


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)	23 November 2022
Name and job title of officer requesting the decision	Ben Whaymand – Leisure Facilities Team Leader
Officer contact details	Tel: 07767657594 Email: ben.whaymand@southandvale.gov.uk
Decision	<p>To allow the Head of Development and Corporate Landlord authority to permit Officers to award contract for a main contractor to deliver the refurbishment of the wet side changing rooms at Abbey Sports Centre, Berinsfield.</p> <p>Following consultation with the Cabinet member for community wellbeing, to award the, a Joint Contracts Tribunal (JCT) contract to carry out the full replacement of the swimming pool hall lights at the White Horse Leisure and Tennis Centre (WHLTC).</p> <p>There was a total of 14 expressions of interests, which resulted in 4 actual submissions. The Invitation to Tender (including detailed Employers Requirements) was broadcast on the South East Business Portal.</p> <p>Following, clear and transparent evaluation of all compliant submissions, Officers are recommending that EW Beard Ltd trading as Beard have been identified as the most suitable contractor through full evaluation of all tenders, to carry out the required refurbishment of the male and female wet side changing facilities, and that they should be appointed based on their providing the best and most advantageous tender, priced at £134,750.93.</p>
Reasons for decision	<p>Delegated Authority (DA) approval was given on the 3 October 2022</p> <p>The wet side changing facilities overall condition is deteriorating to a point where it is becoming increasingly difficult to maintain them to an acceptable standard. They are the original cubicles and fittings from when the centre was built in the 1980's. Refurbishing these changing facilities</p>

	<p>will not only improve customer experience but will make them consistent with other areas of the centre.</p> <p>Full detail was provided within the DA on the 3 October regarding the mechanisms of evaluations that would be conducted by Officers to ensure a fair process of award was provided to all the tenders submitted.</p> <p>Officers have consulted relevant stakeholders (including OCC) with regards to the project delivery and a full Site Agreement Pursuant to the JUA has been signed on 9 November 2022 for the works to go ahead,</p>
Alternative options rejected	<p>Not undertaking these essential refurbishment works will mean that the facilities will continue to deteriorate, resulting in growing customer dissatisfaction with the centre's facilities and possibly a reduction in the amount of people using them. There is also an increased risk of incurring additional costs to address these works at a future unplanned date.</p>
Climate and ecological implications	<p>Upgrading to LED lighting, new eco-friendly hand driers, toilet and urinal flush systems will all help to address the sites overall footprint (emissions and waste)</p>
Legal implications	<p>Legal advice and support with:</p> <ul style="list-style-type: none"> - Employers Requirements - ITT Documentation - Key project documentation - Business Portal documentation - Engagement of Main Contractor - Site Agreement for the works with OCC under JUA terms - Contract drafting including bespoke terms and conditions (after consultation with Project Lead Officer) - attendance at project meetings, when requested
Financial implications	<p>An application for DA under scheme of delegation to chief and other officers described in the South Oxfordshire District Council constitution dated 9 February 2022 was approved to Spend under S106 towards the wet side changing facilities refurbishment, and approved by Head of Finance and Head of Planning on 28 March 2022.</p> <p>A DA was signed by Head of Development and Corporate Landlord on the 3 October 2022 to allow Officers to procure for a main contractor to deliver the works under the terms and conditions of a JCT Contract to protect the council's interests.</p>
Other implications	<p>This project will be led by a Leisure Team Officer without the engagement and support of a Project Manager as evidenced in the projects DA, dated 3 October 2022</p>
Background papers considered	<p>DA approved by Head of Development and Corporate Landlord for Officers to Project Manage and Procure for a Main Contractor – 3 October 2022</p> <p>DA approved for P20S1083 Vale S106 funding by Head of Planning and</p>

	the Head of Finance to deliver the wet side refurbishment project – 28 March 2022 GW1 approved – 6 January 2022 GW2 approved – 6 April 2022			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	N/A			
List consultees		Name	Outcome	Date
	Head of Corporate Landlord	James Carpenter	Approved 	23.11.22
	Legal legal@southandvale.gov.uk	Rameesh Chowdhary	DA approved and relevant authority provided	27.9.22
	Finance Finance@southandvale.gov.uk	Emma Creed	DA approved	16.09.22
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 __Maggie Filipova-Rivers via email Date __23 November 2022			

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

For Democratic Services office use only		
Form received	Date: 24 November 2022	Time: 07:28
Date published to all	Date: 24 November 2022	

councillors		
Call-in deadline	Date: 1 December 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.