

Notice of Non-key Executive Decision

Subject Heading:	Borough Christmas Trees Contract 2022
Cabinet Member:	Councillor Ray Morgon
SLT Lead:	Gareth Nicholson
Report Author and contact details:	Nicola Bowen nicola.bowen@havering.gov.uk 01708 434153
Policy context:	The decision is to be made in line with the procurement policy and guidelines
Financial summary:	This is a one year contract with an opportunity to extend for a further 12 months – the total contract value including the extension is approximately £70,000 excluding VAT. Funding will be from the Marketing and Events Budget.
Relevant OSC:	N/A
Is this decision exempt from being called-in?	Yes, it is a non-key decision by a member of staff.

Non-key Executive Decision

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Place an X in the [] as appropriate

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

The Council is seeking to procure a supplier for the contract for the Borough Christmas Trees by inviting suppliers to quote via the Request for Quotations process. The supplier will provide Christmas Trees in specified locations within the borough for Christmas 2022. This would be a one-year contract at a value of approximately £35 000 excluding VAT per year with an option to extend for one year to also provide the provision for 2023 totalling approximately £70 000 excluding VAT over two years.

AUTHORITY UNDER WHICH DECISION IS MADE

3.3 Powers of Members of the Senior Leadership Team

Contract powers

(a) To approve commencement of a tendering process for, and to award all contracts below a total contract value of £500,000 but above the EU Threshold for Supplies and Services.

STATEMENT OF THE REASONS FOR THE DECISION

The Council does not currently have a contract in place for Christmas Trees. The contract will be in place from September 1 2022 for a period of one year with an option to extend for a further 12 months for the 2023 provision.

The council has been providing Christmas trees within the town centres for many years. The trees are a focal point for individual town centre events organised by Community Groups and local Councillors – where the lights on the trees are switched on as part of these events.

The Council is open to reputational risk if the decision to cancel the installation is made. The budget to pay for the installation is already earmarked within the events budget for 2022/2023.

It was agreed at Theme Board on 25.07.2022 that the procurement for installation for the borough Christmas tree procurement 2022/2023 should go ahead.

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OTHER OPTIONS CONSIDERED AND REJECTED

The alternative option is to have no Christmas Trees in the borough. This option has been rejected due to the fact that the Christmas Trees compliment the borough's Town Centres for the duration of the Christmas period.

The Council has been providing Christmas trees around Christmas in the town centre every year for more than the last 10 years. Therefore, there is a general expectation among the Borough's residents that the Council will provide Christmas trees and the Council is open to reputational risk if the decision to cancel the installation is made.

PRE-DECISION CONSULTATION

N/A

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: **Nicola Bowen**

Designation: **Events Manager**

Signature:



Date: 25 July 2022

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Section 19(1) of the Local Government (Miscellaneous Provisions) Act 1976 allows local authorities to provide such recreational facilities as it thinks fit. The provision of Christmas trees is a recreational facility allowed by that provision.

The Council has a power to make a contract for the provision of Christmas trees through section 111 of the Local Government Act 1972, which allows the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions, or through its general power of competence under section 1 of the Localism Act 2011 to do anything that individuals generally may do. There are limitations on the general power of competence, but the limitations do not apply to this decision.

The contract value is below the applicable public procurement threshold for supply contracts stipulated in the Public Contracts Regulations 2015 ("PCR") of £213 477. Therefore, it is not subject to the full PCR regime.

For the reasons set out above, the Council can invite suppliers to provide quotes.

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FINANCIAL IMPLICATIONS AND RISKS

The net cost to the Council for the Christmas Trees contract is £70,000 excluding VAT for two years (assuming twelve months extension), which will be funded and contained from the existing Marketing and Events budget (A22035).

Costs & Funding

Cost	Yr. 1	Yr. 2	Total
Christmas Trees	£35,000	£35,000	£70,000
Total	£35,000	£35,000	£70,000

The spend is deemed justifiable because creating a festive atmosphere will be appreciated by residents, market holders and shop owners alike which in turn is beneficial for the Council's commercial property income.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no Human Resources (or Accommodation) implications or risks to this decision.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

We do not consider there to be any equalities and social inclusion implications and risks to this decision.

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ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The Council will embrace the Environment and Climate Agenda both strategically and globally through its development of footprint reduction initiatives, Climate Action plans and externally delivered services. The Council will strive to minimise negative impacts and optimising positive opportunities delivering our Climate change action plan.

The specification for the festive trees and decorative lights advises that all trees must be sourced from an FSC (Forestry Commission Certified) or equivalent and certificate of proof provided. Following the de-installation of the trees, they are disposed of at one of the Council's recycling sites. All lights used on the trees must contain low energy bulbs. The evaluation criteria accompanying the specification will request the supplier to evidence how they will meet the specification requirements.

BACKGROUND PAPERS

N/A

Non-key Executive Decision

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Gareth Nicholson, Director Partnerships and Organisational Development

Lodging this notice

The signed decision notice must be delivered to Democratic Services, in the Town Hall

For use by Committee Administration

This notice was lodged with me on _____

Signed _____