sustainable city transport network able to support and unlock growth".
- 4.2 Should the committee not approve the procurement of a new contract for the provision and installation of Traffic and Parking Enforcement Cameras and the associated enforcement support system then the Council would lose the agreed funding and there would be a negative impact on the transport network throughout the city where bus lanes are in use.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 Local bus companies are in favour of increased enforcement of the Council's bus lanes in the interest of improved and more consistent bus journey times.

## 6. CONCLUSION

- 6.1 The procurement and award of the proposed new contract will assist the Council:
- in fulfilling its duties under the TMA;
  - in meeting its commitment to keeping the city moving and connected; and
  - in delivering an accessible, safe and sustainable city transport network.
- 6.2 The procurement and award of the proposed new contract will also assist the Council in securing a significant level of external funding for investment in its transport network.

## 7. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 7.1 The provision and installation of Traffic and Parking Enforcement Cameras will be met through the Intelligent Transport System capital scheme which is funded through the Local Growth Fund capital grant with match funding from the Local Transport Plan. There is a requirement to purchase and install the cameras by 31 March 2018 to ensure that the capital grant is received. The ongoing revenue running costs will be met from within existing transport budgets and any future staffing implications as per paragraph 3.9 will be considered as part of the service budget strategy. There is not expected to be any loss of income as a result of this proposal.

*Finance Officer Consulted: Rob Allen*

*Date: 25/05/17*

### Legal Implications:

- 7.2 The Council has a duty under the Traffic Management Act 2004 (TMA) to tackle congestion and disruption on the road network.
- 7.3 The Council has a duty to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of 'economy, efficiency and effectiveness'. Supply of this service in a matter that attracts the most economically advantageous bid supports this principle.
- 7.4 The Environment, Transport and Sustainability Committee is the appropriate decision-making body in respect of the recommendations at paragraph 2 above, given that the Committee's terms of reference include traffic management and transport. Matters to be referred to the Policy, Resources and Growth Committee (under paragraph A.2(b) of Part 4 of the Constitution) include those that have corporate policy or corporate budgetary implications. Bus lane cameras are already in use in the city.
- 7.5 Further, the Council's Contract Standing Orders (CSOs) require that before expressions of interest can be invited from potential bidders for a contract valued at £500,000 or more, approval must be obtained from the relevant committee,

which in this instance is the Environment, Transport and Sustainability Committee.

- 7.6 The procurement of the new contract must comply with all relevant European and UK public procurement legislation as well as the Council's CSOs. The value of the proposed contract means that the Public Contracts Regulations 2015 will apply in full to the procurement. The opportunity will need to be advertised in the OJEU. Tenders will be scored on the criteria of quality and price as part of the evaluation process.
- 7.7 The new contract should contain robust transitional arrangements to avoid any unnecessary costs to the Council and disruption to the public at the end of the contract period. Compliance with ICO Guidance in relation to CCTV usage will also need to be incorporated.

*Lawyer Consulted: David Fairfield*

*Date: 30/05/2017*

Equalities Implications:

- 7.8 Enforcement of the city's Bus Lane network and parking restrictions by issuing regulation 10 PCNs will assist bus passengers by deterring drivers from unlawfully using the bus lanes and from parking illegally.
- 7.9 It is believed that there may be a TUPE requirement for certain of the staff of the current supplier should another contractor be successful in winning the proposed new contract. Further investigation will be undertaken to fully understand the implications of TUPE for this procurement prior to the tender being carried out.

Sustainability Implications:

- 7.10 This initiative aims to help alleviate congestion on the city's network and key public transport routes

Any Other Significant Implications:

- 7.11 The use of bus lane enforcement cameras provides an opportunity to improve compliance with the parking and moving traffic regulations. This should lead to benefits in terms of improved public transport journey times and less congestion.
- 7.12 The aim of this initiative is to reduce congestion in the city and in particular on public transport routes thereby reducing carbon and particulate emissions, which can be harmful to health.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix A – Procurement Timetable

**Documents in Members' Rooms**

1. None

**Background Documents**

1. None

