

EMERGENCY DELEGATED EXECUTIVE DECISION

In accordance with the Leaders decision and noted by Cabinet on 25/03/2020 to delegate to the Chief Executive any executive decision in this COVID 19 Global pandemic emergency or that is urgent or that would be necessary or expedient, or which would otherwise protect the Council's interests, including key decisions.

South Lakeland District Council

Emergency Delegated Executive Decision

Arboricultural contracting framework – appointment of contractors

Date: 14 April 2020

Reference: 003

Reason for emergency

Chief Executive received emergency delegated executive decision making powers on the 25th March 2020. It is considered that this decision is necessary or arises from the COVID 19 Global pandemic emergency. The matter is urgent, necessary and expedient and is needed to protect the Council's interests.

The decision is required to be taken because there is a need for the Council to enter into contractual arrangements for two years for arboricultural services to be provided to the Council. As a landowner, the Council has a duty of care to ensure that all trees on Council land are kept in an acceptable condition and do not put people or property at unreasonable risk. The Council's current contractual arrangements for arboricultural services expire on 31 March 2020. This matter is on the Procurement Schedule, a procurement exercise has been undertaken and three preferred providers have been identified as a result. The estimated value of the three contracts taken together is approximately £150,000 in total across two years. There is a need to enter into appropriate contracts with the providers so that arboricultural works can be called off by the Council when required.

This is a Key Decision: Yes (**A key decision means an executive decision which, in relation to an executive function, has a significant effect on communities in two or more Wards of the Council and/or is likely to result in the Authority incurring expenditure or making savings above £100,000**)

Portfolio: Customer and Commercial Services – Cllr Eric Morrell

Decision Maker: Chief Executive – Lawrence Conway

Report Author: Operational Lead Specialist Services - Gareth Candlin

Wards: All wards

Forward Plan: Exemption from publication requirements/ Forward Plan (Key decision) requirements and call in obtained

1.0 Expected Outcome and Reasons for Proposed Decision

Further to the procurement exercise undertaken pursuant to the Procurement Schedule, there is a need to enter into an arboricultural contracting framework agreement for supply of arboricultural services with the preferred suppliers. This will enable the Council to 'call off' arboricultural works from contractors as and when

needed in order that the Council may comply with its duty as landowner to keep trees on Council land in an acceptable condition.

2.0 Proposed Decision

2.1 It is recommended that the Chief Executive:-

(1) Agrees to appoint each of the three proposed contractors identified during the procurement exercise (Bergen Arbortech, Greaves Tree Services Ltd and South Lakes Tree Surgeons and Landscapes Limited) to an arboricultural contracting framework for the provision of arboricultural services to the Council for two years and delegates authority to the Lead Specialist Legal Governance and Democracy to enter into the appropriate contractual arrangement accordingly; and

(2) Delegates authority to the Council's Arboriculture Specialist to 'call off' works under the framework agreement for the provision of arboricultural services as and when necessary in accordance with the contractual arrangements referred to in 2.1(1).

Review Date:	01 April 2021
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3.0 Background and Proposals

3.1 The Council owns and maintains a large number of public access parks and open spaces throughout the district including various woodlands. The Council currently has contractual arrangements for arboricultural services in order to support the management of the Council's land holdings to ensure the risk presented by trees is reduced and trees are appropriately pruned or safely removed. The Council's current arboricultural services contracts expire on 31 March 2020.

3.2 The matter of the Council's Arboricultural Contracting Framework is included in the Council's Procurement Schedule (CEX/32) and a procurement exercise has been undertaken. Contractors appointed to the framework would be sent a list of specifications for planned works, usually on a monthly basis, and asked to submit a fixed price for each job. The works will be awarded in each case to the contractor who submits the best value price. Emergency works will also be dealt with under the arboricultural contracting framework.

3.3 Contractors on the framework would be expected to provide all staff, materials and equipment to carry out the work. Works will include tree surgery, felling, dismantling, tree stump grinding, timber extraction, wood chipping, site re-instatement as a result of tree work operations, and any work site management required to carry out the operations listed. Tree supply and planting are not required as part of this contract. Nor are tree hazard surveying and specialist diagnostic services. The procurement pack included a Statement of Requirements including addressing appropriate qualifications, health and safety and industry standard requirements.

3.3 As a result of the procurement exercise, three preferred bidders have been identified, these are: Bergen Arbortech, Greaves Tree Services Ltd and South Lakes Tree Surgeons and Landscapes Limited. It is proposed that the three preferred bidders enter into an arboricultural contracting framework agreement with the Council for provision of arboricultural services for two years, to expire on 31 March 2022.

4.0 Consultation

4.1 Procurement and the Council's Arboriculturalist discussed and agreed the requirements for the procurement.

5.0 Alternative Options

- 5.1 To not enter into any contracts for the provision of arboricultural services. This option is not advised because the Council's current arrangements for arboricultural services expire on 31 March 2020 and the Council has a duty as landowner to keep its trees in an acceptable condition.
- 5.2 To not appoint the proposed contractors to the arboricultural contracting framework; this option is not recommended as these contractors were identified in a competitive procurement process as the preferred bidders.

6.0 Links to Council Priorities

- 6.1 Provision of appropriate arboricultural services enables the Council to fulfil its duties as landowner and supports the management of the Council's land holdings to ensure the risk presented by trees is reduced and trees are appropriately pruned or safely removed.

7.0 Implications

Financial, Resources and Procurement

- 7.1 A procurement exercise has been carried out via the Chest. Tenders were received from 6 bidders. Further to scoring and analysis by Procurement the preferred contractors were identified as Bergen Arbortech, Greaves Tree Services Ltd and South Lakes Tree Surgeons and Landscapes Limited.
- 7.2 As works under the arboricultural contracting framework will be called off by the Council as and when needed, in response to emergency and planned works, the value of the arboricultural contracting framework is estimated to be approximately £150,000 in total for the three contractors taken together over the two year contract period.

Human Resources

- 7.2 Not applicable.

Legal

- 7.3 Legal Governance and Democracy Services Specialists have advised on the appropriate form of contract in this case. The Council has a duty as a landowner to ensure that all trees on Council land are kept in an acceptable condition and do not put people or property at unreasonable risk.

Health, Social, Economic and Environmental

- 7.4 Have you completed an Health, Social, Economic and Environmental Impact Assessment? No
- 7.5 If you have not completed an Impact Assessment, please explain your reasons: the arboricultural contacting framework applies equally to all areas of the district and enables the Council to respond to the need for works to be carried out wherever these arise.

Equality and Diversity

- 7.7 Have you completed an Equality Impact Analysis? No
- 7.8 If you have not completed an Impact Assessment, please explain your reasons: the impact of the arboricultural contracting framework applies equally to all areas of the district.

Risk

Risk	Consequence	Controls required
No appointed contractors to provide arboricultural services to the Council	Potentially poor management of trees on Council owned land, poor management of Council land, potential putting people and property at unreasonable risk.	Appoint contractor using appropriate contractual arrangements to commence from 01 April 2020.

Contact Officers

Graham Nicholson, Arboriculturalist, 01539 793 349, g.nicholson@southlakeland.gov.uk

Approved by:	Signature and Date (or email confirmation)
Chief Executive	14 April 2020
Or such person as delegated by the Chief Executive in writing	
In consultation with	
The Leader of the Council	15 April 2020
And Relevant Portfolio Holder	01 April 2020
CMT Directors	02 April 2020
The following interests were declared – disclosable pecuniary interest or other or none	

<p><i>Due to COVID 19 and Government announcements , it has not been possible for this Key decision to be included in a Forward Plan at least 28 clear days before the decision was to be made. It is not possible to comply with the General Exemption procedure.</i></p> <p><i>In accordance with Part 4 of the Constitution - Rules of Procedure – Access to Information Rules – Paragraph 16, the Chairman of the Overview and Scrutiny Committee (Cllr Hughes) has agreed that the taking of the decision is urgent and could not reasonably be deferred because for the reasons outlined in this report and the timescales required to protect the public/business interest and to comply with Government advice.</i></p> <p><i>This being “special urgency”</i></p>	<p>Yes (Provide copies of emails etc)</p> <p>07 April 2020</p>
<p><i>In accordance with Part 4 of the Constitution – Rules of Procedure – Overview and Scrutiny Procedure Rules - paragraph 16(j), the Chairman of the Council (Cllr Coleman) agrees that this decision is reasonable in all the</i></p>	<p>Yes (Provide copies of emails)</p> <p>07 April 2020</p>

*circumstances and that it is treated as urgent for the reasons outlined above and, therefore, the decision is **exempt from call-in.***