

WIRRAL COUNCIL

CABINET

29 NOVEMBER 2012

SUBJECT:	CONTRACT FOR STREETSCENE SERVICES - ARBORICULTURE – 2013 TO 2015
WARD/S AFFECTED:	ALL
REPORT OF:	INTERIM DIRECTOR OF TECHNICAL SERVICES
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR HARRY SMITH STREETSCENE AND TRANSPORT SERVICES COUNCILLOR CHRIS MEADEN CULTURE, TOURISM AND LEISURE
KEY DECISION?	YES

1.0 EXECUTIVE SUMMARY

- 1.1 This report advises Members of the completion of the “Streetscene Services Arboricultural Contract 2008 to 2010” and seeks Members’ approval for the proposals to provide a continued service in the short-term, together with proposals for the next Arboricultural Contract.
- 1.2 This report also advises Members of the long-term proposals to return the maintenance and management of the arboricultural services in-house.
- 1.3 The maintenance of all aspects of the highway infrastructure, including highway trees, is a statutory duty imposed on the Council as Highway Authority.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 On 13th March 2008, Members approved the appointment of Amenity Tree Care Ltd as the Principal Contractor for the “Streetscene Services Arboricultural Contract 2008 to 2010” for a period of up to three years, with an option to extend the Contract for an additional two years, if required. Amenity Tree Care Ltd has been responsible for highway tree maintenance since April 2008, working in partnership with the Council.
- 2.2 Due to a lack of in-house resources to undertake larger tree maintenance schemes, Members gave their approval on 18th March 2010 and 24th November 2011 for the extension of the existing Contract with Amenity Tree Care Ltd on the same terms and conditions until 31st December 2012.

3.0 PROPOSED NEW CONTRACT FOR STREETSCENE SERVICES ARBORICULTURE 2013 TO 2015

- 3.1 In conjunction with the Director of Finance’s Corporate Procurement Unit, it is proposed that competitive tenders are obtained from Arboricultural Contractors for a “Streetscene Services Arboricultural Contract 2013 to 2015”, for the period from June 2013 to June 2015, with the option of a one-year extension to June 2016. The tenders will also make

provision for the appointment of a Secondary Contractor to act as a reserve to the Principal Contractor.

- 3.2 The role of the Contractor engaged on the 2013 to 2015 contract will be to undertake a tree survey, and a planned risk assessment and maintenance programme of all highway trees as identified and prioritised by the previous tree survey undertaken by Amenity Tree Care Ltd as part of the 2008 to 2010 contract. The Contractor will also be required to provide a 24 hour, 365 days a year emergency/out-of-hours call-out service.
- 3.3 The value of the current 2008 to 2010 contract is approximately £220,000 per year.
- 3.4 Long-term proposals are to return maintenance duties and management of the service in-house to Technical Services' Parks and Countryside Service. The appointment of an Arboricultural Officer to oversee the "Streetscene Services Arboricultural Contract 2013 to 2015", and to prepare for the in-house service, is part of the Parks Modernisation Project draft management structure.
- 3.5 The Arboricultural Officer will develop the in-house service for the management of all Parks and Countryside trees not currently included in the existing Arboricultural Contract. Currently, the Parks and Countryside Service has no comprehensive system of tree management in place; therefore the post is essential to implement a suitable tree management system to enable all Parks and Countryside trees to be managed proactively and in line with current nationally accepted standards and procedures.
- 3.6 For the interim period between 31st December 2012 & 1st June 2013, when the Arboricultural Contract 2013 to 2015 will commence, it is proposed to provide a limited arboricultural service that will primarily deal with emergency health and safety/urgent issues and reactive maintenance by employing Amenity Tree Care Ltd on the same financial terms as those that currently exist.
- 3.7 Discussions with Amenity Tree Care Ltd have confirmed that the cost of providing a standby squad ready to attend any site for risk assessments and emergency including any reactive maintenance works between 31st December 2012 and 1st June 2013 will be approximately £16,500. Members should note that this cost is for providing reactive works only and does not cover planned maintenance works, which will be held over until the start of the 2013 to 2015 Contract.

4.0 RELEVANT RISKS

- 4.1 There is the risk that the appointed Principal Contractor for the 2013 to 2015 Contract may be unable to fulfil their duties, for example due to unforeseen financial difficulties. It is for this reason that a Secondary Contractor will be appointed and employed on the basis of their tender for the service.
- 4.2 As the owner and manager of trees, Wirral Council has a statutory duty to protect people and property from foreseeable hazards caused by the trees' failure. If the Council do not appoint a Principal Contractor for the 2013 to 2015 Contract, they will not be fulfilling their 'Duty of Care' and there will be significant risks to employees and to the public. It is our duty to ensure that a defensible system for the inspection and management of highway trees is in place and failure to do so may lead to claims for negligence.

5.0 OTHER OPTIONS CONSIDERED

5.1 With regards to the “Streetscene Services Arboricultural Contract 2013 to 2015”, there are no other options currently available to provide this service from June 2013 for a period of two years that will provide a defensible system for the inspection and management of highway trees.

6.0 CONSULTATION

6.1 The Director of Finance’s Corporate Procurement Unit will be consulted at all stages of the tendering process. OJEU notices and advertisements will be placed in the local press and a national trade publication, seeking companies interested in carrying out this service.

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

7.1 There are no implications under this heading.

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

8.1 The financial costs of undertaking the service required would be met from existing and future budgets, which will be based on the final costs of the 2008 to 2010 Contract.

8.2 The service will be supervised by existing staff as part of their normal duties, until such time as an Arboricultural Officer is employed to undertake this work and to prepare for the service to return in-house.

8.3 Over the two-year period 2013 to 2015, resources will be available to train and develop Parks and Countryside staff to have the expertise to manage the trees on the public highway.

9.0 LEGAL IMPLICATIONS

9.1 The Council has a statutory duty to maintain highways maintainable at public expense under Section 41 of The Highways Act 1980.

9.2 The recommendations of the “Well-maintained Highways” Code of Practice for Highway Maintenance Management dated July 2005 are applied to this service where appropriate.

10.0 EQUALITIES IMPLICATIONS

10.1 There are no implications under this heading as there is no relevance to equality.

11.0 CARBON REDUCTION IMPLICATIONS

11.1 There are no implications under this heading.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 There are no implications under this heading.

13.0 RECOMMENDATION

13.1 Cabinet is requested to:

- (1) Approve the proposal to procure competitive tenders from Arboricultural Contractors for a new “Streetscene Services Arboricultural Contract 2013 to 2015” for the period from June 2013 to June 2015, with the option of a one-year extension to June 2016.
- (2) Approve the recommendation to provide a limited service for the interim period, between 31st December 2012 and 1st June 2013 with an estimated value of £16,500, primarily dealing with emergency/urgent issues and reactive maintenance by employing Amenity Tree Care Ltd on the same financial terms as those that currently exist.

14.0 REASON/S FOR RECOMMENDATION/S

14.1 Members are requested to approve the recommendations to allow the procurement of competitive tenders for a new “Streetscene Services Arboricultural Contract 2013 to 2015” following the completion of the 2008 to 2010 Contract.

14.2 Members are requested to approve the recommendations to allow Amenity Tree Care Ltd to be retained to provide an emergency/urgent and reactive maintenance service, to be operated between 31st December 2012 & 1st June 2013

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APPENDICES

None attached.

REFERENCE MATERIAL

Streetscene Services Arboricultural Contract 2008-2010

Wirral Council Cabinet 24 November 2011 – Parks and Countryside Services Modernisation Project – Integration of Highway Services and Outline Delivery Plan

Wirral Council Cabinet 18 March 2010 – Contract Extensions for Highway Verge and Tree Maintenance Contracts

Wirral Council Cabinet 13 March 2008 – Tender for the Streetscene Services Arboricultural Contract 2008-2010

Wirral Council Executive Board 8 February 2007 – Highway Tree Maintenance

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet	24 November 2011
Cabinet	18 March 2010

Equality Impact Assessment Toolkit (from May 2012)

Section 1: Your details

EIA lead Officer: Ian Hatton

Email address: ianhatton@wirral.gov.uk

Head of Section: Mary Bagley

Chief Officer: Chris McCarthy

Department: Technical Services

Date: 12th November 2012

Section 2: What Council proposal is being assessed?

- 1) Procurement of competitive tenders for “Streetscene Services Arboricultural Contract 2013-2015”
- 2) Use of Amenity Tree Care Ltd to provide an emergency and reactive tree maintenance service, to be operated between December 2012 and June 2013

Section 2b: Will this EIA be submitted to a Cabinet or Overview & Scrutiny Committee?

Yes / No If ‘yes’ please state which meeting and what date

Yes - Cabinet 29th November 2012

Please add hyperlink to where your EIA is/will be published on the Council’s website - <http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/technical-services-0>

Section 3: Does the proposal have the potential to affect..... (please tick relevant boxes)

- ✓ **Services**
- ✓ **The workforce**
- ✓ **Communities**
- Other** (please state eg: Partners, Private Sector, Voluntary & Community Sector)

If you have ticked one or more of above, please go to section 4.

- None** (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 4: Does the proposal have the potential to maintain or enhance the way the Council (please tick relevant boxes)

- Eliminates unlawful discrimination, harassment and victimisation
- Advances equality of opportunity
- ✓ Fosters good relations between groups of people

If you have ticked one or more of above, please go to section 5.

- No** (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 5:

Could the proposal have a positive or negative impact on any of the protected groups (race, gender, disability, gender reassignment, age, pregnancy and maternity, religion and belief, sexual orientation, marriage and civil partnership)?

You may also want to consider socio-economic status of individuals.

Please list in the table below and include actions required to mitigate any potential negative impact.

Which group(s) of people could be affected	Potential positive or negative impact	Action required to mitigate any potential negative impact	Lead person	Timescale	Resource implications
All protected groups, particularly disabled people	Positive potential effect on visually impaired & disabled highway users by removal of overhanging/dangerous braches, diseased/damaged trees, & trees that have fallen onto the public highway.	Ensure that the service is adequately funded to enable delivery of statutory duty & maintain acceptable standards.	Mary Bagley	Dec 2012 to June 2016	Must be adequately funded from existing & future budgets
All protected groups plus socio-disadvantaged people	Positive potential effect by ensuring that the contract enables training and development to improve workforce skills and employability, e.g. by promoting the use of apprenticeships.	Not applicable	Mary Bagley	Dec 2012 to June 2016	Must be supported by the appointed contractor

Section 5a: Where and how will the above actions be monitored?

By CRM & overview of Contractor's response to required works

Section 5b: If you think there is no negative impact, what is your reasoning behind this?

Statutory Duty & Duty of Care obligations fulfilled. No works are considered detrimental to any of these Groups.

Section 6: What research / data / information have you used in support of this process?

None

Section 7: Are you intending to carry out any consultation with regard to this Council proposal?

Yes / No – (please delete as appropriate)

If 'yes' please continue to section 8.

If 'no' please state your reason(s) why:

This report details the renewal of an existing Contract to continue Wirral's obligations with regards to its "Statutory Duty" to maintain the highway and its associated items, & as such no consultation is required.

(please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 8: How will consultation take place and by when?

Before you complete your consultation, please email your preliminary EIA to equalitywatch@wirral.gov.uk via your Chief Officer in order for the Council to ensure it is meeting it's legal requirements. The EIA will be published with a note saying we are awaiting outcomes from a consultation exercise.

Once you have completed your consultation, please review your actions in section 5. Then email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for re-publishing.

Section 9: Have you remembered to:

- a) **Add appropriate departmental hyperlink to where your EIA is/will be published (section 2b)**
- b) **Include any potential positive impacts as well as negative impacts? (section 5)**
- c) **Send this EIA to equalitywatch@wirral.gov.uk via your Chief Officer?**
- d) **Review section 5 once consultation has taken place and sent your completed EIA to equalitywatch@wirral.gov.uk via your Chief Officer for re-publishing?**