



Ashfield

DISTRICT COUNCIL

ASHFIELD DISTRICT COUNCIL: EXECUTIVE FUNCTIONS DECISION RECORD

Please use this form to record any Executive Decision taken by a Cabinet Member or Chief Officer.

TO BE COMPLETED BY THE DECISION TAKER:

1. Title / Subject Matter:

Leisure Transformation Programme – Appointment of Leisure Operating Contractor

The approval to enter into contract with Preferred Bidder Everyone Active (SLM) following the completion of the OJUE compliant tender process.

2. Is this a Key Decision:

Yes

3. Decision Taken:

In accordance with the Cabinet decision in September 2020 (CA28) the delegation to enter into the Leisure Operating Contract is given to the Director of Place and Communities in liaison with the Corporate Finance Manager and the Leader of the Council.

To enter into the ten year management agreement with Sport and Leisure Management Ltd (SLM) for the management of the leisure centres (with an option to extend for a further five years) and associated outreach health and wellbeing services to the people of Ashfield.

4. Reasons for the Decision:

The Council has undertaken an OJUE compliant tender process for the management of its leisure centres for the next ten years (starting in April 2021).

The procurement process which has been supported by legal (Blake Morgan), procurement (Nottingham City Council) and specialist support (FMG Consulting) has now concluded and SLM were the preferred bidder.

Legal discussions with SLM have now advanced to a suitable phase as to seek approval to enter into the management agreement with them including the signing of applicable leases for the leisure centres.

The Contract with SLM will see the Council achieve its necessary baseline position to support the funding of the Kirkby Leisure Centre development and additionally the necessary funding to progress with the proposed leisure centre modernisation at Hucknall Leisure Centre.

5. Copy of the Report or Briefing Note setting out the Information which was used as the basis for the Decision:

The procurement summary offered by FMG Consulting is commercially sensitive to the Council and is therefore within the Exempt section of this report.

6. Was the Decision classed as exempt? If so, what were the reasons for this:

No

7. Alternative Options Considered / Rejected:

Do not appoint SLM (Not Recommended)

The Council can decide to not appoint SLM and choose to appoint one of the other final four bidders. This course of action would likely lead to a successful challenge from SLM which would prove not only costly for the Council to challenge in financial terms but also in terms of timescales. The existing management contract ceases at the end of March 2021 and the current agreement does not have the ability to be extended. This potentially would leave the Council not being able to deliver important leisure centre functions across the district.

Cancel and recommence the tender process (Not Recommended)

The Council has completed an OJUE compliant tender process which has delivered on the necessary success factors, being a financial return suitable for the Council and a mobilisation period which can be delivered prior to the new management agreement commencing in April 2021.

Should the Council decide to cancel and recommence the process it is likely that this will take between 9 – 12 months. This would likely result in the Leisure Centres closing from April 2021 onwards until a new preferred bidder is able to commence.

Should the Council cancel and recommence the tender process there is no guarantee that the Council will achieve a more positive outcome than this tender and it is likely that the four final tenderers would not bid for the contract. The final four tenderers are all nationally important providers of outsourced leisure services and this would likely severely impact on the quality of future submissions.

8. Declarations of Interest and Dispensations – If applicable:

None

9. Name / Title of the relevant lead Cabinet Member(s) consulted (if appropriate):

Cllr Jason Zadrozny, Leader of the Council

10. Name / Title of the decision taker:

(a) Cabinet Member Cllr Jason Zadrozny, Leader of the Council

(b) Officer Theresa Hodgkinson, Director of Place and Communities

Date:

21st December 2020

TO BE COMPLETED BY DEMOCRATIC SERVICES:

1. Date that the decision was notified to members:
2. Date and time when the Call-In period for this decision ends:
3. Date when the decision can be implemented (five working days following publication):
4. Decision Reference Number:

The completed form should be emailed to the Democratic Services Team:

democratic.services@ashfield.gov.uk

They will arrange for it to be published on the Council's web site.

EXEMPT OR CONFIDENTIAL BACKGROUND INFORMATION IN SUPPORT OF THE DECISION:

For further support or guidance please contact Ruth Dennis, Director of Legal and Governance (and Monitoring Officer) r.dennis@ashfield.gov.uk or any member of the Democratic Services Team.