

# Operational Decision Record

Publication Date 06/10/22	Decision Reference Number 4741
<b>Decision Title</b>	
Approval to spend for Parks & Open Spaces on Christmas Trees	
<b>Decision Value</b>	
£50,000	
<b>Revenue or Capital Spend?</b>	
Revenue	
<b>Department</b>	
Resident Services	
<b>Contact Officer (Name, job title, and contact details)</b>	
Donna Cresswell-Duly, Business Development & Retail Manager, donna.cresswell-duly@nottinghamcity.gov.uk	
<b>Decision Taken</b>	
<ol style="list-style-type: none"><li>1. To approve the spend of £50,000 for Christmas Trees for the 2022 Christmas Event.</li><li>2. To procure provision of these goods in accordance with Contract Procedure Rules.</li></ol>	
<b>Reasons for Decision and Background Information</b>	
<p>The Parks &amp; Open Spaces Service annually procure approximately 1,800 Christmas Trees for resale to the public through the Woodthorpe Park Plant Shop &amp; Nursery Christmas Event (taking place this year between 26th November – 18th December 2022).</p> <p>The Nursery and Plant shop deliver the Christmas Event in line with the following Service objectives and functions:</p> <ul style="list-style-type: none"><li>• Delivering our budget, repurposing surplus revenues back into the Parks &amp; Open Spaces Service.</li><li>• Making best use of our assets in the park, nursery and tropical house</li><li>• Connecting with our community by working with local residents, business, volunteers, partners and wider stakeholders, contributing to the economic development of the city</li><li>• Contributing to the Carbon Neutral 2028 strategy by delivering locally sourced plants, many of which help create biodiversity and bee friendly habitats</li></ul>	

- Developing horticultural excellence by improving staff knowledge and skills and supply of high quality, affordable products for our residents
- Improving the well-being, mental health and fitness of our citizens through gardening and horticultural activity
- Supporting our residents to take pride in their place

The Woodthorpe Park Christmas Event has grown over the last 6 years to offer more than 10,000 visitors an opportunity to enjoy horticultural activities such as wreath making and miniature Christmas Tree planting. While enjoying live music, sharing with others in the community, festive food and drinks and socially valuable and cultural activities such as meeting Father Christmas. Local artisans, crafters, and independents sell their products in our Marketplace and visitors can buy a range of ethically sourced potted and cut Christmas Trees, ranging in size from miniature Saplings to 8ft and available in 3 varieties – Nordmann, Fraser Fir and Norway Spruce.

Our team of trained staff ensure customers receive the very best of advice in regards to acclimatisation and care of their Christmas Tree, including the offer to recycle through our Waste Service Team. The event has become a popular family activity where the same families are seen to return each year for their special Christmas-time tradition, involving the careful selection, trimming and netting of the tree often captured on camera and shared on NCC social media.#

The resale is priced at a cost recovery rate.

### **Other Options Considered and why these were rejected**

Do nothing would not enable the service to deliver budget and would not promote connection within our community, through cultural awareness and would deny the opportunity for further economic development in the city. The Christmas Event and tree sales are valued by park users and citizens of Nottingham and add value to their park and Christmas experience across the city.

### **Reasons why this decision is classified as operational**

The decision is within agreed existing budget and policy. Income generation will enable the service to meet the agreed budget.

### **Additional Information**

#### **Legal Advice**

The Christmas Event forms part of an annual programme events that that are incidental to the function of the of the provision of the Woodthorpe Park Grange and wider park provision service objectives and takes place at the Plant Nursery, pursuant to powers under s.93 Local Government Act 2003/s.3 Localism Act 2011. These are discretionary services which are provided on the basis on a whole cost recovery. Generally, the approach

taken is that if over a 3 year period the charges and profits balance out there is no issue and this then reflects any peaks and troughs in service provision. The primary purpose of the operation is not commercial.

A company structure would be required (both s.95 LGA 2003 and s.4 LA 2011 require any activity undertaken for a 'commercial purpose' to be done through a company), to maintain the operation on a lawful basis if undertaken for a commercial purpose.

In addition to the general competency powers referred to above there are a number of powers that can be applied to the wider Woodthorpe Grange Park Nursery activities and in particular s.19(1)(f) Local Government (Miscellaneous Provisions) Act 1976 which would allow for food and drink to be served and such facilities as the Council sees fit in connection with the recreational facility of the park.

As a civic restaurant authority under the Civic Restaurants Act 1947, the Council is empowered to establish and carry on restaurants and supply meals and refreshments to the public together with incidental activities to those purposes. A charging power is implied under section 3 of this Act as authorities are required to use their best endeavours to ensure income is sufficient to cover/defray expenditure.

The value of the proposed decision is below the threshold at which the Public Contract Regulations 2015 would apply. Whilst a PCR 2015 compliant procurement process is not required, as the estimated value is between £25,000 and £100,000, through arrangements with the procurement team, three written quotations should be obtained and the most suitable arrangement secured for the City Council and appropriately recorded as per art 18.55 – 18.57 of Art 18 Contract Procedure Rules.

Richard Bines, Solicitor, Contract and Commercial Team - 12.09.2022.

### **Procurement Advice**

3 quotations will be secured. Procurement will be engaged in the process to ensure that contract procedure rules are complied with.

Paul Ritchie, Category Procurement Manager, 13.9.22.

### **Finance Advice**

As the purchase is not made with Commercial Gains and is incidental to the overall function and objectives of the Nursery & Plant shop, every consideration should be made to ensure that value for money, with the citizen at heart, is the main objective of this purchase.

Equally, 'whole cost recovery' should be a priority were possible and it should be expected that this particular product delivery is fully costed and an appropriate pricing structure applied to a range of different tree types supplied and sold.

The proposed purchase is indicative of 'business as usual' and the funding of the operation is built into an annual running cost budget within the service area. Furthermore, the expected revenue from the sale of the trees is built into the annual income targets also. Both of which are present and transparent with the annual forecast.

Finance Advice provided by Meagan Milic, Finance Business Partner – Resident Services 14/09/2022

**Decision Maker (Name and Job Title)**

Frank Jordan – Corporate Director for Resident Services



**Scheme of Delegation Reference Number**

1

**Date Decision Taken**

04/10/22