
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 no 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

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| 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].