

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: The Chief Executive and the Strategic Director of Environment

Date: 13/05/2021

Subject: Direct award - Covid patrol services to Park Guard Ltd.

Report author: Neil Thurlow, Head of Community Safety

SUMMARY

This report seeks authority to allocate the budget, note and ratify the award of a contract for additional Covid patrol services to Park Guard Ltd which expired on 31 March 2021. These additional patrol services are required in order to ensure that Hammersmith & Fulham Council can provide, and maintain, a visible presence in the community and protect our residents and businesses during the Covid-19 pandemic.

RECOMMENDATIONS

That the Chief Executive:

1. Agrees that a total budget of up to £375,000 is approved for Covid-19 Marshal Services to be funded by Covid grants.

That the Strategic Director for the Environment:

2. Notes and ratifies the direct award of a contract for COVID-19 Patrol Services to Park Guard Ltd which started on 28 March 2020 and expired on 31 March 2021 for up to £375,000.
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Wards Affected: All

| Our Values | Summary of how this report aligns to the H&F Values |
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| Building shared prosperity | The use of Covid Patrol officers, in our high streets, green spaces and elsewhere across the borough, provides a visible, and real, presence for our communities to feel safe, and assured, that they can enjoy the borough in line with government guidance. |
| Creating a compassionate council | By employing Covid Patrol officers we will seek to engage, encourage and explain the governments guidelines on Covid and ensure that, where residents do not have the means to go about their |

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| | business safely, i.e. without hand sanitisers and face masks, that the Covid Patrol teams provide these. |
| Doing things with residents, not to them | Our residents have asked us to provide a service and provide a presence to help them feel safe and assured in the Covid world and to act against those whom do not conform to the legislative frameworks. |
| Taking pride in H&F | We want our residents and businesses to prosper especially during these challenging times. Providing a team of Covid Patrol officers we can deliver an additional service and an additional presence to help ensure that H&F remains safe and that we encourage, engage and educate residents in regard to preventative measures. |
| Rising to the challenge of the climate and ecological emergency | The role of covid patrol officers is to promote public safety. This service will help to ensure parks and green spaces can remain open for residents to enjoy safely, and in line with government restrictions, during the pandemic. All efforts have been made to minimise vehicle use. Disposal face coverings have only been distributed to the public when required. Hand sanitiser has been distributed from a reusable bottle rather than from single use sachets. |

Financial Impact

These marshalling services were essential to ensure the safety of residents of the Borough and to ensure compliance to the 'lockdown' restrictions introduced from December 2020. The services had to be acquired at short notice and the costs of this contract will not exceed £375,000.

The Council will seek to offset such Covid-19 expenditure, as far as possible, against relevant government Covid-19 grant funding in 2020/21. Any expenditure that is not matched against grant (either specific grant where the expenditure is considered eligible, or un-ringfenced Covid-19 grant) or where grants are insufficient to cover the Council's costs and losses relating to Covid-19, these costs will fall as an unbudgeted cost to be met by the Council and will be reported as part of the 2020/21 revenue outturn report.

This expenditure will be reported within the monthly return, made by the Council, to the Ministry of Housing, Communities and Local Government on additional Covid-19 spend, and lost income, pressures.

Legal Implications

This report recommends that the Council ratifies the direct award of a contract to Park Guard Ltd for the provision of COVID-19 Marshal Services which started on 28 March 2020 and expired on 31 March 2021 ('Direct Award'). The contract value is £375,000 which is above the EU threshold for services, which is currently set at £189,330. Therefore, the Public Contracts Regulations 2015 ('PCR 2015') do apply in full.

In order for the Council to lawfully award the Direct Award in compliance with public procurement law, the Council must show that it has grounds under Regulation 32 PCR 2015. This regulation allows the Council to award a contract by a negotiated procedure without prior publication, i.e. directly to a supplier, without having advertised or run a competitive tender process, in certain limited circumstances. One of the grounds under Regulation 32 is Regulation 32(c) PCR 2015 which allows for a direct award "insofar as it is strictly necessary where, reasons for extreme urgency brought about by events unforeseeable by the contracting authority, the time limits for the open or restricted procedure or competitive procedures with negotiation cannot be complied with". Regulation 32(4) PCR 2015 adds that "the circumstances invoked to justify extreme urgency, must not in any event have been attributable to the contracting authority".

In March 2020, the Cabinet Office issued PPN 01/20 "Responding to COVID-19" which provides advice to all contracting authorities on the use of Regulation 32 to procure goods and/or services quickly in emergency situations. This test and the application of this Direct Award is already set out in paragraph 14, the Procurement Implications below and is confirmed to have passed the test under Regulation.

A waiver of Contract Standing Order ('CSO') 19.1 under Section D – High Value Contracts for this Direct Award was approved under the CSO 22.3 on the grounds that there are other circumstances which are genuinely exceptional. As a matter of local government law, a decision cannot be taken retrospectively. Were it not for the extreme urgency, this approval should have been obtained prior to the contractor starting and therefore the recommendation is to note and ratify this Direct Award that has already been made as opposed to approving it under CSO 21 as such.

The decision-maker for this report is the SLT Member (in this case the Strategic Director of Environment) in consultation with the relevant Cabinet Member.

Regulation 112 PCR 2015 requires the Council to publish a contract award notice stating the name of the Contractor, the date the contract was entered into, the value and whether the Contractor is a SME on Contracts Finder.

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Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

Proposals and Analysis of Options

1. As a response to the outbreak of the COVID-19 Pandemic, the Government implemented a series of instructions relating to how far apart people should be when they are outside their home. These are collectively known as 'Social Distancing'.
2. Since these restrictions were first implemented Hammersmith & Fulham Council has taken a lead implementing a number of measures to support and facilitate compliance, including briefly closing all the parks and bringing in additional patrol services in order that the Council could fulfil its duty to ensure those using the parks and open spaces abided by the 'Social Distancing' guidance.
3. 'Social Distancing' guidance has remained in place beyond what was initially estimated and throughout 2020-21. Likewise, in response to changing COVID-19 infection rates the Government has reviewed guidance and introduced various different levels of restrictions during 2020-21.
4. In January 2021, with rising infection rates and the UK entering a third national lockdown, it became apparent that additional Covid Patrol services were required in order for the Council to fulfil its duties and ensure members of the public could safely abide by the 'Social Distancing' guidance in public areas.
5. The Council has had to quickly and urgently respond and react to these changing needs and restrictions and to ensure the safety of H&F residents. The urgency of need meant a waiver of Contract Standing Orders was required to enable a direct award to Park Guard Ltd. in order to respond to the current crisis.

6. A waiver was approved for the value of £375,000 however the cost of this service may be less than this as the total cost will depend on service need and future changes to restrictions and guidelines.
7. This report recommends approving a direct award to Park Guard Ltd. Park Guard Ltd have been selected as a provider as they are a reputable company who already supply a similar service to a number of other London Boroughs. They also have the resources available to deliver services with less than 24 hours' notice.
8. This report seeks authority to allocate the budget, note and ratify the award of a contract for additional Covid patrol services to Park Guard Ltd which expired on 31 March 2021.

Reasons for Decision

9. Hammersmith & Fulham Council has a legal requirement to undertake work to protect residents from Covid and to ensure that Covid guidelines are adhered to.
10. Park Guard Ltd have been identified as a reputable provider to undertake this work and are able to provide staffing levels, at the numbers required, within a 24hr period of being engaged.

Equality Implications

11. The role of Covid patrol officers is to promote public safety. This service will help to ensure the boroughs parks and public spaces can remain open for all residents to enjoy safely, and in line with government restrictions, during the pandemic.
12. Covid patrol officers primarily act in an advisory capacity, educating the public around government restrictions and encouraging compliance. Marshals are a visible, reassuring presence in the borough who provide support to all residents.
13. The Council has given due regard to its responsibilities under Section 149 of the Equality Act 2010 and it is not anticipated that there will be any negative impact on any groups with protected characteristics from this service.
14. The Covid patrol officers have been working in borough since the end of 2020 and were introduced to safeguard and reassure all residents. They are ambassadors for the council and work to promote and educate the Covid legislation to safeguard all.
15. Officers will be present between the hours of 08:00-20:00 seven days a week to ensure that all of our residents and businesses can see and engage with our Covid patrol staff.

Risk Management Implications

16. Measures have been required to aid social distancing in response to the local Covid-19 response, specifically where there are places which are difficult in maintaining space between walkers, runners, cyclists etc. The service provider must act in accordance with any relevant HM Government, Industry and Health and Safety Executive guidance and regulations that are applicable throughout the Covid pandemic response.

Implications verified by: Michael Sloniowski, Risk Manager, tel 020 8753 2587

Climate and Ecological Emergency Implications

17. The role of covid marshals is to promote public safety. This service will help to ensure parks and green spaces can remain open for residents to enjoy safely, and in line with government restrictions, during the pandemic.
18. All efforts should be made to minimise vehicle use. Vehicles should be used only to transport marshals between their office base and their deployed posting on borough where duties should be conducted on foot.
19. Disposal face coverings should only be distributed to the public when needed and to members of the public who are not wearing a face covering and do not have one. Hand sanitiser should be distributed from a reusable bottle rather than from single use sachets.

Implications verified by: Hinesh Mehta (Strategic Lead – Climate Emergency, 07960 470125)

Local Economy and Social Value

20. This report seeks approval for a retrospective contract award. As covered under the legal section, a decision cannot be taken retrospectively. Therefore, this report can only be noted. For future contract awards, 10% of social value commitments will have to be required to comply with H&F's Social Value Strategy.

Implications by: Ilaria Agueci, Social Value Officer, tel 0777 667 2878 and verified by Kamal Motalib, Head of Economic Development, tel, 0777 335 3914.