

# COMMUNITIES OVERVIEW & SCRUTINY PANEL

THURSDAY, 18TH NOVEMBER, 2021

At 7.00 pm

by

GREY ROOM - YORK HOUSE, ON [RBWM YOUTUBE](#)

## SUPPLEMENTARY AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
5.	<u>REVIEW OF THE PERFORMANCE OF TIVOLI CONTRACT FOR GROUNDS MAINTENANCE</u>  To consider the report.	3 - 34

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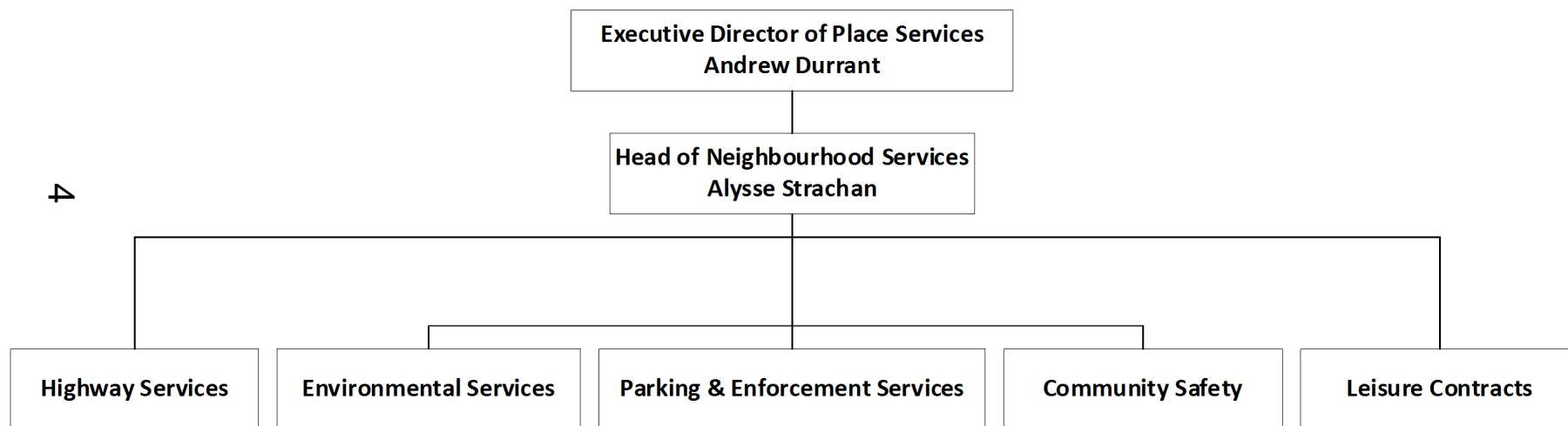
# Communities Overview and Scrutiny Panel

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18<sup>th</sup> November 2021

Agenda Item 5

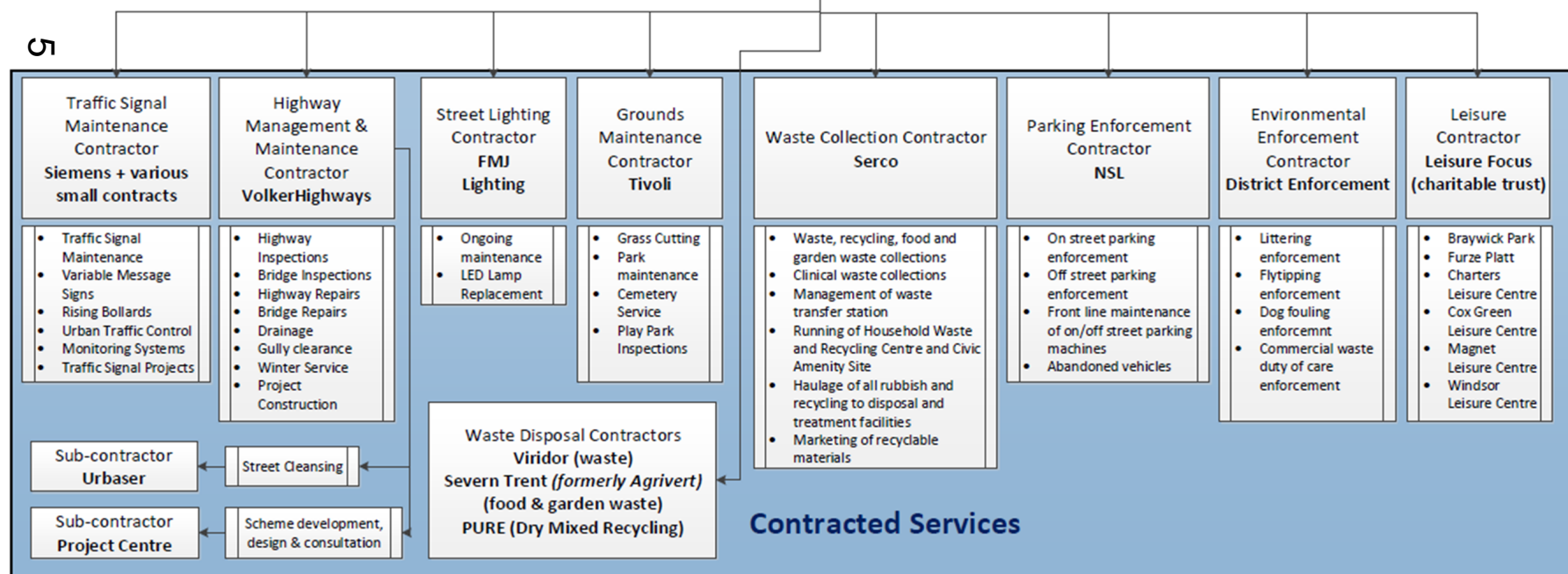
## Neighbourhood Services Structure



## Neighbourhood Services – In-house team

- Strategic Asset Management
- Network coordination
- Service design/ procurement
- Key Stakeholder liaison
- Capital Programme/ Major Projects
- External Funding Identification
- Contract Management VolkerHighways
- Highway Permitting Scheme
- Street works Compliance
- Highway Licences
- Road Closures and Events
- Contract Management FMJ Lighting
- Traffic Signal management
- Contract Management Tivoli
- Contract Management NSL and District Enforcement
- Contract Management Serco and Waste Disposal Contracts
- Behaviour change work - waste and recycling
- Leisure contract client
- Community Wardens
- Antisocial behaviour - Community Safety Partnership
- CCTV control room services

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# Neighbourhood Services - Environmental Services



**We manage and care for:**

- 62 parks & play areas
- 11 cemeteries and churchyards- additional pressure on these facilities this year.
- 18 allotment sites
- Outdoor sports facilities for football, rugby, athletics, cricket, bowls, tennis and archery.
- 310km of public rights of way to allow residents and visitors to explore the borough.



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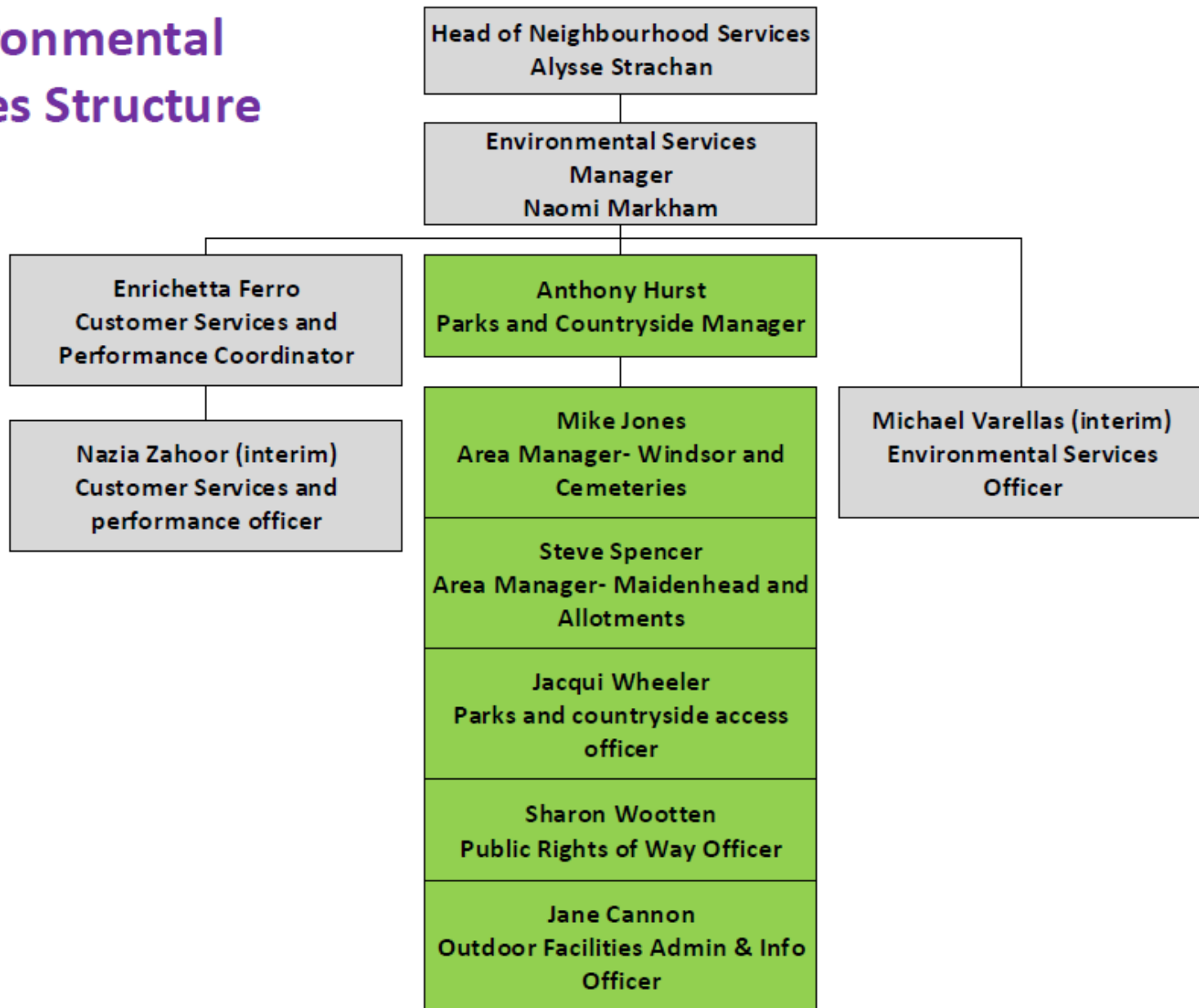
- We keep 603km of roads and 800km of footway clean and tidy through regular litter picking and mechanical cleansing. We collect fly tips and respond to spillages on the roads.



- We respond to 3000 customer contacts per month.



# Environmental Services Structure



# Neighbourhood Services

## Highway Services



∞



**We maintain a Highway network that includes:**

- 603km of roads
- 800km of footway
- more than 300 bridges & structures
- more than 17,000 street lights
- 57 traffic signals
- 26,000 road drains

**We manage the process for overhanging vegetation on the highways from private land.**



# Overhanging vegetation process

- Report is received of overhanging vegetation on the highway through report it form.
- Report is checked to see if this is included in the contract with Tivoli or if the vegetation is from private land.
- If it is private land a highways inspector (from Volker) will check if the report is correct and if there is vegetation overhanging the highway a calling card will be issued asking for the vegetation to be cut back and setting out what needs to be done.
- This is checked by the highways inspector after 14 days and if no action has been taken a formal Section 154 notice will be issued giving 14 days to cut back the vegetation. There is a period of 21 days where an appeal can be made so if this is done the process goes on hold.
- If no appeal is made or the appeal is rejected and the work is not carried out then we will arrange for the work to be completed and recharge the private land owner.
- In some cases there may be genuine reasons why the work cannot be carried out within the set timescales e.g. if there are birds nesting, or a contractor is needed to carry out the work but this cannot be booked until a later date. In these cases discretion will be used to ensure that we are being reasonable.
- There are some occasions where there is vegetation that is not included within the Tivoli contract but that is on the adopted highway or on land with no registered owner. In this case a contractor may be asked to cut back, but this may in some cases need lane closures or traffic control, or may need to take place outside of bird nesting season and will be programmed to take place at a suitable time. It can take some time to ascertain ownership where it is not immediately clear.

## Things to be aware of when cutting back hedges, trees and vegetation

### Birds' nests

All wild bird species, their eggs and nests are protected by law. Care must be taken to avoid damaging or destroying a wild bird's nest while it is being built or is in use. It is also an offence under the Wildlife and Countryside Act 1980 to disturb 'schedule 1 birds' while they're nesting, building a nest, in or near a nest that contains their young, or to disturb their dependent young. Further information at: <https://www.gov.uk/guidance/wild-birds-protection-surveys-and-licences>.

### Protected trees

Where trees are protected by a Tree Preservation Order (TPO) or Conservation Area controls, the cutting back of trees to comply with the Highways Act 1980 can still be carried out. Providing the clearance heights and guidance given in this leaflet are adhered to. If you need further advice, please contact the Royal Borough's tree team on 01628 796134 or email: [trees@rbwm.gov.uk](mailto:trees@rbwm.gov.uk).

## What will happen if I don't cut the hedges/trees/vegetation back?

If you do not keep your hedges, trees or vegetation clear of the footpath, formal enforcement will be taken by the Royal Borough of Windsor & Maidenhead. If the hedge/tree/vegetation is still not cut back after a formal request from the Royal Borough, a letter will be served to cut back the hedge/tree/vegetation within 14 days. If after 14 days the work has not been completed, then the Royal Borough will arrange to carry out the work and recover the cost of doing so from the landowner or occupier.

If in the meantime an incident happens which is attributable to the overhanging hedge/tree/vegetation, the landowner or occupier could face a substantial claim from an injured or damaged party.

## I don't think my hedge/tree/vegetation needs cutting back

Most disputes about the cutting back of hedges, trees and vegetation, arise from establishing land ownership.

The beneficial owner of any land on which a hedge, tree or vegetation is planted, must ensure that any growth which affects a public footpath or highway is cut back in accordance with the diagrams overleaf.

## How to report overhanging vegetation

If you are aware of any overhanging hedges, trees or vegetation that you feel presents a safety concern, please report it at:

<https://www.rbwm.gov.uk/home/transport-and-streets/report-problem-overhanging-trees-and-shrubs>.

You can also report the following on our website:

- missed bin
- abandoned vehicle
- pot holes
- streetlights
- graffiti & flytipping
- noise

## Contact information

If you want confirmation of why you got this leaflet please contact:

Email: [highways@rbwm.gov.uk](mailto:highways@rbwm.gov.uk)

Website: [www.rbwm.gov.uk](http://www.rbwm.gov.uk)

# Keeping our footpaths and highways clear and safe to use



Help us keep our footpaths and highways free from obstruction

@ [www.rbwm.gov.uk](http://www.rbwm.gov.uk)  
f @RBWM t @RBWM i @RBWM

Keeping hedges, trees and vegetation cut back regularly helps to make sure that our public footpaths and highways are safe and accessible for everyone to use. It's important that anyone using footpaths or highways is not hindered and that footpaths are kept clear for those with pushchairs or wheelchairs.

We are working with the Royal Borough of Windsor & Maidenhead to reduce the need to issue formal enforcement requests by identifying potential problem areas and to encourage the landowner or occupier to resolve any issues quickly and before formal intervention is needed.

This leaflet has been posted through your letterbox as you have a hedges, trees and vegetation next to the highway that will need cutting back.

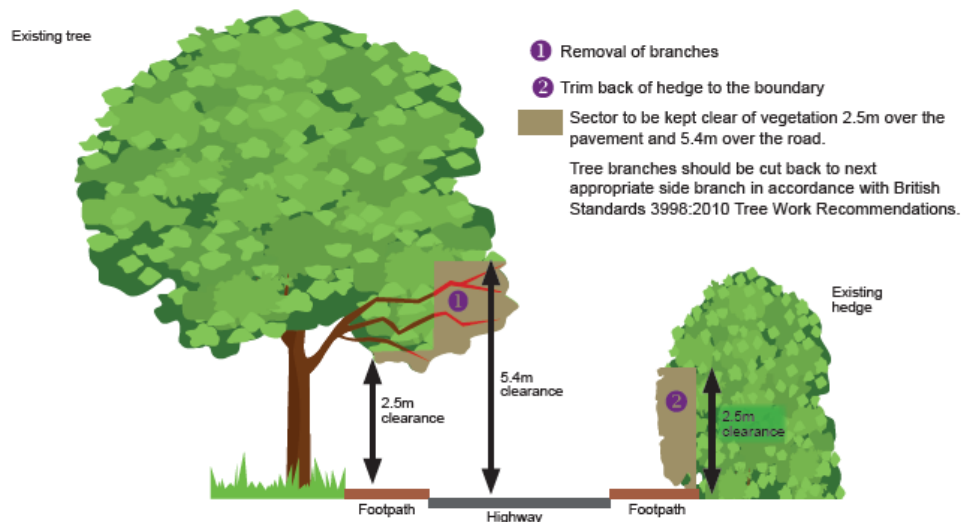
As shown in the following diagrams, this generally means that they should not overhang or encroach onto public footpaths or highways.

### How do I know if any hedge/tree/vegetation I am responsible for need cutting back?

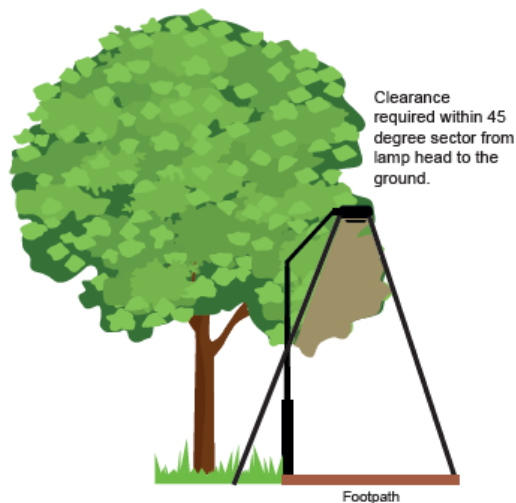
The cutting back of hedge/tree/vegetation is the responsibility of the landowner or occupier of the land on which the hedges, trees and vegetation are growing. To help ensure footpaths and highways are kept clear, you should regularly trim and cut back any hedges, trees or vegetation that could interfere with the safe use of public footpaths and highways, or that could obscure street lights or road signs.

The diagrams in this leaflet show examples of overhanging trees, hedges and vegetation and give guidance on how any trees, hedges and vegetation that you are responsible for, may need to be cut back to keep footpaths and highways clear. It only takes a single overhanging bramble or branch to inflict serious injury to a person's eye or deflect them into the path of passing vehicle. Please work with us to make our footpaths and highways safer.

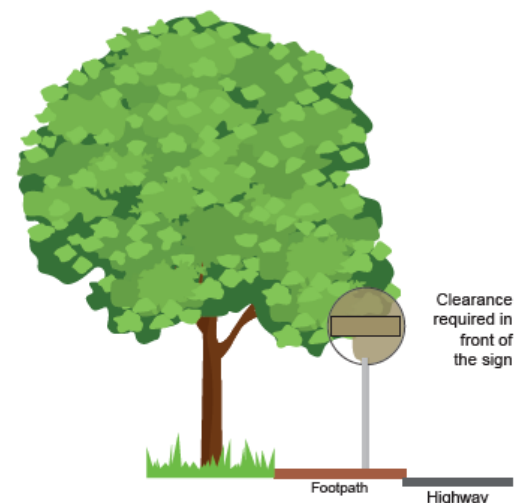
## Carriageway and footway clearance of vegetation



## Street lamps

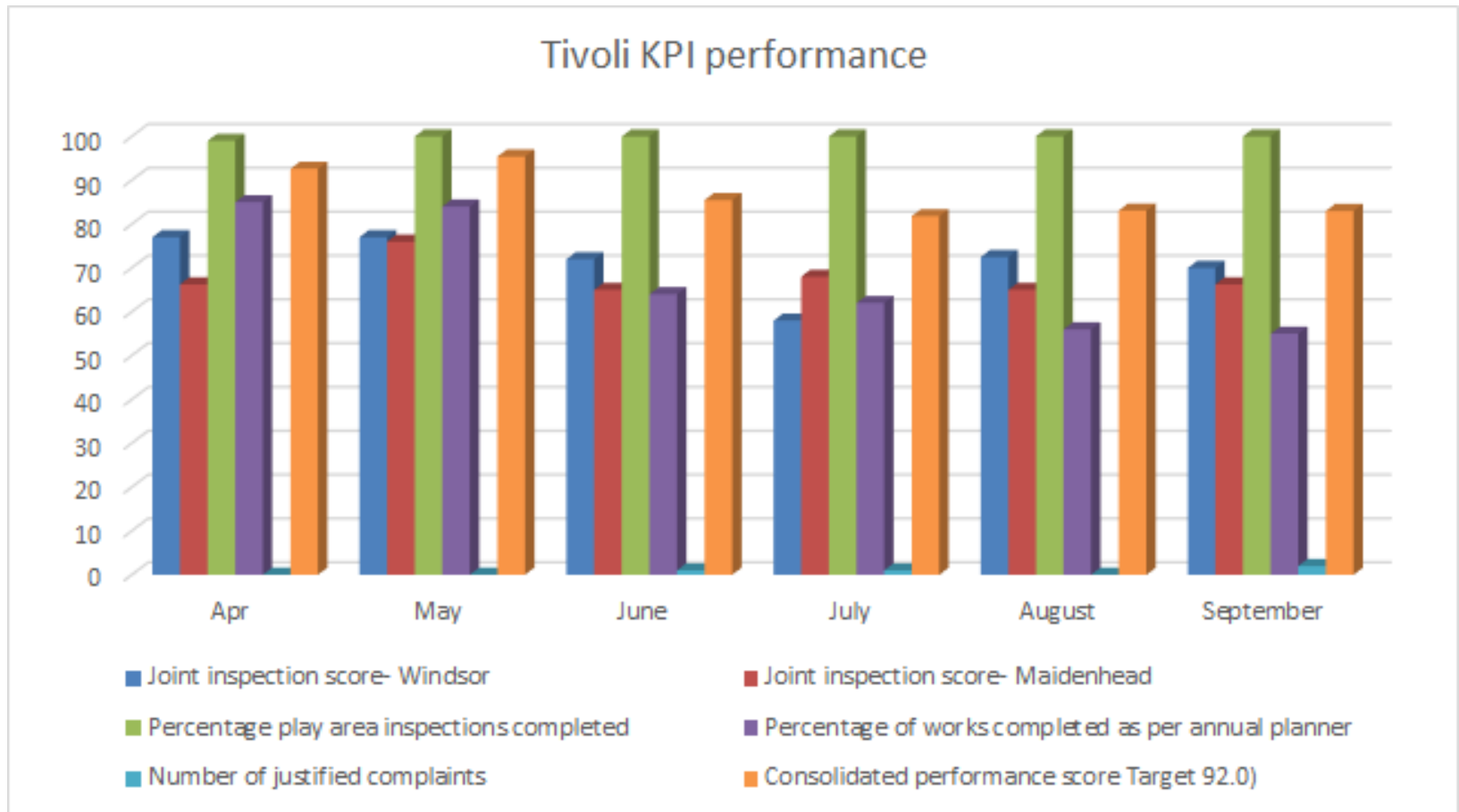


## Street signs



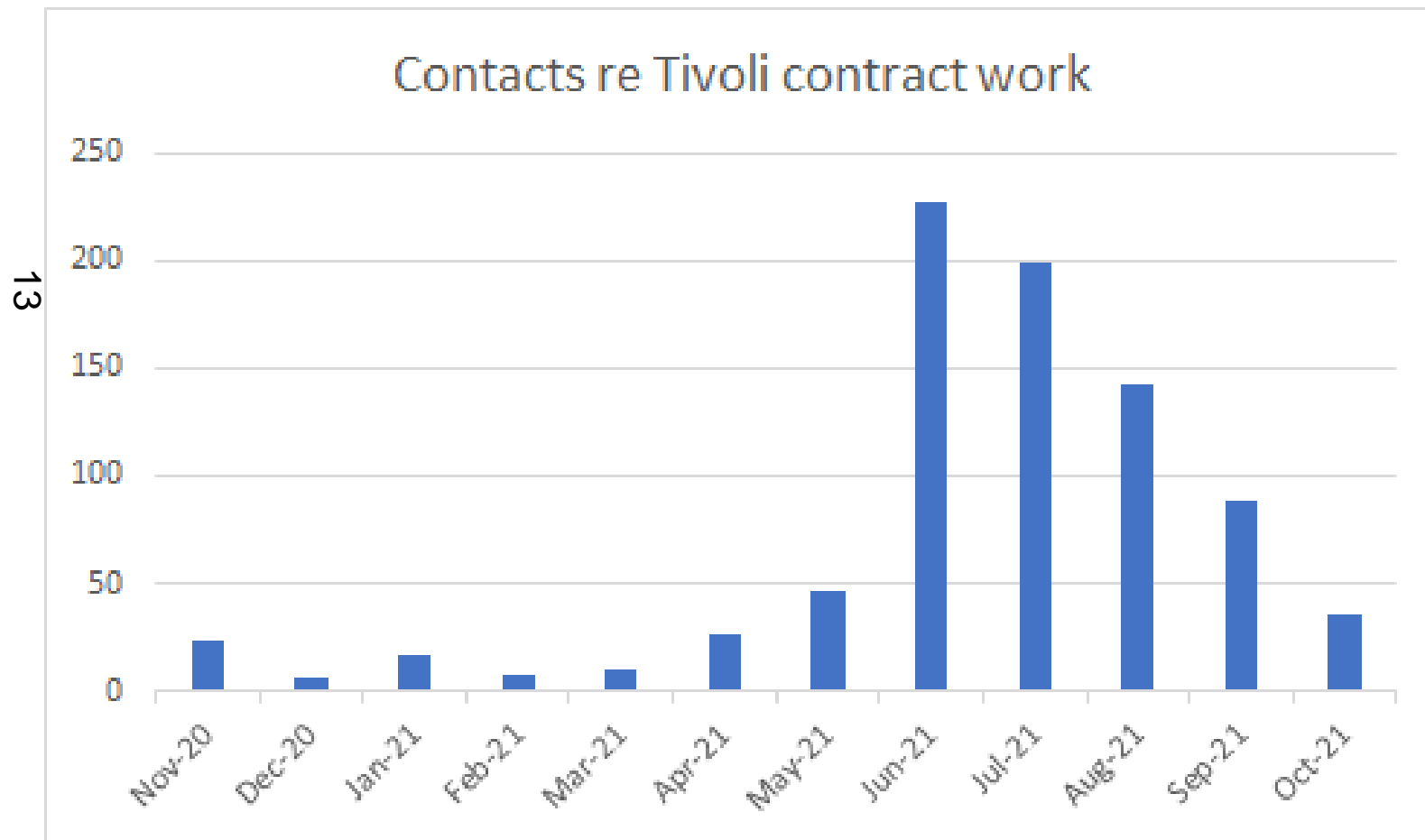
# Tivoli Performance

The performance of the Tivoli contract in the financial year to date is shown below.



# Tivoli Performance

The number of contacts regarding work included in the Tivoli contract, by month, is shown in the graph. This peaked in the summer growing season and is now reducing as work is caught up and maintenance is back within expected standards.



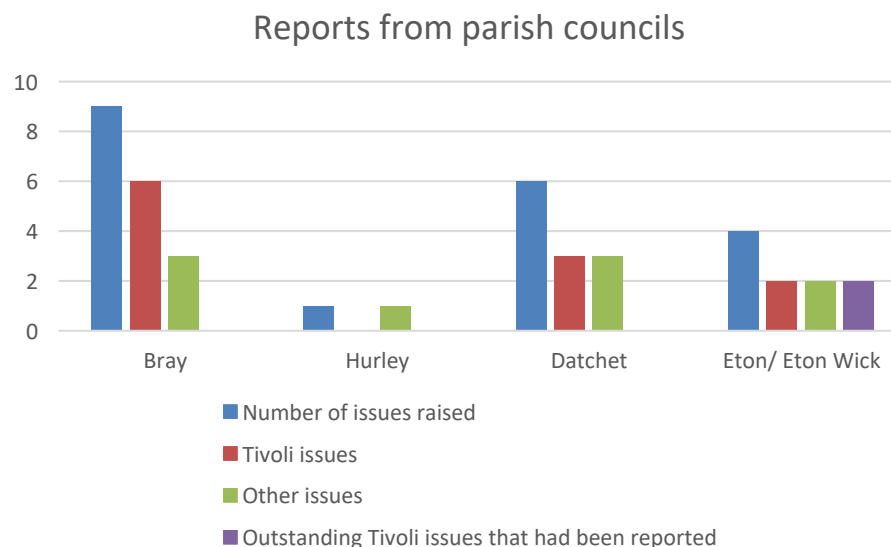
# Reports from Parish Councils

Parish councils were asked to provide information ahead of the meeting this evening about issues in their areas that they felt were related to the Tivoli contract performance.

A response has been provided to each parish giving detailed feedback on each point they raised. However, in general, there were a number of issues raised that were not included in the Tivoli contract including issues with leaf clearance on the roads, flooding infrastructure, removal of weeds from the highway and fly tipping.

A number of issues about vegetation were also raised, but many had not been reported. Where this was the case reports have now been made for the issues to be resolved.

There were two issues that had already been reported and have been escalated with Tivoli for resolution.



# Reporting issues

- We ask for all issues to be reported using the online report it form wherever possible, this can be found here:

[Report it | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](https://rbwm.gov.uk)

## Trees, hedges and grass cutting

- > Garden hedge disputes
- > Report a problem with overhanging trees and shrubs
- > Report a problem with grass cutting

## Planning and regeneration of the Royal Borough

Public rights of way forms

## Roads and pavements

- > Report a flooding or drainage problem
- > Report a problem with a manhole or drain cover
- > Report a problem with Flyposting
- > Report a problem with graffiti
- > Report a problem with road markings
- > Report a problem with street cleaning
- > Report a problem with traffic lights
- > Request a highway improvement
- > Report a pothole
- > Report a problem with a pavement
- > Report a problem with flytipping
- > Report a problem with littering
- > Report a problem with street and sign lighting
- > Report a problem with street furniture
- > Report an abandoned vehicle



# Reporting issues

- The form will ask you to select a road-type in the road name and then move the blue pin to show the location of the problem- for a park or open space select the road where the nearest entrance is and check the appropriate road name is selected- an example for Sutherland Grange is shown below.

The image shows a screenshot of a web form for reporting an overhanging vegetation issue, overlaid on a map of Sutherland Grange. The form is on the left, and the map is on the right.

**Report a Overhanging Vegetation issue.**

Enter a road name near the fault.

Enter a road name

Move the pin to where you want to tell us about.

○ Maidenhead Road, Windsor

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If there is an immediate danger to the public, please call us

Help

The map shows Sutherland Grange, a large green area, with a blue pin placed on Maidenhead Road. Other features on the map include Windsor Racecourse, Clewer Park, Clewer Park Allotments, Clewer Memorial Recreation Ground, St Edwards Royal Free Ecumenical Middle School, St Edwards Catholic First School, Dedworth Middle School, Dedworth Manor Park, Maidenhead Road Allotments, Maidenhead Road, Windsor Road, Rainworth, Oakley Farm, and Maidenhead Road. The map is credited to Leaflet and contains OS data (c) Crown copyright 2017.



# Reporting issues

The next page will ask for your details and the details of what you are reporting, there is space to describe what the problem is, e.g. the grass is very long and has not been cut in an area of the park - please give as much detail as you can about what you are reporting. You can also upload pictures of what you are reporting- this can be done from a smartphone or computer. Submit the case and you will be given a reference number which can be used to track progress on the case.

Title

- None -

First name \*

(This field is required)

Last name \*

(This field is required)

Address \*

(This field is required)

Email \*

(This field is required)

Contact number

Please select the type of problem? \*

(This field is required)

Overhanging vegetation

Overhanging vegetation and weeds \*

(This field is required)

- Select -

Details of the problem \*

(This field is required)

# Thank You

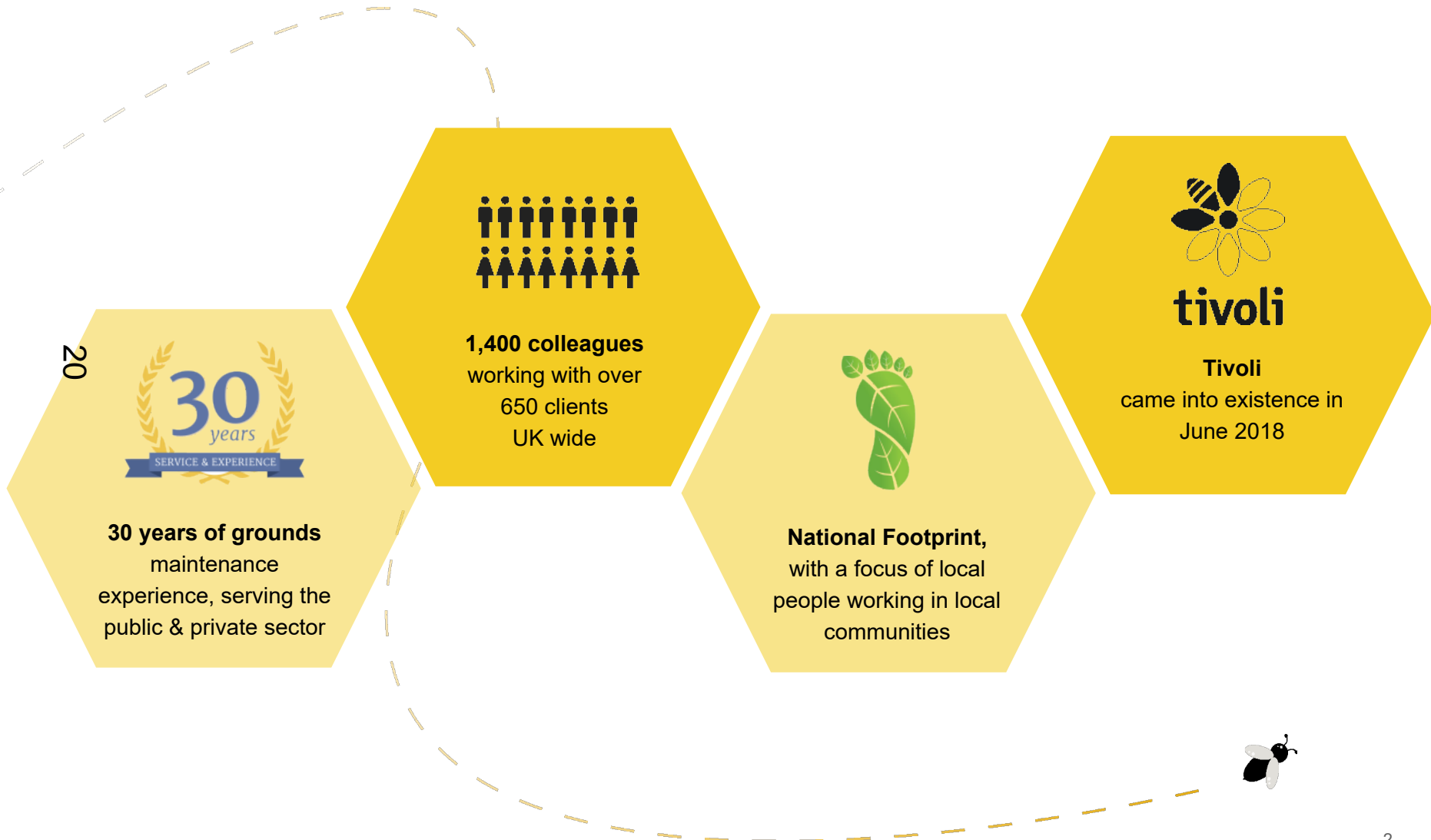


# **Tivoli Group Ltd - Update**

## **Royal Borough of Windsor & Maidenhead Communities Overview & Scrutiny Panel Meeting**

**18<sup>th</sup> November 2021**

# Who Are We?



# Our Services



Grounds  
Maintenance



Landscape  
Construction



Arboriculture



Winter Maintenance



Interior Plants &  
Floristry

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# Business Overview - Accreditation & Awards



Tivoli's passion, its people and the exacting standards we uphold across each and every contract, regardless of size, is what enables us to secure prominent industry awards and accreditations year on year.



Certificate No: 379712021

# Business Overview – Testimonials



“My thanks indeed. Your professionalism and dedication is what stands out and enables us to be who we are.”

**Colonel Jonathan Brooking**  
Commander, Armour Centre and  
Bovington Garrison

“I would just like to highlight the excellence of the grounds maintenance team at the IBS. As a team they have been stellar. Their service and durability over an exceptionally testing period has been outstanding – nothing is ever too much for them; they work all hours; and their productivity has been immense.”

**Lieutenant Colonel Damian Flanagan**  
Commanding Officer at The Infantry Battle School,  
Brecon

“The team here do a tremendous job here and the site continues to look fantastic. Nothing seems to be too much trouble and they are very friendly and approachable. The work they have done over the winter period has also been first rate - they have been so proactive when gritting the site.”

**Andy Friel**

“What a fantastic service we receive. We have had a spate of VIP visits here recently and the Site has been a great reflection on your Team and Company. A big thank you from me on behalf of our Commanding Officer.”

**Ian Gould**  
Squadron Leader at RAF Cosford

“The Grounds Maintenance Team Supervisor last night cut the pitch, in his own time, to ensure it was in the best condition possible for the match today and would show the site in the best possible light. This reflects the loyalty of our Industry Partner and their employees, and their support to the contract, and I feel deserves a special thank you.”

**Leanne Warner**

# Overview of RBWM Contract



## History


- Contract procurement took place in September 2015 jointly with Wokingham Borough Council - awarded Lot 3 (RBWM & Wokingham BC) to ISS Landscaping, who were the incumbent contractor in RBWM.
- ISS Landscaping was acquired by Sullivan Street Partners who created Tivoli Group from this business - 1st June 2018.
- Novation of the contract to Tivoli was signed in March 2019.
- The Contract was awarded based on a partnership approach with a set amount for the contract (£1.2 million p/a), within which all work should be completed. There is flexibility within the contract to agree changes.
- During 2019/20, the contract lost Tivoli £400k whilst in 2020/21 a further loss of £125k was incurred – the reduction in loss was due to restructuring of the staff and back dated legislative increases.





## Scope of the Services

The work mainly comprises the maintenance of land and facilities in the Council's parks, cemeteries, highways and open spaces including:

- ✓ Generic GM services – grass cutting, bed maintenance, weed control, hedge management
- ✓  Waste Management – litter picking, bin emptying of designated parks and open spaces
- ✓ Recreational areas management – play area inspections, maintenance of municipal sports facilities
- ✓ Maintenance – designated street furniture for contracted areas and toilet facilities
- ✓ Cemetery Maintenance and Burials
- ✓ Daily care and maintenance of birds and small animals
- ✓ Extra works including tree planting and watering

# Contract Structure



- Significant senior management presence – COO/RD/Area Manager and shared contract manager (as per Lot 3 synergy savings). All have significant knowledge of this contract. Area Manager specifically brought back on to the relationship given prior knowledge of the client.
- Dedicated contract supervisor with significant local knowledge borne from 10 years + on the contract.
- Each area of service delivery has a dedicated supervisor (Grass/Cemetery/Play Ground and Sports) to ensure the teams are managed effectively on a day to day basis.
- 2 mechanics working from the Tinkers Lane depot to ensure the maintenance of machinery is kept up to date – one of the very few contracts in our portfolio that we have committed this too. This is in conjunction with back up from our machinery hub in Ford.
- Totally dedicated workforce who do NOTHING other than the work on the RBWM contract – Lot 3 award assumed some shared resource.

# Service Delivery Status



- ✓ We understand some of the frustrations – we've been in FM 25 years plus and it's the toughest year to date.
- ✓ RBWM is renown for its green spaces so we know what a prestigious contract this is to be associated with.
- ✓ Regular meetings between the two parties have occurred to tackle the issues of delivery and the need for improvements. We hope the efforts during the latter half of the season have demonstrated our commitment to this.
- ✓ Investigation by task and finish groups brought to light several variances between the contract specification and the assets within the Royal Borough.
- ✓ These discussions have also highlighted both parties haven't operated the contract in the manner that was intended and this has lead to difficulties in assessing what should and shouldn't be done and the overall contract value.
- ✓ There is a collaborative approach now that has achieved more in 8 weeks than the previous two years of unformalized discussions.



# Economic/Environmental Challenges



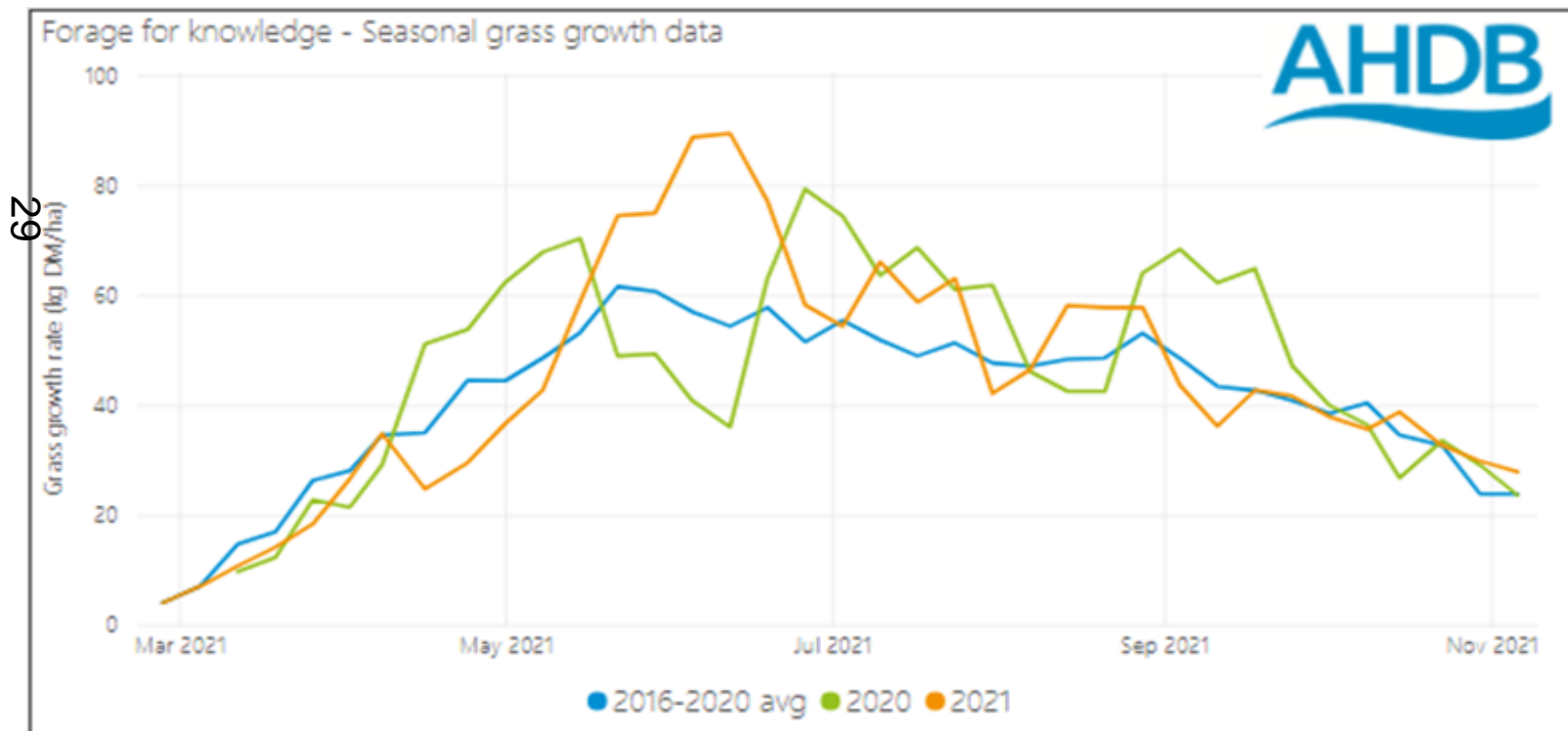
The grounds maintenance contract has been exposed to micro and macro issues, many of which have equally been felt across the country and within a number of similar public service contracts:

- Covid-19 recovery
- Brexit impact on:
  - Labour market
  - Machinery/vehicle availability and parts
- Climatic change extending season
- ∞ Contract frustrated due to unforeseen challenges and no longer fit for purpose
- AND

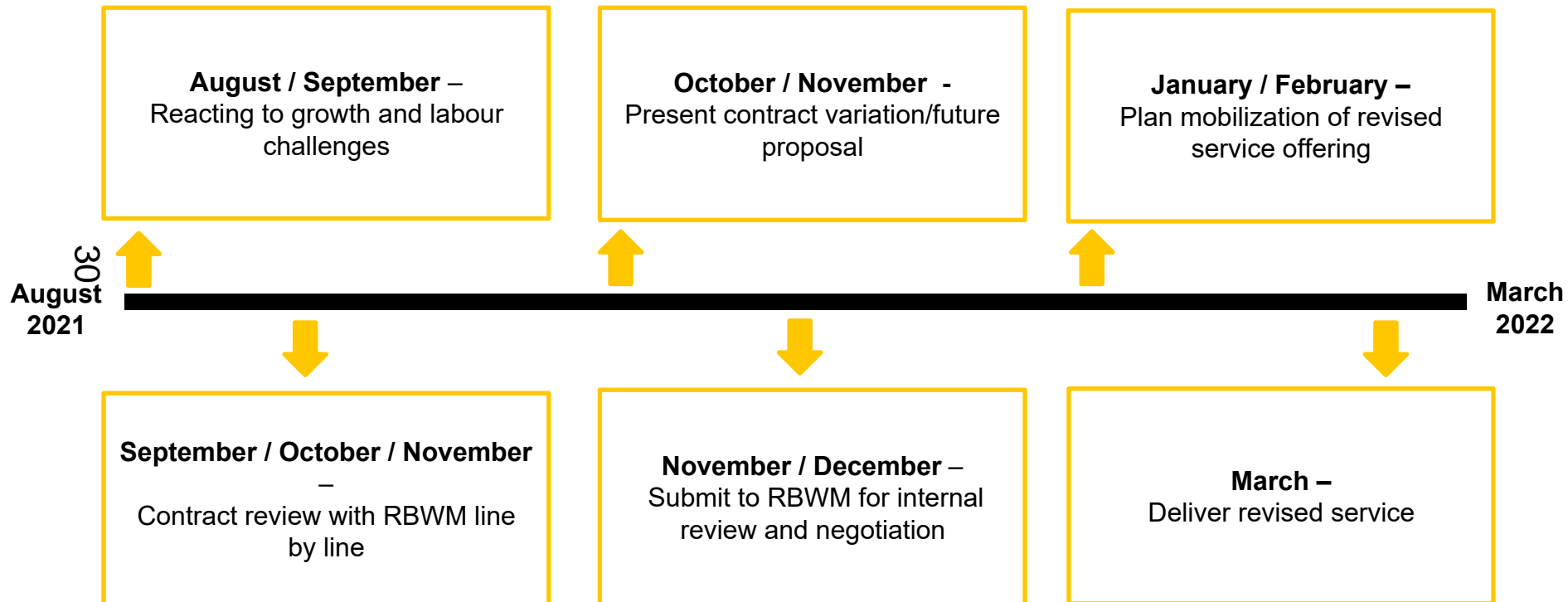
# Economic/Environmental Challenges - continued



- Exceptional vegetation growth for this year (shown below)



# Recovery Plan - Timeline of Contract Improvement



# Recovery Plan - Detail



We now believe that standards have returned in most areas and the normal maintenance schedules are now being followed. The plan included the following

- Additional resource (agency/sub-contractors)
- Short term hire
- Reactive scheduling to support RBWM respond to complaints
- 31 In place since summer

It must be noted, it is 17 degrees today and the grass is still growing – we require ground temperatures to be below 8 degrees for this to stop. In conjunction leaf fall has started in October but given the warmer conditions, it will likely continue into December and January given the medium term forecast .

# Enablers & blockers - moving forward



- **Enablers**
- Good working relationship has developed from what was previously adversarial – both parties understand in these uncertain terms what has to improve and why. Never before have green spaces been so important !
- Everything is being done in a professional/considered approach and within the contractual framework – notes are taken and recorded on this to provide once and for all, evidence of all aspects pertaining to the service delivery and agreed actions
- ∞ Tivoli are listening to what RBWM and residents want whilst RBWM is listening to what constraints Tivoli have had historically
- **Blockers**
- Contractual limitations – austerity contract restricts what can be achieved



# Our Commitment to RBWM



- We want the relationship to work – it has the possibility to be a “showcase” contract for both parties – it is one of the most beautiful boroughs in the country
- We don’t want to deliver a poor service – it’s not the reputation we want and our NPS scores this year show that – they’ve increased from 31 to 40 this year despite Covid issues
- We want to enhance service delivery but it has to be fit for both parties moving into 2022 and beyond.

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tivoli

[www.tivoliservices.com](http://www.tivoliservices.com)