

## LONDON BOROUGH OF WALTHAM FOREST

Meeting / Date	<b>Cabinet</b> <b>12 September 2023</b>	
Report Title	<b>Arboricultural Services Contract Procurement</b>	
Cabinet Portfolio	Councillor Clyde Loakes Deputy Leader (Climate and Air Quality)	
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Wards affected	All	
Public Access	Open	
Appendices	Appendix 1 – Equality Assessment Screener	

### 1. SUMMARY

- 1.1 The Parks Service are requesting permission to procure a specialist arboricultural contractor to provide annual maintenance to the Councils stock of 54,000 trees when the current contract expires on the 30<sup>th</sup> of June 2024. Works will consist of planned pollarding, epicormic growth, tree reductions, general pruning, mechanical protection like root barriers and tree planting and detailed insurance reports.
- 1.2 The contractor will also need to provide an emergency call out service to tackle fallen trees during weather events providing a single point of contact during adverse weather incidents. The service is a 24hour call out which is provided through their contact center and will ensure emergency attendance is in place to respond to fallen, damaged and dangerous trees all year round.
- 1.3 The protection of our existing tree population is a critical factor in reducing the impact of climate change. Our mature trees benefit air quality, biodiversity, carbon sequestration, shade as well as the health benefits to humans like mental wellbeing etc. Protecting the trees that are providing these functions is important until our younger trees mature in decades to come.

### 2. RECOMMENDATIONS

- 2.1 Cabinet is recommended to:
  - 2.1.1 Approve the procurement of the Arboricultural Services Contract; and

- 2.1.2 delegate authority to award the contract to the Strategic Director of Neighbourhood and Environment in consultation with the Strategic Director of Resources.

### **3. PROPOSALS**

- 3.1 The Parks Service intends to procure a standalone contract for five years, plus an option to extend for two years. There is a statutory duty to carry out the inspection and maintenance of trees and this contract is to procure the operational service provision. The inspection and contract management are carried out by the Parks service.
- 3.2 Formal inspections are carried out every four years and this is in line with our new Tree Strategy and work required is allocated to an arboricultural specialist contractor.
- 3.3 Approximately 80% of the works commissioned by the Tree Officers are reactionary, so best value is a deferred responsibility to the Councils Tree officers to ensure works are relevant and in the interest of ongoing tree health and safety and the rates of each task are appropriately applied.
- 3.4 The council has a duty of care to maintain its trees in a safe and healthy condition, the Tree Service is asking Cabinet to approve the procurement of the operational contract.
- 3.5 The current contract covers Cyclical tree maintenance, a 24hrs emergency call out service and the provision of technical insurance reports on demand.
- 3.6 The appointed contractor will be required to provide a Social Value proposal as part of the contract tender, this could comprise of a tree planting grant for internal or external landowners to enable more tree planting in Waltham Forest.

### **4. OPTIONS & ALTERNATIVES CONSIDERED**

- 4.1 **Option 1 – Do Nothing**
  - 4.1.1 The council has a statutory duty to maintain our trees to a safe and healthy standard and not having a tree maintenance contract in place would be a public health and safety risk to the Council.
  - 4.1.2 The high clay content of soil Waltham Forest makes it a borough that is susceptible to subsidence insurance claims from trees in residential areas. Cyclical monitoring and maintenance reduce the impact of trees in the built environment.
  - 4.1.3 Considering the above the 'Do Nothing' approach is not an option.
- 4.2 **The Option 2 – Competitive from Framework**
  - 4.2.1 *Advantage:*
  - 4.2.2 The framework comes with advantages to keeping costs and schedules within defined timelines with multiple providers.

- 4.2.3 *Disadvantage:*
- 4.2.4 25% of Waltham Forest tree works are ad-hoc or emergency, framework is not suitable for this type of reactionary work
- 4.2.5 24hr call out service required which cannot be easily covered under a framework
- 4.2.6 Delays in planned works by tendering each survey batch which could present a physical risk if urgent works are required.
- 4.2.7 Councils that have adopted this approach have more tree officers to procure batches of works, this would be required to deliver this type of contract and require an increased revenue budget.
- 4.3 **Option 3 (Preferred Option) –**
- 4.3.1 Tender for a single contract procurement through ‘Open Process’ on London Tenders Portal
- 4.3.2 *Advantages:*
- 4.3.3 This option affords the Council the opportunity to set its own Terms and Conditions
- 4.3.4 The Council can invite all companies to tender; including those that are not on a framework
- 4.3.5 Economies of scale.
- 4.3.6 A single contract can be managed with the current council staff resources already in place.
- 4.3.7 Provider can gain borough wide knowledge for faster reactions to emergency works.
- 4.3.8 *Disadvantages:*
- 4.3.9 It is not clear if individual work rates will be higher than packaging small tenders of work via a framework which would be bid for and awarded to the lowest offer.
- 4.3.10 It is not known how many suppliers would want to tender through this route, but some interest has been shown through soft marketing to local contractors operating in other boroughs.

## **5. COUNCIL STRATEGIC PRIORITIES (AND OTHER NATIONAL OR LOCAL POLICIES OR STRATEGIES)**

- 5.1 **The Tree Strategy 2017-2022** The Council’s commitment to increasing the total number of trees in our urban forest, we also aim to adopt the very best management practices to ensure that existing trees remain healthy and do not become a nuisance or a danger to people or property. Through the ongoing care of our trees we aim to ensure that this essential feature of the borough’s identity is protected and enhanced for the benefit of future generations.
- 5.2 **The Climate emergency action plan** Establishing ‘forests within the Forest’ will benefit all residents. Waltham Forest has the fourth highest

canopy cover in London, but we need to go further. This is why the Council will work to identify areas with greater tree planting opportunities, such as Lea Valley and Epping Forest, and partner with other London Boroughs to increase the amount of trees in, but also near, the borough. But we will also protect mature trees, which typically absorb more carbon than younger trees but also absorb water to reduce the risk of flooding.

- 5.3 **WF Blue Green Infrastructure strategy 2020** The protection of trees and woodland is covered under Policy 7.21 which requires that existing trees are maintained and preserved, and that trees lost to development should be replaced. The policy also sets out the importance of producing a Borough Tree Strategy.

## 6. CONSULTATION

- 6.1 No public consultation required, tree works are planned through technical and professional surveying. Consultation would not offer any practical input in how technical works are delivered.

## 7. IMPLICATIONS

### 7.1 Finance, Value for Money and Risk

- 7.1.1 The estimated value of the contract is £785,000 per annum which is included in the service budgets
- 7.1.2 The projected contract value for 5 years is £3.9m. With an optional 2-year extension, the cost would be £5.5 Million.
- 7.1.3 Value for money will be achieved through procurement as in in-house service would require substantial initial investment.
- 7.1.4 All works are ward by ward planned to achieved economies of scale and systematic workflow during delivery.
- 7.1.5 The council tree team are fully trained with operational experience to ensure only required works are programmed.

### 7.2 Legal

- 7.2.1 The Council has a duty to maintain open spaces and burial grounds, in which it has an interest, under section 10 of the Open Spaces Act 1906. Under Section 62 of the Highways Act 1980 the Council has a general power to improve highways which are maintainable by the Council at the public expense. Both of these powers may involve the planting and maintenance of trees.
- 7.2.2 The Council has the general power of competence under section 1 of the Localism Act 2011 and its ancillary powers under section 111 of the Local Government Act 1972, to do anything which is conducive to or incidental to its functions. The provision of arboricultural services will fall within these powers.

7.2.3 The procurement of arboricultural services will be conducted as an open procedure under the Public Contracts Regulations 2015 and in accordance with the Council's Contract Procedure Rules. The proposed procurement approach has been approved by the Strategic Commissioning Board.

### 7.3 **Equalities and Diversity**

7.3.1 It is considered that the contract will have no negative or adverse impacts on equalities groups (protected characteristics) and will have neutral impact. Details are included in the Equality Analysis screener at Appendix 1.

### 7.4 **Sustainability (including climate change, health, community safety, crime, and disorder)**

#### 7.4.1 Climate Emergency

7.4.2 Contractor will have a requirement to recycle all green waste from tree works, and retain this within Waltham Forest where possible at all times.

7.4.3 The contractor will have to have ULEZ reliant vehicles from the start of the contract.

7.4.4 The contractor should also seek to reduce fossil fuel reliance by using green powered technologies in terms of vehicles, tools, and plant throughout the term of the contract.

7.4.5 The contractor should work towards a Fleet Operator Recognition Scheme with an objective to have fuel efficient route plans and mobilisation of the contract.

7.4.6 During the procurement providers will be asked to demonstrate their commitment to use electric vehicles and equipment, to improve upon current performance, reduce carbon emissions and help tackle the Climate Emergency.

7.4.7 As technology improves within the industry a commitment to consider alternatives is required.

7.4.8 The Climate emergency team intend to work with the parks service in developing a contract specification that aims to meet our Net Zero Carbon 2030 objective.

7.4.9 A range of physical and environmental factors can influence how safe an area is and how safe residents feel. 'Line of sight' is one such factor and over-grown vegetation, or trees can reduce line of sight and reduce visibility and may need to be addressed as part of a wider 'problem-solving' approach to tackling crime and ASB in priority locations.

7.4.10 We will factor the need to do this into the contract, ensuring that there is the flexibility and responsiveness to address such issues in a timely way".

**7.5 Council Infrastructure**

7.5.1 The procurement process will be delivered within existing staffing resources.

**BACKGROUND INFORMATION (as defined by Local Government (Access to Information) Act 1985)**

None