

## **LONDON BOROUGH OF CROYDON**

To: All Members of Council  
Croydon Council website

### **PUBLIC NOTICE OF KEY DECISIONS MADE BY CABINET MEMBER FOR ENVIRONMENT, TRANSPORT & REGENERATION (JOB SHARE) ON 22 JUNE 2020**

This statement is produced in accordance with Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

In accordance with the Scrutiny and Overview Procedure Rules, the following decisions may be implemented from **1300 hours on 30 June 2020** unless referred to the Scrutiny and Overview Committee (ie after 13.00 hours on the 6th working day following the day on which the decision was taken). The call-in procedure is appended to this notice.

The following apply to the decision below:

**Reasons for these decisions:** As set out in the attached report.

**Other options considered and rejected:** As set out in the attached report.

**Details of conflicts of interest declared by the decision maker:** None

**Note of dispensation granted by the Head of Paid Service in relation to a declared conflict of interest by that decision maker:** None

The Leader of the Council has delegated to the decision maker the power to make the Key Decisions noted out below:

**Decision Title: PARKING SERVICES - PAY AND DISPLAY MACHINES**

**Key Decision No: 2520ETR**

Having carefully read and considered the Part A report and the requirements of the Council's public sector equality duty in relation to the issues detailed in the body of the reports, the Cabinet Member for Environment, Transport & Regeneration (Job Share) in consultation with the Cabinet Member for Finance & Resources

**Details of decision:**

To approve the direct award for the purchase of Pay and Display machines from the ESPO framework 509 to Flowbird. The contract to be let for a term of four years, with a maximum value of £2,000,000 over the full term.

**Signed:** Council Solicitor and Monitoring Officer

**Notice Date:** 23 June 2020

## Scrutiny Referral/Call-in Procedure

1. The decisions may be implemented **1300 hours on 30 June 2020** (the 6th working day following the day on which the decision was taken) unless referred to the Scrutiny and Overview Committee.
2. The Council Solicitor shall refer the matter to the Scrutiny and Overview Committee if so requested by:-
  - i) the Chair or Deputy Chair of the Scrutiny and Overview Committee and 4 members of that Committee; or
  - ii) 20% of Council Members (14)
3. The referral shall be made on the approved pro-forma (*attached*) which should be submitted electronically or on paper to Victoria Lower by the deadline stated in this notice. Verification of signatures may be by individual e-mail, fax or by post. A decision may only be subject to the referral process once.
4. The Call-In referral shall be completed giving:
  - i) The grounds for the referral
  - ii) The outcome desired
  - iii) Information required to assist the Scrutiny and Overview Committee to consider the referral
  - iv) The date and the signatures of the Councillors requesting the Call-In
5. The decision taker and the relevant Chief Officer(s) shall be notified of the referral who shall suspend implementation of the decision.
6. The referral shall be considered at the next scheduled meeting of the Scrutiny & Overview Committee unless, in view of the Council Solicitor, this would cause undue delay. In such cases the Council Solicitor will consult with the decision taker and the Chair of Scrutiny and Overview to agree a date for an additional meeting. The Scrutiny & Overview Committee may only decide to consider a maximum of 3 referrals at any one meeting.
7. At the Scrutiny & Overview Committee meeting the referral will be considered by the Committee which shall determine how much time the Committee will give to the call in and how the item will be dealt with including whether or not it wishes to review the decision. If having considered the decision there are still concerns about the decision then the Committee may refer it back to the decision taker for reconsideration, setting out in writing the nature of the concerns.
8. The Scrutiny and Overview Committee may refer the decision to Full Council if it considers that the decision is outside of the budget and policy framework of the Council.
9. If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.

10. The Full Council may decide to take no further action in which case the decision may be implemented.
11. If the Council objects to the decision it can nullify the decision if it is outside of the policy framework and/or inconsistent with the budget.
12. If the decision is within the policy framework and consistent with the budget, the Council will refer any decision to which it objects together with its views on the decision. The decision taker shall choose whether to either amend / withdraw or implement the original decision within 10 working days or at the next meeting of the Cabinet of the referral from the Council.
13. The response shall be notified to all Members of the Scrutiny and Overview Committee
14. If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with paragraph 6 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place.
15. URGENCY: The referral procedure shall not apply in respect of urgent decisions. A decision will be urgent if any delay likely to be caused by the referral process would seriously prejudice the Council's or the public's interests. The record of the decision and the notice by which it is made public shall state if the decision is urgent and therefore not subject to the referral process.

**Signed:** Council Solicitor and Monitoring Officer

**Notice Date:** 23 June 2020

**Contact Officers:** [victoria.lower@croydon.gov.uk](mailto:victoria.lower@croydon.gov.uk) and [cliona.may@croydon.gov.uk](mailto:cliona.may@croydon.gov.uk)

**PROFORMA**

**REFERRAL OF A KEY DECISION TO THE  
SCRUTINY AND OVERVIEW COMMITTEE**

For the attention of: Victoria Lower, Democratic Services & Scrutiny  
e-mail to  
[Victoria.lower@croydon.gov.uk](mailto:Victoria.lower@croydon.gov.uk) and [cliona.may@croydon.gov.uk](mailto:cliona.may@croydon.gov.uk)

Meeting:  
Meeting Date:  
Agenda Item No:

**Reasons for referral:**

- i) The decision is outside of the Policy Framework
- ii) The decision is inconsistent with the budget
- iii) The decision is inconsistent with another Council Policy
- iv) Other: Please specify:

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**The outcome desired:**

**Information required to assist the Scrutiny and Overview Committee to consider  
the referral:**

Signed:

Date:

Member of \_\_\_\_\_ Committee

# COVID-19 Cabinet Member Delegation Decision

## Summary Report & Recommendations

### 1. Project Details

Project Title:	Pay and Display Machines
Name, role and contact of report author:	Chaz Blackwood, Service Delivery Officer
Executive Director:	Shifa Mustafa
Directorate and Service Area:	Public Realm, Parking
Project Sponsor (Director or above)	Steve Iles
Statutory Service (Yes or No)	Yes
Project Stage (RP2 or RP3)	RP3
Key Decision (Yes or No - if Yes, include ref and if using General Exemption):	2520ETR The decision may be implemented from 1300 hours on the 6th working day after the decision is made, unless the decision is referred to the Scrutiny & Overview Committee by the requisite number of Councillors.

### 2. Summary

In 2011, following an OJEU compliant tender under the open procedure, the Council awarded a contract to Parkeon for the supply and installation of pay and display machines. The contract was let for an initial term of five years, with an extension option of one year at a maximum value of £5m over the full term (6 years). As such the contract expired in 2017.

This contract with Parkeon (now Flowbird) has now expired.

This report is seeking approval to utilise the ESPO Parking Management Solutions Framework Agreement to allow a direct award with the current provider Flowbird for the supply and installation of pay and display machines for a call off contract term of 4 years, and a maximum contract value of £2,000,000.

The ESPO framework allows for direct award process to Flowbird. The direct award procedure under the framework will be followed. The machines will be bought and as when required against specific project budget codes. The ESPO framework has been assessed as offering greater value for money than alternative sourcing routes. The contract would operate based on no guarantee of volume or spend through a 'call-off' arrangement, with individual contract orders placed in line with the financial regulations, subject to the availability of agreed budgets. Through the Framework Agreement, the Council will continue to provide a combination of coin, contactless and credit/debit card facilities

Please also note that the Parkeon machines only have three accredited Payment Service Providers and Acquirers for processing cashless payments (SimplyPay, now called Till Payment Solutions; Six Payment Solutions; and Elavon) that can safely interface with the installed software on the machine. A separate report is being submitted in relation to this.

Reasons for Recommendation:

Covid-19 has meant there are capacity constraints in the Commissioning and Procurement Place & Resources team, with staff being redeployed to other teams and departments. As such, it is not possible to follow the usual RP2 and RP3 report process, so this report seeks a direct award from the

ESPO framework to allow the Council to still procure with the current levels of resources. The Council currently have no contract in place for Pay and Display machines. The Council are able to receive income through these machines, so having the contract in place will ensure this revenue stream.

Options considered:

1. Extend the current contract (not recommended) – this was rejected because there is no formal contract/arrangement in place and leaves the Council at risk.
2. Re-procure via an open procedure (not recommended) – as explained above, due to Covid-19 there are constraints on resources, s meaning this is not possible at this time.
3. Call-off from an existing framework via a mini-competition (not recommended) - as explained above, due to Covid-19 there are constraints on resources, meaning this is not possible at this time.
4. Call-off from an existing framework via a direct award (recommended) – as explained above, the ESPO framework has been assessed as offering better value for money than alternative sourcing routes. Under this framework agreement Flowbird’s rates are competitive and we are already familiar with the provider, having previously contracted with them.

### 3. Recommended Procurement Strategy during COVID-19

#### Recommendation for Cabinet Member:

Pursuant to Part 5 A Article 1.7 (Urgency Decisions) of the Council’s Constitution the Nominated Cabinet Member for Environment, Transport & Regeneration in consultation with Cabinet Member for Finance and Resources is recommended as the relevant body to:

1. Approve the direct award for the purchase of Pay and Display machines from the ESPO framework 509 to Flowbird. The contract to be let for a term of four years, with a maximum value of £2,000,000 over the full term.

### 4. Financial Implications

Details	Internal Capital	Revenue	Period funding of	External		Period of funding
				Capital	Revenue	
Pay and Display Machines		2,000,000	4 years			

### 5. Agreed actions

Action	Action owner	Date
Instruct legal to review framework	Melissa Bower	23/04/20

### 6. Outcome and approval

Outcome	Date agreed	
	CCB	CCB1576/20-21
	Cllr Hall	11/05/2020
	Leader/Lead Member	