

Record of operational decision

Decision title:	The New Public Realm Service – Accept the transfer of identified roles from Balfour Beatty Living Places Limited pursuant to the Transfer of Undertakings Protection of Employment Rights (TUPE) following the re-procurement of the service.
Date of decision:	29 May 2026
Decision maker:	Corporate Director Economy and Environment
Authority for delegated decision:	Cabinet took a decision on 18 December 2025 to award the council’s Public Realm Service contract. This decision authorised: a) Cabinet approves the award of a contract (the Contract) for the provision of the new Public Realm Services to the successful bidder in accordance with the Cabinet report approved on 28 November 2024 and the updated Public Realm Services model as set out in Appendix 1 for an initial period of 6 years and 10 months (so as to align with Council financial years) and with the option for the Council to extend for a further 3-year period subject to and in accordance with the performance review mechanism set out in the contract. b) Cabinet delegates authority to the Corporate Director Economy and Environment to: i. Finalise the contract and any ancillary contract documents; ii. In consultation with Property Services, agree and enter into the necessary leases to the successful bidder to enable the provision of the Public Realm Services; iii. On receipt of payment from the successful bidder, transfer the Council’s existing equipment (plant and fleet but excluding the winter maintenance fleet) to the successful bidder so as to enable the provision of the Public Realm Services; iv. Accept the transfer of identified roles (circa 60) pursuant to the Transfer of Undertakings Protection of Employment Rights (TUPE) from the incumbent; and c) Cabinet delegates authority to the Corporate Director Economy and Environment to make all operational decisions necessary to implement recommendations a) and b).
Ward:	All
Consultation:	Human Resources
Decision made	In accordance with the delegation as set out at b) iv) to accept the transfer of 47 identified roles pursuant to the Transfer of Undertakings Protection of Employment Rights (TUPE) process from Balfour Beatty Living Places Limited at a cost of £2.297m per annum.

Reasons for decision:	The New Public Realm Service contract comes into operation from 1 June 2026, following a procurement and award as set out in the 18 December 2025 Cabinet decision. The delivery model for the new service has changed and the responsibility for highway asset management, highway commercial and contract management, customer service, highway design, highway inspection, highway maintenance and highway management functions is transferring back to the council. Through the TUPE process, 47 roles have been identified to carry out those functions. On 1 June the Council is required to accept the transfer of those 47 identified roles pursuant to the Transfer of Undertakings Protection of Employment Rights (TUPE) from Balfour Beatty Living Places Limited.
Equality Considerations	The Public Sector Equality Duty requires the Council to consider how it can positively contribute to the advancement of equality and good relations and demonstrate that it is paying 'due regard' in our decision making in the design of policies and in the delivery of services. An Equality Impact Assessment for the impact on the services was updated following the procurement process and was provided in Appendix 2 of the 18 December 2025 report to Cabinet. There are no negative impacts identified from this project.
Highlight any associated risks/finance/legal considerations:	The Council's Human Resources team have led on the TUPE process associated with the New Public Realm Contract. As part of the TUPE process, the Council has formally informed and consulted with an employee representative group on a set of measures and an agreement reached. Under TUPE, measures are any planned changes to an employee's working arrangements or terms of employment caused by such a transfer. The £2.297m per annum staff costs will be met from existing revenue budgets.
Details of any alternative options considered and rejected:	To not accept the transfer of 47 identified roles from Balfour Beatty Living Places Limited would be a breach of the Transfer of Undertakings (Protection of Employment) regulations.
Details of any declarations of interest made:	None.

Signed

Name- John Hobbs

Corporate Director, Economy and Environment

Date: 22/09/2026