

Rother District Council

Report to: Cabinet

Date: 28 March 2022

Title: Arboriculture Services Contract

Report of: Deborah Kenneally, Head of Neighbourhood Services

Cabinet Member: Councillor Timpe

Ward(s): All

Purpose of Report: To seek approval to procure and appoint jointly with Hastings Borough Council, an arboriculture services contractor.

Decision Type: Key

Officer

Recommendation(s): It be **RESOLVED:** That:

- 1) as set out in Option 1 below, officers work with Hastings Borough Council to jointly procure and appoint an arboriculture services contractor with an estimated annual cost to Rother District Council of £46,000 and as a separate contract to Hastings Borough Council for a term of three years with an option to extend for a further two years; and
- 2) delegated authority be granted to the Director – Place and Climate Change, in consultation with the Cabinet Portfolio Holder for Communities, Culture and Tourism, to undertake all necessary actions to appoint an arboriculture services contractor.

Reasons for

Recommendations: There is a statutory requirement for arboriculture services to continue throughout the district for and health and safety reasons.

It is believed that joint procurement with Hastings Borough Council will provide economies of scale and an efficient service to meet the needs of the community.

Introduction

1. Rother District Council's (RDC) contract with Gristwood & Toms for arboriculture services commenced on 6 November 2012 and finishes on 5 November 2022. Gristwood & Toms declined both Hastings Borough Council (HBC) and RDC's offer of a contract extension for a further two years due to increasing costs having an impact on their profitability and the CPI inflationary increase allowed for in the current contract was not felt by the contractor to cover these costs.

2. Arboriculture is a specialist field and the current contract incorporates a specification and a schedule of rates per operation plus day works rates.
3. The Council's responsibility for tree works and tree management is generally limited to trees on land owned by or under control of RDC. This includes a range of statutory and non-statutory responsibilities.

Statutory tree works include:

- Dangerous or unstable trees and branches likely to cause injury to persons.
- Trees causing or likely to cause damage to property.
- Trees obstructing the highway or footpaths.
- Trees obstructing streetlights or CCTV cameras.
- Other risk-related works.

Non statutory tree works include:

- Pruning in accordance with good land management and arboriculture practice.
- Branches overhanging gardens or buildings unless there is potential of particular risk.
- Woodland management.

4. The current contract does not preclude the use of other arboriculture contractors whose services may be called upon on from time to time and the Council intend to include this flexibility in a new contract.
5. Tree management requires a long-term approach and the ability to adapt working practices to meet new challenges such as ever-increasing threats from new pests and diseases, and climate change.
6. The existing contract specification of works has proved to be satisfactory and will require only limited modification and updating to ensure that it reflects the current recommendations of BS 3998 (2010) Tree Work - Recommendations; and other current guidance on environmental management. There is an aspiration to work with the appointed contractor to make good use of timber and wood chippings produced in the course of their work, and to seek operational improvements to support RDC's climate change target of carbon neutrality by 2030.

Options

7. There are four proposed options:
 - i. Work with HBC and the Procurement Hub to procure and appoint a new contractor based on a similar specification and with limited modification as referred to in paragraph 6 above. This has proved successful during the last 10 years, both operationally and economically, and allows for flexibility in tree management.
 - ii. Devolve this element of RDC's service to parish and town and parish – there is a concern that this more piecemeal approach could have a detrimental effect on the quality of work and delays in responsiveness to unpredictable safety situations, as well as potentially leading to higher costs.

- iii. RDC to have informal arrangements with a range of local arboriculture contractors - there would be similar risks as in paragraph ii above plus the requirement to ensure that all expenditure meets the requirements of the Council's financial and procurement regulations which could further delay response times.
- iv. Include arboriculture works within the next grounds maintenance contract due to expire in November 2023 or November 2024, if extended. Arboriculture works can be incorporated into a new Grounds Maintenance Contract, however as arboriculture is a specialist area of work this may limit the pool of interested grounds maintenance contractors and have an impact on costs of other grounds maintenance operations. This option would require interim arrangements to be established with an arboriculturist until the next Grounds Maintenance Contract starts. It also needs to be considered how the protection of discretionary assets may impact any future Grounds Maintenance Contract and hence the arboriculture aspect.

Conclusion

8. Failure to fulfil the Council's statutory functions regarding tree work could leave the Council vulnerable to claims for damage and negligence and may have a detrimental effect on the amenity value of parks and green spaces.
9. RDC propose continuing to work with HBC to appoint a single contractor to provide arboriculture services within the Rother and Hastings local authority areas as set out in Option i above. With this focused and unified approach, the contractor will have greater certainty regarding their investment in the services and will be able to work pro-actively with the clients to deliver the range of services required. It is believed that joint procurement of arboriculture services with HBC will result in economies of scale and an efficient service to meet the needs of the community.

Financial Implications

10. It is anticipated that the cost of a new contract will be higher than the existing cost. The current incumbent referred to an inflationary increase in the region of perhaps 20% on the current schedule of rates. These costs are allowed for in the 2022/2023 revenue budget.

Legal Implications

11. RDC and HBC will work with the Procurement Hub to appoint a contractor in accordance with procurement legislation.

Human Resources Implications

12. Officers within the Parks team will work with HBC officers to support the drafting of the specification and procurement process.

Risk Management

13. There is a risk that if there is no contract in place, there may be delays to completing this specialist work within the necessary timeframes to be health

and safety compliant, which may then have an adverse impact on the Council's reputation.

Environmental

14. The tree canopy across the district is an important aspect of the District's aesthetic, environmental and carbon reduction aspirations. It is vital that the Council's trees are well managed and protected where possible from deterioration, pests and diseases.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	Yes	Access to Information	No
Risk Management	Yes	Exempt from publication	No

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Appendices:	None.
Relevant Previous Minutes:	None.
Background Papers:	None.
Reference Documents:	None.