



Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

The 2020/21 Access Fund programme was approved by Cabinet on 11 March 2020 and has an overall budget of £462,000. The available budget funds seven workstreams including the Kickstart 5 bus service workstream which has a budget of £115,000.

The 5M bus service was delivered as part of the Access Fund project in 2019/2020. The total cost of the contract was (INFORMATION REDACTED) and was let from 1 January 2020 until 1 January 2021. Stagecoach East Midlands have confirmed the 5M bus service is not viable to run on a commercial basis (as of 16 December 2020) from 1 January 2021. The 5M bus service runs from Immingham County Hotel, to CATCH and Millennium Organic Chemicals and enables local people to access work, training and education. Stagecoach East Midlands have submitted passenger data for the 5M bus service which shows an average of around 4 passengers per day use the bus service (boarding stage MIC CATCH). It is important the SHIP development is connected to the public transport network and the 5M service will support the green recovery from COVID-19. The Kickstart 5 bus service workstream in 2020/2021 includes a budget to fund the delivery of the 5M bus service from 1 January 2021 to 1 January 2022.

It should be noted the delivery of the 5M bus service would be at no cost to NELC revenue budgets and the cost of delivering the bus service is incurred by the externally funded Access Fund project. The implications of not continuing the 5M bus service subsidy is that local people would not be able to access work, training (CATCH could be left without access to a local bus service), education and North East Lincolnshire Council could be at risk of not delivering the Access Fund programme outcomes. Failing to deliver the programme would reduce the transparency and accountability for the project and may put at risk future funding bids if the Council was not able to demonstrate robust programme delivery to the Department for Transport and other external funding bodies.

2. Is it a Key Decision as defined in the Constitution?

No. The value of the proposed subsidy/ de-minimus contract is (INFORMATION REDACTED) (covering the period 1 January 2021 to 1 January 2022) / (INFORMATION REDACTED) per day.

3. Details of Decision

To approve direct award of the contract to extend the period of operation of the 5M bus service to Stagecoach East Midlands from 1 January 2021 to 1 January 2022, utilising funding from the Access Fund. The award of the contract without a competitive tendering process is in accord with the de minimis provisions set out in the Service Subsidy Agreements (Tendering) (England) (Amendment) Regulations 2004.

The decision is in accord with the delegations established in relation to the programme through the Cabinet approval of 11 March 2020.

4. Is it an Urgent Decision? If yes, specify the reasons for urgency Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.

No.

5. Anticipated outcome(s)

Direct award of the contract will extend bus services to CATCH and the Kiln Lane Industrial Estate from 1 January 2021 until 1 January 2022.

6. Details of any alternative options considered and rejected by the officer when making the decision

Option 1 - Do Nothing. CATCH, other Kiln lane businesses, SHIPP and future regeneration projects in the Kiln Lane area would not be connected to the public transport network. This option is not recommended.

Option 2 – Undertake a full competitive tender process for the service. This option is not recommended as any other operators seeking to tender would need to deliver an entirely new bus service and it is highly unlikely that this would be commercially viable in isolation.

Option 3 – Award a de-minimus bus service contract to Stagecoach East Midlands for the 5M bus service. The existing 5 bus service is delivered by Stagecoach East Midlands and the CATCH/ Kiln Lane extension is tied into an existing bus service. Stagecoach East Midlands are the only commercial bus operator currently serving CATCH/ Kiln Lane.

7. Background documents considered

The Access Fund project was approved by Cabinet on 11 March 2020.

8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

No

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

None

10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)

The decision is consistent with the Cabinet decision and subsequent delegations dated 11th March 2020. The costs will be funded via the external Access Fund project and the extension to the operation of the service is important to the SHIIP development.

11. Section 151 Officer Comments (Deputy S151 Officer or nominee)

The anticipated cost of the contract would be funded through external grant.

12. Human Resource Comments (Strategic Workforce Lead or nominee)

There are no direct implications.

13. Risk Assessment (in accordance with the Report Writing Guide)

There is a risk that operating costs could increase during the contract period although this risk will be mitigated through proactive contract management by ENGIE that will include efforts to support take-up of the service to mitigate any rise in costs.

14. Decision Maker(s):

Name: Mark Nearney

Title: Assistant Director Assistant
Director of Housing, Highways and
Transport

Signed: Approved via email

Dated: 11th January 2021

**15. Consultation carried out with
Portfolio Holder(s):**

Name: Cllr Stewart Swinburn

Title: Portfolio Holder for Environment
and Transport

Signed: Approved via email

Dated: 10th January 2021

**16. If the decision is urgent then
consultation should be carried out
with the relevant Scrutiny
Chair/Mayor/Deputy Mayor**

Name: N/A

Title: N/A

Signed: N/A

Dated: N/A

APPENDIX 1 – EMAIL APPROVAL

From: Cllr Stewart Swinburn (NELC) <Stewart.Swinburn@nelincs.gov.uk>
Sent: 10 January 2021 16:59
To: Jonathan Ford (Engie) <Jonathan.Ford@nelincs.gov.uk>
Subject: Re: Officer Decision Records for review/approval

Thanks Jonathan,

Both these ODR have my approval.

Cllr Swinburn

From: Jonathan Ford (Engie) <Jonathan.Ford@nelincs.gov.uk>
Sent: 07 January 2021 12:50
To: Cllr Stewart Swinburn (NELC) <Stewart.Swinburn@nelincs.gov.uk>
Cc: Luke Greaves (Engie) <luke.greaves@nelincs.gov.uk>; Martin Lear (Engie) <Martin.Lear@nelincs.gov.uk>; Mark Nearney (NELC) <Mark.Nearney@nelincs.gov.uk>
Subject: Officer Decision Records for review/approval

Dear Cllr Swinburn,

Happy New Year.

I understand Luke has spoken to you about the attached Officer Decision Records (ODR's) and agreed I can send the attached through for your review/ approval. The attached ODR's include:

- 5M bus service – This is funded by the external Access Fund Grant,
- Bus Pass System Tender – The attached ODR is based upon the briefing that we provided towards the end of 2020. Following the delivery of

Both of the attached ODR's have been approved by Mark Nearney.

I would be happy to discuss if you require further explanation or clarification.

Kind Regards,

Jonathan Ford CMILT
Senior Transport Officer
Highways and Transport
Places & Communities North – NEL
jonathan.ford@nelincs.gov.uk
Tel. +44 01472 32 4481
Mob. +44 07919304563

From: Mark Nearney (NELC) <Mark.Nearney@nelincs.gov.uk>
Sent: 11 January 2021 10:27
To: Jonathan Ford (Engie) <Jonathan.Ford@nelincs.gov.uk>
Subject: RE: Officer Decision Records for review/approval

Both approved.

Mark

Mark Nearney, Assistant Director of Housing, Highways and Planning
North East Lincolnshire Council
Municipal Offices , Town Hall Square, Grimsby, DN31 1HU
Tel: 01472 324122 Mobile: 07826 344556
Email: Mark.Nearney@nelincs.gov.uk /www.nelincs.gov.uk

Stay alert. Control the virus. Save lives.

From: Jonathan Ford (Engie) <Jonathan.Ford@nelincs.gov.uk>
Sent: 11 January 2021 10:27
To: Mark Nearney (NELC) <Mark.Nearney@nelincs.gov.uk>
Subject: FW: Officer Decision Records for review/approval
Importance: High

Hi Mark,

Cllr Swinburn has approved both of the attached Officer Decision Records (see attached email).

Please can you send me an email approving both of the attached Officer Decision Records and then I will progress both.

Kind Regards,

Jonathan Ford CMILT
Senior Transport Officer
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Places & Communities North – NEL
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