

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

4341

Author:

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Department:

Growth and City Development

Contact:

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Subject:

Department for Transport Capability Fund revenue grant award

Total Value:

£468,432 (Type: Revenue)

Decision Being Taken:

1) To accept £400,432 of DfT 21/22 Capability Fund revenue grant and a further £68,000 from Derby City Council as per letter at Appendix D2) To approve the programme and spend allocations as listed in Appendix B.3) To approve enacting the options to extend the supplier contracts as listed in Appendix C Table C1. 4) To grant dispensation from Contract Procedure Rules 4.1.1 in accordance with Financial Regulation 3.29 to award a contract to the suppliers listed in Appendix C Table C2, without undertaking a quotation process.5) To grant dispensation from Contract Procedure Rules 4.1.2 in accordance with Financial Regulation 3.29 to award contract extensions with the suppliers for the projects as listed in Appendix C Table C3 with undertaking a tender process.6) To approve the award of a grant contribution to the British Cycling partnership programme as set out in Appendix C Table C4.

7) To approve spend from the grant up to £24,999 on small-scale projects as listed in Appendix C Table C5.

<p class="MsoNormal" style="margin-top:0cm;margin-right:0cm;margin-bottom:3.0pt; margin-left:.15pt;text-align:justify">On 3 March 2021 the Department for Transport (DfT) announced the local transport authority revenue funding allocations under their new Capability Fund to support active travel behaviour change measures for 2021/22. The funding is to be used for interventions and activities that promote increased levels of physical activity through walking and cycling for everyday journeys including access to new and existing employment, education and training. Nottingham City has been allocated £400,432 of revenue grant for active travel behaviour change projects for spend in 2021/22 to support the capital investment in walking and cycling infrastructure under the Active Travel fund and Transforming Cities programmes. The funding notification letter is in Appendix A. To secure this allocation the council returned an online proforma to DfT on 19 April 2021 and is awaiting the grant determination letter. The grant funding payment under Section 31 of the Local Government Act 2003 is expected in August 2021. The current Capability Fund allocation is only for one year up to March 2022. However DfT has notified local transport authorities that the next national Spending Review is expected to provide a three year settlement to local authorities for revenue and capital funding for active travel from April 2022 to March 2025. Demonstrating effective use of our 21/22 Capability Fund award will inform the council's funding allocations for the longer term programme. Therefore it is important that the council shows it can respond effectively to this opportunity by mobilising quickly to deliver proven projects that complement other active travel investment under the Active Travel Fund and Transforming Cities programmes. This can be achieved by building on the good practice already established through the Access Fund programme since 2017/18. The proposed programme and allocations are set out in Appendix B. These have been selected to complement the travel behaviour change projects already approved for funding under the Emergency Active Travel Fund Tranche 2, the remainder of the Access Fund (extended up to 31 December 2021), and the council's 20/21 allocation for cycle training from the Bikeability Trust. Together with the Capability Fund these projects form a comprehensive programme of active travel measures to support our communities, our businesses, jobseekers and schools which will ensure as many citizens as possible living and working in the city will benefit from the capital investment in walking and cycling infrastructure and support a carbon neutral approach to restart and recovery. Authorities will be required to monitor and evaluate the impact of schemes and to report back to DfT on progress and share evaluation findings. Provision has been made in the allocations to cover cost of those activities. April to October is the prime period for promotion and support for walking and cycling initiatives and whilst we are still in a global pandemic the summer months are likely to be the period in 2021 when Covid19 restrictions are at their most eased. There is a risk that as we go back into winter, even with the widespread roll out of the vaccine amongst the adult population, that we might still need to re-enter some periods of more

restricted operations to reduce unnecessary face to face contacts. Therefore to maximise the behaviour change benefits and to catch people at the "moment of change" for planning their travel to work and other activities as the economy starts to reopen, it is doubly important that we do not miss the 2021 summer delivery window and are able to start delivery as soon as possible once the funding is confirmed. Meeting this tight timeframe can only be achieved by extending existing contracts where possible to work with established local suppliers who have the resources already in place established under the Access Fund programme to continue project delivery with immediate effect. DfT's Capability Fund guidance encourages local authorities to make best use of existing programmes with recognised providers such as Sustrans and to collaborate with local businesses and charities. This is entirely consistent with the proposed procurement approach set out in Appendix C which combines use of local delivery teams at Sustrans, British Cycling and Love to Ride to draw on national good practice, working in partnership with local third sector suppliers, such as Ridewise and Nottingham Bikeworks, to ensure strong ties into communities in Nottingham.

Derby City Council, our bid partner for the previous revenue travel behaviour change programme under the Access Fund, has been awarded a separate Capability Fund allocation. However there are benefits of shared good practice and economies of scale for project resources and project monitoring to continue joint working arrangements for some projects in common to both city's programmes. Therefore it is proposed to extend joint contracting arrangements for two of the previous Access Fund projects, jobseeker travel support service and the Love to Ride cycle challenge package, as set out in Appendix C. A letter confirming Derby City Council's contribution of £68,000 to these projects from their own Capability Fund allocation is in Appendix D.

Briefing notes documents: DDM Capability Fund Appendix B updated 070721 fv.pdf, DDM Capability Fund Appendix C Procurement updated 070721 fv.pdf, App A 210303 DfT Letter 21-22 Revenue Funding allocations - Final.pdf, DDM Appendix D Letter from DCC.pdf

Other Options Considered:

1. To not deliver any active travel behaviour change activities. This option was rejected as Department for Transport has allocated Capability Fund revenue grant to Nottingham City for active travel behaviour change measures.

2. To deliver an alternative package of active travel measures. This option was rejected as the proposed measures are a continuation of existing successful projects building on good practice already established through the Access Fund programme since 2017/18.

3. To go out to tender for service providers for 2021/22 delivery. This option was rejected as there is provision for further 12 month contract extensions with the existing local providers who have the right experience, local networks, community trust and COVID compliant working practices in place. Using existing suppliers where possible provides best value and means the council can mobilise quickly ensuring we catch the main summer delivery window for active travel.

Background Papers: None

Published Works:

DD4173 Emergency Active Travel Fund Tranche 2 revenue grant - travel behaviour change measures, 10 April 2021: DD4056 2020/21 Department for Transport Section 31 revenue grant for Travel Demand Management, 2 December 2020;

DD3831 Access Fund - Continuation Programme 2020/21, 27 March 2020.

Affected Wards: Citywide

Colleague / Councillor Interests: None

Any Information Exempt from publication: Yes

Dispensation from Financial Regulations: Yes

Exempt Information:

Description of what is exempt: Decision-maker briefing note.

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972

3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The public interest in maintaining the exemption outweighs the public interest in disclosing the information because to publicise the information could harm future negotiations between the Council and suppliers

Documents exempt from publication:

DDM NOT FOR PUBLICATION decision makers briefing 210518.docx (1).pdf

Consultations:

Date: 15/03/2021

Other:Councillor Adele Williams

The draft programme was discussed with Councillor Williams on 15 April 2021 in her capacity as the Portfolio Holder for Local Transport and further information regarding project outputs and outcomes was provided on 09 April 2021. Councillor Williams' feedback was taken into account in preparation of the final programme proposals submitted to Department for Transport on 19 April 2021 and set out in Appendix B.

Date: 13/04/2021

Chief Finance Officer:Clive Heaphy

The CFO was consulted prior to submission of the application to Department for Transport in accordance with DfT's funding guidelines for this grant. An email from the CFO confirming the Capability Fund proposals represented value for money was received 28 April 2021.

Those not consulted are not directly affected by the decision.

Crime and Disorder
Implications:

Measures in the programme are aimed at supporting more people to walk and cycle more often for local journeys. Increased take up of cycling for local journeys by all road users will improve people's understanding of cycling behaviour and their own driving behaviour around cyclists. Having more people out walking and cycling in our streets will increase natural surveillance thereby reducing incidence of opportunistic crime which might take place in isolated areas. Increased risk of bike thefts will be addressed through information about cycle security provided as part of the cycle support projects in the programme supported by small scale targeted provision of bike locks for low income groups.

Equality:

Please login to the system to view the EIA document: DDM Capability Fund 21-22 EqIA updated 250616.pdf

Social Value
Considerations:

DfT's Capability Fund guidance recommends using existing programmes and providers such as Sustrans in collaboration with local businesses and charities. The council's proposed procurement approach (App C) combines local delivery teams from Sustrans, British Cycling and Love to Ride to draw on national good practice working in partnership with local third sector suppliers Ridewise and Nottingham Bikeworks to ensure strong ties into local communities and provide local training & employment opportunities. Nottingham Bikeworks, a community interest company in Radford is a trusted supplier for refurbished bikes and mechanic services and an accredited training provider for bike mechanic training including for vulnerable and at risk groups. Ridewise a local sustainable transport charity in Lenton, the supplier for cycle training is an accredited provider of ride leader and cycle instructor training to national standards with experience of providing inclusive cycle training for groups of all abilities. Extending contracts with existing suppliers if possible ensures continuity of active travel support for 21/22 and activities can be mobilised quickly to deliver during the optimal summer window for walking and cycling. The projects taken forward from 20/21 Access Fund programme have successfully adapted to operate with COVID compliant procedures and online support to manage numbers and maintain social distancing in line with Government restrictions. These processes and methods of working are now established should further restrictions or lockdowns be reintroduced in future.

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

25/08/2021

Legal Advice:

This report seeks a number of decisions aimed to support active travel behaviour change within the city using grant funding received from the DfT under a s. 31 agreement.

The programme and spend allocations are broken down and the decisions are separated in accordance with the proposed methods of spend.

Decision 3 seeks approval and associated spend to exercise options provided for in the original contract in terms of permitted contract extensions.

Decisions 4 and 5 require dispensation from Contract Procedure Rule 4.1.1 and 4.1.2 in accordance with Financial Regulation 3.29 (Operational Issues) and the requirement to undertake a quotation and tender process respectively. This will enable the award and extension of the contracts as applicable to allow a continuation of the service provision as detailed within the report.

Decision 6 seeks to award a grant contribution. Grants are not governed by the Public Contracts Regulations 2015 (PCR) and so a tender process is not required. As with the rest of the spend allocation, any conditions imposed upon the Council from DfT for receipt of the funding (as noted in Decision 1) should be passed onto the grant recipient as applicable and they will be required to undertake their own assessment of the grant in terms of compliance with the new Subsidy Control Regime.

These proposals are supported on the understanding that they are deemed to offer value for money to the Council and that they are permitted awards or extensions in line with the requirements of the PCR.

For the reasons given in the report, the recommendations are supported. Legal services will assist the report author alongside procurement colleagues to establish the required contractual arrangements arising out of these decisions. Advice provided by Dionne Claire Screatton (Solicitor) on 19/07/2021.

Finance Advice:

This decision seeks to accept £400,432 DfT Capability Fund revenue grant to deliver Nottingham City Councils' (NCC) active travel behaviour change programme. Acceptance of the Capability Fund grant funding does not require a match funding contribution from NCC therefore places no pressure on the Medium-Term Financial Plan. NCC's grant allocation consists of a £30,000 allocation for existing staffing and it will need to be ensured that appropriate records are kept and maintained to evidence the posts and time spent on the project.

Decisions 3,4 and 5 are supported as it is deemed the appropriate procurement route to obtain the necessary services for the project has been complied with and where exceptions have been made, they can be justified i.e trusted suppliers have been selected with the necessary local expertise that has been evidenced through the delivery of the Access Fund programme.

The s31 NCC grant award to the value of £400,432 must be spent in accordance with the purpose for which the grant has been awarded and spent by 31 March 22 to reduce the risk of NCC's future funding allocation becoming adversely affected. It is the responsibility of the Principal Transport Planner to comply with the grant conditions as stipulated in the DfT grant allocation letter and to ensure that expenditure is contained within the NCC grant funding budget available. Furthermore, it will be DCC's responsibility to ensure that the £68,000 grant transferred over to NCC for joint contracts fully complies with grant conditions.

Advice provided by Roma Patel (Finance Officer) on 25/05/2021.

Procurement Advice:

Procurement will work with legal and the report author to get the most suitable and competitive solution in place for the council. Advice provided by Holly Fisher (Lead Procurement Officer (Products)) on 29/07/2021.

Equality and Diversity Advice:

There are no impacts to any of the protected characteristics I am therefore happy to sign off. Advice provided by Rosey Donovan (Equality and Employability Consultant) on 02/08/2021.

Signatures

David Mellen (Leader/ PH Strategic Regeneration Communications)
SIGNED and Dated: 16/08/2021
Michael Wayne Bexton (Interim CD for Growth & City Development)
SIGNED and Dated: 06/08/2021
Clive Heaphy as Chief Finance Officer (Chief Finance Officer) - Dispensation from Financial Regulations
SIGNED and Dated: 04/08/2021
Chief Finance Officer's Comments: