

AGENDA

CABINET MEETING

Date: Wednesday, 29 April 2015
Time: 7.00 pm
Venue: Council Chamber - Swale House

Membership:

Councillors Bowles (Chairman), Mike Cosgrove, Duncan Dewar-Whalley, Gerry Lewin (Vice-Chairman), Ken Pugh, David Simmons, Mike Whiting, Ted Wilcox and John Wright.

Quorum = 3

RECORDING NOTICE

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	Pages
1. Apologies for Absence	
2. Minutes	
To approve the Minutes of the Meeting held on 11 March 2015 (Minute Nos. 539 - 556) as a correct record.	
3. Declarations of Interest	
Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.	
The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:	

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

Part B Reports for Decision by Cabinet

- | | | |
|----|--|---------|
| 4. | Regeneration Project Management Support Service - Tender Award | 1 - 6 |
| 5. | Award of Design and Build Contract for the Meads Community Centre | 7 - 12 |
| 6. | Extension of the Civil Parking Enforcement Contract | 13 - 16 |
| 7. | Minutes of the Swale Joint Transportation Board meeting held on 9 March 2015 | 17 - 18 |

Cabinet is asked to approve the recommendations which fall within the remit of Swale Borough Council's Cabinet.

Members are reminded that the terms of reference for the JTB state that: The Cabinet will normally act in accordance with the advice or views of the JTB. If the Cabinet is minded to act otherwise, no decision will be taken until after a discussion between the relevant Cabinet Member and the Chairman and Vice-Chairman of the JTB.

Issued on Monday, 20 April 2015

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Cabinet, please visit www.swale.gov.uk

Corporate Services Director, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Cabinet Meeting	
Meeting Date	29 April 2015
Report Title	Regeneration Project Management Support Service – Tender Award
Cabinet Member	Cllr Mike Cosgrove, Cabinet Member for Regeneration
SMT Lead	Pete Raine, Director of Regeneration
Head of Service	Emma Wiggins, Head of Economy and Community Services
Lead Officer	Emma Wiggins, Head of Economy and Community Services
Key Decision	Yes
Classification	Open
Forward Plan	Reference number:
Recommendations	1. To approve the appointment of Company I (Peter Binnie Consultancy Ltd) to deliver the Regeneration Project Management Support Service from 1 July 2015 until 30 June 2018 (with an option to extend for a further two years if appropriate) on a call-off contract basis.

1 Purpose of Report and Executive Summary

- 1.1 This report provides Cabinet with details of the procurement of the Regeneration Project Management Support Service, and recommends award of the service contract to the preferred supplier.

2 Background

- 2.1 Swale Borough Council has a commitment to deliver major regeneration schemes in the Borough in order to drive inward investment, create local jobs, improve infrastructure, and ultimately make Swale a better place to live. It requires the services of a regeneration project management specialist to bring the experience and expertise required by the Council to deliver various regeneration projects over the coming years, including the regeneration of Sittingbourne Town Centre.
- 2.2 Since December 2011, the Council has had a call-off contract with a consultant in respect to provision of Sittingbourne Town Centre regeneration project management services.
- 2.3 The original contract was awarded via waiver of Contract Standing Orders. The waiver was granted originally due to the good value, the expertise and experience

offered by the consultant. The waiver also reflected that the project was urgent and specialist in nature.

- 2.4 Since that time the Council has continued to contract with the consultant on a call-off contract basis, to deliver services against a clear schedule of works. A further waiver has been agreed each year. The service has continued under a waiver arrangement due to the in depth knowledge of the issues which the consultant has built up over that time.
- 2.5 In 2014/15 a significant phase of the Sittingbourne Town Centre regeneration project has been completed (achieving planning permission), but beyond 2014/15 there continues to be a demand for regeneration project management support. The whole life value of the contract will exceed the EU threshold of £172,514.
- 2.6 As such an open OJEU procurement has been undertaken in order to secure such services moving forwards on a call-off contract basis. Undertaking this procurement at this stage in the project reduces the risk to delivery of the overall project by any change in service provider.
- 2.7 The current contract with the existing consultant ends 30 June 2015. The new contract would start from 1 July 2015 and end on 30 June 2018 (with an option to extend for a further two years if appropriate). Through the new contract, the Council will ensure that there is a business continuity plan and appropriate liability insurances in place at the contract start.

Tender process

- 2.8 The tender was conducted as an open tender, and 68 organisations expressed an interest in the project. The tender was issued to all those organisations who had expressed an interest. The specification for the service was to deliver Regeneration Project Management Support Services with an indicative list of projects where support may be required on a call-off basis. This includes the Sittingbourne Town Centre regeneration project, the Sittingbourne multi-storey car park project, and the Mill project.
- 2.9 A total of 12 tenders were received, of which 11 were compliant. The companies that tendered are set out at Appendix I. The tenders were evaluated on 8 April 2015 by an Assessment Panel consisting of the Director of Regeneration, Head of Economy and Community Services, and the Economy and Community Services Manager. The evaluation was based upon 40% price and 60% quality.
- 2.10 The tender price and quality scores following the meeting of the Assessment Panel are shown in Table 1 below.

Table 1: Scores at assessment panel stage

Organisation	Price Score	Quality Score	Total Score
Company A	20	43	63
Company B	21	37	58
Company C	22	50	72
Company D	31	26	57
Company E	40	27	67
Company F	25	41	66
Company G	20	36	56
Company H	26	31	59
Company I	27	46	73
Company J	N/A	N/A	N/A
Company K	31	23	54
Company L	17	47	64

- 2.11 A clarifying interview was then carried out with the two highest scoring organisations (Company C and I) on 14 April 2015. Following interview, the quality scores for Company C and I were recalculated as shown in Table 2 below.

Table 2: Scores following interview

Organisation	Price Score	Quality Score	Total Score
Company C	22	52	74
Company I	27	50	77

- 2.12 Company I provided a response in their tender submission and interview that best met the requirements of the specification, and provided value for money based on the unit costs submitted (day rate). They demonstrated strong experience in this field and positive social value contributions.
- 2.13 It is therefore recommended that Company I is appointed to carry out Regeneration Project Management Support Services.
- 2.14 References will be taken up before appointment.

3 Proposals

- 3.1 To approve the appointment of Company I (Peter Binnie Consultancy Ltd) to deliver the Regeneration Project Management Support Service from the 1 July 2015 until 30 June 2018 (with an option to extend for a further two years if appropriate) on a call-off contract basis.

4 Alternative Options

- 4.1 Not to procure a Regeneration Project Management Support Service and deliver this service in-house. This is not the preferred option as the Council does not have such expertise currently in-house, or the capacity to deliver on such crucial projects. As the quantity of work is likely to vary week to week or month to month, a call-off contract is a better way of accessing the necessary capacity than recruiting a new employee.

5 Consultation Undertaken or Proposed

- 5.1 Consultation has taken place with Legal, Procurement and Finance.

6 Implications

Issue	Implications
Corporate Plan	Regeneration of the Borough is part of the corporate priority of 'A Borough to be proud of'.
Financial, Resource and Property	<p>This will be a call-on/off contract depending on the need of the Council on a project-by-project basis, so no guarantee of definite work. Costs have been determined on a day rate and based on up to ten working days per month, with any additional days to be authorised in advance.</p> <p>A reasonable estimate of value based on costs of the winning tender submission, would be around £63,000k per year.</p> <p>The Council will continue to use roll-overs and reserves to fund expenditure on a project-by-project basis.</p>
Legal and Statutory	The procurement process followed OJEU rules and the Council's Contract Standing Orders. A contract of services will be entered into with the successful tenderer.
Crime and Disorder	Regeneration of the Borough helps make Swale a better place to live, which can impact positively on reduced crime and disorder.
Sustainability	Regeneration projects can help enhance the environment through environmentally-friendly design and build techniques.
Health and Wellbeing	Regeneration projects help improve the sense of place and as such improve well being and pride in an area.
Risk Management and Health and Safety	Any regeneration project management support service will ensure risks are identified, managed and mitigated, and that H&S protocols are complied with.
Equality and	This contract will comply with the Equalities Act as part of contract

7 Appendices

7.1 Appendix I: List of companies that tendered.

8 Background Papers

8.1 Invitation to Tender for Regeneration Project Management Support Service A199.

Appendix I: List of companies that tendered

- BBP Regeneration
- CAPITA
- Claves + Partners
- LVS Construction Consultants
- Martin Stevens Project Services
- Montagu Evans
- Optimum
- Peter Binnie Consultants
- Pulse Associates
- The Means
- Turner & Townsend
- Urban Delivery

Cabinet Meeting	
Meeting Date	29 April 2015
Report Title	Award of Design and Build Contract for The Meads Community Centre
Cabinet Member	Cllr Mike Whiting, Cabinet Member for Localism, Sport, Culture and Heritage
SMT Lead	Pete Raine, Director of Regeneration
Head of Service	Emma Wiggins, Head of Economy and Community Services
Lead Officer	Charlotte Hudson, Economy and Community Services Manager
Key Decision	No
Classification	Open
Forward Plan	Reference number:
Recommendations	<ol style="list-style-type: none"> 1. To approve the appointment of BMR Construction Ltd as design and build contractor for the Meads Community Centre with an approved budget of £400,000. 2. To delegate authority to the Director of Regeneration in consultation with the Cabinet Member for Localism, Sport, Heritage and Culture and Cabinet Member for Finance to increase the contract value if additional external funding becomes available for this project.

1 Purpose of Report and Executive Summary

- 1.1 This report provides Cabinet with an update on progress of the Meads Community Centre project and requests authority to award the design and build contract to the preferred supplier.

2 Background

- 2.1 The Meads development within Sittingbourne is the subject of three Section 106 agreements. The Redrow Homes development provides a piece of land which has been designated for community use in the masterplan and a sum of £200,000 for the purpose of community facilities and/or a community building anywhere within the land. The Baradon Properties Limited Section 106 Agreement provides £210,000 for the purpose of a Community Hall. In addition a

further £100,000 has been allocated to the community centre from the S.106 contributions from the residential development of the Watermark site.

- 2.2 Work has been on-going to develop a Community Centre within The Meads development for a number of years. Originally the aim was to build an iconic building for the site which would cost in the region of £1.4million, due to changes in the economic climate and funding sources that are available, the project became untenable. To date £62,687 has been spent on the original project the majority of spend relating to architect fees and a public consultation exercise. This leaves a current balance of £447,313 held by Swale Borough Council.
- 2.3 Since 2011 a range of options have been considered for the project including joint working with Bobbing Parish Council to collaborate in order to develop a bigger hall. However, this was deemed not feasible as significant funding would still need to be attracted and there are limited grants available for these types of projects currently for the demographic of this community. Due to lack of progress on the project a number of Trustees resigned and so it was decided to re-evaluate the project and the project was refocused at developing a centre within the existing budget and on the allocated site.
- 2.4 The Meads Community Centre Trust (MCCT) was established in April 2011 to work with SBC to develop the design of the Community Centre, ensure resident's views were included within the project and develop as a Trust to manage the Community Centre upon completion. MCCT currently comprises of five trustees all who reside at The Meads and recently successfully registered as a Charitable Incorporated Organisation (CIO) with the Charities Commission. MCCT has also produced and adopted a business plan and is in the process of developing all the relevant policies including health and safety, equalities and safeguarding.
- 2.5 In order to ensure that the community centre was developed and met the community's requirements, the MCCT obtained funding from the Big Lottery to carry out community consultation to inform the future requirements of the community centre. The MCCT ran a number of activities in 2013 to engage the local community and capture their views, which then informed the service specification for the design and build contract.
- 2.6 In order to obtain the professional expertise required for the project, funding of £25,000 was allocated from the regeneration fund towards professional fees for the project. A project manager, quantity surveyor and CDM co-ordinator have been appointed by SBC to enable the project to progress. In 2014 a contract was awarded for the design and build of the community centre.
- 2.7 The design of the community centre has been developed over the last year to ensure maximum space requirements and in-keeping with the site requirements. Some of the space has also been designed to enable future use when funding becomes available. The planning application was considered by the planning committee on 29 January 2015 and was resolved to approve planning permission following some minor amendments.

- 2.8 Since the development of the design and submission to planning the contractor has withdrawn their tender and the contract has been terminated, due to not being able to complete the project within the budget. The Project Manager is liaising with Legal Services to arrange settlement.
- 2.9 The Project Management and Quantity Surveyor have reviewed the scheme and developed a detailed tender specification based upon the designs submitted to planning and a re-tender process has been entered into.

Tender process

- 2.10 The tender was conducted as an open tender and 52 organisations expressed an interest in the project. The tender was issued to all those organisations who had expressed an interest. A total of three tenders were received of which all three were compliant. The tenders were evaluated by representatives of the Trust, Project Manager and Quantity Surveyor and Council Officers based upon 60% price and 40% quality. The tender price and quality scores are shown in the table below. A clarifying interview was also carried out with the three highest scoring organisations. All organisations tenders were over budget but all confirmed at interview that they would value engineer the project within the budget.

Organisation	Price Score	Quality Score	Total Score
1. Company A	54	37	91
2. Company B	52	28	80
3. Company C	60	25	85

- 2.11 BMR Construction Ltd provided a tender summary that met the requirements of the project and suitable solutions to value engineer the scheme within budget. BMR Construction Ltd also demonstrated strong experience in this field, providing evidence of limited impact on the neighbourhood throughout the construction phase and positive social value contributions through ensuring local trades had the opportunity to tender for sub-contracts and ensure the community were involved in the project through either social or educational methods.
- 2.12 The panel therefore recommend the appointment of BMR Construction Ltd as the design and build contractor for The Meads Community Centre for a contract sum of £400,000.

Looking forwards

- 2.13 Once the construction is completed it is intended to transfer the community centre to the MCCT. During this time the Council will continue to support MCCT to develop as an organisation, including aiming to increase the number of trustees.

They will also further develop their draft business plan when the final plans and space allocation has been determined.

- 2.14 The Trust is also actively seeking further funding for the community centre, including the completion of the space for future use.

3 Proposals

- 3.1 To approve the appointment of BMR Construction Ltd as design and build contractor for the Meads Community Centre with an approved budget of £400,000.
- 3.2 To delegate authority to the Director of Regeneration in consultation with the Cabinet Member for Localism, Sport, Heritage and Culture and Cabinet Member for Finance to increase the contract value if additional external funding becomes available for this project.

4 Alternative Options

- 4.1 The Community Centre is not built; this is not recommended as there is an identified need for the community centre and the funding for the project in place which would have to be returned to the developers.

5 Consultation Undertaken or Proposed

- 5.1 Consultation has taken place Legal Service, Property Services, Procurement and Finance.
- 5.2 Consultation has taken place with MCCT, who have also conducted community consultation.

6 Implications

Issue	Implications
Corporate Plan	The completion of The Meads Community Centre assists in delivering the Localism Priority.
Financial, Resource and Property	S.106 funds have been secured for the Capital project. £25k from Regeneration fund has been allocated for the professional fees. The project must be delivered within these constraints as no further funding is available from SBC, though it may be possible to lever in additional external grants or sponsorship funding. A project manager is in place to oversee the project and other professionals have been procured to carry out specialist functions.

	Officer time will be required from Legal services to draw up the contract for services.
Legal and Statutory	A contract will be issued following the appointment of the build contractor for the project. Legal Services are advising on the termination and settlement of previous contract.
Crime and Disorder	Design of the building has taken into consideration designing out crime and planning committee input also required additional security measures. Good management of the building will reduce the likelihood of damage to the property.
Sustainability	Design of the building has taken into consideration within the constraints of the budget environmental and sustainability issues. Future grants will also be sought by MCCT to enhance the buildings energy efficiency.
Health and Wellbeing	The community centre will offer hireable space for a range of activities a number of which will enhance the health and wellbeing of residents in the borough.
Risk Management and Health and Safety	A CDM-Co-ordinator is in place for the project to oversee Health and Safety documentation and the contractor will be responsible for the site until handover of the health and safety manuals to SBC and MCCT. Health and Safety risks will be the responsibility of MCCT going forward and policy will be in place at handover.
Equality and Diversity	Design of the building ensures the building is compliant with the Disability and Discrimination Act.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

None

8 Background Papers

None

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Cabinet Meeting

Meeting Date	29 April 2015
Report Title	Extension of the Civil Parking Enforcement Contract
Cabinet Member	Cllr David Simmons
SMT Lead	Dave Thomas
Head of Service	Dave Thomas
Lead Officer	Jeff Kitson
Key Decision	Yes
Classification	Open
Forward Plan	Reference number:
Recommendations	1. That Cabinet agrees to extend the Civil Parking Enforcement Contract with APCOA Parking (UK) Limited, for a period of 24 months from 31 May 2016 to 31 May 2018.

1. Purpose of Report and Executive Summary

- 1.1 To agree an extension of the Civil Parking Enforcement Contract with APCOA Parking (UK) Limited in accordance with the contract terms for two years until 31 May 2018.

2. Background

- 2.1 On 1 July 2011 Swale Borough Council, entered into a five year contract with APCOA Parking (UK) Limited to provide Civil Parking Enforcement Services within a shared agreement with Maidstone Borough Council. The contract allows the Council to:
- Achieve good levels of driver compliance to parking regulations.
 - Provide the level of enforcement necessary to secure compliance.
 - Effectively resource the enforcement service and ensure all staff are appropriately trained and equipped.
 - Provide first line response and repair to the Councils Pay & Display units.
- 2.2 The current service contract expires on 31 May 2016. As defined under 2.2 of the contract, a provision is made to enable an extension of two years from the expiry date to 31 May 2018.
- 2.3 It is important to consider the viability of any contract extension at this point in the contract term as market tender and procurement arrangements will need to be prepared during the summer of 2015 if the contract is considered to end at the end of the 5 year term on 31 May 2016.

- 2.4 Since the start of the contract APCOA Parking (UK) Limited have consistently provided excellent services fully in accordance with the requirement of the contract specification. The supplier has also developed services in the last two years to include initiatives such as cycle patrols to improve levels of Civil Enforcement Officer visual presence and response to Pay & Display unit faults.
- 2.5 Service performance is closely monitored against key performance indicators. Performance from July 2011 to date:

<i>Swale KPI</i>	<i>target</i>	<i>Actual 2011/12</i>	<i>Actual 2012/13</i>	<i>Actual 2013/14</i>	<i>YTD 2014/15</i>
Observed contraventions	n/a	21,372	20,936	19,801	20,925
Deployed Hours	15,000	15,144	15,059	15,052	15,497
Observed contraventions per hour	n/a	1.41	1.39	1.31	1.35
CEO error rate	<1%	0.65%	0.93%	0.46%	0.52%
1st line P&D response	>90%	92.02%	88.09%	93.55%	92.41%
Coastal P&D response	>90%	88.44%	74.30%	81.74%	89.52%

3. Proposal

- 3.1 APCOA Parking (UK) Limited has indicated a desire to continue to provide services under contract and have committed to continued development of services throughout any extended contract period.
- 3.2 For agreement to continue providing services under contract for a further two years, APCOA will provide the additional benefits to the service of real time data transfer between the Civil Enforcement Officer hand held computers and Council back office systems. This development will help improve the quality of the service and customers ability to interact with the online payment and appeals system at no additional cost. The ability to transfer data in real time will also provide an opportunity to enable virtual permits and dispensations to be issued and managed in the future.
- 3.3 The services provided by APCOA have enabled the Council to commit enforcement resources across a wider area and into areas where significant parking problems have been identified. Consistency in providing civil enforcement officer deployed hours under contract has facilitated a change in driver behaviour leading to improved highway safety and traffic flow.
- 3.4 The excellent performance achieved in Pay & Display fault response times (at over 90%) has enabled the Council to maximise car park income by reducing pay unit downtime.
- 3.5 Low error rates achieved by APCOAs civil enforcement officers (at below 1%) has been achieved through good levels of officer training. Staff turnover also remains stable which has ensured that good local knowledge and experience has been retained.

- 3.6 Re-tendering the civil parking enforcement contract will disrupt the service and promote uncertainty within a stable team placing risk on current performance levels and the excellent working relationship which has been developed with the contractor. A procurement exercise would be costly in terms of officer time and as it is considered that the current contract terms offer good value for money for the Council, there would be little benefit in testing the market again at this stage.
- 3.7 A two year contract extension will therefore allow a continuation of good performance levels across both authorities and enable further development of the joint enforcement service until 2018, when the contract for service provision will be subject to an open tender.

4. Alternative Options

- 4.1 The Council could go directly to the market to re-tender the contract during 2015/16; however this may increase costs and risk current levels of performance, service delivery and operational development.

5. Consultation Undertaken or Proposed

- 5.1 As a partner authority under the enforcement contract Maidstone Borough Council have been consulted. Maidstone Borough Council has confirmed that an extension to the Civil Parking Enforcement Contract with APCOA Parking (UK) Limited for two years until 31 May 2018 is in the best interest of Maidstone Borough Council.

6. Implications

Issue	Implications
Corporate Plan	Well controlled parking helps support the general regeneration and the general wellbeing of our communities.
Financial, Resource and Property	The current cost of the contracted enforcement service is £385,078.58 per annum (linked to the CPI index) and is included within current budgets. This charge includes all costs in delivering the service and continues to provide good value.
Legal and Statutory	The current contract allows an option to extend for a maximum of two years. With a two year extension the contract must then be re-tendered for May 2018.
Crime and Disorder	None identified at this stage
Sustainability	None identified at this stage
Health and Wellbeing	None identified at this stage
Risk Management and Health and Safety	The risk level within this proposal is unchanged from the current arrangements.
Equality and Diversity	None identified at this stage

7. Appendices

7.1 None.

8. Background Papers

8.1 None.

Recommendations for approval

Swale Joint Transportation Board – 9 March 2015

Minute No. 530 – Amendments to Waiting Restrictions – South Road and Preston Street, Faversham

- (1) That further investigation be carried out on the proposed double yellow lines in South Road, Faversham.
- (2) That the times of the single yellow lines in Preston Street, Faversham be changed from 8.30am to 6.30pm to 8.30am to 5.00pm.

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