

## Record of Cabinet portfolio holder decision

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

<b>Decision made by</b>	Anna Badcock
<b>Key decision?</b>	Yes
<b>Date of decision</b> (same as date form signed)	12 August 2015
<b>Name and job title of officer requesting the decision</b>	Kate Arnold Leisure Manager
<b>Officer contact details</b>	Tel: 07801 203589 Email: <a href="mailto:kate.arnold@southandvale.gov.uk">kate.arnold@southandvale.gov.uk</a>
<b>Decision</b>	To authorise the head of economy, leisure and property, as provided for in contracts procedure rule 99(a) and in accordance with the terms and conditions of ESPO framework contract 345 fitness equipment, to enter into a draw down contract with Technogym to replace the gym equipment at Park Sports Centre, Wheatley.
<b>Reasons for decision</b>	<p>As part of its bid for the ten year joint 2014 leisure management contract, GLL proposed a number of capital investment schemes, which the council agreed to fund in return for increases in the leisure management fee paid by GLL. These schemes include a phased replacement of the gym equipment at all five South Oxfordshire gyms – the second to be delivered being Park Sports Centre. At full council in May 2014, money was allocated to the approved capital programme in order to fund these schemes.</p> <p>The existing gym equipment at Park Sports Centre was installed in 2009 when the gym was previously reconfigured and refurbished. Some of the equipment is tired; showing signs of wear and tear, and is in need of replacing. As agreed under the leisure management contract, the equipment is to be replaced during 2015/16.</p> <p>GLL uses Technogym as its preferred gym equipment supplier across its estate. The existing gym equipment at Park Sports Centre is also supplied by Technogym. Both parties are content with the performance of this equipment and customers are familiar with using it.</p>

	<p>Due to the financial value of the council's responsibility to replace gym equipment under the leisure management contract, appointing an equipment supplier would ordinarily be subject to a full OJEU procurement. However, as a named local authority, the council is eligible to draw down from the ESPO framework for the provision of gym equipment. Suppliers listed on this framework have been selected following a full OJEU procurement exercise and, therefore, this obligation has already been fulfilled. <i>Under the framework the council is able to either drawdown from one supplier – provided the council is satisfied that the equipment offered meets its needs and represents value for money - or undertake a mini-competition to select the most economically advantageous supplier.</i> In this instance, the council wishes to draw down directly from Technogym to ensure compatibility with existing kit. Having compared prices available under the framework, the council is satisfied that Technogym offers the council the most economically advantageous option.</p> <p>In order to meet the requirements of the 2014 joint leisure management contract, whereby the council funds the capital schemes in return for an increased management fee from GLL, the cabinet member for leisure is asked to authorise the head of economy, leisure and property, under the ESPO framework, to enter into a draw down contract with Technogym to supply and install replacement gym equipment for Park Sports Centre.</p>
<p><b>Alternative options rejected</b></p>	<p>One option would be not to replace the Park Sports Centre gym equipment at this point. However, the equipment is starting to age and customer satisfaction with the facility will start to deteriorate if appropriate equipment is not provided. Choosing this option would also result in the council not meeting its obligations under the joint 2014 leisure management contract with GLL.</p> <p>A second alternative would be to undertake a full tendering exercise for the provision of gym equipment. Following this process would be a huge demand on resources (both at the council and also potential suppliers) and would not allow the gym equipment at Park Sports Centre to be replaced until much later in the year; therefore, delaying the benefit to the customers and also the positive impact on the management fee, which has already been factored into the GLL leisure management contract agreement.</p>
<p><b>Legal implications</b></p>	<p>A draw down contract will be entered into for the purchase of the goods.</p>

<b>Financial implications</b>	<p>At its meeting on 15 May 2014, full council approved a budget of £132,700 to fund this project and the money was added into the approved capital programme.</p> <p>GLL based its contract submission on the basis that the capital improvements would be funded and delivered as per the proposals in its bid submission. 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>			
<b>Other implications</b>	<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>			
<b>Background papers considered</b>				
<b>Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?</b>				
<b>List consultees</b>		<b>Name</b>	<b>Outcome</b>	<b>Date</b>
	Ward councillors	John Walsh (Forest Hill and Holton) Toby Newman (Wheatley)	Comments on and support for proposal Support proposal	7 August 2015 7 August 2015
	Legal	Pat Connell	Agreed	23.07.15
	Finance	Rhona Bellis	Agreed	17.07.15
	Procurement	Phillip Hinton-Smith	Agreed	17.07.15
	Human resources			
	Sustainability			
	Diversity and equality			
	Communications	Gavin Walton	Agreed	12 August 2015
	Strategic Management Board	David Buckle	Agreed	28 July 2015
	Cabinet members	John Cotton Elizabeth Gillespie Tony Harbour Lynn Lloyd Jane Murphy Robert Simister	Agreed	11 August 2015 11 August 2015 7 August 2015 11 August 2015 11 August 2015 11 August 2015
<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.	Signature ____Anna Badcock_____ Date _____ 12 August 2015_____

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

For Democratic Services office use only		
Form received	Date: 13 August 2015	Time: 09:30
Date published to all councillors	Date: 13 August 2015	
Call-in deadline	Date: 20 August 2015	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. 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 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. Democratic Services staff are located on the ground floor north wing (C block) of the Crowmarsh Gifford offices. Tel. 01235 540307 or extension 7307.  
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). The 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 the decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If the 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.