

**MINUTES OF THE CABINET MEMBER SIGNING
WEDNESDAY, 21 AUGUST 2013**

Present: Councillor Joe Goldberg, Cabinet Member for Finance and Carbon Reduction

In Attendance: Xanthe Barker, Principal Committee Officer, Kate Dalzell, Head of Director's Office, Graham Beattie, Interim Assistant Director.

MINUTE NO.	SUBJECT/DECISION	ACTION BY
HSP22.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
HSP23.	<p>AWARD OF A CONCESSION CONTRACT FOR THE PROVISION, INSTALLATION AND MAINTENANCE OF EQUIPMENT ENABLING THE PROVISION OF A WIRELESS NETWORK IN STREETS AND OPEN SPACES IN THE BOROUGH USING SPECIFIED ASSETS</p> <p>The report sought approval of an award of contract for the provision, installation and maintenance of equipment that would enable the provision of a wireless network in streets and open spaces in the Borough. The report also outlined the process undertaken and the outcome of the final tender evaluation.</p> <p>In response to a series of questions from Councillor Reece the following points were made:</p> <p>It was noted that the decision was being taken between scheduled Cabinet meetings as there were financial implications attached to delaying the award of contract.</p> <p>In terms of the areas that would be covered, although the specific areas had not been determined at this stage, areas of significant footfall such as Crouch End, Muswell Hill and Tottenham High Road were likely to be included.</p> <p>It was noted that thirty minutes of free WIFI would be available to users and after this point they would be given the option to pay for an extended session (details of the costs attached to sessions had not been finalised at this stage). The sites that could be accessed would be limited to an extent whilst users were accessing WIFI for free and this would include the blocking of sites containing adult content. At the point at which users were given the option to purchase WIFI time they would be prompted to agree to certain terms and conditions of use and would then be able to access any site.</p> <p>With regard to the positioning of equipment on lampposts it was noted that the relevant planning consent would be required in Conservation Areas.</p> <p>RESOLVED:</p>	

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- i. That the results of the procurement process, as set out in the evaluation summary in the report and in the exempt part of the report, be noted.
- ii. That the services concession contract for the provision, installation and maintenance of equipment enabling the provision of a wireless network in streets and open spaces in the borough, using specified assets to Arqiva for a period of ten years, at no cost to the Council, and generating a guaranteed concession fee and income of £478,000 over the ten year period, be approved.
- iii. That it be agreed that Arqiva was awarded exclusive rights to the specified assets for the provision of a wireless network for a ten year period, but that after five years the concessionaire would lose this exclusive right in relation to all un-deployed assets, allowing the authority to enter into other arrangements at its discretion.

Alternative options considered

The Council has the option to not award a wireless concession contract; however, this would prevent the Council from accessing the benefits set out in Section 5 of the report and therefore this option was not recommended.

The Council has the option to repeat the procurement process and award a wireless concession contract at a later date.

Technology and consumer/business demand changes rapidly in this sector and it is possible that market conditions could result in a stronger offer at a future date. Market research undertaken by boroughs prior to the procurement indicated that the wireless offer was likely to vary between suppliers and that an approach combining inter-borough collaboration and competitive dialogue would maximise the opportunity to find the best possible balance of benefits and income levels. By engaging in a joint procurement exercise and limiting the concessionaire's exclusivity after five years, the Council has sought to counter this risk without delaying the borough's ability to access the benefits detailed in the report. The benefits of joint procurement would not necessarily be available at a future date. The level of interest expressed in the concession (with three bidders submitting initial tenders, and two tendering at the final stage) suggests a reasonable level of market competition. As a result the option to retender at a later date is not recommended.

Reasons for decision

The evaluation carried out at the end of the procurement, managed under the OJEU process, indicates the preferred bidder recommended in the report.

The evaluation and the procurement exercise ensured that the most economically advantageous tender is selected.

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HSP24.	NEW ITEMS OF URGENT BUSINESS There were no new items of urgent business.	
HSP25.	EXCLUSION OF THE PRESS AND PUBLIC RESOLVED: That the press and public be excluded from the remainder of the meeting as the items below contain exempt information, as defined under paragraph 3, Part 1, schedule 12A of the Local Government Act 1972.	
HSP26.	AWARD OF A CONCESSION CONTRACT FOR THE PROVISION, INSTALLATION AND MAINTENANCE OF A WIRELESS NETWORK IN STREETS AND OPEN SPACES IN THE BOROUGH USING SPECIFIED ASSETS Exempt information pertaining to the report was discussed.	
HSP27.	NEW ITEMS OF EXEMPT URGENT BUSINESS There were no new items of exempt urgent business.	