

MEETING

ENVIRONMENT COMMITTEE

DATE AND TIME

TUESDAY 30TH JUNE, 2020

AT 6.00 PM

VENUE

VIRTUAL MEETING

To access the live stream of the meeting please use the following link <https://bit.ly/3euqap4>

TO: MEMBERS OF ENVIRONMENT COMMITTEE (Quorum 3)

Chairman: Councillor Dean Cohen BSc (Hons)

Vice Chairman: Councillor Peter Zinkin

Elliot Simberg
Felix Byers
Laurie Williams

Laithe Jajeh
Alan Schneiderman
Geof Cooke

Alison Cornelius
Jo Cooper

Substitute Members
Sarah Wardle
Kath McGuirk

Weeden-Sanz
Tim Roberts

Nizza Fluss
Nagus Narenthira

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions should be submitted by 10AM on Wednesday 25 June 2020. Any requests should be submitted to paul.frost@barnet.gov.uk

**You are requested to attend the above meeting for which an agenda is attached.
Andrew Charlwood – Head of Governance**

Governance Services contact: Paul Frost 020 8359 2205 paul.frost@barnet.gov.uk

Media Relations Contact: Tristan Garrick 020 8359 2454

ASSURANCE GROUP

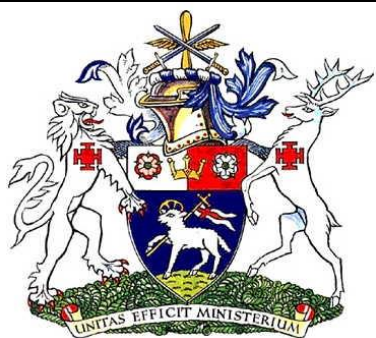
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ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the previous meeting	
2.	Absence of Members	
3.	Declarations of Members' Disclosable Pecuniary Interests and Non-Pecuniary Interests	
4.	Report of the Monitoring Officer (if any)	
5.	Public Questions and Comments (if any)	
6.	Members' Items	5 - 8
7.	Covid 19 Decisions	9 - 30
8.	Replacement for London Borough of Barnet Highways Asset Management System	31 - 38
9.	Objective Setting-Flood Risk Management Plans, 2021	39 - 50
10.	Procurement of Highways Term Maintenance Contractor - Public	51 - 64
11.	Committee Forward Work Programme	65 - 68
12.	Any Other Items that the Chairman Decides are Urgent	

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Environment Committee

30 March 2020

Title	Member's Items Councillor Alan Schneiderman – Green recovery in Barnet Councillor Jo Cooper – Supporting our high streets and town centres Geoff Cooke - 20mph Zones Laurie Williams – Thank our frontline Streetscene workers
Report of	Head of Governance
Wards	All Wards
Status	Public
Urgent	No
Key	No
Enclosures	None
Officer Contact Details	Paul Frost, 020 8359 2205, paul.frost@barnet.gov.uk

Summary

Members Items have been received for the Environment Committee. The Committee are requested to consider the items and provide instructions.

Officers Recommendation

That the Environment Committee's instructions in relation to these Member's Items are requested.

1. WHY THIS REPORT IS NEEDED

- 1.1 Members of the Committee have requested that the items tabled below are submitted to the Environment Committee for considering and determination. The Environment Committee are requested to provide instructions to Officers of the Council as recommended.

Alan Schneiderman	Green recovery in Barnet The pandemic gives us an opportunity to build back better and help ensure our ambitions for a greener and more sustainable borough are mainstreamed into the way we do business as a Council. I ask that the Environment Committee reviews its green and environmental sustainability policies to see what more can be done to support a green recovery post-pandemic.
Jo Cooper	Supporting our high streets and town centres Our high streets and town centres are suffering because of the Covid-19 outbreak and lock-down and they need our support. Now that the Government have started to ease the lock-down restrictions shops, restaurants and cafes are beginning to re-open with strict social distancing rules. The Council have been supporting local businesses with guidance, but social distancing will mean reduced capacity for many businesses, and reduced income. In order to help our high streets and town centres recover and come back to life, I ask the Committee to agree to temporarily waive the street-trading license fee for those businesses that are able to set-out goods, chairs and tables on the pavement to boost trade.
Geoff Cooke	20mph Zones Residents across the borough are requesting 20 mph zones to increase road safety. The evidence shows that pedestrians are five times more likely to die if hit by a car travelling at 30mph than 20mph and stopping distances almost double between 20mph and 30mph. Lower speed can also improve traffic flow and reduce particulate emissions. I therefore ask that the Environment committee receives a report on how it can be made easier and quicker to introduce 20mph zones in Barnet where this is requested by residents. This report should then feed into Barnet's road safety strategy and overall long-term transport strategy.

Laurie Williams	<p>Thank our frontline Streetscene workers</p> <p>Barnet's bin collection staff, street sweepers, parks maintenance staff, those working to clear fly tipping and all other frontline staff have done an amazing job during the Covid-19 outbreak, alongside those redeployed to other roles. They have been rightly thanked by residents across the borough.</p> <p>I ask that the Environment committee sends its own message of thanks to Streetscene staff for their hard work during this difficult time and that officers pass this on in the most appropriate way.</p>
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2. REASONS FOR RECOMMENDATIONS

- 2.1 No recommendations have been made. The Committee are therefore requested to give consideration and provide instruction.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 N/A

4. POST DECISION IMPLEMENTATION

- 4.1 Post decision implementation will depend on the decision taken by the Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 As and when issues raised through a Member's Item are progressed, they will need to be evaluated against the Corporate Plan and other relevant policies.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

- 5.3.1 A Member (including Members appointed as substitutes by Council) will be permitted to have one matter only (with no sub-items) on the agenda for a meeting of a committee or Sub-Committee on which s/he serves. The matter must be relevant to the terms of reference of the committee.

- 5.3.2 The referral of a motion from Full Council to a committee will not count as a Member's Item for the purposes of this rule.

5.4 Risk Management

5.4.1 None in the context of this report.

5.5 Equalities and Diversity

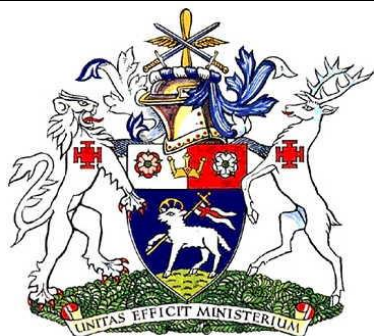
5.5.1 Members' Items allow Members of a Committee to bring a wide range of issues to the attention of a Committee in accordance with the Council's Constitution. All of these issues must be considered for their equalities and diversity implications.

5.6 Consultation and Engagement

5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

6.1 None.



Environment Committee

30 June 2020

Title	Notification of Covid 19 related Decisions
Report of	Chairman of the Environment Committee
Wards	All Wards
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A – Decisions Taken by the Interim Director for Environment Appendix B – Delegated Powers Report: Changes to Parking Permits to support Covid 19 Recovery
Officer Contact Details	Geoff Mee, Interim Executive Director for Environment Geoff.Mee@barnet.gov.uk Cara Elkins, Environment Strategy and Programme Manager Cara.Elkins@barnet.gov.uk

Summary

The Urgency Committee on 27 April 2020 considered a report which detailed emergency decisions taken since the onset of the Coronavirus pandemic. The report covered committee and officer level decisions across all of the Council's theme committees. The Urgency Committee resolved that any further emergency decisions should be reported to the relevant theme committee for noting and post-decision scrutiny. This report notes the emergency decisions taken by officers within the Environment Directorate since Urgency Committee. If any emergency committee level decisions were made by officers under delegated powers using the delegation from Urgency Committee, these will be reported as separate and standalone reports.

Officers Recommendations

- 1. That the Environment Committee notes the Covid 19 related decisions made by officers since the Urgency Committee on 27 April 2020 as set out in Appendix A and B.**

1. WHY THIS REPORT IS NEEDED

- 1.1 During the Coronavirus pandemic, the Council has taken several decisions to advance preparedness and response to the pandemic, to respond to announcements by the Government, directions from the London Strategic Coordination Group, London Local Authority Gold and legislative changes. It was not possible to convene a meeting of the Full Council or committees to deal with urgent decisions and therefore following consultation with the Leader an Urgency Committee took place on 27th April 2020. A link to the Urgency Committee agenda is linked the Background Information section of this report.
- 1.2 The Urgency Committee ratified the emergency decisions taken by officers since the onset of the Coronavirus pandemic and provided a delegation to Chief Officers (in consultation with the Committee Chairmen) to take decisions on business-critical matters related to the pandemic normally reserved to theme committees and Director of Public Health. Any committee level decisions taken using that delegation will be reported to committees as a separate and standalone report. This report deals with any updates to the officer operational level decisions taken since the Urgency Committee.
- 1.3 The Coronavirus Act 2020 includes the power to hold virtual meetings and the enabling regulations were brought into force on 4th April 2020. This Environment Committee meeting is the first virtual meeting for the Committee since the onset of the pandemic. This report notes the details of the decisions which have been made by Chief Officers since the Urgency Committee.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The council has had to comply on an on-going basis with announcements and guidance by the Government, directions from the London Strategic Coordination Group, London Local Authority Gold and legislative changes in this public health emergency. In addition, as noted in the 27th April Urgency Committee report any and all such decisions shall be reported back to Committee for post-decision scrutiny.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 None.

4. POST DECISION IMPLEMENTATION

- 4.1 Officers making decisions using the delegations approved by Urgency Committee will continue to record all decisions via a Delegated Powers Report. Committee level decisions taken by the interim Director for Environment should record that consultation has taken place with the relevant Chairman with a copy of the report published to the Council's website and circulated to members of the relevant committee for information.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 During the emergency period where the Council have moved to delivering critical services only and undertake additional responsibilities required by Government, the Council will aim to continue to deliver as many elements of the Corporate Plan (Barnet 2024) as possible.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The Covid-19 crisis will have a detrimental financial impact on many of the Council's services and this will be significant across a number of these. The scale of the financial challenge is unprecedented in complexity, scale of the crisis and the number of uncertainties in play. It is affecting all local authorities and is not bound by geographical boundaries. It is going to test physical, mental and financial resilience intensely in not only managing, responding to the crisis but also in moving on to the recovery phase.
- 5.2.2 Members should note that the financial impact of the crisis is being assessed by the Director of Finance and Senior Management Team as the council takes a range of decisions to stop and delay certain work and to increase expenditure in other areas in order to support local residents and businesses through the crisis. Details on the provisional and broad-brush estimates of the financial implications on Council services over the first 3 months of 2020/21 as a result of Covid-19 and an indicative overall impact can be found in the 27th April 2020 Urgency Committee report.

5.3 Social Value

- 5.3.1 N/A.

5.4 Legal and Constitutional References

- 5.4.1 Council constitution, Article 7 – details the terms of reference of the Environment Committee.
- 5.4.2 Detailed legal considerations relating to the Council's responsibilities to respond in emergency situations are referred to in the report to the Urgency Committee on 27 April.

5.5 Risk Management

- 5.5.1 Failure to comply with announcements and guidance by the Government, directions from

the London Strategic Coordination Group, London Local Authority Gold and legislative changes would result in an increased risk to public health in the borough and wider community and/or result in significant reputational damage to the authority.

5.6 Equalities and Diversity

- 5.6.1 In making these decisions officers have had regard to the public-sector equality duty. Decision makers should have due regard to the public-sector equality duty in making their decisions. The equalities duties are continuing duties they are not duties to secure a particular outcome. The equalities impact will be revisited on each of the proposals as they are developed. Consideration of the duties should precede the decision. It is important that decision makers have regard to the statutory grounds in the light of all available material.
- 5.6.2 The statutory grounds of the public-sector equality duty are found at section 149 of the Equality Act 2010 and are as follows:
- 5.6.3 A public authority must, in the exercise of its functions, have due regard to the need to:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 5.6.4 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 5.6.5 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 5.6.6 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- a) Tackle prejudice, and
 - b) Promote understanding.
- 5.6.7 Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

5.6.8 The relevant protected characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and Civil partnership

5.7 **Corporate Parenting**

5.7.1 N/A

5.8 **Consultation and Engagement**

5.8.1 The Environment Committee Chair and Vice Chair have been consulted on committee-level decisions taken during the emergency period and have confirmed their agreement where necessary. All Members have been briefed via a weekly conference call with Chief Officers.

5.9 **Insight**

5.9.1 N/A

6. **BACKGROUND PAPERS**

6.1 Urgency Committee, 27th April 2020
<https://barnet.moderngov.co.uk/mgAi.aspx?ID=30751>

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Environment Committee – June 2020

Table 1 – Committee Level Decisions

Date of Decision	Decision	Summary of Decision	Legal Implications, Resources Implications, Other Implications (e.g. risk, equalities, consultation, etc.), Government directions or guidance
19.05.2020	Reversal of temporary scaling back on some aspects of the Parking Enforcement Policy. Delegate to Head of Parking, Assistant Director Highways OR Director of Environment officer to temporarily revise Parking Enforcement Policy in consultation with Chair of Environment Committee or Vice Chair.	The reinstatement of all parking restrictions, following the temporary scaling back of parking enforcement activity. This was done following the Government's announcement on the plan to ease the lockdown rules, which was required to manage the expected significant increase in traffic and competition for parking spaces.	<p>The Traffic Management Act 2004 Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions notes that Enforcement authorities should design their parking policies with particular regard to:</p> <ul style="list-style-type: none"> managing the traffic network to ensure expeditious movement of traffic, (including pedestrians and cyclists), as required under s 16 of the Traffic Management Act 2004 Network Management Duty; improving road safety; improving the local environment; improving the quality and accessibility of public transport; meeting the needs of people with disabilities, some of whom will be unable to use public transport and depend entirely on the use of a car; and managing and reconciling the competing demands for kerb space. <p>In making this decision, officers took the above into account and this continues to happen, recognising the significantly changed demand and risk context.</p> <p>The measures taken also accord with the 'Local Authority Parking and Traffic Management Operational Advice during Covid-19' which was issued by London Councils, the Local Government Association and British Parking Association following consultation with the Department for Transport. https://www.britishparking.co.uk/write/Local_Authority_Parking_and_Traffic_Management_Operational_Advice_for_Covid_-_Version_8_13_May_2020.pdf version 8 13th May 2020</p> <p>Parking Penalty Charge Notices (PCNs) and associated charges are anticipated to remain reduced whilst parking services are returning to normal and ongoing PCN levels are anticipated to be lower due to changed patterns of motorist behaviour.</p>
22.05.2020	Changes to Parking Permits to	See Appendix B: CHIEF OFFICER IN CONSULTATION WITH COMMITTEE	See Appendix B: CHIEF OFFICER IN CONSULTATION WITH COMMITTEE CHAIRMAN DELEGATED POWERS REPORT - Changes to Parking Permits to support COVID-19 Parking Services Recovery.

	support COVID-19 Parking Services Recovery	CHAIRMAN DELEGATED POWERS REPORT - Changes to Parking Permits to support COVID-19 Parking Services Recovery.	
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Table 2 – Officer Level Decisions

Date of Decision	Decision	Summary of Decision	Legal Implications, Resources Implications, Other Implications (e.g. risk, equalities, consultation, etc.), Government directions or guidance
24.04.2020	Implementation of the chargeable Garden Waste Service	Staff absenteeism levels have been better than those anticipated within PHE modelling, and the staff attendance levels are currently at a level to support the chargeable Garden Waste service, which was implemented on 09/05/2020.	Consultation took place with the Chairman and Vice-Chairman of the Environment Committee and Corporate Management Team. This year's subscriptions will be valid for 12 months from the start of the service so that our customers receive the number of collections they signed up for as previously promised.
08.06.2020	Parking permit refunds	Reinstatement of processing of resident permit refunds to normal level of service	Refunds service was reduced during COVID-19 lockdown during the period when parking enforcement was relaxed, in order to prioritise critical activities and resources refunds will only be process in exceptional circumstances. Refunds were reinstated as BAU once enforcement of parking restrictions returned to normal on 8 June. The traffic management order sets out that a refund will be due on the surrender of a permit and that refunds are to be paid for the number of whole months remaining on a permit at the time it is cancelled (Article 31, THE BARNET (CHARGED-FOR PARKING PLACES) CONSOLIDATION ORDER 2014).

			The permit may only be surrendered in defined circumstances (Article 32, THE BARNET (CHARGED-FOR PARKING PLACES) CONSOLIDATION ORDER 2014).
12.05.20	Reopen Sports Courts and skate parks	In line with Government guidance, car parks, skate parks and ball courts can reopen.	<p>Instruction given to Grounds Maintenance Operations manager from the Service Manager for Greenspaces and leisure, following agreement from Executive Director of Environment.</p> <p>The following have been implemented following Government Guidance (1.05.20), however, some facilities within parks may take longer to re-open due to completion of remedial activity.</p> <ul style="list-style-type: none"> - Playgrounds and Outdoor Gyms will remain closed until further notice - BBQ's not permitted <p>Team Sport is not permitted, as such some equipment remains removed to ensure social distancing is practiced.</p>
19.05.20	Clinically vulnerable employees returning to work.	Public Health England categories pertaining to shielding and self-isolation have been amended. Clinically vulnerable employees who are unable to work from home will be considered for return to work if they are able to observe social distancing requirements in the workplace. This may involve the use of reasonable adjustments and is subject to an individual risk assessment indicating that risks can be mitigated adequately.	<p>Change in PHE/NHS categories for underlying health condition.</p> <p>Head of Safety, Health and Wellbeing confirmed guidance and RA to be carried out.</p>
09.06.20	Facial Coverings for frontline workers in council	The current guidance on facial coverings for non-health care settings has not changed.	Risk assessment created by the service has been reviewed and approved by the Senior Health and Safety Officer.

	vehicles and work in public areas	Specific assessment has been completed of risks associated with this for employees in Street Scene front line services and control measures implemented in line with government advice to mitigate the risk of infection. Facial coverings to be provided to Passenger Assistants in the Passenger Transport Service only.	
May 2020	Covid 19 - Supporting social distancing in the public realm	Implementation of temporary / semi-permanent physical schemes, signage and markings on the pavement to support social distancing. We are looking at schemes to improve town centres, support the re-opening of schools and facilitate cycle lanes / cycling. As part of this work the council has submitted bids to the Government (Department for Transport) and Transport for London for funding to support temporary and semi-permanent schemes.	<p>The Government has directed local authorities across the UK to look at temporary schemes to be implemented as a matter of urgency to support social distancing in the Public Realm and support the transport system.</p> <p>Updates on progress and engagement has taken place with the Chairman and Vice-Chairman of the Environment Committee, Ward Councillors and the Councils Management Team.</p> <p>Bids have been submitted to fund schemes – we are awaiting decisions back from Government and Transport for London (TfL). As other funding opportunities arise we will consider and submit bids as appropriate. Following the outcomes of the bids, officers will ensure the appropriate financial permissions and approvals will be sought.</p> <p>https://tfl.gov.uk/travel-information/improvements-and-projects/streetspace-for-london</p> <p>https://www.gov.uk/government/news/2-billion-package-to-create-new-era-for-cycling-and-walking</p>

	<p>CHIEF OFFICER IN CONSULATION WITH COMMITTEE CHAIRMAN DELEGATED POWERS REPORT</p>
<p>Title</p>	<p>Changes to Parking Permits to support COVID-19 Parking Services Recovery</p>
<p>Report of</p>	<p>Interim Executive Director, Environment</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Initial Equalities Impact Assessment</p>
<p>Officer Contact Details</p>	<p>Phillip Hoare, Head of Parking and Infrastructure Phillip.Hoare@barnet.gov.uk 020 8359 2308</p>

Summary

This report sets out some changes to parking permits which are proposed to be made in order to enable service recovery, and to provide relief to residents who may be experiencing financial hardship due to COVID-19. These changes are recommended to be approved in accordance with the scheme of delegation approved by the Urgency Committee.

Decisions

1. To approve the temporary parking arrangements for school staff as outlined at paragraph 1.9 to be put in place until 31 August 2020.
2. To approve the temporary measures for parking permits as outlined at paragraph 1.9 to be put in place until 1 September 2020:
 - b) Introduction of a three month resident permit duration
 - c) Introduction of a one month business permit duration

d) Removal of £10 diesel vehicle surcharge where it applies to resident and business permits
<p>3. To approve the temporary measures for parking permits, as outlined at paragraph 1.9, to be put in place until 31 December 2020:</p> <ul style="list-style-type: none"> e) Increase in price for printed, scratchcard style visitor vouchers by 15p f) Removal of online purchase option for printed, scratchcard style visitor vouchers, which would make virtual visitor vouchers the default option for customers purchasing vouchers online g) Providing additional time on existing resident permits at no cost for residents in financial hardship h) Providing a dispensation to park at no cost for residents in financial hardship, where no existing parking permit is held

A) WHY THIS REPORT IS NEEDED

- 1.1 During the Coronavirus pandemic, the Parking Service have taken several decisions in response to the pandemic following announcements by the Government and enforcement advice from London Councils. The Council as a whole has taken urgent decisions as required following announcements by the Government and directions from the London Strategic Coordination Group, London Local Authority Gold and legislative changes.
- 1.2 The Council's Urgency Committee convened on 27 April 2020 and ratified the emergency decisions taken by officers since the onset of the Coronavirus pandemic and provide a delegation to Officers (in consultation with the Committee Chairmen) to take decisions on business critical matters normally reserved to theme committees.
- 1.3 Services have had to respond quickly adapt services due to the Government-mandated lockdown restrictions. The Government has now announced the first steps to lifting lockdown restrictions, and the parking service has produced a recovery plan which outlines a phased approach to the reinstatement of parking enforcement and customer services.
- 1.4 In accordance with government guidance on social distancing and lockdown restrictions, the Parking Service made several changes to its services which were reported to Urgency Committee at its meeting of 27 April 2020. This included the relaxation of parking restrictions to allow residents who are working from home, self-isolating, shielding, and critical workers and volunteers, to park without needing a permit where COVID-19 related constraints may have made this difficult or impossible.
- 1.5 Other changes made to parking enforcement include:
 - 1.5.1 Only approving requests for parking bay suspensions where they are required for essential work, in order to preserve resident parking space as far as possible.
 - 1.5.2 Changes to staff deployment for on street Civil Enforcement Officers, to protect their health and wellbeing and to comply with social distancing guidance

- 1.5.3 Introduction of a vehicle removal and relocation service on a pilot basis, in order to support essential services through the ability to remove or relocate vehicles parked in obstruction
- 1.6 The Council's Customer Support Group service operates the customer contact centre for parking permit enquiries, which is the first point of contact for residents and businesses. The Customer Support Group closed parking permit services to all enquiries on 24 March 2020 in order to prioritise COVID-19 related enquiries. Customers were signposted to help and advice online during this period, and advised of the relaxation of parking restrictions. Customer Support Group staff were set up to work from home on COVID-19 related enquiries and the contact centre building in Coventry was closed.
- 1.7 The Parking Service is now working on the recovery of services now that the Government has announced a phased plan to lifting lockdown restrictions. A recovery programme has been established which acknowledges the fact that during lockdown, movement has been severely curtailed for the vast majority of people and led to a much reduced role for parking enforcement. The lifting of lockdown restrictions will lead to antisocial parking becoming a significant problem to our residents and businesses again. The recovery programme sets out a phased plan for the restoration of parking enforcement, with a clear focus on the below aims:
- i. Resuming full parking enforcement to protect residents and businesses
 - ii. Clear communications to the public
 - iii. Restoring contact routes for the public
 - iv. Helping those in hardship
 - v. Protecting vulnerable residents
 - vi. Relieving the pressure on debtors
 - vii. Helping those who are helping others
 - viii. Protecting our staff and the public
- 1.8 The recovery programme sets out a detailed mobilisation plan for the phased resumption of parking enforcement, and restoration of customer services via telephone and email. It has been established that the Customer Support Group contact centre building will not reopen and so alternative options for the printing of physical (paper) permits and visitor vouchers is being explored as a matter of urgency.
- 1.9 Some changes to the current parking permit offer are being proposed on a temporary basis to support the recovery programme. These changes are:
- a) Temporary parking arrangements for school staff**
- 1.9.1 It is proposed to put in place temporary parking arrangements for school staff who are returning to work, to allow them to park in permit holder bays at no cost. School staff will be required to display a letter from the headteacher clearly in the windscreen of the vehicle. This arrangement is proposed to be put in place until 31 August 2020 and communicated to relevant stakeholders. A review of the current school parking permits scheme will take place prior to the Autumn school term commencing.
- b) Introduction of a three month resident permit duration**
 - c) Introduction of a one month business permit duration**

d) Removal of £10 diesel vehicle surcharge where it applies to resident and business permits

- 1.9.2 These changes are being proposed in order to help residents and businesses to spread the cost of a parking permit. Residents and businesses will be able to choose a preferred duration for their permit, and the current annual duration will remain. Pricing would be set according to existing emissions-based pricing, on a pro rata basis, and any existing discounts offered would also apply. It is proposed to temporarily remove the diesel vehicle surcharge of £10 in order to facilitate these proposed new permit durations and the greater flexibility they provide for residents and businesses to budget for their permit, without needing to pay the diesel surcharge upon each renewal of the permit. The system changes required to maintain the diesel surcharge could not be rapidly implemented at a reasonable cost.
- 1.9.3 The above temporary measures b), c) and d) are proposed to be put in place until 1 September 2020, and to be reviewed prior to that date and recommendations as to their continuation made to the Executive Director and Committee Chairman.

e) Increase in price for printed, scratchcard style visitor vouchers by 15p

- 1.9.4 These changes are proposed because the facility previously provided by the Customer Support Group for the print and dispatch of printed visitor vouchers has closed due to COVID-19 and is unlikely to reopen. An alternative printing service is being commissioned by the Parking Service and will result in increased service costs to the Parking Service. Therefore a price increase is being proposed from £1.10 per voucher to £1.25 per voucher to reflect the increased costs of printing, handling and postage of the vouchers.

f) Removal of online purchase option for printed, scratchcard style visitor vouchers, which would make virtual visitor vouchers the default option for customers purchasing vouchers online

- 1.9.5 In the current circumstances, due to COVID-19, the Council's printing service for visitor vouchers has been closed. A new printing service is being sought and will be mobilised as soon as possible.
- 1.9.6 It is proposed to remove printed visitor vouchers from the online order menu to encourage residents to use the virtual voucher option, and preserve available customer contact resources to where it is needed most, to ensure a telephone point of contact remains available as a clear pathway for residents who need it to order printed visitor vouchers over the telephone.
- 1.9.7 Residents are able to order visitor vouchers online using the web based system NSL Apply, which is provided by the Council's parking enforcement contractor NSL. The system was launched in September 2019 and offered a virtual visitor voucher option alongside the printed, scratchcard style vouchers. Both vouchers were offered at the same price of £1.10 per voucher, and vouchers are valid all day. Virtual vouchers are available for use immediately after purchase, can be assigned to the customer's 'Favourite' visitor vehicles if this feature is being used, or any vehicle registration entered by the customer, and can be activated for use instantly or pre-booked in advance of a planned visitor. Virtual vouchers also provide greater visibility with

regard to audit of usage, and remove the problem of vouchers being delayed or lost in the post.

- 1.9.8 COVID-19 has severely limited the level of customer support available and the Council's contact centre has closed for those services which are not classified as critical. An assessment has been made by Customer Support Group of capacity, and it has been agreed to reopen the telephone lines and email enquiry route for parking according to the mobilisation plan set out within the Parking Services recovery programme.
- 1.9.9 There is also a need to preserve telephone enquiry services for those who are unable to or prefer not to access services online (otherwise known as digitally excluded), in order to ensure that those residents who rely on the telephone as their primary source of information from the Council are always able to get through. Messages will be played on the telephone menu to callers to advise where information on parking can be found online, and the self service options available using NSL Apply. Callers will be advised that telephone lines may be busier than usual and that COVID-19 critical services are being prioritised.
- 1.9.10 The Council's visitor vouchers website page contains detailed instructions and "how to" videos to walk through purchasing and using virtual vouchers. Virtual vouchers can also be activated during business hours by a customer service agent over the telephone, and in some cases this may be a preferred option for residents who are shielding and do not want to handle printed vouchers.
- 1.9.11 The Government's planned approach to lifting lockdown restrictions does not suggest that social visits to family and friends will be allowed within the coming weeks, and therefore it is not anticipated that there will be a large number of residents seeking to purchase visitor vouchers once parking enforcement resumes. Existing parking arrangements for carers, critical workers and volunteers will be retained and communicated on the parking pages of the website, to ensure that wherever possible residents do use visitor vouchers where they are not required. However, virtual visitor vouchers will be available for purchase and scratchcard vouchers will be made available to those who need them once a new printing service has been commissioned.
- g) Providing additional time on existing resident permits at no cost for residents in financial hardship**
- h) Providing a dispensation to park at no cost for residents in financial hardship, where no existing parking permit is held**
- 1.9.12 These changes are proposed to provide financial breathing space to residents who are suffering financial hardship due to COVID-19. It is recognised that many residents will have suffered loss of income and need a temporary extension to their permit, or a dispensation to park, at no cost to tide them through. It is proposed to offer these options on a three month duration, with the ability to reapply or renew should this be needed, for those in hardship circumstances. Decisions will be made by Parking Services on a case by case basis and hardship is to be in the first instance defined as those who have lost income due to COVID-19, and made a claim for Universal Credit; those in receipt of Council Tax hardship fund; and those on list of vulnerable individuals as identified to the COVID-19 hub by NHS England.

1.9.13 The above temporary measures e), f), g) and h) are proposed to be put in place until 31 December 2020, and to be reviewed prior to that date and recommendations as to their continuation made to the Executive Director and Committee Chairman.

b) REASONS FOR RECOMMENDATIONS

- 2.1 The Council has complied with announcements and guidance by the Government and enforcement advice from London Councils during lockdown, which has included the relaxation of parking restrictions. The Council is now required to resume enforcement in a way which supports the phased lifting of lockdown restrictions, protects parking for residents and businesses, and provides assistance and financial relief for those experiencing hardship due to COVID-19.

c) ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Alternative options which have been considered include not introducing the changes recommended to permits at paragraph 1.9.
- 3.2 This is not recommended because the changes support the wider COVID-19 recovery effort by providing relief for those in hardship, and enable customer services, most significantly the telephone lines, to be reopened and prioritised for those who are not able to obtain information online or from social media.
- 3.3 It is not recommended to retain the diesel surcharge of £10 as this will make it difficult for residents and businesses to take advantage of shorter permit durations being proposed. The removal of the surcharge will facilitate the proposed new permit durations and the greater flexibility they provide for residents and businesses to budget for their permit, without needing to pay the diesel surcharge upon each renewal of the permit. The alternative option, which is not recommended, would be to retain the diesel surcharge which would be charged upon each permit renewal in full, and would therefore require significant additional resources to process refunds to residents and businesses and handle the resulting additional correspondence.
- 3.4 It is also not recommended to retain the current pricing for printed, scratchcard visitor vouchers as there will be increased processing costs associated with these due to the need to find an alternative printing service. If prices remain as they are now this will not provide an incentive for residents who are able to use virtual vouchers to switch to the virtual option, thus preserving customer service resources for those who are digitally excluded, and in the longer term will cause a budget pressure for the Parking Service.

d) POST DECISION IMPLEMENTATION

- 4.1 If approved, the proposed changes to permits outlined at paragraph 1.9, will be formalised and advertised as necessary through the publication of a traffic management order.
- 4.2 The proposed changes will be advised to residents as part of the recovery programme communications plan which includes website content, social media announcements,

direct communications to all permit holders and direct communications to identified stakeholders and community groups.

- 4.3 Planned communications will be made prior to the resumption of parking enforcement in controlled parking zones to allow time for residents and businesses to purchase or renew permits, or make alternative parking arrangements.
- 4.4 Other permit and voucher options will remain available and the Parking Service will work closely with Capita to support the restoration of first contact points and answer any queries about the proposed changes outlined at paragraph 1.9
- 4.5 The temporary measures as outlined at paragraph 1.9 are proposed to be put in place until varying dates as detailed in that paragraph. The Parking Service will review the temporary measures as to their success and recommendations as to their continuation will be made to the Executive Director and Committee Chairman.

e) IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 During the emergency period where the Council have moved to delivering critical services only and undertake additional responsibilities required by Government. The Parking Service have supported other services by volunteering with the COVID-19 hub and deploying Civil Enforcement Officers to patrol in parks and open spaces during lockdown restrictions. The Parking Services recovery plan is being reported to the Environment Recovery Group and contributes to the wider Council COVID-19 recovery planning process.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The COVID-19 pandemic has had a detrimental impact to the Council's finances and this is likely to continue in the short to medium term. Parking Services continue to work with their finance business partners to estimate and report the impact of lost parking income. The decisions in this report will help limit the extent of lost income.
- 5.2.2 The changes proposed in this report and their anticipated resources implications are detailed below:

a) Introduction of temporary parking arrangements for school staff

There is little anticipated impact on resources; school staff are likely to be required to drive to work where they may previously have used public transport, and the arrangements intend to provide for this in a temporary basis. There may be a small loss of paid parking revenue, however not all schools are situated near Council-operated car parks or on street paid parking spaces which would have presented viable options for school staff to park. The scheme will require communication and briefing by the Parking Service which will be incorporated within the wider recovery programme activity.

b) Introduction of a three month resident permit duration

No anticipated impact on resources; configuration, testing and training in regard to new permit duration to be carried out by Parking Service within existing resources. There may be a small increase in enquiries from residents in regard to the new permit duration which will have a resource impact on the Parking Service and Customer Support Group

c) Introduction of a one month business permit duration

No anticipated impact on resources; configuration, testing and training in regard to new permit duration to be carried out by Parking Service within existing resources. There may be a small increase in enquiries from businesses in regard to the new permit duration which will have a resource impact on the Parking Service and Customer Support Group

d) Removal of £10 diesel vehicle surcharge where it applies to resident and business permits

Estimated financial impact is a loss of £5k per month in permit revenue. This is estimated based on the current vehicle profile in Barnet. There may be a small increase in enquiries from residents in regard to the removal of the diesel surcharge which will have a resource impact on the Parking Service and Customer Support Group, however this is anticipated to be far less than the resources which would be required to process refunds and handle the additional correspondence which would result if the diesel surcharge is retained.

e) Increase in price for printed, scratchcard style visitor vouchers by 15p

The impact on resources is likely to be neutral as a new printing service is currently being commissioned and the price increase being recommended is intended to cover the additional costs of this new service. There is likely to be a small increase in enquiries from residents in regard to the price increase which will have a resource impact on the Parking Service and Customer Support Group.

f) Removal of online purchase option for printed, scratchcard style visitor vouchers, which would make virtual visitor vouchers the default option for customers purchasing vouchers online

The impact on resources is likely to be neutral as it is anticipated that the majority of residents will opt to purchase virtual vouchers as needed. It is not expected that there will be a sudden increase in virtual voucher orders as the Government advice is to avoid non-essential travel, and the current concessions available to critical workers and volunteers are likely to be retained which means visitor vouchers should not be required by most residents. There is likely to be a small increase in enquiries from residents seeking assistance on ordering and using virtual vouchers, which will have a resource impact on the Parking Service and Customer Support Group.

g) Providing additional time on existing resident permits at no cost for residents in financial hardship

h) Providing a dispensation to park at no cost for residents in financial hardship, where no existing parking permit is held

The proposals are likely to have a financial impact but it is not possible to estimate the potential numbers of applicants and associated loss of parking permit revenue. The Parking Service is still in the processing of obtaining advice from the Information Management team on information sharing agreements between departments which would allow us to assess the number of cases already identified to the Council as being in financial hardship due to COVID-19.

The options have been proposed because they can be put in place with minimal processing effort required and so having a minimal impact upon current resource levels, and do not require additional investment in IT to put these in place.

8.1 Social Value

8.1.1 N/A

8.2 Legal and Constitutional References

8.2.1 Council Constitution, Article 10.4 – provides that Chief Officers in consultation with Theme Committee Chairmen have delegated authority to make decisions which are not key decisions and which have a value between £189,330 and £500,000. A written report will be prepared for each decision.

8.2.2 Further to provisions in the Road Traffic Regulation Act 1984, the council can designate parking spaces on and off the highway and can regulate their use through conditions and charges. Case law has confirmed that the Road Traffic Regulation Act 1984 is not a taxing statute and does not permit authorities to charge residents for parking with a view to raising a surplus on its Special Parking Account

8.2.3 In using the powers under the Road Traffic Regulation Act 1984, the authority has a duty, amongst other considerations, to secure the expeditious, convenient and safe movement of vehicular and other traffic and the provision of suitable and adequate parking facilities both on and off the highway. This is pursuant to section 122 of the Road Traffic Regulation Act 1984 and includes having regard to matters including the national air quality strategy. This report is proposing the temporary removal of the diesel surcharge for parking permits in order to quickly facilitate greater flexibility for issuing permits for shorter durations, however this measure is proposed until 1 September 2020 and will be reviewed again before that date.

8.2.4 Pursuant to section 87 of the Traffic Management Act 2004, the Secretary of State has produced statutory guidance that local authorities must have regard to in connection with the exercise of their functions relating to civil enforcement of traffic contraventions.

8.3 Risk Management

8.3.1 The Council has an established approach to risk management, which is set out in the Risk Management Framework. Risks are to be reviewed quarterly (as a minimum) and any high-level risks will be reported to the relevant Theme Committee and Policy and Resources Committee.

8.3.2 In accordance with this framework, parking service and project risks are regularly reviewed at service level and reported to Directors as part of the risk review process. The Parking Services recovery programme has established a risk register and individual initiatives and actions within the programme are to be gathered, monitored and reported as part of the Council's risk management framework for Quarter 1.

8.4 Equalities and Diversity

8.4.1 Section 149 of the 2010 Equality Act outlines the provisions of the Public Sector Equality Duty which requires Public Bodies to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between people who share a relevant protected characteristic and persons who do not
- foster good relations between people who share a relevant protected characteristic and persons who do not

8.4.2 Having due regards means the need to (a) remove or minimise disadvantage suffered by persons who share a relevant protected characteristic that are connected to that characteristic (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it, (c) encourage persons who share a relevant protected characteristic to participate in public life in any other activity in which participation by such persons is disproportionately low.

8.4.3 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.4.4 An initial equality impact screening has been undertaken in respect of the proposals contained within this report and is appended.

8.5 Corporate Parenting

5.7.1 N/A

8.6 Consultation and Engagement

8.6.1 Consultation in respect of the proposed changes to permits as outlined at paragraph 1.9 will see an adjustment to the relevant Traffic Management Order carried out in accordance with the statutory process for traffic management order amendments where required. This may be achieved through an Experimental Traffic Management Order and advice is being sought on the appropriate procedure from Re Highways.

8.6.2 Information and communication in respect of these proposed changes to permits as outlined at paragraph 1.9, and the resumption of parking enforcement in controlled parking zones, will be provided in accordance with the Parking Services recovery programme communications plan as outlined at paragraph 4.2

5.9 Insight

5.9.1 N/A

6 BACKGROUND PAPERS

6.9 N/A

Chairman:
Has been consulted

Signed



22 May 2020

Chief Officer:
Decision maker having taken into account the views of the Chairman

Signed



22 May 2020

REPORT CLEARANCE CHECKLIST

(Removed prior to publication and retained by Governance Service)

Note: All reports must be cleared by the appropriate Committee Chairman, Chief Officer, Legal, Finance and Governance as a minimum. Report authors should also engage with subject matter experts from other service areas where this is required (e.g. procurement, equalities, risk, etc.). The name and date that the chairman or officer has cleared the report must be included in the table below or the report will not be accepted.

Legal, Finance and Governance require a minimum of 5 working days to provide report clearance. Clearance cannot be guaranteed for reports submitted outside of this time.

AUTHOR TO COMPLETE TABLE BELOW:

Who	Clearance Date	Name
Committee Chairman	22 May 2020	Cllr Dean Cohen
Chief Officer	22 May 2020	Geoff Mee
HB Public Law	15 June 2020	Andrew Lucas
Finance	22 May 2020	Ben Jay
Governance	11 June 2020	Paul Frost

Notes:

This report is for decisions with a value between £181,302 and less than £500,000 but excluding all excluding all key decisions – if in doubt please consult the Governance Team.

The report must not be implemented until cleared by both the relevant Committee Chairman and Chief Officer. Both names should be listed on the cover page in the 'Report of' section.

Environment Committee

AGENDA ITEM 8

30 June 2020



Title

Replacement for London Borough of Barnet Highways Asset Management System

Report of

Chairman of the Environment Committee

Wards

All

Status

Public

Urgent

Yes

Key

Yes

Enclosures

None

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Summary

Through the governance route of the Urgency Committee of 27 April 2020, the Council commenced a two-Phase approach to the replacement of the Council's Highways Asset Management System (HAMS). Phase one commenced on the 30 April 2020 to deliver the Confirm Street Manager solution by 1 July 2020, aligned to the Department of Transport Street Manager System confirmed launch date. Phase two has commenced in line with the Urgency Committee recommendation to conduct a procurement options appraisal to identify the best route to market to deliver the replacement of the whole of the Exor System. The recommended procurement option is to access the Crown Commercial Services (CCS) G-Cloud 11 Framework to procure the replacement system. This procurement route allows the Council to access pre-assessed suppliers through a simplified application process enabling the Council to focus on the effective assessment of service providers in relation to value for money, technology and innovation.

Officers Recommendations

1. That the Environment Committee notes the progress with the implementation of Phase one procurement of the DfT Street Manager Solution.
2. That the Environment Committee notes the outcome of the procurement options analysis and agrees to the commencement of the Phase two procurement exercise to progress the replacement of the entire Exor Asset Management System using the Crown Commercial Services (CCS) G-Cloud 11 Framework.
3. That the Environment Committee notes the outcome of the procurement will be subject to contract award in accordance with Contract Procedure Rules, being delegated to the Interim Executive Director for Environment, in consultation with the Chairman of the Environment Committee.
4. The Environment Committee are requested to note that subject to the agreement of recommendation 1, 2 and 3 above that, a report will be submitted to the Policy and Resources Committee in order to outline the additional budget requirement and therefore seek approval to enter into a contract with the preferred supplier.

1. WHY THIS REPORT IS NEEDED

- 1.1 The London Borough of Barnet is required to consider and determine the appropriate actions to replace the Council's Highways Asset Management system (HAMS). The current system Exor (supplied by Bentley) has not maintained a viable position in the marketplace. It has been announced that the current version will not be supported by the supplier, Bentley from December 2021. Currently, significant commercial and operational issues are being experienced with the system which has been impacting on service efficiency and development.
- 1.2 Of greater immediate concern was the identified risk that the Exor system does not provide a direct connection with the DfT Street Manager. The Department for Transport (DfT) require the legal implementation of their Street Manager Street Works system (which controls the granting of Utility Permits) by the Council with effect from 1 July 2020. It is considered that the replacement of Exor is urgent due to the DfT deadline and with Bentley (current provider) not providing a direct connection with the DfT Street Manager as well as withdrawing support for the Exor system the proceed with replacement is required.
- 1.3 The 27 April 2020 Urgency Committee considered the matters set out in Sections 1.1 and 1.2 of this report approving the commencement of Phase 1.
- 1.4 The purpose of this report is to request the initiation of Phase 2, the replacement of the Exor Highways Asset Management System.

2. REASONS FOR RECOMMENDATIONS

- 2.1 As reported at the Urgency Committee, the Exor system has not had the investment of other systems in the marketplace and the current version will be unsupported by the

developer, Bentley, in two years' time. Therefore, the Council needs to consider and determine the appropriate actions to take to replace the Council's Highways Asset Management system (HAMS). The Urgency Committee approved the principle of this at the meeting 27 April 2020.

- 2.2 The purpose of this report is to approve the commencement of Phase two, the procurement process to replace the entire Exor Asset Management System, utilising the Crown Commercial Services (CCS) G-Cloud11 Framework. The CCS Framework allows the Council to access, through its Digital Marketplace pre-qualified suppliers through mini competition.

3. RECOMMENDED OPTION

- 3.1 The recommended option is to progress the procurement through the Crown Commercial Services (CCS) G-Cloud 11 framework.
- 3.2 The pre-qualified suppliers include all the major providers of Highways Asset Management systems (HAMS) in the UK market.
- 3.3 The G-Cloud 11 framework mini competition will enable the Council to identify following evaluation a preferred supplier to enable go live with a new system from 1 April 2021.
- 3.4 The benefits of working with a G-Cloud framework are that it:
- Supports the Government's 'Cloud First Policy' to access and use cloud-based services in a flexible and agile fashion
 - Includes all the main asset management system providers
 - Enables scalable services, based on the philosophy of "pay for what you use"
 - Enables a quick and effective assessment of service provider
 - Drives value for money, reducing implementation and ongoing licence costs
 - Enables access to the latest technology and innovation
 - Delivers a well-developed contractual framework with performance measures
- 3.5 Through the G-Cloud 11 Framework the minimum contractual term is 24 months and the maximum 48 months, based upon the initial 24-month contractual term plus two 12-month extension periods. One of the concerns that Officers had with the framework was the contract duration. However, in evaluation of the CCS G-Cloud 11 and discussions with the Commercial Agreement Specialist this is deemed by Officers to now be an advantage as it ensures the Council:
- Access to suppliers who must re-state their quality and price offer to the market for each new G-Cloud iteration, driving innovation and value for money whilst ensuring the Council is not left with an unsupported system
 - The opportunity to re-evaluate the Council's needs against the services on offer through the refreshed G-Cloud Framework
 - The opportunity to conduct a fair and robust market comparison, factoring in the cost of change
 - The opportunity to restate requirements which have not changed i.e. the Council can use the same search and evaluation parameters originally set to ensure that no new services are offered that may deliver better value for money

- 3.6 During the rollout of both Phases one and two, and until the replacement to Exor is fully functional the existing Exor Asset Management System will need to remain operational in parallel, incurring existing licence and maintenance costs, i.e. the licence and maintenance costs for both the existing Exor system and the replacement system net of operational savings will need to be fully funded until such point that the new system is fully functional (no later than December 2021). The commercial apportionment of these costs will be settled through Phase 2 between Re and the Council.
- 3.7 The do-nothing scenario is not an option due to the Exor system being unsupported from December 2021.
- 3.8 As part of the options appraisal two other options were considered, and these are described in more detail under Section five of this report.

4. PROGRESS ON IMPLEMENTATION OF PHASE 1

- 4.1 Phase one implementation formally commenced 30 April 2020 to deliver the Confirm Street Manager Solution by 1 July 2020, aligned to the DfT Street Manager implementation date. The project is being managed in line with the Council's Project Management arrangements with weekly review meetings. The project is subject to a robust risk and mitigation management arrangements. In addition, the project has a dedicated Project Manager to ensure all required activities are addressed to deliver the project on time and within scope. The intention will be for Officers to provide Members with a verbal update on the Project at the Environment Committee meeting of 30 June 2020 given that this Phase the project will be ready to go live on 1 July 2020. For information at the point of this report being drafted the project was RAG rated Green

5. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 5.1 In line with the 27 April 2020 Urgency Committee recommendations, a detailed options assessment has been conducted in relation to the other potential procurement options available to the Council:
- Traditional (non-framework based) procurement
 - Digital Outcomes and Specialists 4 (DOS 4) framework

6. POST DECISION IMPLEMENTATION

- 6.1 If the Environment Committee approves the recommendations in this report, the G-Cloud 11 procurement will commence during the period July and August 2020.
- 6.2 Following the award of the contract the Council will move into the Phase two implementation phase, using the same methodology that has been successfully deployed in Phase one, with the plan to go live with the new system 1 April 2021. This phase will be the subject of future reports on the progress of the replacement Asset Management System and will be brought to future meetings of the Environment Committee.
- 6.3 During the rollout of both Phases one and two, and until the replacement for Exor is fully functional the existing Exor Asset Management System will need to remain operational in parallel, incurring existing licence and maintenance costs.

7. IMPLICATIONS OF DECISION

7.1 Corporate Priorities and Performance

7.1.1 The Corporate Priority of Keeping the borough moving, including improvements to roads and pavements is delivered through improving the condition of our roads and pavements. Pitney Bowes Confirm will deliver a full end to end Asset Management and Street Works solution.

7.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

7.2.1 Finance & Value for Money

7.2.1.1 The following information is estimates based on current knowledge, with further work on cost mitigation and value engineering being required.

7.2.1.2 The 27 April 2020 Urgency Committee approved Capital Allocation for Phase one is £304,400 Capital Investment. This is made up of £200,000 implementation costs and an annual licence fee of £52,200, noting that the Pitney Bowes Confirm contract requires a two-year licence commitment i.e. a total of £104,400 over the two years. The spend profile is on target and within the allocated Capital Investment.

7.2.1.3 The Phase 2 Capital Investment required to replace the Exor Asset Management System over and above the Confirm Street Manager Solution, is currently estimated at an additional Capital Investment of £640,000 based on circa £500,000 implementation costs and £140,000 annual licence fees. This will be reviewed and refined as Phase two progresses.

7.2.1.4 Until the replacement to Exor is fully functional the existing Exor Asset Management System will need to remain operational, incurring existing licence and maintenance costs over and above the costs for the replacement system. This could be for a period of up to 2 years aligned to the end of life date of December 2021 as set out in more detail in the Urgency Report 27 April 2020.

7.2.1.5 The outcome of the procurement process will be addressed by the requirements of the Councils Contract Procedure Rules and the contract award will be subject to Statutory Officer review including Finance.

7.2.2 Procurement

The use of the Crown Commercial Services G-Cloud 11 framework is a recognised route to market for the provision of systems, including Highways Asset Management Systems. The approach is in accordance with the Council's Contract Procedure Rules 5.4.

7.2.3 Staffing

The procurement and implementation will encompass engagement with staff including, benefits, user acceptance testing, training and identification of super users.

7.2.4 IT

Included within the scope of this report.

7.2.5 Property

This section does not apply to this report.

7.2.6 Sustainability

An effective functional asset management system ensures the effective programming and scheduling of resources to minimise waste and maximise opportunities for sustainable practices to be deployed.

7.3 **Social Value**

7.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Social value will be considered when looking at the options. Our current contracts have considered social value.

7.4 **Legal and Constitutional References**

7.4.1 As a highway authority Barnet has a duty under section 41(1) of the Highways Act 1980 to maintain the public highway.

7.4.2 The Traffic Management Act 2004 places obligations on highway authorities to ensure the expeditious movement of traffic on their road network. Authorities are required to make arrangements as they consider appropriate for planning and carrying out the action to be taken in performing the duty.

7.4.3 In addition, Section 30 of the Greater London Authority Act 1999 stipulates that the highway authority has the general power to, amongst other things, promote the improvement of the environment, and economic and social development.

7.4.4 Under Article 7 of the Constitution, the Environment Committee has responsibility for all borough-wide or cross-constituency matters relating to the street scene including, parking, road safety, lighting, street cleaning, and can receive reports on relevant performance information and risk on the services under the remit of the Committee.

7.4.5 The procurement of highway services, including related supplies and works, must be done in compliance with public procurement rules, including the Public Contracts Regulations 2015 (PCR). The use of the CCS G-Cloud 11 framework fulfils this requirement.

7.5 **Risk Management**

7.5.1 The Council, as Highway Authority, has various responsibilities and duties. To address these responsibilities and duties the council has established policies, systems and processes that are regularly audited, reviewed and amended where necessary to reflect

current good practice and guidance and provide the council with a robust defence against insurance claims on the public highway.

7.5.2 The preparation of annual programme of highway works for both footways and carriageways in the borough demonstrates the necessary use of asset management planning and risk management principles for the distribution of available funding and resources on an agreed, clear and auditable basis utilising a prioritisation process and governance arrangements overseen by members and approved by the Environment Committee.

7.5.3 Until the replacement to Exor is fully functional the existing Exor Asset Management System will need to remain operational, incurring existing licence and maintenance costs over and above the costs for the replacement system. This could be for a period of up to 2 years aligned to the end of life date of December 2021 as set out in more detail in the Urgency Report 27 April 2020.

7.5.4 With the two-phased approach which commenced as a result of the 27 April 2020 Urgency Committee there is the risk of integration issues occurring if the outcome of the Phase two procurement results in a different system to Confirm being implemented in Phase one. These issues will be addressed as part of the procurement plan.

7.6 Equalities and Diversity

7.6.1 The Equality Act 2010 requires organisations exercising public functions to demonstrate that due regard has been paid to equalities in:

- Elimination of unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- Advancement of equality of opportunity between people from different groups.
- Fostering of good relations between people from different groups.

7.6.2 The Equality Act 2010 identifies the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership, pregnancy, and maternity; race; religion or belief; sex and sexual orientation.

7.6.3 To assist in meeting the duty the council will:

- Try to understand the diversity of our customers to improve our services.
- Consider the impact of our decisions on different groups to ensure they are fair.
- Mainstream equalities into business and financial planning and integrating equalities into everything we do.
- Learn more about Barnet's diverse communities by engaging with them.

7.6.4 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and delivery of services.

7.6.5 Good roads and pavements benefit all sectors of the community by removing impediments and assisting quick, efficient and safe movement to access school, work and leisure facilities. This is particularly important for the elderly, people caring for children and those with mobility difficulties and sight impairments. The condition of roads and pavements is regularly at the top of concerns expressed by residents and the

Council is listening and responding to those concerns by committing funding and resources to its planned highway maintenance programmes across the borough on a prioritised basis.

- 7.6.6 The physical appearance and the condition of the roads and pavements also have a significant impact on the quality of life for residents and visitors to the borough. A poor-quality street environment will give a negative impression of an area, impact on people's perceptions and attitudes as well as increasing perception of insecurity.

7.7 **Corporate Parenting**

- 7.7.1 In line with the Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council. There are no implications for Corporate Parenting in relation to this report.

7.8 **Consultation and Engagement**

- 7.8.1 This section does not apply to this report.

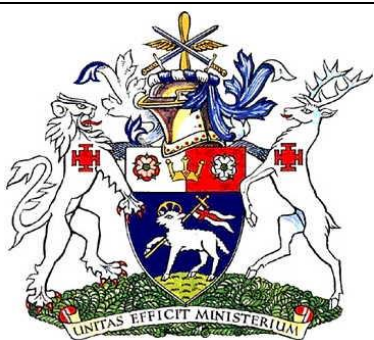
7.9 **Insight**

- 7.9.1 This section does not apply to this report.

8. **BACKGROUND PAPERS**

- 8.1 Urgency Committee Report 27 April 2020.

<https://barnet.moderngov.co.uk/documents/s58626/EXOR%20-%20Highways%20Asset%20Management%20System%20Replacement.pdf>



Environment Committee

30 June 2020

Title	Objective Setting-Flood Risk Management Plans, 2021
Report of	Chairman of the Environment Committee
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A
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Summary

This report seeks the Committee's approval for the draft Flood Risk Management Plan (FRMP) objectives that have been put forward to the Environment Agency as part of Flood Risk Management Plans Cycle Two, 2021. Due to the strict deadlines involved with this process, and in light of the current situation with the Covid-19 pandemic, these objectives have been submitted as draft, subject to the Committee approval.

In November 2018 the Environment Committee approved the Council's Local Flood Risk Management Strategy (LFRMS). This strategy outlines the national and local objectives and measures for managing flood risk within Barnet, and includes a number of objectives that as part of this current process will be reviewed. The proposed new objectives have been selected from the Environment Agency's set of objectives and are based on a review of the existing objectives of the London Borough of Barnet's Local Flood Risk Management Strategy (LFRMS) and the local understanding of existing flood risk in Barnet. The objectives have also been chosen based on the anticipated value they will add to the future of flood risk management in Barnet, this builds our resilience to the increased impacts of climate change.

Officer's Recommendations

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| <p>1. That the Environment Committee approves the selected objectives for the Flood Risk Management Plans Cycle Two, 2021 enabling the Interim Executive Director for Environment to proceed with the drafting of measures corresponding to each of the chosen objectives.</p> |
| <p>2. That the Environment Committee delegates authority to the Interim Executive Director for Environment to approve the measures corresponding to the objectives defined in this report in consultation with the Environment Committee Chairman.</p> |

1. WHY THIS REPORT IS NEEDED

- 1.1 The Flood and Water Management Act 2010 and the Flood Risk Regulations 2009 place duties on local authorities. This legislation designates the London Borough of Barnet as a Lead Local Flood Authority (LLFA) and as such the authority has a statutory responsibility for leading the co-ordination of local flood risk management within the borough.
- 1.2 The legislation sets out a statutory process for flood risk planning. It requires the Environment Agency and Lead Local Flood Authorities to:
 - Assess risk from flooding for human health, the economy, and environment.
 - Predict where risk is significant, and identify these areas as Flood Risk Areas (FRAs)
 - Prepare maps that show the flood hazard and flood risk in the FRAs.
 - Prepare **Flood Risk Management Plans (FRMPs)** that set **Objectives** and **Measures** to mitigate the risk in FRAs.
- 1.3 As a Lead Local Flood Authority and being identified as a surface water FRA, FRMP is a statutory requirement for London Borough of Barnet.
- 1.4 In November 2018 the Environment Committee approved the Council's Local Flood Risk Management Strategy (LFRMS). This strategy outlines the national and local objectives and measures for managing flood risk within Barnet. These objectives need to be reviewed to ensure they are appropriate to mitigate the risk in FRAs.
- 1.5 This report seeks approval for the recommended Flood Risk Management Plan Objectives that have been put forward to the Environment Agency as part of Flood Risk Management Plans Cycle Two, 2021. These objectives have been selected from the list of objectives provided by the Environment Agency; and are locally relevant and envisaged to be achievable in the Borough.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Across the Borough we have experienced flooding incidents every year since 2010. This flooding is often localised, but these events highlight that flooding

can occur at any time with potentially devastating consequences. The surface water flooding experienced in 2012 further reinforces the risk faced by the borough from local sources. Climate change is predicted to result in more storm events and even greater levels of rainfall, and consequently the probability of flooding is increasing. The impacts of climate change were evident in the record-breaking rainfall events during winter 2019-2020. Hence, there is a need to strengthen our resistance and resilience to these increased climate change impacts.

- 2.2 FRMPs are produced on a six-year cycle. We are approaching Cycle 2 of the FRMP, 2021. The FRMPs are structured as a set of objectives and SMART measures, which will be available on Flood Plan Explorer – a new live GIS platform; making measures more visible and accessible to interested parties.
- 2.3 The objectives of the FRMP Cycle Two, 2021 have been developed by the Environment Agency's national team to ensure consistency and assist in delivering the goals of the national Flood and Coastal Erosion Risk Management Strategy and the 25 Year Environment Plan.
- 2.4 As a Lead Local Flood Authority and being identified as a surface water FRA of the Thames River Basin District in the FRMP Cycle Two, 2021, it is a statutory requirement on LBB to select set of objectives from the list of objectives provided by the Environment Agency.
- 2.5 Selection of the objectives is considered step one of the process and drafting measures corresponding to each chosen objective is step two. This paper is seeking approval for selected objectives as part of step one.
- 2.6 The objectives were selected taking into consideration the following:
 - Review of the objectives in the existing strategy.
 - Their relationship to the understanding of existing flood risk in Barnet.
 - Their relationship to the current ongoing works and proposed flood risk management works for the year 2020-21 and beyond.
 - Increased noted impacts of climate change with record breaking extreme rainfall events in 2019-20.
 - The authority's confidence in being able to achieve them within the required timeframe and the value they will add once achieved.

PROPOSED OBJECTIVES

- 2.7 This section lists the set of objectives that have been selected for approval on behalf of the Council. The whole set of objectives provided by the Environment Agency, from which the chosen objectives were selected is included in Appendix A.
- 2.8 The national objectives are grouped in three main policy areas:

- I. Climate resilient places;
- II. Today's growth and infrastructure resilient in tomorrow's climate;
- III. A nation of climate champions, able to adapt to flooding and coastal change through innovation.

- 2.9 These three policy areas further have five categories (a-e). Each category has a list of objectives. There is a requirement on the Council to select a minimum of one objective for each category, hence a minimum of five objectives out of a total of sixteen. This is illustrated in Figure 1 below at the end of this section.
- 2.10 Please note that these objectives require LBB to record a date in the beginning of each objective in order to make them measurable by when they are envisaged to be achieved. These dates will be set in the step two of the process when the measures are being drafted.
- 2.11 The selected six objectives for LBB are listed below. LBB has selected one objective each for categories a, b, c and e except category d for which two objectives have been selected.
- 2.12 Please refer to **Appendix A** which details the full set of objectives provided by the Environment Agency. Due to the strict deadline involved with this process, the selected objectives have been submitted to the Environment Agency as draft, subject to the Committee's approval.

I. Climate resilient places:

a. Flood risk regulations - reducing the likelihood of flooding

By [date], risk management authorities will have worked with those communities that may be significantly affected by flooding and / or coastal change in the future and will have [identified and / or be progressing] the most appropriate flood risk management options.

b. Flood risk regulations - minimising the consequences of flooding for human health

By [date], risk management authorities will have developed [and/or] delivered a programme of flood risk management capital schemes [and/or] maintenance to reduce risk of flooding and coastal change and its adverse consequences for human health and wellbeing.

c. Flood risk regulations - minimising the consequences of flooding for the environment including cultural heritage

By [date], risk management authorities will have worked with Catchment and Coastal Partnerships, landowners and managers and communities to make use of natural processes to reduce the risk of flooding and coastal change and contributed to achieving wider environmental benefits.

II. Today's growth and infrastructure resilient in tomorrow's climate

d. Flood risk regulations - minimising the consequences of flooding for economic activity

- By [date], risk management authorities will have worked with infrastructure owners, businesses and the community to identify priority infrastructure that needs to be made resilient to current and future risk of flooding and coastal change and will have [discussed in partnership how this will be achieved and / or worked together to increase resilience].
- By [date], and in line with national planning policy, new development in areas at risk will take into account the risk of flooding and coastal change now and in the future.

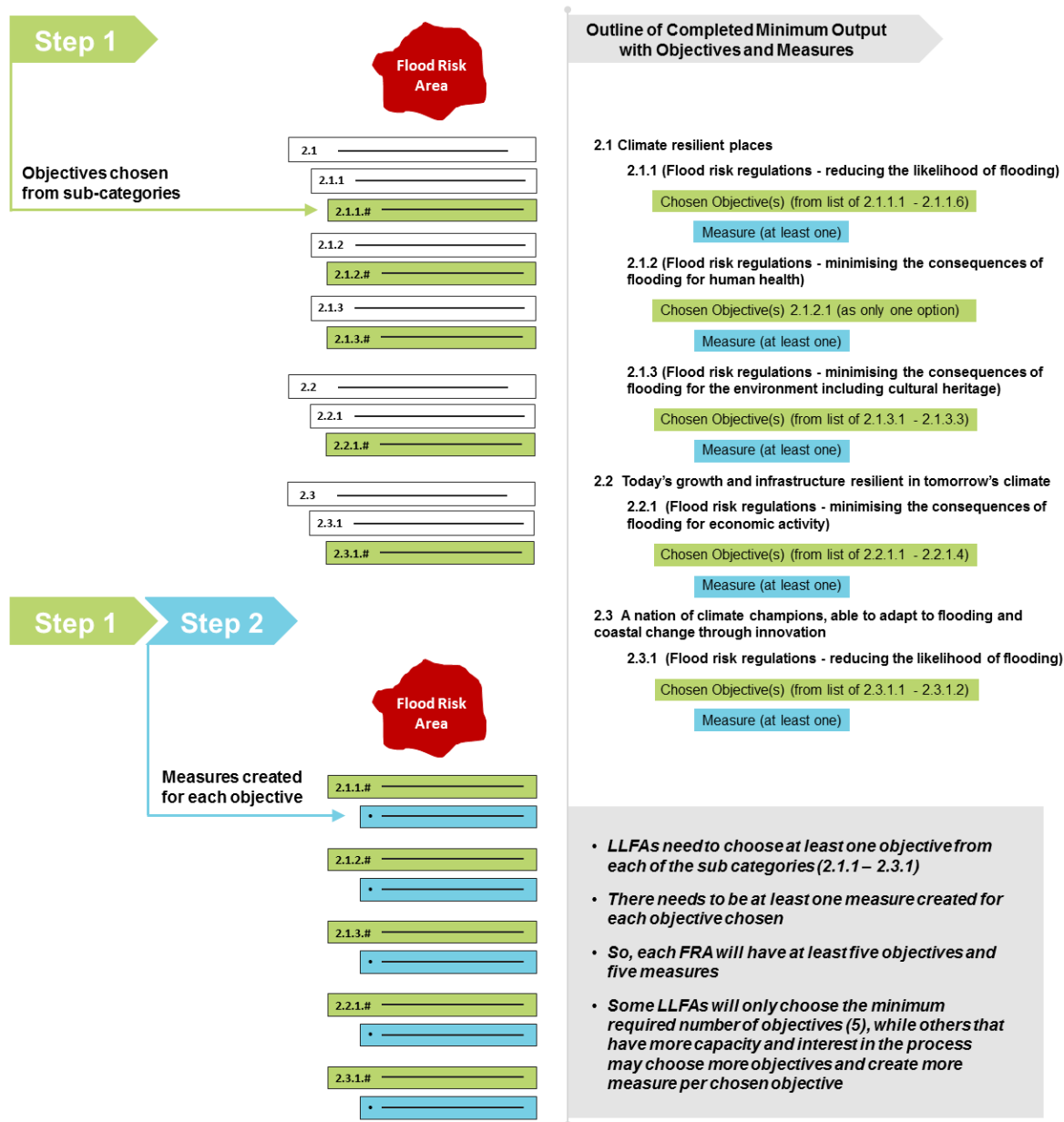
III. A nation of climate champions, able to adapt to flooding and coastal change through innovation

e. Flood risk regulations - reducing the likelihood of flooding

By [date], risk management authorities will have worked with communities across the [river basin district/flood risk area] to: raise awareness of the level of flood risk that they face; help them understand the role of emergency responders and ensure they know what to do in an emergency to help themselves.

Figure 1: Representation of Minimum required output by LLFAs as part of FRMP Cycle Two, 2021:

Simplified Conceptual Representation of Minimum Required Output (Objectives and Measures)



3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 No alternative options were considered, as the Council, as a Lead Local Flood Authority, has a statutory requirement to update the objectives and the measures of the Flood Risk Management Plan (on a six-year cycle).

4. POST DECISION IMPLEMENTATION

- 4.1 Once the Committee approves the recommended objectives, officers will draft the measures corresponding to each chosen objective as part of the step two for the FRMP Cycle Two, 2021. These will be finalised and submitted for approval to the Interim Executive Director, Environment, who will approve them

under delegated powers in consultation with the Chairman of the Environment Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Council's Corporate Plan –Barnet 2024, states in its strategic objectives that it will work with partners to achieve a pleasant, well maintained borough that we protect and invest in.

5.1.2 In particular, the Barnet Local Flood Risk Management Strategy and the associated flood risk management projects aim to put in place measures to reduce the risk of flooding, which will help to improve the local environment and the quality of life for the residents and help create conditions for a vibrant economy.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 No impact on resources is anticipated at this stage, as a result of implication of this decision.

5.2.2 Officers need the Committee to note that there could be potential budget implications of the chosen objectives and measures. Once the measures corresponding to each of the chosen objective have been drafted, these implications can be quantified and submitted for approval to the Interim Executive Director, Environment, who can approve them under delegated powers in consultation with the Chair of the Committee.

5.2.3 There are no staffing ICT or property implications.

5.3 Social Value

5.3.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. This report does not relate to the procurement of service contracts.

5.4 Legal and Constitutional References

5.4.1 The Flood and Water Management Act 2010 and the Flood Risk Regulations 2009 place duties on local authorities. This legislation designates the London Borough of Barnet as a Lead Local Flood Authority (LLFA) and as such the authority has a statutory responsibility for leading the co-ordination of local flood risk management within the borough. This includes ensuring that flood risks from local sources, including surface water runoff, groundwater and ordinary watercourses and their interactions, are identified and managed.

5.4.2 The Council's Constitution Article 7 –Committees, Forums, Working Groups and Partnerships (Responsibility for Functions, 7.5) gives the Environment

Committee responsibility for all borough-wide or cross-constituency matters related to the street scene.

5.5 Risk Management

5.5.1 The Council has an established approach to risk management, which is set out in the Risk Management Framework.

5.6 Equalities and Diversity

5.6.1 The Equality Act 2010 outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design policies and the delivery of services. There is an on-going process of regularisation and de-clutter of street furniture and an updating of highway features to meet the latest statutory or technical expectations.

5.6.2 Any flooding event tends to disadvantage people with mobility problems and places more strain on the emergency services in the case of an evacuation. The chosen FRMP objectives will drive the LBB Local Flood Risk Management Strategy, which aims to reduce the risk of flooding to the community and infrastructure. These chosen objectives will further strengthen LBB's strategy to build resistance and resilience to future flood risks and its impact on the community.

5.7 Corporate Parenting

5.7.1 This section of the report does not apply to this report.

5.8 Consultation and Engagement

5.8.1 The Council, as a Lead Local Flood Authority (LLFA), in order to fulfil its duties, needs to coordinate with all stakeholders and partner organisations. It is recognised that much of the local knowledge and technical expertise necessary for the Council to fulfil their duties as LLFA lies with partner organisations. It is therefore crucial that the Council works alongside these partner organisations to ensure the effective and consistent management of local flood risk and the provision of a coordinated and holistic approach to flood risk management.

5.8.2 For an agreement of the objectives and measures, officers will consult with internal and external stakeholders and partner organisations as part of FRMP delivery.

5.9 Insight

5.9.1 This section of the report does not apply to this report.

6. BACKGROUND PAPERS

- 6.1 Environment Committee paper 15 November 2018 approving the Local Flood Risk Management Strategy
<https://barnet.moderngov.co.uk/documents/b31356/Local%20Flood%20Management%20Strategy%2028th-Nov-2018%2018.30%20Environment%20Committee.pdf?T=9>
- 6.2 London Borough of Barnet's Local Flood Risk Management Strategy available on the Council's website <https://www.barnet.gov.uk/citizen-home/planning-conservation-and-building-control/flood-risk-strategy.html>
- 6.3 London Borough of Barnet's Surface Water Management Plan (SWMP)
<http://admin.barnet.gov.uk/planning-conservation-and-building-control-old/planning-policies/local-plan-old/ldf-evidence-and-2>
- 6.4 Draft National Flood and Coastal Erosion Risk Management Strategy for England (<https://consult.environment-agency.gov.uk/fcrm/national-strategy-public/>)

APPENDIX A

The whole set of objectives provided by the Environment Agency are listed below, with the recommended objectives for the Council highlighted within the rectangles.

2.1 Climate resilient places

2.1.1 (Flood risk regulations - reducing the likelihood of flooding)

2.1.1.1 By [date], risk management authorities will have developed a long-term strategic vision and delivery plan for managing future flood risk from all sources in the [river basin district/flood risk area].

2.1.1.2 By [date], risk management authorities will have worked together to [develop and / or implement] adaptive approaches to future flooding to enhance the resilience of the [river basin district/flood risk area].

2.1.1.3 By [date], risk management authorities will have worked with those communities that may be significantly affected by flooding and / or coastal change in the future and will have [identified and / or be progressing] the most appropriate flood risk management options.

2.1.1.4 By [date], risk management authorities will have worked with communities, landowners and businesses to determine the level of maintenance of flood risk assets needed to manage flood risk, and they will have taken a risk based approach to decide how or if they will be maintained in the future.

2.1.1.5 By [date], risk management authorities will have worked with communities, landowners and businesses to understand wider maintenance activities needed to manage the risk of flooding and coastal change and who will contribute to make that happen.

2.1.1.6 By [date], risk management authorities will have worked with communities and landowners to identify and carry out schemes which work with natural processes to reduce the risk of flooding and coastal change.

2.1.2 (Flood risk regulations - minimising the consequences of flooding for human health)

2.1.2.1 By [date], risk management authorities will have developed [and/or] delivered a programme of flood risk management capital schemes [and/or] maintenance to reduce risk of flooding and coastal change and its adverse consequences for human health and wellbeing.

2.1.3 (Flood risk regulations - minimising the consequences of flooding for the environment including cultural heritage)

2.1.3.1 By [date], actions by risk management authorities to address current and future risk of flooding and coastal change will have helped achieve the environmental objectives set out in the river basin district's river basin management plan.

2.1.3.2 By [date], risk management authorities will have worked with Catchment and Coastal Partnerships, landowners and managers and communities to make use of natural processes to reduce the risk of flooding and coastal change and contributed to achieving wider environmental benefits.

2.1.3.3 By [date], risk management authorities will have worked with Natural England and other partners to ensure that the delivery of flooding and coastal

change risk management programmes have contributed to the local nature recovery plans so that new and restored habitats contribute to reducing flood and coastal risk.

2.2 Today's growth and infrastructure resilient in tomorrow's climate

2.2.1 (Flood risk regulations - minimising the consequences of flooding for economic activity)

2.2.1.1 By [date], risk management authorities will have worked with infrastructure owners, businesses and the community to identify priority infrastructure that needs to be made resilient to current and future risk of flooding and coastal change and will have [discussed in partnership how this will be achieved and / or worked together to increase resilience].

2.2.1.2 By [date], risk management authorities will have provided evidence and advice to infrastructure providers and supported them to take account of future flooding and coastal change in their infrastructure investment.

2.2.1.3 By [date], risk management authorities will have worked with communities and businesses to understand and implement a plan for how flood and coastal erosion risk management activities can contribute towards sustainable growth and prosperity in a climate resilient way (and vice versa).

2.2.1.4 By [date], and in line with national planning policy, new development in areas at risk will take into account the risk of flooding and coastal change now and in the future.

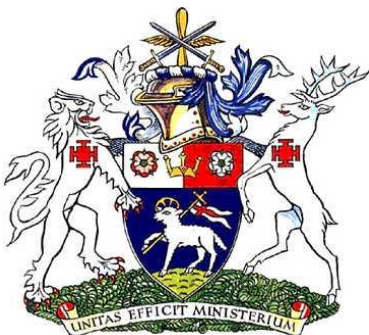
2.3 A nation of climate champions, able to adapt to flooding and coastal change through innovation

2.3.1 (Flood risk regulations - reducing the likelihood of flooding)

2.3.1.1 By [date], risk management authorities will have worked with communities across the [river basin district/flood risk area] to: raise awareness of the level of flood risk that they face; help them understand the role of emergency responders and ensure they know what to do in an emergency to help themselves.

2.3.1.2 By [date], risk management authorities will have worked with communities across the [river basin district/flood risk area] to encourage them to take action to enhance their own resilience to current and future long-term risk.

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Environment Committee

AGENDA ITEM 10

30 June 2020

Title

Procurement of Highways Term Maintenance Contractor

Report of

Chairman of the Environment Committee

Wards

All

Status

Public with exempt Appendix 1 - Alternative Options Considered and Not Recommended Exempt enclosure - Not for publication by virtue of paragraphs 3 of Schedule 12A of the Local Government Act 1972 as amended (Information relating to the financial or business affairs of any particular person)

Urgent

No

Key

Yes

Enclosures

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Summary

The current Highways Term Maintenance Contract is due to end on 31 March 2021. In line with the recommendations from the 11 September 2019 Environment Committee an options assessment has been conducted and a recommended course of action identified for approval. The recommended course of action is to extend the current Highways Term Maintenance Contract for a period of two years and six months to become coterminous with the Re Highways Contract which expires 30 September 2023. This extension enables the Council to conclude the Year 6 /7 Re Contract review and provide the opportunity for a better longer-term procurement with a different allocation of responsibilities between the various parties.

This report sets out the process to ensure the Council's interests are protected, including the governance and approvals process to be followed.

Officers' Recommendations

1. That the Environment Committee notes the outcome of the options assessment and the recommendation to progressing an extension of the current contract.
2. That the Environment Committee approves the contract extension and provides authority for the Interim Director for Environment to enter into a formal commercial settlement with the current Highways Term Maintenance Contractor to settle all outstanding claims before extending the current contract.
3. That the Environment Committee delegates authority to the Interim Executive Director for Environment to finalise the terms of the contract extension and to enter into the contract extension.
4. That the Environment Committee are requested to note that subject to the agreement of recommendation 1, 2 and 3 above that there may be an additional budget requirement over and above what was agreed when the contract was originally let to account for an additional two and half years of throughput. Therefore, a report may need to be brought to Policy & Resources Committee which has responsibility for amendments to the revenue budget (Financial Regulations Section 2.4.3) and additions to the capital budget (Financial Regulations Section 2.4.5).

1. WHY THIS REPORT IS NEEDED

- 1.1 The Environment Committee has responsibility for all policy and budgetary matters related to Highway Services in Barnet, with significant resources allocated annually to both footway and carriageway works.
- 1.2 Officers must inform and recommend decisions to be taken by the Environment Committee to ensure the safety, condition, and value of the Highways estate.
- 1.3 To report back on the investigations conducted by Officers, following the 11 September 2019 Environment Committee, with an options assessment and recommended course of action to engage a Highways Maintenance Contractor on a short-term basis to deliver service requirements post LoHAC expiry pending completion of a longer-term arrangement aligned to the end of the current Re contract.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The current provider (ConwayAecom) was procured through a call off contract via the LoHAC framework arrangement that provides a significant volume of work to the major players in the Highways Term Maintenance Contact sector (averaging c.£35 - £40m of revenue for TfL works in each of the LoHAC areas). This provides a "footprint" for these suppliers in the London area for a relatively long period of time, which allows them to invest in depot, fleet, and personnel to service the LoHAC requirements.

- 2.2 Transport for London (TfL) is currently in the process of procuring the next generation LoHAC arrangement, with an indicative start date of 1 April 2021. The major market players and their suppliers are actively engaged in this procurement and would be waiting on the outcome, which is unlikely to be known before October 2020, to inform their decisions on approaching London Boroughs for their work. The principal reason for this is that success in LoHAC provides a base of operations including vehicle and plant, fleet, personnel, depots, and the systems required to deliver other Highways Maintenance Contracts (HMC) arrangements within the London area. Until the contractors know the result of the LoHAC procurement they are unlikely to bid competitively to any London Borough.
- 2.3 This is particularly the case in Barnet as the Authority does not have any depots to pass over to a new contractor. If there is a change of contractor(s) when the new LoHAC framework agreement is awarded the costs associated with the investment in new base of operations would be borne by the new LoHAC contractor(s). When Barnet awards its contract, it should be able to leverage this investment to encourage both more competitive interest and better value tender returns if it has waited until after the award of the LoHAC arrangement to approach the market.
- 2.4 Officers believe that a short-term procurement followed by a longer-term procurement following the award of the new LoHAC framework contract and the end of the current Re, contract, 30 September 2023, could provide the opportunity for a better longer-term procurement with a different allocation of responsibilities between the various parties. Officers are looking through the Year 6 / 7 Contract review, which is currently paused due to Covid-19, to identify strategic service options, including the development of a bespoke Barnet contract. As such Officers do not feel that, at this point in time, joining the new LoHAC contract from 1 April 2021 is the recommended option for the Council.
- 2.5 In line with the 11 September 2019 Environment Committee an options assessment has been conducted and the outcomes are set out in this report. The objectives of the assessment are in line with the Environment Committee recommendations in relation to procurement options available, including frameworks and a cost/benefit analysis of those frameworks versus the existing LoHAC Contract.

3. RECOMMENDED OPTION

- 3.1 The recommended option is to extend the current contract with ConwayAecom for a period of two years and 6 months from 1 April 2021 to the 30 September 2023. This would enable the Council time to conclude the Year 6 / 7 Contract review and provide the opportunity for a better longer-term procurement with a different allocation of responsibilities between the various parties aligned to the critical factors set out in the Environment Committee report of 11 September 2019.
- 3.2 The benefits of the recommended option are that it enables the Year 6 / 7 Contract review to reach its conclusion and deliver against its defined objectives, with the production of a set of clear deliverables in relation to maximising the strategic and commercial opportunities from a longer-term procurement. In addition, it naturally aligns with the end of the current Re contract on 30 September 2023, enabling wider strategic and commercial options to be considered by the Council going forward.

- 3.3 The extension of the current contract with ConwayAecom will be the subject to a legally binding agreement between the Council and ConwayAecom. This agreement will also be the subject of formal commercial settlement with ConwayAecom in relation to all outstanding claims the terms of which will ensure that the Council's interests are protected in relation to the core contractual requirements of:
- Performance
 - Reporting and Data Sharing
 - Payment Mechanisms
 - Delivery Volumes
 - Guaranteed Service Levels
- 3.4 The critical factor is that the contract extension will ensure continuity of service, whilst the longer-term strategic direction of the service is settled. It will ensure the delivery of the Council's Highways Authority responsibilities through the current established contractual mechanism, ensuring both planned and reactive maintenance programmes are delivered on time and to specified standard. For Members information the Contract will continue to include:
- Reactive maintenance response
 - Local Improvement Plan
 - Area Committee Scheme Implementation
 - Network Recovery Plan, including:
 - Carriageway reconstruction
 - Footway reconstruction
 - Patching Programme
 - Drainage and Gully Cleansing
 - Crossover Installation
 - Lines, Signs and Barriers
 - Structure and Bridge Maintenance
- 3.5 The do-nothing scenario is unfortunately not an option as without an extension the current contract will come to an end on 31 March 2021 without alternative service provision being in place.
- 3.6 As part of the options appraisal several other contractual options were considered, and these are described in more detail under Section 4 of this report.

4. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 4.1 In line with the 11 September 2019 recommendations, a detailed options assessment has been conducted in relation to the potential short-term options available to the Council, the outcomes of this options assessment are set out in Appendix 1 of this report.:

- Access the new LoHAC 2 – North Area Framework
- Haringey (LCP) Construction Framework (Lot 5.1)
- Crown Commercial Services public works framework (Lot1.2)
- Use another Council's contract to procure works as an interim arrangement

Of these the only one that has the potential to access, albeit that timeframes are at risk of not aligning with the end date of the Council's current arrangement on 31 March 2021, is the new TfL administered LoHAC 2 North Area Framework, and officers consider that it would be beneficial to hold this option in reserve in case the recommended option is not able to be determined through the settlement process defined in Section 3.3 of this report.

5. POST DECISION IMPLEMENTATION

- 5.1 If Environment Committee approves the recommendations in this report, the formal commercial settlement will commence with Officers entering a formal commercial settlement phase with ConwayAecom. The terms of reference of this phase will ensure the integrity of this contract i.e. no material change to the core LoHAC contract and through this ensuring that that the Council's interests are protected in relation to the core contractual requirements of:

- Performance
- Reporting and Data Sharing
- Payment Mechanisms
- Guaranteed Service Levels

It is intended that the commercial settlement will be conducted during the period Early-July to Mid-August 2020, allowing sufficient time to report to a future meeting of the Policy and Resources Committee, if required.

- 5.2 After the approval to extend has been ratified Officers will undertake the final commercial and legal processes, including the Council publicly stating its intention at least 30 days in advance of entering into the contract extension to enable a seamless go to live on 1 October 2021.
- 5.3 In addition to the above Officers will maintain positive working relationships with TfL on the LoHAC 2 North Area Framework, in order to hold this option in reserve in case the recommended option is not able to be determined through the settlement process defined in Section 3.3 of this report.

6. IMPLICATIONS OF DECISION

6.1 Corporate Priorities and Performance

- 6.1.1 The Corporate Priority of Keeping the borough moving, including improvements to roads and pavements is delivered through improving the condition of our roads and pavements. The extension of the current contract will enable this to happen whilst enabling the Council time to conclude the Year 6 /7 Contract review and provide the opportunity for a better longer-term procurement with a different allocation of responsibilities between the various parties

6.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

6.2.1 Finance & Value for Money

- 6.2.1.1 The annual spend for the current contract is £11.026m based upon the 2019/20 contractual budget outturn.
- 6.2.1.2 The underlying financial principles will be the subject of formal commercial settlement with ConwayAecom the terms of which will ensure that the Council's interests are protected in relation to the continued delivery of a value for money solution, specifically in relation to:
- Performance
 - Payment Mechanisms
 - Delivery Volumes
- 6.2.1.3 Under Article 7 of the Constitution, the Environment Committee has responsibility for all borough-wide or cross-constituency matters relating to the street scene including, parking, road safety, lighting, street cleaning, and can receive reports on relevant performance information and risk on the services under the remit of the Committee. This decision will result in additional budget requirement and so cannot be taken by the Environment Committee. Article 7 states that "No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee." If there is an identified additional budget requirement, this matter would need to be determined by the Policy & Resources Committee which has responsibility for amendments to the revenue budget (Financial Regulations Section 2.4.3) and additions to the capital budget (Financial Regulations Section 2.4.5).

6.2.2 Procurement

- 6.2.2.1 The current contract commenced 1 January 2014 by way of a Call-off contract under the LoHAC Framework which commenced 1 April 2013. The current arrangement is due to continue until 31 March 2021.
- 6.2.2.2 Following the options assessment, and given the need for the Council to conclude the Year 6 /7 Contract review it is felt that a short term two year six months extension of the current contractual arrangement is the most appropriate course of action, aligned to the outcomes of the options assessment set out in Section 4 of this report.
- 6.2.2.3 The procurement of highways services, including related supplies and works, must be done in compliance with public procurement rules, including the Public Contracts Regulations 2015 (PCR).
- 6.2.2.4 The proposal is to extend the current contract under Regulation 72 (1) (b) of the Public Contracts Regulations 2015 for the reasons set out in Section 6.4 of this report.

- 6.2.2.5 Aligned with the outcome of the Year 6 / 7 review, and at the appropriate time, the intention will be to engage with the market on the wider longer-term procurement aligned to the allocation of responsibilities identified through the review.

6.2.3 Staffing

Through the formal commercial settlement and subsequent legally binding agreement it is intended that there will be no material change to ConwayAecom employee terms and conditions and TUPE will not apply.

6.2.4 IT

The requirement to maintain the existing IT systems and connectivity with Exor (and any successor systems) will be formally confirmed, in order to deliver the contracted reporting and data sharing requirements during the period of extension.

6.2.5 Property

The current contractor provides depot facilities to service this contract. Through the formal commercial settlement, the provision of a depot will be formally confirmed to maintain integrity of service during the period of extension.

6.2.6 Sustainability

The current contract arrangements include for sustainability of operations, including recycling of spoil materials from highways reconstruction activities.

6.3 Social Value

- 6.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Social value will be considered when looking at the options. Our current contracts have considered social value.

6.4 Legal and Constitutional References

- 6.4.1 As a highway authority Barnet has a duty under section 41(1) of the Highways Act 1980 to maintain the public highway.
- 6.4.2 In addition, Section 30 of the Greater London Authority Act 1999 confirms that the highways authority has the general power to, amongst other things, promote the improvement of the environment, and economic and social development.
- 6.4.3 The current contract commenced 1 January 2014 by way of a Call-off contract under the LoHAC Framework which commenced 1 April 2013. The current arrangement is due to continue until 31 March 2021.
- 6.4.4 Legal advice has been sought regarding the legitimacy of extending the current contract for a period of 2 years and six months. The legal view is that Regulation 72 (1) (b) of the Public Contracts Regulations 2015 (PCR) provides a legal basis to extend the current contract.

6.4.5 Regulation 72(1)(b) provides for additional works, services or supplies by the original contractor that have become necessary and were not included in the initial procurement, where a change of contractor:

- (i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, and
- (ii) would cause significant inconvenience or substantial duplication of costs for the contracting authority, provided that any increase in price does not exceed 50% of the value of the original contract.

6.4.6 The Report sets out the facts and circumstances that support the view that (i) there are economic and technical reasons that prevent a change of contractor, and (ii) that these reasons would cause significant inconvenience or substantial duplication of costs for Barnet. In essence, this is based on the Council (i) having decided that its highways services arrangements will be reconfigured within a short, two year and six months period, (ii) it would incur significant costs and resources to conduct a fresh procurement for a new two-year contract to end co-terminously with the Re highways contract, and (iii) there would be unlikely to be an active market for such a short term contract. The Council can rely on these considerations to support the conclusion that in the circumstances there is an "economic" reason not to change contractor and that doing so would cause significant inconvenience and/or substantial duplication of costs.

6.4.7 Barnet will give public notice of the contract extension in compliance with the PCR requirements.

6.4.8 Under paragraph 6.1 of the Council's Contract Procedure Rules a single tender action (the awarding of a contract to a contractor without undertaking a competitive tendering exercise) is permitted in exceptional circumstances and must be approved in advance by the Director (Commercial and ICT Services). Exceptional circumstances may include where the works, supplies or services can be supplied only by a particular supplier. Procurement advice should be sought in all cases. The Director (Commercial and ICT Services) has approved this single tender action

6.5 Risk Management

6.5.1 The Council, as Highway Authority, has various responsibilities and duties. To address these responsibilities and duties the council has established policies, systems and processes that are regularly audited, reviewed and amended where necessary to reflect current policy and guidance and provide the council with a robust defence against insurance claims on the public highway.

6.5.2 The preparation of annual programmes of work for both footways and carriageways in the borough demonstrates the necessary use of asset planning and risk management principles for the distribution of available funding and resources on an agreed, clear and auditable basis utilising a prioritisation process and governance arrangements overseen by members and approved by the Environment Committee.

6.5.3 The extension of the current contract with ConwayAecom will be the subject to a legally

binding agreement between the Council and ConwayAecom. This agreement will be the subject of formal commercial settlement with ConwayAecom the terms of which will ensure that the Council's interests are protected in relation to core contractual requirements. If through this process it is clear that the formal commercial settlement does not meet the terms set out Officers will recommend that the process is terminated and that the procurement move to the fall back option of the LoHAC 2 North Area Framework.

6.6 Equalities and Diversity

6.6.1 The Equality Act 2010 requires organisations exercising public functions to demonstrate that due regard has been paid to equalities in:

- Elimination of unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- Advancement of equality of opportunity between people from different groups.
- Fostering of good relations between people from different groups.

6.6.2 The Equality Act 2010 identifies the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership, pregnancy, and maternity; race; religion or belief; sex and sexual orientation.

6.6.3 To assist in meeting the duty the council will:

- Try to understand the diversity of our customers to improve our services.
- Consider the impact of our decisions on different groups to ensure they are fair.
- Mainstream equalities into business and financial planning and integrating equalities into everything we do.
- Learn more about Barnet's diverse communities by engaging with them.

6.6.4 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and delivery of services.

6.6.1 Good roads and pavements benefit all sectors of the community by removing impediments and assisting quick, efficient, and safe movement to access school, work and leisure facilities. This is particularly important for the elderly, people caring for children and those with mobility difficulties and sight impairments. The condition of roads and pavements is regularly at the top of concerns expressed by residents and the Council is listening and responding to those concerns by committing funding and resources to its planned highway maintenance programmes across the borough on a prioritised basis.

6.6.2 The physical appearance and the condition of the roads and pavements also have a significant impact on the quality of life of residents and visitors to the borough. A poor-quality street environment will give a negative impression of an area, impact on people's perceptions and attitudes as well as increasing feelings of insecurity.

6.7 Corporate Parenting

6.7.1 In line with the Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council. There are no

implications for Corporate Parenting in relation to this report.

6.8 **Consultation and Engagement**

6.8.1 This section does not apply to this report.

6.9 **Insight**

6.9.1 This section does not apply to this report.

7. **BACKGROUND PAPERS**

7.1 None

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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London Borough of Barnet
Environment Committee Work Programme
September 2020 – March 2021

Title of Report	Overview of decision	Report Of	Issue Type (Non key/Key/Urgent)
9 September 2020			
Quarter 1 Performance Report	Committee to comment on the 2020/21 Quarter 1 service performance	Chair of the Environment Committee	Non-key
Traffic, Parking and CPZ strategic policy review	Committee to comment on the Traffic, Parking and CPZ policy review	Chair of the Environment Committee	Non-key
Long Term Transport Strategy	Committee to approve the final Long Term Transport Strategy	Chair of the Environment Committee	Non-key
Time Banding Annual Report	Committee to consider the Time Banding Annual Report	Chair of the Environment Committee	Non-key
NRP Programme 2021/22	Committee to consider the report and agree.	Chair of the Environment Committee	Non-key
Street Cleansing	TBC	Chair of the Environment Committee	TBC
Ceasing of Parks Locking: Phase 2	Committee to consider and approve the identified list Phase 2 sites.	Chair of the Environment Committee	Non-key
DEPOT Update	For the Committee to receive an update on the Depot	Chair of the Environment Committee	Non-key
Parks Car Park Charging	Committee to comment and agree to consult on the draft Transport Strategy	Chair of the Environment Committee	Non-key

Title of Report	Overview of decision	Report Of	Issue Type (Non key/Key/Urgent)
Remedial action for tree root damage A	Committee to note the process and guidance to be considered	Chair of the Environment Committee	Non-key
LIP Programme 2020/21	Committee to note and agree the LIP 2020/21 programme	Chair of the Environment Committee	Non-key
Winter Service Procurement	For the Committee to consider the procurement activity of Winter Service	Chair of the Environment Committee	Non-key
Social Distancing in the Public Realm	TBC	Chair of the Environment Committee	Non-key
25th November 2020			
Quarter 2 Performance Report	Committee to comment on the 2020/21 Quarter 2 service performance	Chair of the Environment Committee	Non-key
Business Planning	Committee to approve the business planning report	Chair of the Environment Committee	Non-key
Fees and Charges	Committee to approve the fees and charges	Chair of the Environment Committee	Non-key
18th January 2021 – Items to be allocated			

Title of Report	Overview of decision	Report Of	Issue Type (Non key/Key/Urgent)
11th March 2021			
Quarter 3 Performance Report	Committee to comment on the 2020/21 Quarter 3 service performance	Chair of the Environment Committee	Non-key
Environment delivery Plan 2021/22	Committee to approve the 2021/22 Environment delivery Plan	Chair of the Environment Committee	Non-key