



City of Westminster

# Cabinet Member Report

<b>Decision Maker:</b>	Cabinet Member for City Management and Air Quality
<b>Date:</b>	24 March 2023
<b>Classification:</b>	General Release
<b>Title:</b>	Continental Landscape Contract Extension from 1 April 2023 (parks, open spaces and cemeteries)
<b>Wards Affected:</b>	All
<b>Policy Context:</b>	The extension will contribute to the WCC Fairer Westminster Strategy through contribution to a Fairer Environment with increased sustainable greening and Fairer Communities through increased community engagement and opportunities for Westminster residents.
<b>Key Decision:</b>	Yes, due to significant expenditure
<b>Financial Summary:</b>	The Council has negotiated the contract price of £2.778m which includes the provision of fountains maintenance and value for money deliverables to contribute to climate, biodiversity and social value outcomes.
<b>Report of:</b>	Coreen Brown, Head of Sport, Leisure and Active Communities

## 1. Executive Summary

- 1.1. Westminster has 56 parks, gardens and open spaces, 3 cemeteries (located in LB Ealing & LB Barnet) and 44 other 'green spaces'; predominantly highways planting schemes.
- 1.2. Since April 2017 the Council's parks, open spaces and cemeteries have been operated by Continental Landscape Limited (CLL). The contract is worth £2.668m annually and had an initial expiry of 31 March 2023, the council is entitled at its absolute discretion to extend the Contract Period by any number of periods which shall not exceed, in aggregate, 6 years, giving a maximum potential contract length

of 12 years. The extension will also bring in the provision of maintaining fountains in Westminster parks worth £0.110m annually, met through an existing fountains budget thus increasing the total contract value to £2.778m.

- 1.3. It is recommended that a 3-year extension is granted from 1 April 2023 to 31 March 2026. This will allow for a continuation of services with some enhancements whilst a long-term Westminster greening strategy is developed.
- 1.4. This report sets out the proposal for a 3-year contract extension to commence from 1 April 2023 to 31 March 2026.

## **2. Recommendations**

- 2.1. That the Cabinet Member for City Management and Air Quality approve the 3-year extension from 1 April 2023 to 31 March 2026 under the terms outlined in section 4.

## **3. Reason for Decision**

- 3.1. It is of key strategic importance to the Council to have operational and accessible parks, open spaces and cemeteries that provide benefits to Westminster's residents and a Fairer Environment.
- 3.2. Due to the value of the contract power to extend is delegated to the Cabinet Member.

## **4. Background and Policy Context**

- 4.1. Westminster has 56 parks, gardens and open spaces, 3 cemeteries (located in LB Ealing & LB Barnet) and 44 other 'green spaces'; predominantly highways planting schemes. These serve the communities of Westminster and were especially important during Covid-19 where people were able to access outdoor space during Lockdowns.
- 4.2. Sites are owned by Westminster, but the operation of these has been outsourced to a third-party grounds and landscape specialist. Westminster's incumbent provider is CLL who are one of the largest grounds and landscape providers in the UK.
- 4.3. The last competitive procurement was run in 2016 to find a long-term provider for the management of parks, open spaces and cemeteries. CLL were appointed for the period of 1 April 2017 to 31 March 2023 with the provision to extend for a further 6 years. The contract is worth £2.668m annually. The extension will also bring in the provision of maintaining fountains in Westminster parks, met through an

existing fountains budget, worth £0.110m annually increasing the total contract value to £2.778m.

- 4.4. The portfolio includes some of the highest profile and busiest gardens in the United Kingdom including Leicester Square, Berkeley Square and the Victoria Embankment Gardens. CLL has achieved all current targets, retaining and adding to the Green Flag Awards (27) and scoring high quality awards for London in Bloom with the majority at a Gold standard. WCC were awarded Britain in Bloom - Borough of the Year in 2019.
- 4.5. The contract contributes to the Council's Open Spaces Strategy which seeks to improve the quality, management, accessibility and usage of parks and other open spaces in the city and provide new facilities where there are deficits in provision. A dedicated CLL Senior Manager facilitates community volunteering activities across the parks and gardens and is the main point of contact for any social value and employment opportunities. The contract has also sought to maximise the contribution of these much-valued open spaces to public health and social inclusion objectives through, for example, work experience and local employment opportunities. CLL have also considered sustainability options for delivery and increasingly, the biodiversity and climate agendas.
- 4.6. Within a three-year contract extension the following value for money deliverables will include:
  - 4.6.1. **Sustainability, Biodiversity and City Greening** – this includes Bedding, types of shrubberies, drought resistant planting, rewilding, wildflower meadow management, green landscaping projects, infrastructure management and maintenance (i.e., fountains, drinking fountains and toilets etc.), amenity management, play area management, outdoor physical activity equipment management across the parks and open spaces and cemetery management. In addition, a plan for planters, rain gardens, Tree Pitts and Parklets will be formed as part of Fairer Environment strategy.
  - 4.6.2. **Capital and Major Project Management and Horticultural Consultancy** this includes, major park redevelopments (e.g. Hanover Square, Pimlico Gardens etc.) playgrounds (including accessible playgrounds), outdoor gyms (including accessibility), calisthenic gyms, smart activator screens, park exercise trail, forest school spaces, Micro-Forest and smart technology.
  - 4.6.3. **Enhanced Community Engagement** - a community engagement plan and social value plan to include annual plan of delivery and KPIs for:
    - Facilitating volunteering opportunities (maintenance of local parks, litter picking, planting etc.).
    - Outdoor/environmental education for communities, targeted groups and schools.

- Improved synergy and collaboration with other internal/external greening services and programmes.
  - Support community engagement and ownership in the park.
  - Apprenticeships, work experience and local employment opportunities.
- 4.6.4. **Electric Equipment** – Hand- operated machinery, blowers, strimmer and hedge-cutting equipment will be battery-powered to be achieved within the first six months of the contract extension. There is an exemption where the appropriate battery powered equipment is not yet available on the market.
- 4.6.5. **Electric Vehicles** - Westminster City Council requires CLL to be compliant with the Mayor of London ULEZ and work with the Authority to explore options to transition to fully electric fleet at the earliest possible stage. The process to achieving this shall be agreed between the parties. In addition, Westminster would need to invest in the electrical charging points infrastructure to allow for the growth of an electric fleet.

## 5. Financial Implications

- 5.1. The annual budget for the Continental Landscapes contract across, Parks, Cemeteries, Fountains and Highways is £2.778m. The current annual cost of this contract is £2.778m and is expected to be to budget this financial year.
- 5.2. The current proposed price includes a combination of the previous spend of £2.668m for the Parks, Cemeteries and Highways and an already existing budget for the fountains which comes at a cost of £0.110m, this can be met within the existing revenue budget, which will total £2.778m.
- 5.3. The contract has two inflation mechanisms built into it; one is GDP deflator which was 0.3% in the past financial year, current projections have the rate as 0% for 23/24. As a part of the contract extension negotiations and current high levels of inflation, the supplier has requested that as a part of this extension Westminster agrees to change the inflationary measure to CPI, as at January 2023 this is 8.8%, the rate as at April 2023 will be applied to this contract, based upon the current rate this means that the contract will increase by £0.211m per annum. The final figure will be known in June 2023 when the CPI rate for April will be released.
- 5.4. The other is the council's commitment to paying all staff the London Living Wage, it was agreed with Continental that the council would meet the additional cost for this, so therefore the council pay an annual top up fee to bring the hourly rate paid by continental up to the London living wage hourly rate. The living wage is due to increase by 90p per hour for the beginning of 23/24, and the council will pay the difference between the indexed Continental pay hourly rate and the London Living

Wage of £11.95 p/hr. While this figure has not yet calculated by the contractor the council's commitment to paying the London living wage means that these salary costs would be included within the contract charge for any alternative supplier.

## **6. Legal Implications**

- 6.1. The compliant open procedure procurement carried out to award this contract for management and maintenance services for parks, open spaces and cemeteries envisaged a maximum contract extension for 6 years. It has been decided to exercise an option to vary and extend the contract for a period of three years at present and this is permissible under the Public Contracts Regulations 2015 (PCR).
- 6.2. Value for money options have been negotiated with the contractor for granting the extension. Service variations do not change the fundamental nature of the contract specifications as envisaged in the original procurement, thus are permissible variations. The service variations including for Responsible Procurement align with the Council's objectives for reducing carbon emissions and payment of London Living Wage.
- 6.3. Once the approvals are in place for the contract variations proposed, the service specification, agreed in principle with the contractor, would be progressed to execution.

## **7. Value For Money**

- 7.1. The proposed contract extension is considered value for money as the contract price has not increased from 2022/2023 with minimal inflation in 2022/2023. The contract is likely to increase in costs due to inflation over the coming years, however it is forecasted that this will not be a significant rise. The contract has delivered good outcomes, including Green Flag Awards, London in Bloom Awards and community engagement. The contract will continue to be managed sensibly and in line with the Fairer Westminster strategy.

## **8. Risk**

- 8.1. Risks identified and to be managed include:
  - The maintenance and testing of Public Conveniences, Fountains and Water Fountains to ensure that there are not a health and Safety risks and safe for public use.
  - Achievement of delivery outcomes, community outcome and social value outcomes in line with the Fairer Westminster strategy.

## **9. Carbon Implications**

- 9.1. CLL have stated that they will work with the Council to mitigate the carbon impact through supporting delivery of sustainable planting schemes.
- 9.2. They have also stated an on-going commitment to work with the council on our climate emergency programme.

## **10. Equalities Impact**

- 10.1. The parks, open spaces and cemeteries contract will work towards supporting those most underrepresented have equal opportunity to access parks and open spaces, whilst also continuing to keep cemetery fees low for Westminster residents. The contractor will have in place a community engagement plan to include annual plan of delivery for, facilitating volunteering opportunities, providing more environmental educational opportunities for communities, residents, target groups and schools.

## **11. Consultation**

- 11.1. The Lead Cabinet Member for City Management and Air Quality, alongside Deputy Cabinet Member for City Management and Air Quality, Cabinet Member for Climate Action, Regeneration and Renters, and Deputy Cabinet Member for Climate Action and Biodiversity, have been briefed throughout the negotiations with Continental Landscape Limited to ensure that Councillors were sighted and agreed with negotiations taking place and provided steer where required.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Coreen Brown –  
cbrown@westminster.gov.uk**

### **Background Papers**

Briefing note 04 August 2022: Management and Maintenance of Parks, Open Spaces and Cemeteries from 1 April 2023

Briefing note 18 January 2023: Management and Maintenance of Parks, Open Spaces and Cemeteries from 1 April 2023

**For completion by the Cabinet Member for City Management and Air Quality**

**Declaration of Interest**

I have no interest to declare in respect of this report

Signed: Paul Dimoldenberg Date: 24 March 2023

NAME: Councillor Paul Dimoldenberg, Cabinet Member for City Management and Air Quality

State nature of interest if any .....

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*(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)*

For the reasons set out above, I agree the recommendation(s) in the report entitled **Continental Landscape Contract Extension from 1 April 2023** and reject any alternative options which are referred to but not recommended.

Signed Paul Dimoldenberg .....

Councillor Paul Dimoldenberg, Cabinet Member for City Management and Air Quality  
Date ...24 March 2023.....

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment: .....

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If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, City Treasurer and, if there are resources implications, the Director of People Services (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy & Scrutiny Committee to decide whether it wishes to call the matter in.