

	<p>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER</p> <p>18 February 2019</p>
<p style="text-align: center;">Title</p>	<p>Approval to deliver cycle training and cycling related projects in the London Borough of Barnet for the financial year 2019-20 by calling off through from the London Borough of Enfield and Haringey’s joint Framework Agreement with Cycle Confident Ltd.</p>
<p style="text-align: center;">Report of</p>	<p>Strategic Director for Environment</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Enclosures</p>	<p>None</p>
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<p>Summary</p>
<p>This report is seeking approval to deliver cycle training and cycling related projects in the London Borough of Barnet for the financial year 2019-20 by calling off from the London Borough of Enfield and Haringey’s joint framework agreement with Cycle Confident Ltd (Framework Agreement Reference Number: DN228703).</p> <p>Cycle training delivered to individuals who live, work or study in Barnet is funded through a dedicated Transport for London (TfL) funding stream – the Local Implementation Plan (LIP) Cycle Training funding. For the financial year 2019-20 Barnet has applied for funding of £240,000.</p> <p>The call-off contract with Cycle Confident Ltd will be entered into from the 1st April 2019 to 31st March 2020 to mirror the existing TfL LIP schedule. The approximate value of the contract is £240,000.</p>

Decisions

- 1. Approval to deliver cycle training and cycling related projects in the London Borough of Barnet for the financial year 2019-20 by calling off from the London Borough of Enfield and Haringey's joint framework agreement with Cycle Confident Ltd.**

1. WHY THIS REPORT IS NEEDED

- 1.1 This report seeks to obtain approval to deliver cycle training in the London Borough of Barnet by calling off from Enfield and Haringey's joint framework with Cycle Confident Ltd. The call-off contract has an approximate value of £240,000.

2. REASONS FOR RECOMMENDATIONS

- 2.1 For the financial year 2019 - 20, Barnet has applied for £240,000 of TfL's LIP Cycle Training funding.

This report is being written at this point to allow ample time for the call-off contract to be drafted and executed allowing for a seamless transition of cycle training between the current financial year 2018-19 and the next financial year. Every March/April, during the transition period between financial years, there is an increasing demand for schools Bikeability cycle training as the weather improves. The absence of a cycle training contract during this period would mean hundreds of children do not receive Bikeability training, essential in ensuring they are equipped with the skills to cycle safely on the road.

Calling off from Enfield and Haringey's joint framework agreement will also allow the Safe and Sustainable Travel team to exploit any further funding opportunities either from TfL or other organisations.

Should this report not be approved, a national procurement exercise would need to be conducted by the Safe and Sustainable Travel team to award a contract above the OJEU procurement threshold of £181,302 which would take a considerable amount of time to arrange; far longer than the time between this report being written and the end of the financial year 2018/19.

- 2.2 The long lead in time from the beginning of the procurement process to entering the contract with the successful provider to training being delivered in the borough can be avoided by calling off from Enfield and Haringey's joint framework agreement.
- 2.3 The cost of using Enfield and Haringey's joint framework agreement is 1% of the call-off contract's value, i.e. £2,400 of the £240,000 contract value.
- 2.4 Calling off from a framework will save Barnet and Re officers' time as the procurement process has already been undertaken and completed by the London Boroughs of Enfield and Haringey.

If the procurement exercise were undertaken within Barnet, the cost of arranging an OJEU compliant procurement exercise, including officer time, would exceed the cost of calling off from Enfield and Haringey's joint framework.

- 2.5 If undertaken within Barnet, the procurement process would include:
- Advice and support to officer conducting the procurement exercise from Procurement, Legal and Insurance teams.
 - Drafting a detailed 'Invitation to Quote' ensuring compliance with OJEU process.
 - Dealing with clarifications from bidders.
 - Evaluation of all bids by 2 officers to ensure transparency and fairness
 - Drafting the final contract
 - Awarding the contract to the successful bidder and dealing with queries and disputes from unsuccessful bidders.
- 2.6 Calling off from Enfield and Haringey's joint framework will allow a seamless transition of cycle training in Barnet between the 2018 -19 and 2019 - 20 financial years. There will be no gap in training and this will allow delivery of cycle training in Barnet schools during the peak demand period from March/April to July 2019.
- 2.7 The purpose of Enfield and Haringey's framework agreement (see Background papers: London Borough of Enfield and Haringey's Framework Agreement Reference Number: DN228703) is to:
- a) provide a mechanism whereby the Parties / Participating Authorities may enter into call-off contracts;
 - b) provide the framework to administer each call-off contract; and
 - c) set out the obligations of the Parties.
- 2.8 The Services that may be requested by any Authority and provided by the Service Provider are of the type described in Schedule 3 of Enfield and Haringey's framework agreement or as more particularly described in each call-off contract. The Authority's requirements may vary and the Agreement shall not place the Authority under any obligation to procure the Services from the Service Provider at a particular time or at all. The Agreement is not an exclusive arrangement and nothing in the Agreement shall operate to prevent the Authority from engaging any other organisations or persons to provide services similar to or the same as the Services provided under a call-off contract.
- 2.9 Clause 3 of the framework agreement sets out the procedure by which the Parties may enter into a call-off contract. Each call-off contract shall be a binding agreement on the Parties and shall incorporate the terms and conditions of Enfield and Haringey's framework agreement.

- 2.10 The Service Provider must not commence any Services without an agreed call-off contract.
- 2.11 All Charges in respect of a call-off contract shall be set out in the relevant call-off contract and shall not exceed the rates set out in Schedule 4 of the framework agreement.
- 2.12 TfL has a number of requirements that need to be satisfied in order for a London Borough to be awarded funding for cycle training. One of these requirements is that the Borough provides feedback on the training that is delivered. For child cycle training this includes the following:
- a) School
 - b) Year group
 - c) Date training was delivered
 - d) Level of training delivered
 - e) Number of girls / boys that were trained to a particular level
 - f) Number of girls / boys that achieved the particular level
- 2.13 Calling off from Enfield and Haringey's joint framework allows overall control of the cycle training to sit with the Cycling Officer in the Safe and Sustainable Travel team. Since the financial year 2015/16, the use of a direct contract with a cycle training company has allowed for increasing numbers of children, adults and families to receive cycle training in Barnet, as well as allowing timely and more accurate feedback to TfL and greater co-ordination of cycle training delivery in Barnet.
- 2.14 In the financial year 2014/15, cycle training funds were awarded directly to Barnet schools to arrange their own cycle training. Consequent feedback from the schools, to Barnet and then Transport for London, regarding the number of pupils receiving cycle training was sporadic. Transport for London subsequently advised Barnet to establish a contract directly with an accredited cycle training company to deliver the borough's cycle training requirements.
- 2.15 Training numbers since 2014/15 are as follows:

Financial year	Number of children trained	Number of adults trained
2014/15	1051	0
2015/16	1682	261
2016/17	2999	657
2017/18	2427	591
2018/19 (Apr 18 to Dec 18 training numbers available to date of writing this report)	3166	1345

- 2.16 A direct contract also facilitated application for further TfL funding and delivery of specific cycling projects in order to use the funding. In the financial year 2015/16 a further £14,400 was awarded to Barnet to run Balance Bike and Level 1 Bikeability cycle training in Barnet schools. In 2018/19, a further

£41,581 TfL cycle training grant was awarded to Barnet to train an additional 522 pupils and 150 adults.

- 2.17 Use of Enfield and Haringey's joint framework will allow Barnet to exploit additional funding opportunities from TfL during the course of the financial year without the risk of exceeding the OJEU procurement threshold.
- 2.18 The cycle training is demand led by schools as well as adults who live, work or study in Barnet, and so the contract amount will not be definitive and an approximation has been calculated on the basis of training delivered in previous years.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

Option 1: Procuring the services of a single cycle training company and awarding a contract to them directly to deliver cycle training in the London Borough of Barnet.

This was discounted for the following reasons:

- i. The use of a call-off contract will allow a seamless transition between financial years and prevent any unexpected procurement or legal issues from delaying the start of cycle training. Any delay from March onwards will affect delivery of cycle training as peak demand in schools spans from March/April to July.
- ii. When the successful cycle training company was announced for the financial year 2015/16, the cycle training contract start date was delayed due to external legal queries. These were eventually overcome but the delay in the contract starting caused schools to miss out on receiving cycle training.
- iii. Barnet and Re Officer time spent on the procurement process, particularly if the contract is to be OJEU compliant, would be expensive and time consuming. The procurement process for the framework agreement has been undertaken jointly by the London Boroughs of Enfield and Haringey, and so will save Barnet and Re Officer time in repeating this process solely for Barnet. The 1% cost of using a call-off contract from Enfield and Haringey's framework represents a saving in total costs when compared to the cost of Officer time in running a procurement exercise.

Option 2: Awarding contracts to a number of cycle training companies to deliver cycle training in the London Borough of Barnet.

This was discounted for the following reasons:

- i. A contract with a single cycle training company will make it easier to standardise the delivery and booking of cycle training in the borough.
- ii. A single contract will allow the Safe and Sustainable Travel team to quality control the training more efficiently and effectively.
- iii. Economies of scale can be achieved with a single company, for instance, targeting cycle training to groups of schools in the same area at the same

time will allow reduced costs, particularly if schools require the loan of Barnet's pool bikes for some of their pupils who do not have bicycles. There will be a reduced cost in moving bicycles from one local school to another rather than back to a central depot and then out again.

- iv. Using a single company will facilitate groups of adult trainees with similar cycling abilities who live locally to each other, to be trained as a group at a reduced cost per person rather than trained on a one to one basis.
- v. Using a single company will allow adults requesting cycle training to be directed to a single cycle training company's web form to fill in so that the company has information on the individual's current cycling ability and desired outcomes of their cycle training. This will facilitate promotion of adult cycle training and the booking process.

Option 3: Employing cycle training apprentices and National Standards Instructors on an 'As and When' basis i.e. as and when required.

This was discounted for the following reasons:

- i. The Safe and Sustainable Travel team has in the past attempted to recruit two Cycling apprentices for a considerable period of time without success.
- ii. The process of delivering courses in this way would take up considerable Officer hours. For instance, in order to achieve the number of children and adults that were trained in 2018-19, would require a large amount of organisation and time with regard to Human Resources processes, recruitment and payroll, supervision of each instructor to ensure highest quality of training and that this is standardised from one instructor to the next.

4 POST DECISION IMPLEMENTATION

- 4.1 If the decision is approved, the Cycling Officer and the Procurement Team will enter into the call-off contract with Cycle Confident Ltd from 1st April 2019 to 31st March 2020.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

2015-20 CORPORATE PLAN

Identifies the following relevant priority outcomes which the delivery of the cycle training programme supports:

'Barnet's residents will be some of the most active and healthy in London, benefitting from improved leisure facilities and making use of the borough's parks and open spaces.'

'The position of Public Health within the council ensures that increasing health and well-being and reducing health inequalities is a central theme to all activities across the council by 2020 – not only in how services to residents are designed and delivered but also the physical regeneration of the borough.'

'The Council will implement a new Health and Well-Being Strategy, with actions for the council and its partners to improve the health and wellbeing of residents and a framework for achieving this.'

'Traffic flow on Barnet's roads will be managed to reduce congestion'

The Corporate Plan 2015-20 states:

'The council, working with local, regional and national partners, will strive to ensure that Barnet is a place:

1. of opportunity, where people can further their quality of life.
2. where people are helped to help themselves, recognising that prevention is better than cure.

'we will encourage people to make healthy choices, with an increase in the proportion of adults taking part in regular sports activity or exercise to 55.6%.'

The 'London Borough of Barnet, Corporate Plan 2015-20, Delivering the Plan-Technical Appendix' identifies the following relevant Priorities and Outcomes:

CHILDREN, EDUCATION, LIBRARIES AND SAFEGUARDING COMMITTEE

Outcome 5. Parenting: All parents and carers are able to develop high quality relationships with their children, establishing effective boundaries and support physical and emotional well-being.

PUBLIC HEALTH AND HEALTH & WELL-BEING BOARD

'Barnet's residents live longer and are in better health than in many parts of London and England. Nevertheless, there are also worsening health trends in the borough, a number of which are connected to lifestyle choices made by individuals, such as whether they smoke, take regular exercise, eat healthily, or misuse alcohol or drugs.'

Outcome 1. Give every child the best start in life. Children, young people and families are supported to be physically, mentally and emotionally healthy.

Outcome 2. Enable all children, young people and adults to have control over their lives. People are discouraged from adopting unhealthy behaviours, and encouraged to make healthier choices.

Outcome 4. Create and develop healthy and sustainable places and communities. The built environment is conducive to healthy and active living choices such as walking, active travel, sports and recreation.

'We have a number of targets in place which we will use to track achievement of the vision for 2020; and which we will use to ensure the delivery of effective and efficient services to residents.'

JOINT HEALTH AND WELLBEING STRATEGY FOR BARNET (JHWB) 2015-20

Identifies the following relevant priorities:

Aims:

One of the Joint Health and Wellbeing Strategy's overarching aims is as follows:

1. Keeping Well

Based upon a strong belief that 'prevention is better than cure', the JHWP Strategy aims to begin at the very earliest opportunity by giving every child in Barnet the best possible start to live a healthy life. It aims to create more opportunities to develop healthy and flourishing neighbourhoods and communities as well as to support people to adopt healthy lifestyles in order to prevent avoidable disease and illness.

JHWP strategy theme:

How we live – encouraging healthier lifestyles. Focus on reducing obesity and preventing long term conditions through promoting physical activity

Another aspect of our Child Weight Management programme is Alive and Kicking which, through information on nutrition and physical activities, is successfully supporting weight loss. Alive and Kicking is also engaging with schools and parents to embed healthy weight principles.

Alive and Kicking has promoted free Family cycle training offered by Barnet to encourage more active lifestyles.

What does Barnet's Joint Strategic Needs Assessment tell us?

• in Barnet, only 1% of all trips between 2007/08 – 2009/10 (baseline figures) were made by bike (Keeping Well, Promoting Independence – A joint Health & Wellbeing strategy, p24)

JHWP - What we plan to do

Sport and physical activity

Barnet Sport and Physical Activity Needs Assessment (2012) highlighted that whilst health behaviours and outcomes are more favourable in Barnet than in England as a whole, sport and physical activity rates and the use of outdoor spaces are below the national average.

A breadth of evidence demonstrates that a more active lifestyle is essential for physical and mental wellbeing. Regular physical activity helps to reduce the risk of stroke, type II diabetes, development of dementia, incidences of heart disease, cancers and high blood pressure.

Physical activity supports the prevention and management of long term conditions as well as being a component of achieving and maintaining a healthy weight.

Physical inactivity currently costs the UK economy £7.2 billion. Additional costs are incurred via the wider economy; through sickness absence, premature death of productive individuals and increased costs for individuals and their carers.

Within Barnet, the health costs of physical inactivity currently cost £6.7 million. This is approximately £1.9 million per 100,000 of the Borough population. However as measured by the Sport England Active People Survey Data (APS9 Quarter 2) 43.8%

of the Borough are currently inactive and would like to do more.

We aspire to ensure our residents lead an active and healthy lifestyle. Our ambition is underpinned by a commitment to:

- develop the Fit & Active Barnet network that encourages engagement and collaboration.
- facilitate partnerships and develop opportunities that demonstrate a commitment to embed an 'active habit'.
- support early intervention and health promotion pathways such as the children and young people's obesity pathway and cardiovascular disease, highlighting the benefits of leading an active lifestyle. We will improve the post Health Check service offer to ensure that people engage in services and lifestyle changes where necessary

The London Healthy Workplace Charter

A Greater London Authority programme, asks employers to review the support they offer their employees in a number of areas including active travel.

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

5.2.1 Cycle training delivered to individuals who live, work or study in Barnet is funded through a Transport for London (TfL) funding stream - Transport for London Local Implementation Plan (LIP) Cycle Training funding. For the financial year 2019-20 Barnet has applied for funding of £240,000.

Calling off from Enfield and Haringey's framework agreement which is OJEU compliant will allow the Safe and Sustainable Travel team to exploit any further funding opportunities either from TfL or other organisations.

5.2.2 Costs for cycle training per adult and child for the financial year 2019/20 will be equal to those specified in the framework agreement.

5.2.3 The evaluation by the London Boroughs of Enfield and Haringey determined the most economically advantageous offer by evaluating on the basis of price and quality, with the highest scoring provider (Cycle Confident Ltd) being awarded the framework.

5.2.4 The LIP cycle training funding stream would also fund the purchase of cycling equipment/materials and the promotion of cycle training throughout Barnet which will not form part of the call-off contract with Cycle Confident Ltd.

5.2.5 The available budget for the 2019/20 cycle training will not be exceeded through regular monitoring of the costs and expenditure related to the training programme. The LIP cycle training funding is to be claimed retrospectively after the training has been provided. The training programme will be delivered within the funding approved.

5.2.6 The performance of the contract will be monitored as per conditions of the

contract and specification, to include:

- Monthly performance reporting accompanying invoices to outline training delivered
- Monthly invoicing
- Regular random spot checks and shadowing of training by the Cycling Officer
- Cycling Officer to manage and pass on school bookings to the cycle training company

- 5.2.7 Staffing is required to monitor the contract both financially and qualitatively. These duties are included in those of the existing Cycling Officer's duties. No additional staffing, resources or support from other council services will be required as a result of the contract.
- 5.2.8 No procurement exercise needs to be undertaken as this has been carried out jointly by the London Boroughs of Enfield and Haringey.
- 5.2.9 There are no information technology or property implications as a result of the calling off from Enfield and Haringey's joint framework.
- 5.2.10 Insurance arrangements to cover all aspects of cycle training are the responsibility of the cycle training company and are part of the terms and conditions of the call-off contract.
- 5.2.11 Contract procedure rules have and will be adhered to.
- 5.2.12 The terms of the call-off contract from Enfield and Haringey's joint framework will apply.
- 5.2.13 Transport for London LIP cycle training funding has been funding cycle training in Barnet for the last 16 years continuously. The likelihood that TfL would withdraw this funding in the future is small thus the sustainability in funding for cycle training is somewhat assured but cannot be guaranteed. The reputational risk of cancelling cycle training is also a consideration that would need to be taken into account.

5.3 Social Value

- 5.3.1 As a result of the call-off contract from Enfield and Haringey's framework, children and adults will receive cycle training which will help to keep them safe when cycling, particularly when on the public highway. Increasing their skills and confidence will encourage those who live, work or study in Barnet to start to cycle or to cycle more and to do so more safely. Family cycle training will equip parents and carers with the skills to cycle as a family. Cycle skills adult training will allow commuters to cycle to and from work and Bikeability training in schools will allow pupils to cycle safely to school and for leisure.

This in turn will provide a wider public benefit of reducing congestion as commuters turn to their bicycles rather than their cars, or reduce the school run as children cycle to school. Reduced congestion in turn means fewer vehicles

on the road and fewer combustion engines contributing to air pollution and climate change.

5.4 Legal and Constitutional References

5.4.1 Clause 8.1 of Barnet's Contract Procedure Rules March 2018 (CPRs) state that acceptance of contracts must be in accordance with Article 10 (Decision Making) Table B (Authorisation and Acceptance Thresholds). To enter into a contract between £181,302 and £500,000 there must be acceptance by the Chief Officer in consultation with the Theme Committee Chairman by way of a Full Delegated Powers Report.

5.4.2 The estimated value of the Council's spend for these services is likely to exceed the OJEU procurement threshold of £181,302 which would require a full EU Procurement under the Public Contract Regulations 2015 (the Regulations). However, accessing a framework that is already OJEU compliant means that a further procurement exercise need not be undertaken by the Council.

5.4.3 The CPR's require that where the Council accesses an existing Framework Agreement, the Framework Agreement terms and conditions of contract must be used, amended as appropriate as permitted by the Framework Agreement. Before entering into a Framework Agreement due diligence checks must be carried out to demonstrate that the Council can lawfully access the Framework Agreement and that it is fit for purpose and provides value for money.

5.4.4 In this case the procurement was conducted by the Framework Central Purchasing Body (the London Borough of Enfield along with the London Borough of Haringey) to secure the most economically advantageous tender and the achievement of value for money. The London Borough of Enfield as lead authority has concluded the framework and awarded to Cycle Confident Limited. During the advertising of this opportunity in OJEU, the Contract Notice was amended to make it clear that the Framework when concluded would be available to Barnet to access and call-off from after having carried out any further due diligence as required.

5.4.5 HB Public Law should be contacted should officers require any legal assistance in accessing and calling-off from the framework agreement.

5.5 Risk Management

5.5.1 If permission is not granted to spend on this service there is a risk that adequate provision will not be made to cycle train the target number of children and adults as will be agreed with TfL. As noted previously TfL provide the funding for this programme through the LIP funding stream. The application for £240,000 of TfL LIP cycle training funding will relate to a target of 5000 individuals (children and adults) being trained in 2019/20.

5.5.2 The absence of an efficient and effective cycle training programme would contribute to levels of dissatisfaction from residents and carry with it a reputational risk, but more importantly children and adults may be cycling on

the road without the skills required to keep themselves safe.

5.6 Equalities and Diversity

- 5.6.1 Under current Equalities legislation the Council and all other organisations exercising public functions on its behalf are required when doing so to have due regard to the need to (i) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Equality Act 2010; (ii) advance equality of opportunity between those with a protected characteristic and those without. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. It also covers marriage and civil partnership with regards to eliminating discrimination.
- 5.6.2 This duty, also, applies to a person, who is not a public authority but who exercise public functions and therefore must, in the exercise of those functions, have due regards to the general equality duty. This includes any organisation contracted by a local authority to provide services on its behalf. The Council will therefore take all necessary and reasonable steps to ensure that all companies comply with this general equality duty.
- 5.6.3 The contract for the service will include requirements which cover the Council's duty under Equalities Legislation.

5.7 Corporate Parenting

- 5.7.1 None in context of this report

5.8 Consultation and Engagement

- 5.8.1 A formal consultation is not required in relation to this procurement.

5.9 Insight

- 5.9.1 No specific insight data has been used in relation to this report, but the development of the national standards for cycle training (Bikeability) was developed to reflect the needs of cyclists and provides a series of outcomes covering the skills necessary for making cycling trips and to develop better, safer cycling habits.
- 5.9.2 The Public Health Outcomes Framework (<https://fingertips.phe.org.uk/profile/public-health-outcomes-framework>) shows the percentage of physically inactive adults in Barnet between 2015 and 2016 at 23.2%. Between 2015 and 2016, 48.9% of adults in the borough aged 18 years and over were classified as overweight and obese, and 34.4 % of children aged 4 to 5 and 10 to 11 years old were classified as 'child excess weight'.
- 5.9.3 Transport for London, Surface Transport fact sheet, September 2017, Casualties in Greater London during 2016, shows there were 8 fatalities

where a 'pedal cycle' was the mode of travel. This was an 11% decrease from 2015. The same report shows an increase of 18% (from 2015) for pedal cyclists seriously injured (446 individuals) in 2016 and a decrease of 3% for pedal cyclists involved in an accident causing slight injury (3,970 individuals).

- 5.9.4 Cycle training delivered as a result of the call-off contract will contribute to the encouragement of a more active lifestyle as well as equipping cyclists with the skills to keep themselves safe when cycling on the road.

6.0 BACKGROUND PAPERS

- 6.1 London Borough of Enfield and Haringey's Framework Agreement Reference Number: DN228703

7. DECISION TAKER'S STATEMENT

- 7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision-making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations. The decision is compliant with the principles of decision making in Article 10 of the constitution.*

Chief Officer:

Signed: Strategic Director for Environment

Dated: 18 February 2019