

Record of individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	Councillor Maggie Filipova-Rivers Cabinet member for community wellbeing
Key decision?	Yes
Date of decision (same as date form signed)	14.07.2022
Name and job title of officer requesting the decision	James Carpenter Head of Development and Corporate Landlord
Officer contact details	Email: james.carpenter@southandvale.gov.uk
Decision	To authorise the Head of Development and Corporate Landlord to enter into a contract with Technogym UK Ltd under Eastern Shires Purchasing Organisation (ESPO) Framework 345_20 Lot 2 New Fitness Equipment to replace the gym equipment at Henley Leisure Centre in accordance with the leisure management contract.
Reasons for decision	<p>As part of its bid for the ten-year joint 2014 leisure management contract, GLL proposed several capital investment schemes, which the council agreed to fund in return for increases in the leisure management fee paid by GLL.</p> <p>These schemes include a phased replacement of the gym equipment at all South leisure centre gyms – the capitalised programme under Schedule 5 Part 3 of the contract is the replacement of the gym equipment at Henley Leisure Centre in the financial year 2021/22. At full council back in May 2014, money was allocated to the approved capital programme in order to fund these schemes.</p> <p>The delay in the process of delivering this capital project was due to the Covid-19 pandemic and the support package discussions under the contract with GLL.</p> <p>The existing gym equipment at Henley Leisure Centre was installed in 2014/15 as part of a replacement under the contract, and the following stage is an upgrade of the existing equipment. The equipment is tired; showing signs of wear and tear and needs replacing.</p> <p>GLL uses Technogym equipment as its preferred gym equipment supplier across its estate. Therefore, servicing is cheaper for the operator rather</p>

	<p>than having a mix of products e.g., Precor and Technogym. This could result in the operator disputing an increase in their maintenance costs as a result of servicing. Part replacements are cheaper through the servicing and within 48 hours of reporting. This may increase should there be an alternative piece of equipment.</p> <p>The equipment works off a Wellness Cloud allowing residents to use the Wi-Fi programmes through all the equipment. Therefore, allowing members to use any leisure centre they are at for this system. This would ensure all equipment is compatible with the Mobile App used by members to support their fitness programmes.</p> <p>The ESPO 345 Framework is the latest version and has been challenged with Technogym UK Ltd to ensure that the discounted price is applied to all replacement equipment.</p> <p>The existing gym equipment at Henley Leisure Centre is also supplied by Technogym UK Ltd. Both parties are content with the performance of this equipment and customers are familiar with using it.</p> <p>In order to meet the requirements of the 2014 joint leisure management contract along with the recently agreed GLL support package, whereby the council funds the capital schemes in return for an increased management fee from GLL, the Cabinet member for community wellbeing is asked to authorise the Head of Development and Corporate Landlord, to enter into a contract with Technogym UK Ltd using the ESPO Framework (reference number 345_20) to supply and install replacement gym equipment using the discounted rate applied .</p>
Alternative options rejected	<p>One option would be not to replace the Henley Leisure Centre gym equipment at this point. However, the equipment is old and a cause of dissatisfaction with customers. Choosing this option would also result in the council not meeting its obligations under the joint 2014 leisure management contract with GLL.</p>
Climate and ecological implications	<p>N/A</p>
Legal implications	<p>Should the capital not be spent as per the programme set within the contract the council could be faced with a dispute in the delay of its delivery.</p>
Financial implications	<p>At its meeting on 14 May 2014, full council approved a budget of £70,566 (inflated through RPI at the original £66,350) to fund upgrade of gym equipment during 2021/22. This project and the money were added into the capital programme.</p> <p>GLL tendered its contract submission on the basis that the capital improvements would be funded and delivered as per the proposals in its bid submission.</p>

	<p>The management fee, which has been factored into the MTFP revenue budgets, already reflects the additional management fee that is being provided as result of the capital works being implemented.</p> <p>Provision of up-to-date equipment and facilities is key to achieving two of the key priorities for the leisure management contract – increasing usage and customer satisfaction.</p>		
Other implications	None		
Background papers considered	None		
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	None		
List consultees	Name	Outcome	Date
	Legal legal@southandvale.gov.uk	Pat Connell Changes made and agreed	16/6/2022
	Finance Finance@southandvale.gov.uk	Emma Creed Capital budget for this project checked and agreed	20/6/2022
	Procurement Angela.cox@southandvale.gov.uk	Angela Cox Agreed with no comments	17/6/2022
	Diversity and equality equalities@southandvale.gov.uk	Lynne Mitchell Agreed with no comments	20/6/2022
	Communications communications@southandvale.gov.uk	Charlotte Westgate Agreed with no comments	20/6/2022
	Senior Management Team ExecutiveSupportS@AV@southandvale.gov.uk	SM AP AD Agreed Agreed - address typo in Decision Agreed	07/07/2022

Confidential decision? If so, under which exempt category?	No
Call-in waived by Scrutiny Committee chairman?	No
Has this been discussed by Cabinet members?	Yes
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature _ Councillor Maggie Filipova-Rivers Cabinet member for community wellbeing Date _14.07.2022 – email attached

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

For Democratic Services office use only		
Form received	Date: 14 July 2022	Time: 16:37
Date published to all councillors	Date: 15 July 2022	
Call-in deadline	Date: 22 July 2022	Time: 17:00

Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off, including the chief executive. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must hand-sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence.
Tel. 01235 422520 or extension 2520.
Email: democratic.services@southandvale.gov.uk
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days) if it is a 'key' decision (see the definition of a 'key' decision below). A key decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing a key decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If a key decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
 - refer the decision back to the Cabinet portfolio holder for reconsideration or
 - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
 - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

Key decisions: assessing whether a decision should be classified as 'key'

The South Oxfordshire and Vale of White Horse District Councils' Constitutions now have the same definition of a key decision:

A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers, which is likely:

- (a) to incur expenditure, make savings or to receive income of more than £75,000;**

- (b) to award a revenue or capital grant of over £25,000; or**
- (c) to agree an action that, in the view of the chief executive or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.**

Key decisions are subject to the scrutiny call-in procedure; non-key decisions are not and can be implemented immediately.

In assessing whether a decision should be classified as 'key', you should consider:

- (a) Will the expenditure, savings or income total more than £75,000 across all financial years?
- (b) Will the grant award to one person or organisation be more than £25,000 across all financial years?
- (c) Does the decision impact on more than one district council ward? And if so, is the impact significant? If residents or property affected by the decision is in one ward but is close to the border of an adjacent ward, it may have a significant impact on that second ward, e.g. through additional traffic, noise, light pollution, odour. Examples of significant impacts on two or more wards are:
 - Decisions to spend Didcot Garden Town funds (significant impact on more than one ward)
 - Changes to the household waste collection policy (affects all households in the district)
 - Reviewing a housing strategy (could have a significant impact on residents in many wards)
 - Adopting a supplementary planning document for a redevelopment site (could significantly affect more than one ward) or a new design guide (affects all wards)
 - Decisions to build new or improve existing leisure facilities (used by residents of more than one ward)

The overriding principle is that before 'key' decisions are made, they must be published in the Cabinet Work Programme for 28 calendar days. Classifying a decision as non-key when it should be a key decision could expose the decision to challenge and delay its implementation.