

**Notice of meeting of
Decision Session - Cabinet Member for Leisure, Culture & Social
Inclusion**

To: Councillor Crisp (Cabinet Member)

Date: Tuesday, 14 February 2012

Time: 4.30 pm

Venue: The Guildhall, York

A G E N D A

Notice to Members-Calling In

Members are reminded that, should they wish to call in any item on this agenda, notice must be given to Democracy Support Group by;

10.00 am on Monday 13 February 2012, if an item is called in before a decision is taken, or

4.00 pm on Thursday 16 February 2012, if an item is called in after a decision has been taken.

Items called in will be considered by the Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00 pm on Friday 10 February 2012**.

- 1. Declarations of Interest** (Pages 3 - 4)
At this point, the Cabinet Member is asked to declare any personal or prejudicial interest they may have in the business on the agenda.

2. Exclusion of Press and Public

To consider excluding the public and press from the meeting during the consideration of an annex to Agenda Item 5 on the grounds that it contains information which is classed as exempt under Paragraphs 1,2 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

3. Minutes (Pages 5 - 8)

To approve and sign the minutes of the meeting held on 10 January 2012.

4. Public Participation-Decision Session

At this point in the meeting, members of the public who have registered their wish to speak at the meeting can do so. The deadline for registering is:

Monday 13 February 2012 at 5.00 pm.

Members of the public may register to speak on :-

- an item on the agenda
- an issue within the Cabinet Member's remit;
- an item that has been published on the Information Log since the last session.

There have been no information reports published since the last agenda.

5. York Explore Phase II: Appointment of a Design Team (Pages 9 - 14)

This report seeks authority to appoint the design team for York Explore Phase II following a procurement exercise.

6. Any other business which the Chair considers urgent under the Local Government Act 1972

Democracy Officer:

Name- Judith Betts

Telephone No.- 01904 551078

Email-judith.betts@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business on the agenda
- Any special arrangements
- Copies of reports

Contact details are set out above.

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About City of York Council Meetings

Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than** 5.00 pm on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an

interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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Holding the Cabinet to Account

The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business from a published Cabinet (or Cabinet Member Decision Session) agenda. The Cabinet will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Cabinet meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

Cabinet Member Decision Session: Leisure, Culture and Social Inclusion

Agenda Item 1: Declarations of Interest

The Cabinet Member, Councillor Crisp, declared a personal interest as a retired member of UNISON.

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City of York Council

Committee Minutes

MEETING	DECISION SESSION - CABINET MEMBER FOR LEISURE, CULTURE & SOCIAL INCLUSION
DATE	10 JANUARY 2012
PRESENT	COUNCILLOR CRISP (CABINET MEMBER)
IN ATTENDANCE	COUNCILLOR AYRE AND COUNCILLOR BARTON

27. DECLARATIONS OF INTEREST

The Cabinet Member was asked to declare any personal or prejudicial interests she might have in the business on the agenda.

She declared her standing personal interest as a retired member of UNISON.

No other interests were declared.

28. MINUTES

RESOLVED: That the minutes of the Decision Session Cabinet Member for Leisure, Culture and Social Inclusion held on 13 December 2011, be signed by the Cabinet Member as a correct record.

29. PUBLIC PARTICIPATION-DECISION SESSION

It was reported that there had been four registrations to speak under the Council's Public Participation Scheme. Details of the speakers are set out under the individual agenda item.

30. THE COMMUNITY STADIUM AND COUNCIL LEISURE FACILITIES: PROCUREMENT OF OPERATOR ARRANGEMENTS

The Cabinet Member considered a report which sought authority to initiate the procurement process for the operation and maintenance of the Community Stadium and the Council's leisure facilities.

A local business owner commented on the timetable for the procurement exercise within the Officer's report.

A member of the public spoke about how he felt that there needed to be an assurance that those teams that would use the stadium, would be financially viable to operate at the stadium. He referred to a large retail sports operator being sought to provide some facilities and asked whether this would damage the economic viability of shops in the city centre, in particular, given that the stadium would offer easily accessible car parking.

A representative of York Green Party raised a number of concerns that she felt had arisen from the Officer's report. She highlighted a number of concerns that related to the procurement process including;

- The financial wisdom of a procurement exercise without prior planning permission being obtained.
- Significant negative financial consequences if a deal with an operator fell through.
- That the proposed bundling of leisure facilities together was merely to make the operation more commercially attractive.
- That there was a lack of explanation as to whether existing leisure facilities (such as Yearsley Pool) would benefit, or if any efficiency savings would be made.
- How different elements in the tender documents would be weighted to promote access and equality.
- The level of environmental sustainability that would be considered by the operator.

Councillor Ayre also spoke and stated that he felt that he could not support the recommendations in the Officer's report because the specific award criteria for successful operators had not been clarified, in particular, there had been no indication of the weightings used in the assessment of bids. He felt that

there needed to be a further report to Cabinet detailing how bids would be assessed. He also mentioned that if a private gym was successful at bidding for a specific leisure facility that there was a possibility that usage fees might rise and could be unaffordable to most users. Additionally he felt that investment in only the clubs using the stadium as mentioned in the report, could compromise these clubs existing links with amateur clubs in the city.

Councillor Barton was in attendance at the meeting, and he stated that he wished to pass on his comments to the Cabinet Member and the Officers outside of the meeting. She confirmed that she and Officers would be happy to receive his comments.

Officers highlighted reasons why they felt that the arrangements for procurement needed to be started soon. These included;

- By continuing with the proposed project plan, this would allow for the chosen operator to participate in the design of the stadium.
- That the current operator of Waterworld and Huntington Stadium could relinquish the existing lease as early as November this year and it was therefore important to secure long-term arrangements for this important facility.
- That the agreement with York High School provided for new operator arrangements to be secured at this point.

Officers stated that the procurement process to be followed was that of competitive dialogue. This would allow potential operators to bring ideas to the table. The evaluation criteria would be developed from the outcomes as set out in their report. The process would be exactly the same as that followed in other Council procurement exercises, including for the Barbican.

They added that there would be potential, through the procurement, to secure a specialist operator who would be able to further improve the quality of the facilities, and bring investment. The operator would work to the social objectives set down by the Council, and existing staff would transfer under TUPE (Transfer of Undertakings (Protection of Employment) regulations.

The Cabinet Member confirmed that she had been consulted at all stages by Officers and that any further consultation on the procurement process would be shared with the Cabinet.

- RESOLVED:
- (i) That the report be noted.
 - (ii) That the Director of Communities and Neighbourhoods and the Director of City Strategy in consultation with the Cabinet Member for Leisure, Culture and Social Inclusion be given the authority to:
 - Develop the procurement framework as set out in the Officer's report including establishing the final evaluation criteria and headline weights to be used in assessing bids for the project.¹
 - Implement the procurement exercise to identify the preferred bidder.²
 - Bring back a report to the Cabinet once a preferred bidder had been identified with a view to award of contract.³

REASON: To enable future plans for the community stadium project to be developed and progressed.

[Note: The Scrutiny Management Committee (Calling In) meeting on 30 January 2012 confirmed these decisions]

Action Required

- | | |
|--|----|
| 1. To set the procurement framework and evaluation criteria. | CC |
| 2. To start the procurement exercise. | CC |
| 3. To bring a report to Cabinet for approval of award of contract to preferred bidder. | CC |

Councillor Sonja Crisp, Cabinet Member
[The meeting started at 4.30 pm and finished at 5.15 pm].



**Cabinet Member for Leisure,
Culture & Social Inclusion**

14 February 2012

Report of the Director of Communities & Neighbourhoods

York Explore Phase II: Appointment of Design Team

Summary

1. This report seeks authority to appoint the design team for York Explore Phase II following a procurement exercise.

Background

2. York Explore Phase II, including the 'Gateway to History' project, will revamp the first floor of York Explore Library Learning Centre into a purpose-designed home for the city's archives and local history collection, with an entire new floor on the east wing to house the archives themselves. The project has received initial support and development funding totalling £107,500 from the Heritage Lottery Fund (HLF). A stage 2 HLF bid will be submitted by the Council in August this year, seeking the £1.2m needed to make the project a reality.
3. The current stage of the project plan requires appointment of a design team consisting of Architect, Mechanical & Electrical Engineer and Structural Engineer to develop the stage 2 bid. Should the bid be successful the design team will be retained to take the project through the construction phase. The procurement exercise will cover both stages of the work.
4. It was originally envisaged that the Council would be able to use its in-house team; however, this has not proved possible and it has therefore been necessary to go out to tender. This has created a risk to the project plan for submission of the stage 2 bid and an immediate appointment is therefore essential in order to remain on track. For this reason, this report has been brought as an urgent item.

The Procurement

5. The process adopted to procure these services, within the Council's procurement procedures, is in line with European Public Procurement rules. It entailed a three stage approach of 'Pre Qualification Questionnaire' (PQQ), an 'Invitation to Tender' (ITT), and a final Interview. Companies bidding were reduced from 39 to 7 to 3 at each of the above stages.
6. Clear selection criteria were identified to score the submissions at each stage of the process. Due to the heritage and conservation nature of the project and the wide stakeholder involvement the selection considered bids on a 40 / 60% cost / quality comparison. The quality of the approach, experience, capacity and capability of the companies bidding was considered paramount to achieve delivery of the Explore 2 project.
7. A multidisciplinary evaluation team consisting of Technical Advisors from Sweett (UK) Ltd and employees of the City of York Council considered and scored all bids at each stage of the process. The scored overall results for the three interviewed companies are shown in the confidential annex.
8. On completion of the evaluation process one company, Bisset Adams, emerged as the clear leader with the highest score. Whilst slightly higher in fee cost (4.5% higher than the lowest bid) the quality of the bid, the experience of the company on other similar projects, and the resource capabilities of the company gave them the highest ranked score.
9. The tender report recommends accepting the tender submitted by Bisset Adams as the company identified as the one providing the most economically advantageous bid and the one capable of completing the project. The Council's procurement procedure requires that a decision to appoint a tenderer who has not submitted the lowest tender be taken by the appropriate Cabinet Member in cases where the total value of the tender is in excess of £144,371.

Options

10. The principal options available to the Cabinet Member are to:
 - A. Approve the appointment of Bissett Adams.
 - B. Retender the work.

Analysis

11. This was a highly competitive procurement exercise and officers are confident that the highest scoring bid represents the most economically advantageous bid for the Council. For these reasons option A is recommended.

Council Plan 2011-15

12. This project furthers the Council Plan aim relating to “Improved community infrastructure”.

Implications

13. **Financial:** The cost of the contract up to the stage 2 HLF bid is covered by the HLF development grant and falls within the allocated budget. If the stage 2 bid is successful the design team will be retained on the terms set out in their bid and the cost will be covered by the HLF grant and the Council’s capital allocation for the project. If the stage 2 bid is not successful the design team will not be retained.
14. **Legal:** There are no additional legal implications arising from the report.
15. **Property:** Property implications are as contained in the report.
16. There are no Human Resources, Equalities, Crime and Disorder, or Information Technology implications.

Risk Management

17. In compliance with the Council’s risk management strategy the main risks that have been identified in this report, measured in terms of impact and likelihood, have been assessed at a score of less than 16. This means that at this point the risks need only to be monitored as they do not provide a real threat to the achievement of the objectives of this report.

Recommendations

18. The Cabinet Member is asked to approve the appointment of Bissett Adams as the design team for York Explore Phase II.
Reason: To progress the stage 2 HLF bid.

Annex (Confidential): Evaluation Scores**Contact Details**

Author:	Chief Officer responsible:		
Charlie Croft, Assistant Director (Communities and Culture) (01904) 553371	Sally Burns Director of Communities and Neighbourhoods (01904) 552003		
	Report Approved	✓	Date 1.2.12.
Specialist Implications Officer(s)			
Wards Affected:			All ✓
For further information please contact the author of the report			

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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