

POLICY & RESOURCES URGENCY SUB-COMMITTEE ADDENDUM 1

2.00PM, FRIDAY, 13 NOVEMBER 2020

VIRTUAL

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ADDENDUM

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10	LONDON ROAD CAR PARK - URGENT BARRIER REPLACEMENT	1 - 4

Subject:	Replacement of London Road Car Park Vehicle Safety Barriers		
Date of Meeting:	13th November 2020		
Report of:	Executive Director – Economy, Environment & Culture		
Contact Officer:	Name:	Charles Field	Tel: 01273 293329
	Email:	Charles.field@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

By reason of the special circumstances, and in accordance with section 100B(4)(b) of the 1972 Act, the Chair of the meeting has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency due to works on London Road Car park needing to commence as soon as possible to avoid the closure of the majority of the off street car park.

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the full implications of the recent safety inspection of the existing barriers were not known in time to comply with the council's Procedure Rules for publication.

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 The purpose of the report is to seek approval for capital expenditure on the replacement of vehicle safety barriers at London Road Car Park in accordance with laid down procedures. This protection system is for vehicles and to prevent them from colliding with the internal walls of the car park. It is a legal requirement to have these barriers in place and 75% of the current barriers have failed recent safety tests.

2. RECOMMENDATIONS:

2.1 That the Policy & Resources Committee approves capital expenditure of £0.177m funded from unsupported borrowing to replace 75% of the vehicle safety car park barriers in London Road Car Park.

3. CONTEXT/ BACKGROUND INFORMATION

3.1 The London Road carpark is currently having major works undertaken (concrete reinstatement/replacement) as part of an existing capital programme project.

- 3.2 The barriers recently failed a key health and safety test (following these works) and now require replacement to meet the legal safety standards and requirements.
- 3.3 The test was a routine part of the works and the failure on such a large scale was not expected.
- 3.4 A contractor to undertake the replacement works has been urgently sought and a waiver of Contract Standing Orders (CSO) has also been sought from the Head of Procurement and the Chair of Environment, Transport & Sustainability Committee in accordance with CSO 20.3.
- 3.5 The estimated cost of the works is £0.177m and this can be financed from unsupported borrowing over ten years, the expected lifespan of the safety barriers. This would result in an annual revenue financing cost of £0.021m, starting in 2021/22, for which there is expected to be sufficient flexibility within the existing Transport division financing budget to accommodate this in 2021/22.
- 3.6 The car park generates a net income of over £0.400m per year for the council and therefore any delay in replacing the barriers (and bringing the car park back into use) would impact on this income stream as well as incur additional contract costs.
- 3.7 Parking Services expect to be able to procure the works immediately following approval of the requested waiver. The supplier requires a 3-week lead in time from receipt of order to commence the works and the duration of the works is expected to be a further 3-4 weeks. This should minimise the impact on income and every effort will be made to ensure that the car park can remain operational during the works but with necessary partial closures for safety reasons and to manage areas being worked on at the time.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Not replacing the safety barriers would mean severely restricting the useable area of the car park and would impact on revenue income averaging over £1,000 per day.
- 4.2 Seeking a waiver to place an order for the works to replace the barriers now not only minimises the closure period but also means that the contractor lead-in time (3 weeks) occurs during the current lockdown period. There are currently contractors on site completing concrete works until mid-November so it would also be preferable, in terms of noise and disruption to residents above London Road car park, that these works are completed alongside them.
- 4.3 The other alternative is not seeking a waiver and going through a full competitive tender process. However, this would severely delay replacement and, as detailed in the waiver report, is not expected to result in improved value for money as the contractor identified is considered to be the market leader and the only supplier able to carry out works to the existing barriers.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Corporate Procurement supports the related waiver of Contract Standing Orders and recognises that these works are needed to meet legal and safety requirements.

6. CONCLUSION

- 6.1 Urgent commissioning of replacement safety barriers and the associated capital expenditure approval is sought to minimise disruption to residents and protect car parking revenues at London Road.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The estimated cost of the works is £0.177m. The works can be financed by unsupported borrowing over a 10-year estimated lifespan at a total financing cost of £0.213m. This will require a financing budget of £0.021m per annum for 10 years. The Transport division has sufficient flexibility within its existing financing budget to accommodate the financing costs in 2021/22 due to other financing costs falling out in 2021/22.

Finance Officer Consulted: Jessica Laing

Date: 11/11/20

Legal Implications:

- 7.2 Contract Standing Orders require contracts valued at over £75,000 to be subject to a competitive process. A waiver of this requirement may be agreed under CSO 20.3 by an Executive Director, after consultation with the Chair of the relevant Committee and the Procurement Strategy Manager when it is demonstrated that it is not practicable to enter into a tendering process and where best value and compliance with applicable laws can be demonstrated.
- 7.3 The value of this contract is below the threshold of £189,330.00 which would require a procurement which complies with public procurement legislation.
- 7.4 The council has a responsibility to its customers, staff and the residents of the housing above the car park. By removing and replacing 75% of the car park barriers in London Road Car Park, safety and legal requirements will be met and prevent vehicles from colliding into the internal walls of the car park.
- 7.5 Policy & Resources is the proper committee for the approval of capital expenditure and borrowing outside of the approved budget framework.

Lawyer Consulted:

Name Judith Fisher

Date: 11/11/20

Equalities Implications:

- 7.6 By operating a safe and fully compliant car park, the car park remains fully accessible to all Car Park users.

Sustainability Implications:

- 7.7 By operating a safe and fully compliant car park, vehicle owners will continue to use the car park resulting in no displacement or increased congestion in the city.

Any Other Significant Implications:

- 7.5 None

Corporate / Citywide Implications:

- 7.8 The Council has a responsibility to its customers, staff and the residents of the housing above the car park. By removing and replacing 75% of the car park barriers in London Road Car Park, safety and legal requirements will be met; and prevent vehicles from colliding into the internal walls of the car park.