



**Decision for Cabinet Member for  
Regeneration, Planning and  
Property**

**Report from the Director Inclusive  
Regeneration and Employment**

**APPROVAL TO WAIVE CONTRACT STANDING ORDERS TO PERMIT  
PROCUREMENT OF LANDSCAPE WORKS THROUGH A DIRECT  
AWARD**

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non-Key Decision
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>List of Appendices:</b>	N/A
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Martin Page Principal Landscape Architect Email: <a href="mailto:martin.page@brent.gov.uk">martin.page@brent.gov.uk</a>

## 1.0 Executive Summary

- 1.1. This report concerns the procurement of Landscape works to include but not limited to planting trees, shrubs, herbaceous perennials, bulbs, grass seeding, turfing, rain gardens, wildflower seeding and turfing, paving, topsoiling. These works are needed for several small landscape and planting schemes throughout Brent.
- 1.2 The purpose of this report is to seek member approval to waive Contract Standing Orders to enable a direct award of a contract for Landscape works up to a value of £425,000. The case for direct award, as opposed to a full tender process, is set out in the detail below.

## 2.0 Recommendation(s)

That the Cabinet Member for Regeneration, Planning and Property having consulted with the Cabinet Member for Public Realm and Enforcement and the Leader:

- 2.1. Approves an exemption pursuant to Contract Standing Order 84(a) of the requirement to tender for Landscape works for a period of six months for planting, with 12 months establishment maintenance in accordance with paragraph 13 of Part 3 of the Constitution.

### **3.0 Detail**

#### **3.1 Contribution to Borough Plan Priorities & Strategic Context**

- 3.1.1 The proposed contract will contribute to a number of the Borough Plan Priorities. Work covered by the proposed contract will address Borough Plan Priority 2, A Cleaner Greener Future, by improving quality of public realm through planting and landscape improvements, thus achieving desired outcomes 1 and 2. Planting will contribute to sustainability aims, and parts of the contract works will include de-paving to replace with rain gardens and sustainable urban drainage. Significant parts of the works will be in streets and town centres. Some town centre works, e.g. Church End, will contribute towards improvement of Growth Areas.
- 3.1.2 The proposed contract will also contribute to Borough Plan Priority 3, Thriving Communities, through consultation and engagement work with residents and community groups for each landscape project within the contract thus achieving desired outcome 1.

#### **3.2 Background**

- 3.2.1 Officers are proposing to award a contract for Landscape works to a contractor. The contract will incorporate schedules of rates for a wide range of landscape works. The contract will operate in a way where individual projects are to be called off via an order form as and when required at these pre-determined rates which are fixed for the duration of the contract. This provides certainty on cost of schemes and allows control of expenditure within available funds for each scheme up to the maximum value of £425,000. Having a schedule of rates also enables officers to instruct schemes quickly without need for a lengthy tender process for each individual project. This removes the risk of variable or higher tender prices being received for each landscape scheme. It also enables quick response when residents are keen to see work start on site.
- 3.2.2 These works are needed for several small landscape and planting schemes throughout Brent, such as:
- Neighbourhood tree planting projects to continue the borough long-term aim of increasing trees in Brent.
  - Kilburn High Road planting.
  - Rain Garden schemes funded by GLA within four School Streets; Leopold Primary, Our Lady of Grace Infants, Oakington Manor Primary, John Keble & St. Claudine's Harlesden.
  - Church End Town Centre and Growth Area.
  - Church End residential streets.
  - Parks improvements and planting work.

- Gladstone Park Dollis Hill, King Edward VII Park Wembley, Butlers Green and Vale Farm in Sudbury.
- Harlesden Open Spaces improvements, including Bramshill Park.
- Harlesden Town Centre and residential streets trees.
- Stonebridge Trees.
- Trees in Dollis Hill.
- Willesden Green Town Centre and residential streets trees.
- Kingsbury Trees.
- Chamberlayne Road rain gardens and planting.
- Kensal Green Trees.
- Sudbury Town Neighbourhood Forum Landscape & Trees
- Wembley Hill Trees Linden & Dagmar

3.2.3 There is some urgency to the need to appoint a contractor due to the need to undertake the works during the planting season. The works would need to be completed during Spring. A procurement process undertaken now will take several months which will jeopardise the ability to undertake the landscaping and planting schemes during the period required.

3.2.4 The contractor proposed for the direct award of this contract is Street Tree Ltd. Street Tree Ltd have completed several similar landscape projects in Brent, always to a very high quality standard of work. They have won several previous competitive invitations for quotes, always returning the lowest price and offering best value to Brent. Officers have been satisfied with the level of work provided by Street Tree Ltd and are proposing to appoint them on basis of same rates for similar types of work. A full tender process is unlikely to result in a higher standard or lower cost for the works as the proposed contractor has consistently provided best prices in several competitive tender exercises, in the last year three separate tenders against five other contractors were won. More contractors were invited to tender or quote, some chose not to return prices. The Council does not currently have a contract or framework that covers all types of Landscape work.

3.2.5 The contractor proposed is one of few who are able to carry out all types of landscape work within the public realm, including streets, parks and open spaces, plus school grounds and housing estates.

3.2.6 Street Tree Ltd are based in West Hendon, NW9, which gives easy access to all parts of Brent. Contractors based further away have higher vehicle running costs and staff time driving to and from sites which has to be allowed for in their pricing which will result in greater expenditure incurred by the Council. As a comparison Street Tree Ltd from their yard in NW9 near the Welsh Harp can reach many sites in Brent within 20 minutes. Other contractors based in Herts, Essex, Kent and Surrey, up to 45 miles away, have travel to Brent times of up to one and a half hours. Latter will total three hours travel time taken out of the working day, which reduces work on site time significantly each day.

3.2.7 Using a contractor close to Brent has important benefits for regular maintenance work which forms a part of the contract and requires frequent

visits, typically once a week or once a fortnight, sometimes once a month, each at a very small cost. The viability of maintenance visits will be reduced with longer travel to site journey times compared to a shorter journey time. This often leads to contractors distant from the relevant sites neglecting the maintenance visits. Good establishment maintenance is vital in ensuring new landscape planting survives.

3.2.8 Other contractors were considered for this work, though very few are able to comply with NJUG and NRSWA for street works. Some alternative contractors can only offer to carry out certain parts of the works required, whilst Street Tree Ltd have proven through their previous work with the Council that they are able to carry out all the works required under this contract.

3.2.9 Many London landscape contractors specialise in private gardens and are not familiar with demands of public realm work. Other contractors that may do all types of work in the contract are located so far away from Brent that daily travel to site journey times would affect their ability to carry out the works efficiently, in particular maintenance and watering visits which are very low-cost activities. For the reasons set out above, Officers are satisfied that the direct award of the contract will secure best value for the Council and are seeking an exemption from the Cabinet Member of the requirement to tender the contract in order to proceed with a direct award.

### **Social value**

3.2.10 Due to the short duration of the planting works, it would not be feasible to secure social value provisions within the contract. Furthermore, the value of each project falls below the threshold for the social value requirement. Nevertheless, the landscaping works in themselves will result in significant improvements to local neighbourhoods across Brent including areas classified as deprived by LSOA.

## **4.0 Stakeholder and ward member consultation and engagement**

4.1 All landscape works to be completed include consultation and engagement with residents and ward members. Much of this consultation has already been done, with residents now expecting works to start on site soon. Most of the Landscape project sites have been brought forward by residents and community groups, there is strong demand for trees across Brent, residents are aware of past work planting tree and contact the Council asking for their areas to also be given new trees. External funding is more readily available for areas classified as deprived by LSOA, this has led to some emphasis on projects in those parts of Brent, e.g. Stonebridge, Neasden, Church End, Harlesden. This is not an exclusive focus; officers have been successful in securing external funds for landscape and trees in almost every area of Brent.

## **5.0 Financial Considerations**

5.1 The procurement waiver applies to work totalling £425,000 for landscape projects to be delivered during 2025. There are secured external sources of

funding for all of the various works, including: GLA, TfL, Defra, Forestry Commission, DHLUC, S106. There will be no cost or risk to the Council's core revenue budget. The works value of £425,000 would be classed as Medium Value and will require Lead Member approval.

## **6.0 Legal Considerations**

- 6.1 In accordance with paragraph 13 of Part 3 of Brent's Constitution, the Leader has delegated certain functions to Cabinet members to be exercised within their portfolio area in consultation with the Leader. This delegation includes agreement of waivers of Contract Standing Orders for Medium and High Value Contracts.
- 6.2 The works Officers are proposing to procure are valued at £425,000 over the contract term and the proposed contract is thus classified as a Medium Value Contract under Contract Standing Order 82. Contract Standing Orders provide that a Medium Value Contract should be procured by way of a tender process but for the reasons detailed in the body of the report, Officers do not consider it is possible to procure the contract by way of a tender process.
- 6.3 The proposed contract will be governed by the Procurement Act 2023 (PA 23) which is supplemented by the Procurement Regulations 2024 (PR 24). The works that officers are proposing to procure and directly award fall under Schedule 3 of the PR 24. The contract value of the works is such that it is below the PA 23 threshold for works which is set at £5,372,609. As such, should the Council procure the contract by way of a direct award, it will not be considered to be in breach of domestic law or the Council's own procedures and the Cabinet member has discretion to waive the requirement to tender. Waiving Contract Standing Orders would then enable the Corporate Director or Director to approve the direct award of the contract.
- 6.4 The Council will be required to comply with all the relevant notice provisions which are applicable throughout the term of the proposed contract, starting from the award, entry and management of the contract as required under the PA 23 and Contract Standing Order 115(a).
- 6.5 In reaching any decision to waive Contract Standing Orders, the Cabinet Member in consultation with the Leader should have regard to the reasons Officers have set out in Section 3 of the report.

## **7.0 Equity, Diversity & Inclusion (EDI) Considerations**

- 7.1 Pursuant to s149 Equality Act 2010 (the "Public Sector Equality Duty"), the Council must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
  - (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,

7.2 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.

7.3 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

7.4 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.

7.5 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications.

7.6 The proposals in this report have been subject to screening and officers believe that there are no adverse health equality implications.

## **8.0 Climate Change and Environmental Considerations**

8.1 Landscape works will include significant planting of new trees and other planting which will directly address Council Climate Emergency strategy and objectives. New planting of various types including native species will contribute to biodiversity and wildlife habitat enhancement. Flowering plants in some locations will contribute to the London Bee Corridor, providing foraging for bees, butterflies and other pollinators.

## **9.0 Human Resources/Property Considerations (if appropriate)**

9.1 This service is currently provided by external contractors and there are no implications for Council staff arising from the procurement of the contract.

9.2 There are no property or accommodation implications, all contract works will be outside in the public realm.

## **10.0 Communication Considerations**

10.1 Some of the more significant project sites within the contract will be promoted through the local press, Brent magazine, and the Council's website.

**Report sign off:**

**Gerry Ansell**

Director, Inclusive Regeneration and Employment