

DERBYSHIRE COUNTY COUNCIL

IMPROVEMENT AND SCRUTINY COMMITTEE - RESOURCES

7 February 2017

CALL- IN: SUPPLY OF PAY AND DISPLAY MACHINES FRAMEWORK

Report of the Democratic and Registration Services Manager

Purpose of the Report

To consider a call-in in respect of a decision to utilise the Eastern Shires Purchasing Organisation (ESPO) Framework 509 Parking Management Solutions for the provision of pay and display parking machines under Protocol 2 of the Council's Financial Regulations.

Information and Analysis

The Council's Constitution provides for decisions to be called-in where Members have evidence which suggests that issues have not been handled in accordance with the decision-making principles set out in Article 15 (decision-making). (attached as Appendix 1)

At a meeting held on 13 December 2016, Cabinet considered and approved a report of the Strategic Director for Economy, Transport and Communities seeking approval under Protocol 2 of the Council's Financial Regulations to use the ESPO Framework 509 Parking Management Solutions to procure the provision of pay and display parking machines. A copy of the Cabinet report is attached as Appendix 2.

In accordance with the provisions of the County Council's Constitution, Councillors Spencer, Lewis, Morgan and Lomax have asked that the decision to use the ESPO framework be called-in and reviewed by this Committee. A copy of their request is attached as Appendix 3.

Councillors Spencer and Morgan have provided further comments in response to a request from the Director of Legal Services to provide further detail of how they consider the principles of decision making have been breached. These are attached at Appendix 4.

The Directors of Finance and Legal Services were invited to comment on the issues raised and their responses are attached as Appendix 5.

The Strategic Director – Economy, Transport and Communities has also responded to the call-in and his response is attached as Appendix 6.

The Committee will need to determine whether or not the decision about the use of the EPSO Framework 509 Parking Management Solutions for the provision of pay and display parking machines was handled in accordance with the decision making principles set out in Article 15. If, having considered the matter, the Committee is satisfied that the principles have been followed, the decision can be implemented.

If the Committee has concerns about the decision, it may:

- refer the decision back to Cabinet for reconsideration;
or
- refer the matter to Full Council.

The Committee must state in writing the nature of the concerns regarding the decision.

Having liaised with the Chair of the Committee it is proposed to conduct the review of this call-in request as detailed below:

- The Members who submitted the call-in request will collectively present their arguments as to why they consider the decision has breached the principle of decision-making in Article 15.2(d) – a presumption in favour of openness as set out in the Constitution.
- Appropriate Cabinet Members and officers involved in the decision will present their arguments in support of the decision.
- Members of the Committee will have the opportunity to question both those calling-in the decision and the Cabinet Members and officers in attendance.
- One nominated signatory to the call-in and one nominated Cabinet Member or officer will be invited to make a closing statement to the Committee in response to submissions and questions heard previously.
- The Committee will then deliberate and, if possible, come to a decision on the matter. The Committee may, if it considers it be necessary, defer a decision on the matter to allow for further information to be provided or if it wishes to interview other Members or officers.

The Chair may set time limits on those addressing the Committee.

As with all Scrutiny investigations, the call-in process should be inquisitorial not adversarial.

OFFICER'S RECOMMENDATION

To consider the call-in of the decision to utilise the Eastern Shires Purchasing Organisation (ESPO) Framework 509 Parking Management Solutions for the provision of pay and display parking machines, which was made by Cabinet on 13 December 2016.

Roy Ackrill
Democratic and Registration Services Manager

Article 15 – Decision Making

15.1 Responsibility for decision-making

The Council will issue and keep up-to-date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

15.2 Principles of decision-making

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (ie the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.

15.3 Types of decision

15.3.1 Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.

15.3.2 Key Decisions. A “Key Decision” is an Executive decision which is likely –

- (a) to result in the authority incurring expenditure of £500,000 or more or making similar saving for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in Derbyshire.

15.3.3 A decision taker may only make a key decision in accordance with the requirement of the Executive Procedure Rules and the Access to Information Procedure Rules set out in Part 4 of this Constitution.

15.4 Decision making by the full Council

Subject to Article 15.8 the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

15.5 Decision making by the Executive

Subject to Article 15.8, the Executive will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

15.6 Decision making by Improvement and Scrutiny Committees

Improvement and Scrutiny Committees will follow the Improvement and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

15.7 Decision making by other committees and sub-committees established by the Council

Subject to Article 15.8, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

15.8 Decision making by Council bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to fair trial contained in Article 6 of the European Convention on Human Rights.

Public

Agenda Item No. 8(e)

DERBYSHIRE COUNTY COUNCIL

CABINET

13 December 2016

Report of the Strategic Director – Economy, Transport and Communities

**SUPPLY OF PAY AND DISPLAY MACHINES – FRAMEWORK
(HIGHWAYS, TRANSPORT AND INFRASTRUCTURE)**

(1) **Purpose of Report** To seek approval under Protocol 2 of the Council's Financial Regulations to utilise the Eastern Shires Purchasing Organisation (ESPO) Framework 509 Parking Management Solutions for the provision of pay and display parking machines.

(2) **Information and Analysis** The Economy, Transport and Communities Department currently operates four on-street pay and display schemes located in Buxton, Chesterfield, Castleton and Bakewell. It also operates pay and display schemes at eight of its Countryside sites.

Approval has been given to introduce a new on-street pay and display scheme in Matlock Bath at a cost of £45,000, and two new schemes in Castleton and Buxton are currently being consulted upon. In addition to this, a further Countryside site is due to come into use in Willington and additional Countryside sites are also being considered.

Currently, the income generated in the last financial year was £340,000 and it is estimated that the Matlock Bath pay and display scheme will generate around £70,000 per year. The turnover of parking spaces and the ease of enforcement that pay and display enables are essential in boosting the economy for local businesses. The revenue raised pays for the costs of operation, with any surplus being reinvested in highway maintenance.

The on-street pay and display machines are managed by a number of district/borough councils with their costs being met from the revenue raised from the scheme which includes cash box emptying, daily checking, first line maintenance and ticket restocking. Derbyshire County Council staff currently manage the Countryside car parks, although cash collection is undertaken by a private contractor.

The existing pay and display machines were purchased from a company called Metric. These are linked to a back office system that allows the

machines to be monitored in real time and also provides essential financial information for audit requirements. Other manufacturers offer similar back office support. The Authority currently has a maintenance contract with Metric for the pay and display machines in Chesterfield and this will continue until such time as those machines are replaced. Any new pay and display machines purchased through the framework will include a maintenance package.

The existing pay and display machines in Castleton and the Countryside sites have been subject to attacks to steal the cash held. As a result, many of the machines are unrepairable, raising concerns about their robustness. Due to the time required to procure and install new machines, there have been occasions where machines have been unavailable for over six months resulting in a significant loss of income which often exceeds the loss of takings and the cost of replacement of the machine.

If the Council was to undertake an Official Journal of European Union (OJEU) procurement exercise, it would take approximately four months to complete. This would mean that there would be a delay on the Matlock Bath scheme and a continued loss of income from sites which require replacement machines.

In order to reduce this procurement time and establish a compliant procurement process, officers have concluded that the most appropriate route is to use the ESPO Framework 509 Parking Management Solutions for the provision of pay and display parking machines.

The relative merits of using the ESPO Framework are:

- Suppliers included in the framework have been 'pre-qualified' as to their general suitability; this means that in buying from them, customers may be assured that suppliers possess sound policies in regards to health and safety, sustainability, are financially secure, and have demonstrated a solid track record of supply to the sector, and an understanding of its needs.
- Customers can choose to either conduct a further competition between the framework suppliers or to undertake a direct 'call-off';

The proposal to use the ESPO Framework has been supported by a business case, including options appraisal which has been approved by the Director of Finance, the Director of Legal Services and the Strategic Director – Economy, Transport and Communities.

A supplier will be appointed from the framework via a mini-competition, based on the tender submissions of the pay and display parking machine suppliers. The mini-competition will be based on the Council's specification requirements and ability to deliver the machines and will be evaluated on the most

economically advantageous tender (MEAT) based on a ratio of cost and quality.

(3) **Financial Considerations** The value of the proposed contract via the ESPO Framework is approximately £45,000 per annum for the Traffic and Safety Team and approximately £16,000 per annum for the Countryside Service over a maximum contract term of four year, giving an estimated total contract value of approximately £244,000. The costs will be met from existing and future Highways Capital budgets and Countryside Revenue budgets and earmarked reserves as appropriate.

The utilisation of this contract on future schemes is contingent on those schemes receiving the appropriate Committee approval(s).

(4) **Legal Considerations** The use of a non-Derbyshire County Council framework, under Protocol 2 of the Council's Financial Regulations, where the value of the goods in question is above the OJEU threshold of £164,176, is a two stage process; approval is required initially from Cabinet to use the framework and secondly to make an award of contract under the framework.

The approval of the Director of Legal Services is required to the terms and conditions of the framework.

(5) **Social Value Considerations** Under the mini-competition, suppliers will be asked specific social value questions. This contract will aim to create social value through a Derbyshire that works, Outcome 1 – A Strong Local Economy.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(6) **Key Decision** No.

(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(8) **Background Papers** Held on file within the Economy, Transport and Communities Department. Officer contact details – Bridget Gould, extension 38579

(9) **OFFICER'S RECOMMENDATIONS** That Cabinet:

9.1 Approves the use of Protocol 2 to use the Eastern Shires Purchasing Organisation Framework 509 Parking Management Solutions to procure

a supplier for the provision of pay and display parking machines for four years.

- 9.2 Notes that a further report will be submitted to Cabinet to seek approval to award a contract following the mini-competition amongst suppliers on the framework.
- 9.3 Notes that quarterly reports will be submitted to the Cabinet Member – Highways, Transport and Infrastructure.

Mike Ashworth
Strategic Director - Economy, Transport and Communities

Agenda Item 18 – Supply of Pay and Display Machines Framework
Cabinet Meeting - 13 December 2016

In accordance with the Council's call-in procedure I wish to submit a call-in with reference to the above paper. I do not consider that the suspension of the procurement procedures that should be adopted by Derbyshire County Council, should be suspended in this particular instance. Furthermore, I do not believe that there is a strong enough argument for the suspension of the Official Journal of European Union Procedures.

In line with the principles of decision making (d) a presumption in favour of openness.

Signed 
(Deputy Leader of the Conservative Group)

Date 14/12/16

Signed 

Date 14/12/16

Signed 
(Leader of the Lib Dem Group)

Date 13/12/16

Signed 

Date 14/12/16

From: Morgan,Keith (Elected Members)

Sent: 05 January 2017 22:33

To: Wardle,Jackie (Corporate Resources); Spencer,Simon (Elected Members); Lewis,Barry (Elected Members); Lomax,David (Elected Members)

Cc: Harrison,Sue (Chief Executives Office); Cressey,Jane (Chief Executives Office); Rose,David (Corporate Resources); Savage,Roz (Corporate Resources)

Subject: RE: Call-in - Supply of Pay and Display Machines

Jackie, thanks for this. I have in fact received no email regarding the above call in but that is my fault. I should have renewed my password on December 16 but with all the Christmas rush, I forgot. My apologies for any inconvenience caused.

To the task in hand: My understanding is that there is a limit on capital spending without this going through Cabinet/Council (I believe this is in the region of £170,000, but could be wrong) . This amount has been exceeded.

Secondly, I would like more detail on the maintenance contract particularly the issue of how we expect dozens of motor cyclists to display parking tickets securely or have I missed something?

Third : Are we confident of the pay back return on capital and revenue on this particular operation?

Kind regards,

Cllr Keith Morgan

From: Cressey, Jane (Chief Executives Office) **On Behalf Of** Spencer, Simon (Elected Members)
Sent: 09 January 2017 12:44
To: McElvaney, John (Corporate Resources)
Cc: Lewis, Barry (Elected Members)
Subject: Call In

Dear John

Following our conversation last week, I am pleased that you have acknowledged that the appropriate paperwork has been carried out for the call in to take place.

With regard to the detail that you have asked for relating to the issue of transparency, I would refer you to paragraph (1) of the report itself. Under Protocol 2 of the Council's Financial Regulations, certain criteria should be followed with regard to its approval, that being the provision of a business case that should be submitted to the Director of Finance and then your approval as the Legal Services Director for a mini competition to take place to ensure best value.

Unfortunately, the business case itself that you and the Director of Finance have allegedly seen, does not form part of the report. In my opinion it should have been attached.

Given that on street car parking charges have been on the agenda for some five years, it would appear that a delay of four months would be considered insignificant. Also, in the light of an imminent County Council election and a possible difference of opinion with regard to the implementation of on street car parking charges, it would seem prudent and in the public interest, that the decision to purchase these meters and ancillary equipment should be delayed for approximately four months. The argument used that there will be a loss of income for this short period of time, I would consider tenuous.

The issue that has been made in the report with reference to changes in the contract ie, the new contract will also include maintenance, is in my opinion a strong enough argument for this contract to be put to OJEU in line with the County Council's own procurement procedures. I hope that this is sufficient for you to consider the call in and I will be more than happy to elaborate on these circumstances at the meeting of the Scrutiny Committee.

I am unavailable on 24 January but look forward to your response in due course.

Kind regards.

Cllr Simon Spencer

Jane Cressey | Members' Secretary
Derbyshire County Council | County Hall | Matlock | DE4 3AG

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Email: jane.cressey@derbyshire.gov.uk

(Please note I work Mondays, Tuesdays and Wednesdays)

**CALL- IN:- USE OF NON-DCC FRAMEWORK UNDER PROTOCOL 2 OF
THE COUNCIL'S FINANCIAL REGULATIONS**

**RESPONSE OF THE DIRECTOR OF FINANCE AND
THE DIRECTOR OF LEGAL SERVICES**

Introduction

All Council contracts for goods and services which exceed OJEU threshold, currently £164,176, are either procured by publishing an OJEU notice and conducting a competitive procurement exercise or by using an existing framework which has been procured through an OJEU compliant process.

Councillor Spencer's Comments

Provision of business case

Protocol 2 of the Council's Financial Regulations which relates to the use of non-DCC framework agreements to procure services for the Council states that *"the use of such frameworks for amounts over £20,000 will require, depending on the value of the contract, Cabinet or Cabinet Member approval.*

This is for a number of reasons:

- *The Council is committed to giving opportunities to local businesses to bid for work wherever this is cost effective or, to allow consortiums of local businesses to come together to provide a service.*
- *Broad based frameworks may not always deliver value for money.*
- *The Council is tied to the scope of the original tender process with its restrictions and risks of challenge in the event of substantial alterations being required.*

For these reasons a business case is required to be submitted to the Director of Finance that justifies the use of the non-DCC framework and which covers value for money, local impact (supported by a local sourcing evaluation), the terms of any contract and evidence that the framework is legally compliant.

When approval is given it may be necessary to undertake a mini-competition to ensure best value. Approval will then be required from the Director of Legal Services to agree terms and conditions, including call-off terms.

Final approval will be required from Cabinet or Cabinet Member, depending on the value of the contract".

In the case of the proposal to use an ESPO Framework Agreement to procure a contract for the provision of pay and display parking machines required by the Council, a business case was submitted to and approved by the Director of Finance.

Unlike procurements under Protocols 8, 9 and 10 where the business case must be approved by the Director of Finance and Director of Legal Services, business cases for procurements under Protocol 2 do not require the approval of the Director of Legal Services. There was an inaccuracy in the Cabinet report in that respect but this was not of a material nature.

Appending the business case

The business case is clearly an officer document not intended to accompany reports and whilst, in theory, there is no reason why the business case could not be appended to the report it would repeat much of the information in the Cabinet report. The aim is to reduce the size of Cabinet papers. Under Protocol 2, Financial Regulations delegate approval of the business case to the Director of Finance and then relevant information from the business case is included in the report to Members. The business case for the use of the ESPO framework to procure a contract for the supply and maintenance of pay and display machines is attached as Appendix 5A.

Approval of the Director of Legal Services is not required for a mini-competition to take place but rather to the terms and conditions, including the call-off terms of the contract.

Member approval is required to award a contract following the mini-competition between the providers on the framework.

Councillor Morgan's comments

The Council's Financial Regulations require Cabinet approval to undertake a procurement where the value of the proposed procurement is above the OJEU threshold for goods/services which currently stands at £164,176. As indicated above, this is either done by publishing an OJEU notice and conducting a competitive procurement exercise or, as in this case, using an existing framework which was procured through an OJEU compliant process.

The value of the proposed contract via the ESPO Framework over the maximum 4 year contract permitted under a framework is estimated at £244,000.

JOHN McELVANEY
DIRECTOR OF LEGAL SERVICES

PETER HANDFORD
DIRECTOR OF FINANCE

Business Case

The Supply and Maintenance of Pay and Display Machines

1 Document Information

Authors C. Coombs/B.Gould

Date 31st October 2016

2 Background

The Economy Transport and Communities Department operate Countryside car parks and manages this, together with on street car parking, through the Civil Parking Enforcement element of the Traffic and Safety Service

Currently the County Council has operated car parking charges using pay and display at eight of its countryside sites since 2011 and is in the process of introducing it at a ninth. Further sites are currently being considered. Income from parking charges at these countryside sites generated £330,000 in 2015/16.

Since its introduction the machines have been subject to attacks to steal the cash held which has normally resulted in the machine being damaged beyond repair. Due to the time required to procure new machines and install them there have been occasions where machines haven't been available for over six months, resulting in a significant loss of income, (which often greatly exceeds the cash loss and cost of replacing the machine).

There are also currently 4 on-street pay and display schemes in operation and these are in Chesterfield, Buxton, Castleton and Bakewell and recently approval has been given for the implementation of an On – Street Charging Scheme using Pay and Display parking equipment on North and South Parade and Dale Road, Matlock Bath from the 2015/16 Capital Programme. The cost of this is estimated at around £45,000. Further consultations are also underway for the expansion of existing pay and display sites in Buxton and Castleton, but these are still subject to the consideration and approval of the Cabinet Member for Highways, Transport and Infrastructure.

A number of District Councils manage on behalf of the County Council the existing on street pay and display machines with their costs being met from the revenue raised from the scheme. This currently includes cash box emptying, daily checking, first line maintenance and ticket restocking

Pay and display machines are normally linked to a back office system that allows them to be monitored in real time and also provide essential financial information for audit requirements. Whilst this does not preclude using machines from different manufactures, using machines that all operate on a single system is simpler and easier to manage. Similarly machines that accept card payments also need specific financial systems as the software is not always compatible to that used by existing county council contractors.

3 Business Need

Income from car parking charges is a significant part of the Economy Transport and Communities Department revenue budget and both the Countryside and Highways service is currently looking at developing its revenue streams in order to offset the cuts it faces. Being able to introduce new schemes and replace damaged machines more quickly would help significantly to maximise income.

The income generated through parking charges through on and off street car parking charges, funds enforcement which ensures a turnover of spaces in popular tourism and town centre locations leads to economic benefit to local businesses. The expected revenue generated from say the Matlock Bath Pay and Display scheme is expected to be in the region of £60,000.

4 Objectives

- To undertake a compliant procurement process to identify suppliers of suitable pay and display equipment with the ability to maintain the machines.
- To identify solutions that will allow the authority to minimise loss of income from machines being out of action and technology that allow remote monitoring of the equipment.

5 Scope

The contract will cover the supply, installation and maintenance of pay and display machines for a four year period.

6 Benefits

Having an agreed contract for supplying machines will reduce the time to replace and introduce machines and minimise losses due to down time.

The current system of buying replacement or new machines in ones and twos tends to reinforce the arrangement with the current supplier and act against open competition. Setting up a contract that will potentially involve the supply of a larger number of machines, albeit over a period of time, will enable to consideration of alternate suppliers making the process more competitive and hopefully attracting better prices for the authority.

An analysis of current spend shows an aggregated spend above £20,000 which by the financial regulations should be formally tendered. Undertaking an appropriate procurement exercise will ensure that the spend from the Council is compliant with DCC financial regulations and OJEU regulations.

7 Project Options

1. The Council continues with one off purchases of parking machines that do not consider aggregated spend. This brings with it the risk of price increase and the possibility of legal action as no contract is in place and no competition for the work has been carried out.
2. The Council can undertake a full OJEU procurement exercise for pay and display machines. This will take approximately 8 months and will need a comprehensive procurement process to take place, including the vetting of all suppliers. This brings the risk of loss of income of the pay and display machines at Countryside and on street sites and existing on street pay and display sites where there is currently no machines.
3. The preferred option is to carry out a mini competition from the ESPO framework 509 Parking Management Solutions, Lot 1, for the provision of pay and display parking machines for all Council departments. The decision to carry out a mini competition with the 5 suppliers on the Framework will be made if more than one supplier can meet the Council's specific requirements. The mini competition will be based on a ratio of cost and quality, resulting in a supplier who provides the most economically advantageous tender (MEAT).

ESPO brings together policy, advice and direct buying; providing commercial services to the public sector and saving money for the taxpayer. ESPO set up framework agreements that Local Authorities have access to. Framework agreements are set up using the OJEU regulations and provide a number of suppliers that you can call a contract off from. Although other frameworks are available such as Crown Commercial Services they do not provide parking machines.

Suppliers have to go through a full tender process to have access onto the ESPO framework; this includes areas such as financial and business standing, quality management and environmental management.

8 Costs

A recent tender process identified the costs of a pay and display machine as between £2595 and £3690 but prices vary dependant on the machine specification, for example whether it needs power and offers card payments. Requirements vary from year to year but the Countryside division regularly has to purchase 4 or more machines a year, and the Traffic and Safety division of the department expects to spend around £45,000 per annum over the next four years. The total cost of the four year contract term is estimated to be £230,000.

9 Risks and Issues

The introduction of a new supplier will entail the operation of two systems side by side which will entail some practical difficulties but should result in an improved system in the future.

10 Interested Parties / Stakeholders

Countryside and Traffic and Safety Officers are involved with the process.

11 Equalities Impact Assessment

Not required

Briefing Note for Call In of Report to Cabinet on 13th December 2016 for Supply of Pay and Display Machines – Framework

The purpose of the report was to obtain Cabinet's approval to purchase pay and display (P&D) parking machines using the Eastern Shires Purchasing Organisation (ESPO) Framework 509 – Parking Management Solutions.

The number of suppliers for P&D parking machines is relatively small. Research into the market identified that the five companies included on the ESPO framework are likely to be the only recognised suppliers in the UK.

The ESPO framework offers significant advantages to local authority clients in that pre-qualification issues such as financial checks have already been carried out as part of the ESPO tender for the framework. Crucially, this includes advertising in the OJEU journal, so any contract procured through the framework will meet this requirement. Using ESPO therefore will reduce tendering costs and durations for both the county council and the companies who tender for the contract.

Protocol 2 has been correctly followed. A business case was approved by the Finance Manager (Procurement and Systems) on 31st October 2016 on behalf of the Director of Finance. It is not usual to attach the business case to the report as it contains the salient points of the business case.

As identified in the report it is the intention, following Cabinet's approval of the use of the framework, to appoint a supplier using a mini-competition approved by the Director of Legal Services. This will ensure best value for the authority.

Maintenance of the new P&D machines, including back office systems that are bespoke to the individual supplier, will be included in the contract. This is the case with the existing arrangements.

The new contract is required to supply P&D machines for both existing and proposed parking schemes. There are a number of machines at existing sites (both on street and countryside sites) across the county that have been vandalised. In these cases, every month of delay in replacing these machines results in lost income to the county council.