

	<b>Individual Cabinet Member Decision</b>
	<b>Report from the Corporate Director Resident Services</b>
<b>Authority to extend the Grounds Maintenance Element of the Public Realm Contract</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Part Exempt – Appendix 2 is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: “Information relating to the financial or business affairs of any particular person (including the authority holding that information)”
<b>No. of Appendices:</b>	Two Appendix 1 - Deed of Variation Appendix 2 – Schedule of Costs (Exempt)
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Kelly Eaton, Head of Parks, Leisure and Cemeteries 020 8937 5565 <a href="mailto:Kelly.eaton@brent.gov.uk">Kelly.eaton@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 This report sets out the basis for the request to extend the existing Grounds Maintenance Contract for four months from 1 April 2023 until commencement of the new Grounds Maintenance Contract on the 1 August 2023.

## 2.0 Recommendation(s)

That the Cabinet Member for Environment, Infrastructure and Climate Action:

- 2.1 Approve the variation and extension of the Grounds Maintenance element of the Public Realm Contract between the London Borough of Brent and Veolia Environmental Limited for the period 1 April 2023 – 31 July 2023, for the reasons detailed in this report and on terms set out in the attached Deed of Variation (Appendix 1).

## 3.0 Detail

- 3.1 The grounds maintenance service is currently included in the Public Realm Contract, which comes to an end on the 31 March 2023. The provider of this service is Veolia Environmental Ltd.
- 3.2 The new grounds maintenance contract is a separate and standalone contract, with a new provider. However, due to extenuating circumstances during the procurement process, the new contract for grounds maintenance will not commence until August.
- 3.3 The existing provider has agreed to continue to provide grounds maintenance services for all parks, open spaces, BHM land and highways verges from the 1 April 2023 to 31 July 2023, the period of the proposed extension. This will allow for a smooth transition between providers and ensure that grounds maintenance provision continues during the spring and summer of 2023.
- 3.4 A Deed of Variation is appended to this report (Appendix 1), consolidating the legal position and clarifying that the extension will last for four months. A breakdown of costs for the provision of this service is provided in Appendix 2, which is considered to be exempt from publication, due to the commercially sensitive nature of the contents.

#### **4.0 Financial Implications**

- 4.1 The estimated value of the four month extension is £1,238,332
- 4.2 The cost of the extension will be absorbed within the overall Redefining Local Services (RLS) budget and covered through efficiencies identified with other contracts.

#### **5.0 Legal Implications**

- 5.1 Officers are seeking to vary and extend the Grounds Maintenance element of the current Public Realm contract from 1 April 2023 to 31 July 2023 on terms as set out in the Deed of Variation, Appendix 1 of this report.
- 5.2 Under section 3(b) of the table at paragraph 9.5 of Part 3 of the Constitution, Chief Officers are able to vary contracts and agreements without the need for Cabinet approval provided that the variation would not be in breach of Procurement Legislation and does not substantially alter the terms and conditions of the contract.
- 5.3 It is considered that the Cabinet Member for Environment, Infrastructure and Climate Action, in consultation with the Leader, has authority to vary the contract as recommended by Officers as a Key decision. The above provisions of the Constitution are satisfied in that variation of the contract as proposed by Officers would not be a breach of Procurement Legislation. Regulation 72(c) of the Public Contracts Regulations 2015, provides for modification of contracts during its term where all of the following conditions are fulfilled:

- (i) the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen. Officers have set out in section 3 why the need has arisen.
- (ii) the modification does not alter the overall nature of the contract – the variation proposed by Officers as set out in section 3 of this report does not alter the overall nature of the contract.
- (iii) any increase in price does not exceed 50% of the value of the original contract
- (iv) As above conditions are satisfied, it is considered that the Lead Member for Environment, Infrastructure and Climate Action, in consultation with the Leader has authority to approve the proposed variation and extension of the contract under Contract Standing Order 112.

## **6.0 Equality Implications**

- 6.1 The Council must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment and victimisation
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,
- pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.
- 6.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The purpose of the duty is to enquire into whether a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision. Due regard is the regard that is appropriate in all the circumstances.

- 6.3 There are no equality implications arising from this decision.

## **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 None

## **8.0 Human Resources/Property Implications (if appropriate)**

- 8.1 None

Related Documents:

Cabinet Paper – Authority to Award for the Grounds Maintenance Contract - 16 January 2023

Recordable Officer Decision - Authority to Award Contract for Grounds Maintenance Services – 9 March 2023

**Report sign off:**

***Peter Gadsdon***

Corporate Director Resident  
Services