



Havering
LONDON BOROUGH

Notice of Non-key Executive Decision

Subject Heading:	Approval required to award the 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 – the total contract value is £35,992 excluding VAT. Funding will be met 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 making a decision to appoint a Christmas tree supplier who will provide trees installation and removal in designated areas in specified locations within the borough for Christmas 2022.

The trees will be lit with LED lights. There will be nine external trees in Havering town centres, that will be connected to existing lamp posts for electricity, and two internal trees. One tree in Langton's and one tree in the Town Hall, both of which will be using the electricity of those buildings.

The Council is making a decision to award a 12-month contract starting in September.

The supplier which scored the highest in the process was 4th D Landscapes. Their total contract value quoted £35,992.

AUTHORITY UNDER WHICH DECISION IS MADE

3.3 Powers of Members of the Senior Leadership Team

Contract powers

(b) To award all contracts with a total contract value of between £500,000 and £5,000,000 other than contracts covered by Contract procedure Rule 16.3.

STATEMENT OF THE REASONS FOR THE DECISION

The supplier 4thD Landscapes received the highest score. Their submission was robust and well documented, and majority of questions answered with a comprehensive and qualified response submitted in terms of detail and relevance to all the technical questions we asked. The company also provided great examples of its contracts with other local authorities, with the costs and duration of the contracts and what was included in all the contracts (storage, removal etc.).

They have also received very good feedback from a variety of stakeholders they have worked with.

Non-key Executive Decision

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:

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 they think 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.

Non-key Executive 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 award the contract.

FINANCIAL IMPLICATIONS AND RISKS

The contract awarded is for the value of £35,992. There is sufficient budget in the Marketing and Events cost centre to cover the costs of the Christmas trees. The communications service undertook the relevant procurement process. The cost of electricity for lighting the Christmas tree will be met from Corporate Energy cost centre's budget. The budget has recently been inflated to meet the recent increase in electricity costs.

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.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

Non-key Executive Decision

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. The supplier has demonstrated this within their quotation documents.

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 documents submitted by the supplier have evidenced how they will meet the specification requirements.

The company evidenced they will meet all of the above criteria within their quotation documents.

BACKGROUND PAPERS

None

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

GD Nicholson

Date: 28/09/2022

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 _____