



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Philippa Gibbs  
*philippa.gibbs@bromley.gov.uk*

DIRECT LINE: 020 8461 7638

FAX: 020 8290 0608

DATE: 27 June 2023

## EXECUTIVE

### Meeting to be held on Wednesday 5 July 2023

Please see the attached supplementary reports on the agenda.

- 23 PART 1: LONDON CRICKET TRUST NON-TURF PITCHES FUND (Pages 3 - 8)
- 24 PART 1: VARIATIONS TO THE CONTRACT FOR PARKS MANAGEMENT AND GROUNDS MAINTENANCE (Pages 9 - 18)

*Copies of the documents referred to above can be obtained from*  
<http://cds.bromley.gov.uk/>

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Report No.  
HPR2023/032

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** EXECUTIVE

**Date:** For Pre-Decision Scrutiny by Renewal, Recreation and Housing PDS  
Committee on Thursday 15 June

**Decision Type:** Non-Urgent Executive Key

**Title:** LONDON CRICKET TRUST NON-TURF PITCHES FUND

**Contact Officer:** Paula Young, Head of Culture  
Tel: 020 8461 7202 E-mail: paula.young@bromley.gov.uk

**Chief Officer:** Director of Housing, Planning, Property and Regeneration

**Ward:** Penge & Cator, Biggin Hill, Orpington, St Mary Cray

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## 1. Reason for report

- 1.1 The London Borough of Bromley has been approached by London Cricket Trust offering a £40k grant to fund the installation of four NTPs (Non-Turf Pitches) in four parks across the borough. This report seeks approval to accept the funding and proceed with the works.

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## 2. RECOMMENDATION(S)

### That Members of the RRH PDS:

- 2.1 Review the contents of the report and provide any comments to the Executive.

### That Members of the Executive:

- 2.2 Agree to accept the England and Wales Cricket Board/ London Cricket Trust Grant, agree to proceed to procurement for the installation of the Non-Turf Pitches, and agree to the scheme being added to the capital programme.

## Impact on Vulnerable Adults and Children

Summary of Impact: Following completion of the NTP (Non-Turf Pitch) installations usage will be either open and freely accessible or bookable at sites where designated sports managers or operators are put in place. Installation of these NTPs will increase physical activity in the wider community, with associated health benefits.

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## Transformation Policy

1. Policy Status: Existing Policy:
  2. Making Bromley Even Better Priority:
    - (1) For children and young People to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
    - (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
    - (4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
    - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
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## Financial

1. Capital cost of proposal: Externally funded £40k from London Cricket Trust
  2. Ongoing costs: None
  3. Budget head/performance centre: N/A
  4. Total current budget for this head: N/A
  5. Source of funding: ECB/LCT via the DCMS (Department of Culture, Media & Sport)
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## Personnel

1. Number of staff (current and additional): N/A
  2. If from existing staff resources, number of staff hours: N/A
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## Legal

1. Legal Requirement: Non-Statutory - Government Guidance
  2. Call-in: Applicable: Executive Decision.
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## Procurement

Summary of Procurement Implications: A preferred installation contractor will be selected via the council's procurement portal based on fixed price quotes.

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## Property

1. Summary of Property Implications: N/A
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## Carbon Reduction and Social Value

Summary of Carbon Reduction/Sustainability Implications: N/A

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## Customer Impact

Estimated number of users or customers (current and projected): Unknown

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## Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

- 3.1 Council officers have been approached by the LCT (London Cricket Trust) regarding their NTPs (Non-Turf Pitches) installation programme across London boroughs. They and Kent Cricket want to increase cricket provision in the borough.
- 3.2 London Cricket Trust are currently delivering the 5<sup>th</sup> phase of the NTP installations and are now seeking confirmation of sites for the 6<sup>th</sup> phase of the programme. The 1<sup>st</sup> phase of the programme commenced in 2018, and to date the majority of London boroughs have already benefitted from the programme.
- 3.3 Bromley Council has been earmarked a grant of circa £40,000 to install NTPs at four sites in the borough. There is no capital match funding requirement and London Cricket Trust has said that the pitches that will be installed have an estimated life expectancy of 20 years. At the end of the 20 year period there is no requirement for the Council to replace the NTPs.
- 3.4 The maintenance of the NTPs is minimal (estimated at less than £500pa), and mainly relate to refreshing the markings. Any costs after the initial five years (within the first five years LCT manage any defects and maintenance), will be covered by the income received from bookings to use the NTPs.
- 3.5 Ideally the ECB would like to keep the grass to 25mil during the cricket season which surrounds installations. However, they understand that LBB/ldverde do not want to incur additional revenue maintenance cost year on year. Therefore, the ECB have agreed there will not be a requirement for any additional grass cutting other than what takes place currently at the sites earmarked for installations.
- 3.6 All NTP installations are 30m x 2.4m wide and can be used by established cricket clubs and casual usage alike. The activation of sites will be supported by a Kent Cricket SE London development officer encouraging as much usage as possible. This will ensure that the sites receive bookings and a small income.
- 3.7 Subject to approval the council will request quotes via the procurement portal from up to 6 nationally recognized suppliers securing at least 3 quotes selecting the successful contractor based on best value.
- 3.8 Once the NTPs have been installed an SLA/memorandum of understanding will be agreed between Bromley Council, Kent Cricket, London Cricket Trust, English Cricket Board and any site operator regarding roles and responsibilities in relation to the capital funding and operating requirements.
- 3.9 London Cricket Trust shared two successful case studies of NTP installation in other London boroughs, Sanderstead Recreation Ground in Croydon and Seven Kings Park in Redbridge. The Croydon site had two NTPs installed in 2019. The investment in these facilities has contributed to achieving the council's Outdoor facilities strategy ambitions, and the NTPs have generated enough income for the council to reinvest in future maintenance of the facilities. The Redbridge site was already established in terms of cricket provision. However, LCT have developed new starter kits which have engaged several local schools in using the site.

3.10 The below table outlines the sites earmarked for NTP installations, DSM stands for Designated Sports Managers who manage some of the sites:

<b>Location of NTPs to be installation</b>	<b>Post Code</b>	<b>IMD</b>	<b>Operator</b>	<b>Activities &amp; Clubs Onsite</b>
Alexandra Rec Ground	SE26 5ND	6	None	FC Seymour Villas and Bowls Club in place, Football is the dominant sport
Biggin Hill Rec Ground	TN16 3LB	7	None	Pavilion is vacant subject to property review, opportunity to link up with local school Charles Darwin regarding Cricket activity
Goddington Park	BR6 9DH	8	DSM	Football already extensively played across the site (Orpington FC)
Poverest Park	BR5 2AB	7	DSM	Predominately a football site

#### **4. IMPACT ON VULNERABLE ADULTS AND CHILDREN**

4.1 The cost of using the sites will be low cost with some free provision.

#### **5. TRANSFORMATION/POLICY IMPLICATIONS**

5.1 Making Bromley Even Better Priority:

- (1) For children and young People to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
- (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
- (4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
- (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.

#### **6. FINANCIAL IMPLICATIONS**

6.1 All capital installation works will be funded from the ECB/LCT grant. This project will require the Executive to agree an addition to the Capital Programme before this funding can be utilised.

#### **7. LEGAL IMPLICATIONS**

7.1 This report to Members of the RRH PDS and the Executive requests approval for the acceptance of grant funding totalling circa £40,000 (circa 10k per site NTP installation) from the English Cricket Board/London Cricket Trust. This report comes before the Executive as a drawdown of such a grant must be approved in this way in accordance with the Council's Financial Regulations.

7.2 Although there is no statutory duty on Councils to provide NTPs, this use of the ECB/LCT grant accords with the corporate strategy of Making Bromley Even Better.

7.3 The installation of the NTPs will be small value works contracts to be procured as correctly detailed in the Procurement Implications.

7.4 The English Cricket Board have asked the Council to enter into a Memorandum of Association rather than a grant agreement as regards the roles and responsibilities of each party in relation to the operation and expected levels of use for each pitch. Legal Services will assist officers in concluding this documentation with the ECB.

## 8. PROCUREMENT IMPLICATIONS

- 8.1 This report seeks to draw down a grant of £40k from the English Cricket Board and London Cricket Trust to fund the installation of four NTP's across the borough and add these works to the Capital Programme. The Approval of Executive is required to add the proposed works to the Capital programme.
- 8.2 In addition, the report indicates the intent to proceed to procurement for a suitable Contractor to undertake the works at an estimated value of £40k.
- 8.3 The proposed procurement is a works contract and the value falls below the thresholds set out in Part 2 of the Public Contracts Regulations 2015, so is only subject to Part 4 of the Regulations.
- 8.4 It is proposed to use a closed Request for Quotes process, using the Councils e-tendering system, in line with the requirements of 8.2.1 of the Councils Contract Procedure Rules for a contract of this value.
- 8.5 The procurement must comply with PCR 2015 principles of transparency and equal treatment. Any time limits imposed, such as for responding to adverts and tenders, must be reasonable and proportionate.
- 8.6 The Councils specific requirements for authorisation to proceed to procurement are set out in 1.3 of the Contract Procedure Rules with Officer Approval only required for a contract of this value. Approval to proceed is sought via this report as it aligns to the decisions for drawdown of grant and addition to the Capital Programme. Any subsequent Contract Award decision will be within the threshold of Officer decision.
- 8.7 In accordance with 2.1.2 of the Contract Procedure Rules, Officers must take all necessary professional advice.
- 8.8 As the resulting contract will be over £30k, an Award Notice will need to be published in Contracts Finder.
- 8.9 The procurement actions identified in this report are provided for within the Councils Contract Procedure Rules and can be completed in compliance with their content.

## 9. CUSTOMER IMPACT

91. It is anticipated there will be a significant uptick on the number of participants at these sites with the support of Kent Cricket in terms of 'activating' the Non-Turf Pitches.

<b>Non-Applicable Headings:</b>	Personnel implications; Property implications; Carbon reduction; Ward Councillor views.
Background Documents: (Access via Contact Officer)	Appendix 1 – Pictogram (Impact LCT has had regarding installation of NTPs across London Boroughs)



Report No.  
ES20287

## London Borough of Bromley

### PART ONE - PUBLIC

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**Decision Maker:** EXECUTIVE

**For Pre-Decision Scrutiny by the Environment and Community Services Policy Development and Scrutiny Committee on Thursday 29 June 2023**

**Date:** 5<sup>th</sup> July 2023

**Decision Type:** Non-Urgent                      Executive                      Key

**Title:** **VARIATIONS TO THE CONTRACT FOR PARKS MANAGEMENT AND GROUNDS MAINTENANCE**

**Contact Officer:** Hannah Jackson, Assistant Director Environment (Carbon Management & Greenspace)  
Tel: 0208 461 7690    E-mail: Hannah.Jackson@bromley.gov.uk

**Chief Officer:** Director of Environment and Public Protection

**Ward:** (All Wards);

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1. Reason for decision/report and options

- 1.1 This report sets out a number of recommendations to make variations (modifications) to the contract for parks management and grounds maintenance services with idverde at a total combined value of £2.463m (£4.597m if the contract extension option is taken).
- 1.2 This report also seeks delegated authority for the Director of Environment & Public Protection and the Portfolio Holder for Sustainability, Green Services and Open Spaces to agree variations (modifications) to the contract under a scheme of delegation set out in paragraph 3.21.

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2. **RECOMMENDATION(S)**

- 2.1 The Environment & Community Services Policy Development & Scrutiny Committee is asked to review this report and provide its comments to the Executive.
- 2.2 The Executive is asked to approve variations (modifications) to the contract for parks management and grounds maintenance with idverde of:
  - (i) Up to £880k for the delivery of projects funded by the Platinum Jubilee Parks Fund, as set out in paragraphs 3.6 – 3.8

- (ii) Up to £235k per annum for the remaining contract term (£940k cumulatively for the initial term or £2.82m if extended) for park infrastructure repairs, as set out in paragraphs 3.9 – 3.11
  - (iii) £69k per annum for the remaining contract term (cumulatively £276k for the initial term of £828k if extended) for additional weekend cleansing, as set out in paragraphs 3.12 – 3.14.
  - (iv) Up to £71k per annum for the remaining contract term (cumulatively £284k for the initial term or £852k if extended) for PROW infrastructure works, as set out in paragraphs 3.15 – 3.16
  - (v) £83k for the initial term (£97k if extended) for the payment of the Countryside Stewardship Grants as set out in paragraphs 3.17 – 3.18.
- 2.3 Agree to delegate authority to the Assistant Director Environment (Carbon Management & Greenspace) to undertake variations as required and through the appropriate contractual process for recommendations 2.2 (i), (ii) and (iv) within the values authorised.
- 2.4 Approve the scheme of delegation for authorisations in relation to future variations (modifications) to the contract for parks management and grounds maintenance as set out in paragraph 3.21.

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### Impact on Vulnerable Adults and Children

1. Summary of Impact: The services delivered under the parks management and grounds maintenance contract affects all residents including vulnerable adults and children with some services having a specific impact on their customer groups. Projects to be delivered under the proposals set out in this report will have due regard to impacts on vulnerable adults and children.
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### Transformation Policy

1. Policy Status: Existing Policy:
  2. Making Bromley Even Better Priority (*delete as appropriate*):  
  
(4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.  
(5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
- 

### Financial

1. Cost of proposal: £2.463m (£4.597m if extended)
  2. Ongoing costs: Recurring Cost Non-Recurring Cost:
  3. Budget head/performance centre: Parks and Street Environment cost centres, Platinum Jubilee Parks Fund, Countryside Stewardship Grants
  4. Total current budget for this head: £5m (Parks), £71k (Street Environment), £880k (PJPF), £83k (grants)
  5. Source of funding: Revenue budgets, grants, earmarked reserves
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### Personnel

1. Number of staff (*current and additional*): N/A
  2. If from existing staff resources, number of staff hours:
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### Legal

1. Legal Requirement: Non-Statutory - Government Guidance
  2. Call-in: Applicable:
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### Procurement

1. Summary of Procurement Implications: The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.
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### Property

1. Summary of Property Implications: N/A
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### Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: The contract includes obligations that support the Council's obligations in relation to Social Value which apply in relation to the proposed variations.
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### Impact on the Local Economy

1. Summary of Local Economy Implications: N/A

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### Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: Services under this contract support health and wellbeing objectives under the *Open Space Strategy 2021 – 2031*.
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### Customer Impact

1. Estimated number of users or customers (*current and projected*): The variations will improve parks and open spaces for residents in the borough. The number of visits to parks and open spaces is unknown.
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

#### Background

- 3.1 On 20<sup>th</sup> November 2018, the Executive agreed to award a contact for the provision of parks management and grounds maintenance services to idverde Ltd for a term of 8 years commencing on 1<sup>st</sup> April 2019, with the option to extend for a further 8 years, for an estimated contract value of £38.4m for the initial term. (**ES18082**)
- 3.2 The purpose of the contract is to provide a fully managed service for the management and maintenance of parks, countryside, and green spaces in the borough.
- 3.3 Under the Council's Contract Procedure Rules, there are two methods for making variations to the contract: change controls and modifications. Under CPR 23.7.5, when variations which are modifications (because they were not provided for within the terms of the contract or anticipated at the outset of the tender) cumulatively exceed £1m, all further variation (modification) decisions must be taken by the Executive.
- 3.4 Modifications have been made to the contract which have a cumulative value of circa £1m and consequently, any further modifications will require approval from the Executive. Due to the nature of this contract, further variations are likely as a result of grants or changes in priority during the term.

#### Variations

- 3.5 There are several new initiatives or recommended changes in scope that require Executive approval to implement because of the cumulative value of modifications.

#### *Platinum Jubilee Parks Fund*

- 3.6 As part of the budget setting process for 2022/23, £1m was set aside in a Platinum Jubilee Parks Fund. Funded from underspends (**CSD22023**), the Fund is intended to support the objectives of the Open Space Strategy. The approach to allocating spend was agreed by the Portfolio Holder for Sustainability, Green Services and Open Spaces in June 2022 which allowed local stakeholders groups to submit applications for community led projects, directing investment in parks and open spaces (**ES20189**). This set an allocation of £40k for each of the 22 wards (£880k in total).
- 3.7 Through this process, it has become clear that in most cases, the most efficient and least risky way to deliver the projects developed under the fund is through the existing supply chain established by idverde. There are a small number of applications where the applicant may hold and spend the grant monies directly, or where works may need to be separately tendered but, in most instances, the works can be delivered through idverde's supply chain and demonstrate value for money.
- 3.8 It is therefore recommended that the Executive approve a variation to idverde's contract of up to a value of £880k to enable delivery of projects under this Fund, with delegated authority to the Assistant Director of Environment (Carbon Management & Greenspace) to agree the project specific variations as they arise.

#### *Infrastructure repairs*

- 3.9 idverde's contract was varied to allow for park infrastructure repairs (excluding buildings) in parks and open spaces (**ES20225**), funded from the Operational Maintenance budgets in 2022/23 and 2023/24 to a value of £320k per annum (**HPR2022/007**).

3.10 Facilities and infrastructure in parks and green spaces is the area of delivery that park users are least satisfied with; according to the Park User Satisfaction Survey 2022, only 21% of respondents were satisfied with facilities in parks. The funding agreed from the Operational Maintenance budgets were therefore much needed and have enabled delivery of a number of works, summarised as:

- Pothole repairs
- Fencing repairs or replacement
- Infrastructure measures to support reduction of anti-social behaviour
- Works to repair collapsed or at-risk water body banks
- Drainage repairs
- Memorial repairs

3.11 The annual revenue budget for parks and greenspace was increased by £400k for 2023/24 onwards (**FSD23012**). Consequently, and to enable infrastructure repairs on ongoing basis it is recommended that the contract is varied by up to £235k per annum. The cumulative value of this proposed variation is therefore up to £940k for the remaining initial term. It is recommended that authority is delegated to the Assistant Director Environment (Carbon Management & Greenspace) to action a variation annually for a planned programme of repairs, and reactive repair-specific variations as they arise.

#### *Additional cleansing*

3.12 The annual Park User Satisfaction Survey consistently identifies cleanliness as a key concern in the borough's parks and open spaces, with 37% of respondents reporting that they were dissatisfied with cleanliness levels in 2022.

3.13 Whilst the frequency of litter collections has been reviewed with collections increasing in 2022/23 in locations where problems have been prevalent, more could be achieved with the implementation of additional weekend cleaning at parks where there is heavy footfall. By doubling the weekend cleansing team, parks with areas of high intensity could be visited twice daily, with reactive deployment of cleansing teams to other locations where problems arise.

3.14 The cost of this service enhancement is £69k per annum. It is therefore recommended that the contract for parks management & grounds maintenance is varied to reflect this, resulting in a cumulative variation of £276k for the remaining initial term.

#### *Public Rights of Way (PROW)*

3.15 Currently, idverde provide certain grounds maintenance services to maintain public rights of way so that they are accessible. However, their contract does not extend to undertaking infrastructure related improvements; the Council holds a budget for these types of works of £71k per annum and determines where best to spend this based on risk and impact.

3.16 It is recommended that the Executive approve a variation to the contract for parks management and grounds maintenance services of up to £284k for the remaining initial term to enable instruction of PROW infrastructure works and delegate authority to the Assistant Director, Environment (Carbon Management & Greenspace) to approve individual variations within that budget envelope for works required as they arise.

## Countryside Stewardship Grants

- 3.17 The Council receives Countryside Stewardship Grants from the Rural Payments Agency to protect and improve environmentally important sites including commons and woodlands.
- 3.18 idverde undertake the work funded by the Countryside Stewardship Grant on the Council's behalf. To enable this work to continue, it is recommended that the Executive agree to a variation to the contract of £83k for the remaining initial term.

## Summary

- 3.19 The cumulative value of these variations is £2.463m (£4.597m if extended), and these therefore require Executive approval.

Table 1: Proposed Variations (Modifications)

<b>Variation (Modification)</b>	Initial term	Extended term
	<b>£,000</b>	<b>£,000</b>
Platinum Jubilee Parks Fund	880	0
Infrastructure repairs	940	2,820
Additional cleansing	276	828
PROW infrastructure works	284	852
Countryside Stewardship Grant	83	97
<b>TOTAL</b>	<b>2,463</b>	<b>4,597</b>

## Delegated authority to make further variations (modifications)

- 3.20 The total amount by which the contract has been varied is only a small percentage of the total contract value and therefore permissible under the Public Contract Regulations 2015. However, because CPR 23.7.5 applies based on the cumulative value of variations, it is now the case that any variation must be approved by the Executive. Whilst this is designed to protect against legal and procurement risks, on contracts with large values such as this, this can be impractical and prevent timely responses to emerging issues.
- 3.21 The nature of the contract for parks management and grounds maintenance means that further modifications are likely, for example because of receipt of grants or changes in priority during the life of the contract. It is therefore recommended that the Executive delegate authority to the Chief Officer (Director of Environment & Public Protection) and/or the Portfolio Holder for Sustainability, Green Services & Open Spaces to agree variations for the remaining contract term in accordance with the thresholds set out in the table below:

Chief Officer  In consultation with the Portfolio Holder for Sustainability, Green Services & Open Spaces	Any single variation with an annual value of up to £500k
Portfolio Holder for Sustainability, Green Services & Open Spaces  With pre-decision scrutiny by the Environment & Community Services PDS Committee	Any single variation with an annual value of over £500k

3.22 Any future variations made under the recommended scheme of delegation would continue to be subject to the agreement of the Assistant Director Governance & Contracts, Director of Corporate Services and Director of Finance.

3.23 It should be noted the budget to fund any further variations (modifications) would need to have been formally approved in accordance with the Financial Regulations before action is taken in respect of the contract.

#### **4. IMPACT ON VULNERABLE ADULTS AND CHILDREN**

4.1 The parks management and maintenance contract affects all residents including vulnerable adults and children. idverde are the Council's agent, managing health and safety in parks and greenspaces and advise on equality impacts in relation to service delivery. idverde also manage services that have direct contact with children and vulnerable adults including environmental education, and through their role supporting Park Friends and other community stakeholder's and their initiatives.

#### **5. TRANSFORMATION/POLICY IMPLICATIONS**

5.1 The parks management and grounds maintenance contract and the variations proposed in this report supports the delivery of the ambitions within the Corporate Strategy: Making Bromley Even Better, with the most direct impact on ambitions:

(4) For residents to live responsibly and prosper in a safe, clean, and green environment great for today and sustainable for the future

(5) To manage our resources well, providing value for money, and efficient and effective services for Bromley residents.

5.2 The parks management and grounds maintenance contract is also key to the delivery of the Council's Open Space Strategy 2021-2031, with the variations proposed under this contract also delivering against the objectives set out therein.

#### **6. FINANCIAL IMPLICATIONS**

6.1 This report seeks authorisation to make several variations to the contract for parks management and grounds maintenance with idverde, which had an estimated total value of £38.4m at contract award. The cumulative value of these variations is £2.463m for the remaining term (£4.597m if extended).

6.2 Recommendation 2.2(i) seeks authority to vary the contract by up to £880k to deliver projects applied for under the Platinum Jubilee Parks Fund. These variations will be funded from the reserve set up for this purpose.

6.3 Recommendation 2.2(ii) seeks authority to vary the contract by up to £235k per annum to deliver infrastructure repairs in parks and open spaces. Recommendation 2.2(iii) seeks authority to vary the contract by £69k per annum for enhanced cleansing. These will be funded by the Parks Infrastructure Fund revenue budget increase of £400k per annum agreed from 2023/24.

6.4 The variation set out in recommendation 2.2(iv) will be funded from the existing £71k revenue Street Environment budget for PROW works. This report seeks authority to spend up to the amount in the revenue budget through the contract with idverde.

6.5 The variation covered by recommendation 2.2(v) will be funded by the Countryside Stewardship Grants received by the Council from the Rural Payments Agency.



6.6 As set out in paragraph 3.23, the budget for any variations made under the scheme of delegation recommended at 2.3 should be formally approved in accordance with the Financial Regulations before any action is taken on any subsequent variations.

## **7. LEGAL IMPLICATIONS**

7.1 This report asks Members to agree several recommendations to make variations to the idverde contract for parks management and grounds maintenance services at a total combined value of £2.463m (or £4.597m if the contract extension option is exercised). It further requests Members to delegate authority for the future variations to the Chief Officer and/or Portfolio Holder.

7.2 While there may be no statutory requirement to provide some of the works and services under the proposed contract variations, under Section 1 of the Localism Act 2011, a local authority has a general power of competence to do anything that individuals generally may do. These works and services also clearly fall within the Making Bromley Even Better policy framework.

7.3 Contract Procedure Rule 23.7 sets out the internal governance procedures the Council must follow for these variations over £500k which has been followed as detailed in this report. Any variation must also comply with the law as stated in the Public Contract Regulations 2015. Under Regulation 72 (1)(b)(ii) a public contract may be varied without a new procurement procedure where a change of contractor would cause significant inconvenience or substantial duplication of costs for the contracting authority, provided that any increase in price does not exceed 50% of the value of the original contract.

7.4 Officers wish to delegate future variations to the Chief Officer and/or Portfolio Holder which is open to the Executive to do. Any such future variations will be considered by Procurement and Legal Services to ensure they are made both soundly and within the law.

7.5 Should these variations be approved by the Executive then the appropriate contractual change control mechanism must be followed to record them.

## **8. PROCUREMENT IMPLICATIONS**

8.1 This report seeks to authorise a number of variations to the Council's contract with idverde and also seeks delegated authority for future variations that may be required in a contract of this size and type.

8.2 The idverde contract was originally procured as an above-threshold contract following a competitive tendering process. The variations stated above can be completed in compliance with Regulation 72 of the Public Contracts Regulations 2015.

8.3 The Council's requirements for authorising variations are covered in CPR 23.7 and 13.1. The following thresholds must normally be adhered to for a variation (modification):

- £5k - £99,999: Approved by Chief Officer
- £100k - £999,999: Approved by Portfolio Holder
- £1m and above: Approved by Executive Committee

8.4 Cumulative value will apply, which means that the total value of all extensions and variations applied to a contract to date must be considered when determining the correct approval route.

8.5 Following Approval, the variations must be applied via a suitable Change Control Notice, or similar, agreed with the Provider. The service must contact the Procurement Team when variations are made so that the appropriate transparency notices can be published. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.

8.6 The actions identified in this report are provided for within the Council’s Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

**9. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS**

9.1 Social value considerations were built into the evaluation of the tenders for the parks management and greenspace contract at tender, and there are specific contractual obligations regarding supporting the Council to meet its obligations under the Public Services (Social Value) Act 2012.

**10. IMPACT ON HEALTH AND WELLBEING**

10.1 The contract for parks management and greenspace and the variations proposed in this report are all geared towards supporting achieving the objectives of the *Open Space Strategy 2021 – 2031*, including Strategic Objective 3 which refers to health, wellbeing and the community.

10.2 Investment in infrastructure is prioritised according to risk with health and safety concerns be forefront to those recommendations.

**11. CUSTOMER IMPACT**

11.1 As referenced in this report, a Park User Satisfaction Survey is completed annually. The variations proposed in this report are responding to the feedback provided by customers who have completed this survey, recognising that satisfaction levels for infrastructure and cleansing are at 21% and 63% respectively.

11.2 All variations seek to improve parks and greenspaces for the benefit of those who live, work or visit in the borough.

<b>Non-Applicable Headings:</b>	Property Implications, Personnel Implications, Impact on the Local Economy, Ward Councillor Views
Background Documents: (Access via Contact Officer)	<p><b>ES18082</b> Award of Contracts for Waste Disposal, Waste Collection, Street Environment, and Parks Management &amp; Grounds Maintenance (Part 1 and Part 2)</p> <p><b>ES20189</b> One Million Pound Platinum Jubilee Parks Fund</p> <p><b>ES20276</b> Platinum Jubilee Parks Fund Update</p> <p><b>ES20225</b> idverde Annual Contract Performance Report 2021/22</p> <p><b>HPR2022/007</b> Operational Building Maintenance Budgets and Planned Programme 2022/23</p> <p><b>FSD23012</b> 2023/24 Council Tax</p> <p>Open Space Strategy 2021 - 2031</p>