

	Decision of the Cabinet Member for Environment and Enforcement
	Report from the Corporate Director, Neighbourhoods & Regeneration
AUTHORITY TO VARY AND EXTEND THE CONTRACT FOR THE PROVISION OF CCTV MAINTENANCE AND ONGOING SERVICES	

Wards Affected:	All
Key or Non-Key Decision:	Non-Key
Open or Part / Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	None
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Simon Finney Head of Neighbourhood Management simon.finney@brent.gov.uk Sandor Fazekas Head of Healthy Streets and Parking sandor.fazekas@brent.gov.uk

1.0 Executive Summary

- 1.1 This report requests individual Cabinet Member approval to vary and extend a contract in respect of the provision of CCTV maintenance and ongoing services with Tyco Integrated Fire & Security in accordance with paragraph 13 of Part 3 of the Constitution. The report summarises the reasons for the request to vary and extend the contract.

2.0 Recommendation(s)

That the Cabinet Member for Environment and Enforcement, having consulted with the Leader:

- 2.1 Approves the variation of the contract for the provision of CCTV maintenance and ongoing services with Tyco Integrated Fire & Security to allow for an extension of the contract as set out in Recommendation 2.2 below.
- 2.2 Approves the extension of the contract detailed in 2.1 above for;

- i) The Public Safety CCTV element for a period of twelve months from 1st August 2024 to 31st July 2025 for the reasons detailed in paragraph 3.2.10.
 - ii) The Traffic and Parking CCTV element of the contract for a period of two months from 1st August 2024 to 1st October 2024 for the reasons detailed in paragraph 3.2.8.
- 2.3 Approves the variation of the contract detailed in 2.1 above to make provision for procuring a critical upgrade of CCTV cameras and equipment in the Wembley area for the reasons stated in paragraph 3.2.11.

3.0 Detail

3.1 Contribution to Borough Plan Priorities & Strategic Context

- 3.1.1 The use of local authority owned, managed and operated CCTV to monitor public open spaces in the borough serves as an effective visual deterrent to those who would seek to commit crime or do harm to others or the environment. CCTV monitoring also allows for early detection and reporting of crime or persons in need of help to emergency services and serves as a means of securing evidential records for any such matters should they be required in a court of law.
- 3.1.2 CCTV supply and maintenance contracts with professional third party providers ensures continuous and uninterrupted delivery of high standard CCTV monitoring services in order to maintain public safety and assist with investigation of crime and subsequent prosecutions.
- 3.1.3 By ensuring that the Council retains continued and uninterrupted services of a professional CCTV supply and maintenance provider under a contract that is both modern and fit for purpose, this ensures that the Council delivers on its Thriving Communities priority included in the Borough Plan to tackle and prevent antisocial behaviour and crime.
- 3.1.4 The effective enforcement of parking and traffic contraventions in the borough supports the aims of our Borough Plan 2023-2027, for a cleaner, greener future and a Healthier Brent. Improving compliance to parking and traffic restrictions helps to make Brent a safer place for our communities. This also supports sustainable travel and through our School Streets initiative, which is enforced using CCTV cameras, a safer environment to encourage walking, cycling and scooting and healthier lifestyles.

3.2 Background

- 3.2.1 The Council entered into a contract for the provision of CCTV maintenance and ongoing services under ESPO framework agreement 629-19 (Supply of security equipment and surveillance equipment and services with Tyco Integrated Fire & Security on 1st August 2019 for a three year period with an optional one year extension (the "Contract").

- 3.2.2 The Council agreed a one year extension of the Contract with Tyco, as provided for in the Contract, from 1 August 2022.
- 3.2.3 The Council subsequently extended the Contract with Tyco by a further year beyond the original term of the Contract from 1 August 2023. This was to ensure continuity in the completion of four Public Safety CCTV supply and installation projects that would not have been completed by the end date of the contract extension.
- 3.2.4 In late 2022 officers from Neighbourhood Management and in Healthy Streets and Parking began discussions in preparation for the procurement of a new CCTV contract covering Public Safety and Parking and Traffic Enforcement. However, due to operational expansion and changes in parking and traffic enforcement CCTV technology and approaches, officers agreed that separate CCTV contracts tailored to specific service requirements would be more appropriate to meet future Council needs.
- 3.2.5 A recommendation to procure separate contracts for Public Safety and Parking and Traffic Enforcement was therefore included in the 'Authority To Tender' report dated 23rd February 2024. This was subsequently supported by Councillor Farah, Cabinet Member for Safer Communities and Public Protection, Councillor Sheth, Cabinet Member for Environment and Enforcement, and thereafter approved by Peter Gadsdon, Corporate Director, Resident Services.
- 3.2.6 It was further agreed by officers that by opting for two separate contracts, this presented an opportunity to thoroughly review both the existing Parking and Traffic Enforcement and Public Safety CCTV contract specifications.
- 3.2.7 Due to the technical nature of CCTV, officers had been seeking professional support in order to draft new and separate contract specifications. The existing specification has been used for a number of years and therefore a comprehensive review and update of the specification is necessary to ensure the Councils' contracts are modernised and fit for purpose. However, while a dedicated technical support was secured for drafting a contract specification for Parking and Traffic Enforcement, it was not possible to secure the same level of support for Public Safety in the time available.
- 3.2.8 The contract requirement for the provision of Parking and Traffic Enforcement CCTV services is currently being separately tendered. However, due to the length of the contract, the prices received, and the potential future investment in CCTV enforcement cameras, it has been determined that the approval to award will no longer be a recordable decision and is now subject to Cabinet approval. The intention is for the Authority to Award a Contract for the provision of CCTV for Parking and Traffic Enforcement services to be considered by Cabinet on 15th July 2024. Therefore, in view of the need for mobilisation, the new contract cannot commence on 1st August 2024 and a two month extension is required.

- 3.2.9 Officers opted to draft the Public Safety CCTV contract specification internally while at the same time conducting a full and detailed review of Public Safety CCTV contract requirements.
- 3.2.10 The tasks required under 3.2.7 are however complex and extensive and it has been established that it will not be possible to complete the draft specification and procure a new Public Safety CCTV contract before the current contract extension expires.
- 3.2.11 Additionally, officers have also been developing plans to upgrade CCTV assets in the Wembley area to support event day operations at Wembley National Stadium. This work, to be funded by reserves, is considered to be of high importance and urgent as the current assets in the Wembley area are over 20 years old and an upgrade is therefore viewed as critical by officers in light of high-profile events being held at the stadium this year, which included the UEFA Champions League Final and a series of Taylor Swift and other concerts.

These plans, which are at an advanced stage of development, require camera and networking equipment to be supplied and added to the Council's existing CCTV system. As the incumbent provider, Tyco are contractually required to source and supply suitable and compatible equipment and to ensure adequate network capacity for any such equipment. To seek quotes from other providers at this stage would require additional engagement between Tyco and other parties to familiarise themselves with the current Brent CCTV system, additional checks by Tyco to ensure equipment and system compatibility for any equipment provided by a third party and additional discussions and negotiations between the Council, Tyco and any third party to agree a process of ongoing support, maintenance, repair and replacement for any equipment not supplied by Tyco.

These additional steps and requirements would add time and cost as well as risk in terms of the use of third party equipment on the current Tyco supported contract and so the use of a third party provider is not recommended.

- 3.2.12 In the light of the above, officers consider that the contract should be varied to allow for a further extension of part of the Contract pending the re-procurement of the service and have entered into discussions with Tyco Integrated Fire & Security (the "Contractor") to vary the Contract as follows:
- To allow for a twelve month extension of the Public Safety CCTV element of the Contract from 1st August 2024 to 31st July 2025.
 - To agree a variation to the Contract to provide for the supply and installation of CCTV equipment in order to complete an urgent and critical upgrade of CCTV coverage in the Wembley area to be funded by reserves.

- To allow a two month extension of the Parking and Traffic Enforcement CCTV services element of the contract from 1st August 2024 to 1st October 2024
- 3.2.13 The cost of the twelve month extension for Public Safety CCTV will be circa £149,313 and prices are consistent with the existing contract.
- 3.2.14 The cost of the two month extension for Parking and Traffic Enforcement CCTV services will be circa £68,500. Prices have increased by 8%.
- 3.2.15 The work to determine requirements and cost of the Wembley CCTV upgrade is nearing completion and will have an estimated total cost of £220,000.
- 3.2.16 The benefits of the proposed variation and contract extensions are that these will:
- allow sufficient time to complete a detailed and thorough review of Public Safety CCTV contract specification and requirements.
 - ensure sufficient time to complete procurement of a new Public Safety CCTV contract.
 - enable officers to utilise funding available to complete an essential upgrade of Public Safety CCTV cameras in the Wembley area within the current contract period.
- 3.2.17 Following discussion with the Contractor, Tyco Integrated Fire & Security have confirmed agreement to the proposed extension to the current contract, and additional work, as detailed in 3.2.12.
- 3.2.18 Under section 3(b) of the table at paragraph 9.5 of Part 3 of the Constitution, Corporate Directors may only vary and extend contracts and agreements provided that:
- (a) the variation and extension would not be in breach of Procurement Legislation.
 - (b) the variation and extension does not substantially alter the terms and conditions of the contract.
 - (c) there is sufficient existing budgetary provision.
 - (d) if the extension goes beyond the period of extension provided for in the contract (if any) or is otherwise not in accordance with the extension provisions in the contract:
 - (i) in the case of any contract, agreement, deed or other transaction with a life of not more than one year (including any possible extension provided for in the contract) the extension shall not exceed a period of six months; or

(ii) in the case of any contract, agreement, deed or other transaction with a life of more than one year (including any possible extension provided for in the contract) the extension shall not exceed a period of one year.

(e) provided that in the case of any variation (other than an extension):

(i) the total value of the variation is less than £1m; and

(ii) if the total value of the variation (and any previous variations agreed under this provision) is more than £50k it is not more than 50% of the original contract value (calculated over the life of the contract including any extensions or possible extensions and adjusted in accordance with any price review mechanism provided for in the contract).

(f) the relevant cabinet member shall be consulted prior to a decision within (d) (i) or (ii) and (e) (i) and (ii) above and may request that the decision instead be referred to them.

3.2.19 For the reasons detailed in paragraphs 3.2.18 (d), the Corporate Director does not have delegated powers to agree the proposed extension but pursuant to paragraph 13 of Part 3 of the Constitution, the Cabinet Member for Environment, having consulted with the Leader has delegated powers to:

Agree contract extension, variation or termination where the decision is excluded from officer delegated powers because:

(a) the extension goes beyond the period of extension provided for in the contract (if any) or is otherwise not in accordance with the extension provisions in the contract; and

(b) the contract, agreement, deed or other transaction has a life of not more than one year (including any possible extension provided for in the contract) and the extension exceeds a period of six months; or

(c) the contract, agreement, deed or other transaction has a life of more than one year (including any possible extension provided for in the contract) and the extension exceeds a period of one year; or

(d) in the case of any variation (other than an extension):

(i) the total value of the variation is £1 million or more; and

(ii) the total value of the variation is more than £50k and is more than 50% of the original contract value (calculated over the life of the contract including any extensions or possible extensions and adjusted in accordance with any price review mechanism provided for in the contract)

(e) Agree of other contract extensions, variations or terminations where the Cabinet Member requests that a decision be referred to them pursuant to Part 3 paragraph 9.5.

3.2.20 Subject to consultation with the Leader, the Cabinet Member for Environment, has delegated powers to agree the proposed variation and extension.

4.0 Stakeholder and ward member consultation and engagement

4.1 As the CCTV operation is a boroughwide service, individual engagement with ward members has not taken place as this is not considered necessary.

4.2 Consultation has however taken place with Parking Enforcement colleagues who support the separation of the current contract.

5.0 Financial Considerations

5.1 The value of the Contract is £1,924,422 including the 2 year extension. The value of the proposed variation and extension is circa £437,813 comprising of;

- i) Public Safety CCTV £149,313
- ii) Parking and Traffic Enforcement CCTV services £68,500
- iii) Wembley upgrade £220,000

5.2 The cost of this variation and extension of the Contract for Public Safety CCTV will be funded from the existing CCTV revenue budget in Neighbourhood Services, as well as the Public Realm CCTV reserve to cover the upgrade.

5.3 The cost of Parking and Traffic Enforcement CCTV services will be fully funded from existing revenue budgets within the Healthy Streets and Parking Service. It should also be noted that there is income from issuing penalty charge notices for parking and moving traffic contraventions (school street zones, banned turns, yellow box junctions, bus lanes etc.) which exceeds revenue costs.

6.0 Legal Considerations

6.1 Officers recommend the variation and extension of the Contract as set out in paragraphs 2.1, 2.2 and 2.3.

6.2 The value of the original contract is such that it is subject to full application of the Public Contract Regulation 2015 (PCR 2015).

6.3 A contract may only be modified (to include an extension) without a new procurement procedure where this is done in accordance with Regulation 72 of the PCR 2015. Regulation 72 sets out various circumstances in which it is possible to vary and extend a contract.

6.4 Regulation 72(1)(b) of the PCR 2015 provides that where additional services have become necessary, but were not included in the initial procurement,

where a change of contractor cannot be made for economic or technical reasons and would cause significant inconvenience or substantial duplication of costs for the contracting authority and provided that the increase in price does not exceed 50% of the value of the original contract. It is considered that the extension and variations are permitted in accordance with Regulation 72(1)(b) and other subsections.

- 6.4 As set out in paragraph 3.2.19, pursuant to paragraph 13 of Part 3 of the Constitution, the Cabinet Member for Environment and Enforcement, subject to consultation with the Leader, has delegated powers to agree the proposed extension and variation.

7.0 Equity, Diversity & Inclusion (EDI) Considerations

- 7.1 Pursuant to s149 Equality Act 2010 (the “Public Sector Equality Duty”), the Council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,

- 7.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 7.3 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

- 7.4 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.

- 7.5 The proposals in this report have been shared with the Brent Equalities team and, given that officers are seeking an extension of the existing contract with no fundamental changes made and to upgrade existing equipment, officers have been assured that there are no adverse equality implications.

Officers do however recognise that a full Equalities Impact Assessment will need to be undertaken when procuring the new CCTV supply and maintenance contract.

7.6 The proposals in this report do not have any adverse health implications.

8.0 Climate Change and Environmental Considerations

8.1 Effective Parking and Traffic Enforcement contributes towards the strategic objectives of the Long Term Transport Strategy in encouraging modal shift towards sustainable transport and the objectives of the councils Climate and Ecological Emergency Strategy 2021-2030 by reducing the harmful effect of emissions from road transport on the environment.

8.2 CCTV enforcement of the boroughs 31 school streets zones is effective in reducing the use of private cars, therefore reducing congestion, and improving air quality by reducing emissions and particulates.

8.3 CCTV enforcement of bus lanes improves bus journey times and reliability and supports the use of public transport, reducing emissions.

9.0 Human Resources/Property Considerations (if appropriate)

9.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from varying and extending the contract.

10.0 Communication Considerations

10.1 Given the nature of the recommendations, Officers do not believe that there are any relevant considerations in relation to any required communication strategy or campaigns.

Report sign off:

ALICE LESTER

Corporate Director, Neighbourhoods & Regeneration