

## Record of Individual Cabinet Member Decision (ICMD)

### Riverside Splashpad Refurbishment, Wallingford (2023).

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

<b>Decision made by</b>	Councillor Maggie Filipova-Rivers - Cabinet Member for Community Wellbeing
<b>Key decision?</b>	Yes – the award of the contract proposed exceeds £75,000
<b>Date of decision</b> (same as date form signed)	16.03.23
<b>Name and job title of officer requesting the decision</b>	Ian Burtenshaw – Leisure Facilities Officer
<b>Officer contact details</b>	Tel: 07768 567876 Email: <a href="mailto:ian.burtenshaw@southandvale.gov.uk">ian.burtenshaw@southandvale.gov.uk</a>
<b>Decision</b>	To delegate to the Head of Development and Corporate Landlord to award a Joint Contracts Tribunal (JCT D&B Contract) to Splash Pads Enterprises Ltd as the Main Contractor, for the refurbishment of the Riverside Splashpad at the Jubilee Park in Wallingford, South Oxfordshire
<b>Reasons for decision</b>	<p>Delegated Authority (DA) approval was given by the -Head of Development and Corporate Landlord on the 17.11.22 for officers to procure the services of an experienced and qualified main contractor. Having done this Officers are now requesting authority to award contract to Splash Pads Enterprises Ltd.</p> <p>The refurbishment of the splashpad is part 2 of a 3-phase plan which was published in the local press and media by the council, highlighting their commitment to improvements at the Riverside Park in Wallingford.</p> <p>The splashpads overall condition has been deteriorating for quite some time now getting to a point where it is difficult to maintain to an acceptable standard. Additionally, parts are becoming increasingly difficult to source, if at all due to obsolescence. Growing customer dissatisfaction in the facilities is evidenced in feedback, and the attractiveness of the facility as a leisure destination is diminishing.</p>

	<p>The splashpad now also presents some health and safety issues that will be addressed within the refurbishment, such as: subsidence to surface, drainage (pooling of stagnant water), and uneven promenade/path (trip hazards/access).</p> <p>South Oxfordshire District Council Corporate Plan has a corporate priority of 'Improved economic and community well-being' and 'Investment and innovation that rebuilds our financial viability'. The completion of these works will assist in meeting these corporate priorities in the through 'invest to save', strong stewardship of all local assets, optimising performance for the benefit of residents, and maximising external funding to enrich leisure.</p> <p>Following clear and transparent evaluation of all compliant submissions, Officers are recommending that Splash Pads Enterprises Ltd, who have been identified as the most suitable contractor through full evaluation of all submitted tenders, are engaged to carry out the required refurbishment of the Riverside Splashpad, and that they should be appointed based on their providing the best value for money and most advantageous tender, priced at £264,467.62</p> <p>There was a total of 2 expressions of interests for these works through the Framework, 0 opted out, which resulted in 2 actual submissions. The Invitation to Tender was broadcast on the Braintree District Council Framework and in adherence with the Councils own Contract Procedure Rules (CPR's).</p>
<p><b>Alternative options rejected</b></p>	<p>The works are considered essential to ensuring the safe operation and attractiveness of the asset as an income generating leisure offer that better addresses its climate impact.</p> <p>Not undertaking these refurbishment works will mean that the splashpad and its associated plant room will continue to deteriorate, health and safety concerns would not be addressed and reported dissatisfaction with the condition of the splashpad and its features will continue – presenting ongoing reputational risk.</p>
<p><b>Climate and ecological implications</b></p>	<p>The fitting of modern and energy efficient plant equipment, will mean savings on annual electricity and water supply costs (up to 65% on water alone) and therefore a reduction in its emissions.</p>
<p><b>Legal implications</b></p>	<p>The procurement was undertaken by the officer in consultation with the procurement team</p> <p>Instructions to be given to Legal following a risk assessment undertaken by the officer in respect of whether a bond is required pursuant to the Procurement Procedure Rules or if a higher retention is required.</p> <p>There are always risks when a Council enters a contract and the Council cannot mitigate against all of them. However, the contract and a bond/higher retention will assist in mitigating against some of the risks to be within acceptable limits.</p>

<b>Financial implications</b>	<p>The project is fully CIL funded so presents no financial risk to the council</p> <p>The refurbishment will make the Riverside site a more exciting and attractive destination for residents, families, and visitors to Wallingford, and it could also assist indirectly in helping to raise more revenue to local business within the town due to its popularity in the summer season.</p> <p>The tender submissions have confirmed that the CIL fund available for this project of £296,450 covers project costs as submitted.</p>			
<b>Other implications</b>	<p>Failure to deliver this project will mean that the Council have not met their commitment published in the local press, confirming the refurbishment of the Riverside Campsite Washrooms, the Splashpad refurbishment and the provision/building of a disabled boating access beside the river near the swimming pool.</p> <p>Part 1 of the 3 Phase Refurbishment announced by the Council in local media – the Campsite Washrooms Refurbishment is already well under way and progressing nicely and on time.</p>			
<b>Background papers considered</b>	<p>GW1 – 18.05.22  ICMD – transfer of capital scheme from provisional to approved programme for the splashpad refurbishment was approved on 28.09.22  GW2 – 09.11.22  DA – 17.11.22</p>			
<b>Declarations/conflict of interest?  Declaration of other councillor/officer consulted by the Cabinet member?</b>	<p>There has been no declaration of conflict of interests.</p>			
<b>List consultees</b>		<b>Name</b>	<b>Outcome</b>	<b>Date</b>
	Head of Development and Corporate Landlord	James Carpenter	Approved	09.03.23
	Legal <a href="mailto:legal@southandvale.gov.uk">legal@southandvale.gov.uk</a>	Gillian Mason	Commented - and points addressed	14.03.23
	Finance <a href="mailto:Finance@southandvale.gov.uk">Finance@southandvale.gov.uk</a>	Emma Creed	Agreed	10.03.23
	Procurement	Angela Cox	Agreed	10.03.23
	Infrastructure	Mark Hewer	Confirm that £297k of CIL is allocated in the provisional capital programme for this purpose.	10.03.23

			Please keep the infrastructure team informed of spending status as details of this will be included in statutory reporting.	
	Human resources <a href="mailto:hadminandpayroll@southandvale.gov.uk">hadminandpayroll@southandvale.gov.uk</a>	N/A		
	Strategic property <a href="mailto:Property@southandvale.gov.uk">Property@southandvale.gov.uk</a>	N/A		
	Climate and biodiversity <a href="mailto:climateaction@southandvale.gov.uk">climateaction@southandvale.gov.uk</a>	N/A		
	Diversity and equality <a href="mailto:equalities@southandvale.gov.uk">equalities@southandvale.gov.uk</a>	N/A		
	Health and safety <a href="mailto:healthandsafety@southandvale.gov.uk">healthandsafety@southandvale.gov.uk</a>	N/A		
	Risk and insurance <a href="mailto:risk@southandvale.gov.uk">risk@southandvale.gov.uk</a>	N/A		
	Communications <a href="mailto:communications@southandvale.gov.uk">communications@southandvale.gov.uk</a>	N/A		
	Senior Management Team	YES	Agreed	15.03.23
<b>Confidential decision?</b> If so, under which exempt category?	No			
<b>Call-in waived by Scrutiny Committee chairman?</b>	No			
<b>Has this been discussed by Cabinet members?</b>	Yes			
<b>Cabinet portfolio holder's signature</b> To confirm the decision as set out in this notice.	Councillor: Maggie Filipova-Rivers Signature __email approval - Attached Date _16.03.2023			

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

For Democratic Services office use only		
Form received	Date: 16 March 2023	Time: 16:20
Date published to all councillors	Date: 17 March 2023	
Call-in deadline	Date: 24 March 2023	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](mailto: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 (except government grant) 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.**