

Notice of Non-key Executive Decision

Subject Heading:	Havering Borough Christmas Trees contract extension 2023
Decision Maker:	Marcus Chrysostomou
Cabinet Member:	Cllr Ray Morgon
SLT Lead:	Andrew Blake-Herbert
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 extension to the 2022 contract. The total contract value is £27,940.77 excluding VAT. Funding will be met from the existing Marketing and Events Budget.
Relevant Overview & Scrutiny Sub Committee:	N/A
Is this decision exempt from being called-in?	The decision will be exempt from call in as it is a Non key Decision

Non-key Executive Decision

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

People - Things that matter for residents

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place. **X**

Place an X as appropriate

Part A – Report seeking decision

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DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

The Council is making a decision to extend the 2022 Christmas tree contract with 4th D Landscape Services Limited which will provide Christmas Trees in Town Centres across the borough at the value of £27,940.77.

The Council is making a decision to extend the contract with effect from the 19th of September 2023 for a period of one year ending on the 19th of September 2024. Clause 3.2 of the 2022 contract accommodates a contract extension option for the Council.

AUTHORITY UNDER WHICH DECISION IS MADE

3.4 Powers of Members of Second Tier Managers

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 supplier 4thD Landscapes Ltd have delivered the borough Christmas tree provision for the past 10 years.

The 2022 contract ends in September 2023 and has a clause including an option to extend for the 2023 provision.

They provided a quality service for 2022, therefore we do not need to go to out to tender for the 2023 contract and would like to exercise the decision to extend the current contract for the 2023 festive lighting provision.

The 2023 Christmas trees will be slightly smaller – hence the difference in cost between the 2022 and 2023 contract value.

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.

Therefore, there is a general expectation among the borough's residents and businesses that the Council will provide Christmas trees and the Council is open to reputational risk if the decision to cancel the installation is made.

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PRE-DECISION CONSULTATION

N/A

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

Name: **Nicola Bowen**

Designation: **Events Manager**

Signature:

Date: 15.08.2023

A handwritten signature in black ink, appearing to read 'Nicola Bowen', is written over a light grey circular watermark.

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has the power to extend contracts 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 in 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 Council intends to extend the contract with 4th D Landscape Services Limited for one year from the 19th of September 2023. Clause 3.2 of the contract enables the Council to extend the contract by one year. Therefore, the Council can extend the contract for one year in accordance with regulation 72(1)(a) Public Contract Regulations 2015, as the extension is provided for in a clear, precise and unequivocal review clause.

FINANCIAL IMPLICATIONS AND RISKS

The contract extension of one year will be awarded for the value of £27,941. There is sufficient budget in the Marketing and Events cost centre to cover the costs of the Christmas trees. The Service will undertake the relevant tender and procurement process to have a contract in place for 2024/25.

The cost of electricity for lighting the Christmas trees will be met from Corporate Energy cost centre budget.

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

N/A

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.

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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

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 optimise positive opportunities delivering our Climate change action plan.

The specification for the festive lights advises all frames must contain low energy bulbs. The documents received by the supplier evidenced they will meet this criteria.

BACKGROUND PAPERS

N/A

APPENDICES

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.

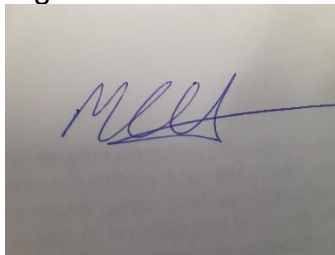
Decision

Proposal agreed

Delete as applicable

Details of decision maker

Signed

A photograph of a handwritten signature in blue ink on a light-colored surface. The signature is stylized and appears to be 'M. Chrysostomou'.

Name: Marcus Chrysostomou

Cabinet Portfolio held:

CMT Member title:

Head of Service title: Head of Communications

Other manager title:

Date: 15/08/2023

Lodging this notice

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

For use by Committee Administration

This notice was lodged with me on _____

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Signed _____