

Notice of KEY Executive Decision containing exempt information

This Executive Decision Report is part exempt and Appendix A *is* not available for public inspection as it contains or relates to exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to information relating to the financial or business affairs of any particular person (including the authority holding that information), and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Subject Heading:	The Orange Bin Company Ltd Direct award
Decision Maker:	Kathy Freeman, Strategic Director of Resources
Cabinet Member:	Cllr Ray Morgan Leader of the council
ELT Lead:	Marcus Chrysostomou Head of Communications and Engagement
Report Author and contact details:	Lorna Waters Marketing and Commercial Manger Lorna.waters@havering.gov.uk
Policy context:	The decision is to be made using a waiver and in line with procurement policy and procedure.
Financial summary:	At no cost to the council this 1-year trial concession contract has the potential to generate £100,000 in

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	income for the council. The total value of the contract is £400,000
Reason decision is Key	This is a key decision because it will have a significant effect on 2 or more wards.
Date notice given of intended decision:	27 November 2025
Relevant Overview & Scrutiny Committee:	Places Overview and Scrutiny Sub Committee
Is it an urgent decision?	No
Is this decision exempt from being called-in?	No

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

People - Supporting our residents to stay safe and well

Place - A great place to live, work and enjoy

Resources - Enabling a resident-focused and resilient Council x

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

It is recommended that through a waiver we directly award a contract for a 1-year pilot scheme to the Orange Bin Company Ltd to retro fit 157 of our litter bins with panels that hold advertising then sell the advertising space to generate income for the council.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 of the Council's Constitution

3.3.3 Scheme – Powers common to all Strategic Directors

1. General

- 1.1. To take any steps necessary for proper management and administration of allocated portfolios.

2. Contracts

4. 2 To award all contracts with a total contract value of below £1,000,000 other than contracts covered by Contract Procedure Rule 16.3. This delegation shall include the ability to extend or vary a contract up to and including a value of £1,000,000 (provided that the extension is in line with the existing contractual provisions.)

STATEMENT OF THE REASONS FOR THE DECISION

The Orange Bin Company have a retro fit system that can be installed on our litter bins that will hold advertising panels without damaging them. Once installed on approximately 157 Bins they will sell advertising to local and national business. Advertising costs an average of £30 per week and each bin can hold 3 or 4 adverts. Based 70% uptake of 3-4 adverts per bin being sold for 52 weeks of the year the Orange Bin Company can generate up to £400,000 in advertising sales. Havering council will receive 25% of all sales. This could give us an income of up to £100,000 per year.

Along with this at no cost to the council the Orange Bin Company will clean and inspect the bins on a regular basis feeding back any bin issues to the service. This will be an added extra clean that will not alter the regular cleaning schedule for bins.

The addition of the advertising panels has been approved by the service and we feel it will improve the look of the litter bins. This has been discussed with waste management and there are no issues with this system and scheme

This Waiver is for a 1-year pilot scheme if successful this will be procured through a full tender process.

All Advertising displayed will be subject to our Advertising and Sponsorship policy.

OTHER OPTIONS CONSIDERED AND REJECTED

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We have researched this service and no other suppliers exist or have capability to provide this service.
The retro fitting of the bins is a unique service and not available from any other company.
We looked at providing this service in house but we do not have the manpower or ability to do this.

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

Name: Lorna Waters

Designation: Commercial and Marketing Manager

Signature: *Lorna Waters*

Date: 19/8/2025

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has a general power of competence under Section 1 of the Localism Act 2011 to do anything an individual can do, subject to any statutory constraints on the Council's powers. None of the constraints on the Council's Section 1 power are engaged by this decision.

The Contracts Procedure Rules (CPR) of the Council of Part 4.4 of the Constitution require the Council to carry out a tender exercise. However, Rule 14.3 of the CPR allows to waive that rule if it falls within the exceptions under Rule 14.4. The exception that is being relied on for this award is under 14.4.2 – *“Specialist services/supplies - available only from one supplier in the European Union – for example, specialist niche consultants or supplies”*

The contract falls within section 8 (concession contract) of the Procurement Act 2023 (PA) and is subject to the provisions under the PA in relation to carrying out a tendering exercise. The provisions of the PA apply to concession contracts that are over the threshold and the threshold is set at £5,372,609.

This contract is below threshold and therefore the full rigours of the PA do not apply and can be awarded directly subject to satisfactory evidence that the proposed supplier satisfies the criteria in Rule 14.4.2 above.

(Ravi Mudundi 28/10/25)

FINANCIAL IMPLICATIONS AND RISKS

This decision paper is recommending that through a waiver we directly award a contract for a 1-year pilot scheme to the Orange Bin Company Ltd to retro fit 157 of our litter bins with panels that hold advertising then sell the advertising space to generate income for the council.

A direct award is being proposed as currently no other company is able to offer to retro fit the panels required onto Havering bins.

It is estimated that the Council could potentially receive income of between £40,000 and £100,000 per year if there is a high uptake for the advertising space (e.g. 70% or over).

There are no costs to the Council associated with entering into this contract.

If the 1-year pilot scheme is successful and more companies have entered the market in the interim this contract will then be re-procured through a full tender process.

Income achieved from this contract will serve to meet existing income targets within Communications budgets.

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

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There are no HR Risks

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, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EHIA (Equality and Health Impact Assessment) is usually carried out and on this occasion this isn't required

The Council seeks to ensure equality, inclusion, and dignity for all in all situations. There are/are not equalities and social inclusion implications and risks associated with this decision

HEALTH AND WELLBEING IMPLICATIONS AND RISK

There are no Health and Wellbeing implications or risks.

All advertising carried will adhere to the councils Advertising and sponsorship policy.

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 its Climate change action plan. Companies tendering for this contract will have to demonstrate their values align with

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the Council's Climate Change Action Plan. There are no further environmental and climate change inclusion implications or risks from this decision

BACKGROUND PAPERS

None

APPENDICES

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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

Proposal NOT agreed because

Details of decision maker

Signed

Name:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

To ensure compliance with the waiver provisions of the contract procedure rules, the Leader of the Council has counter-signed this ED to signal his acceptance of the contract award.

Signed

Name: Councillor Ray Morgan

Date

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 _____