

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	3804
Author:	Lee Kimberley
Department:	Commercial and Operations
Contact:	Lee Kimberley (Job Title: Head of Trading Operations, Email: lee.kimberley@nottinghamcity.gov.uk, Phone: 01158764958)
Subject:	Approval to deliver the Education Catering contract for Odyssey Collaborative Trust
Key Decision (decision valued at more than £1million):	Yes
Total Value:	Exempt (Type: Revenue)
Decision Being Taken:	1. To approve Nottingham City Council, Nottingham Catering to enter into a contract with Odyssey Collaborative Trust to deliver the catering service in 4 schools initially, to increase to 6 schools within the term of the contract for a period of 3+2 years (Portfolio Holder Decision).2. To approve budget provision to meet the needs of the contract and for the TUPE of staff from the current provider (Various) and to purchase provisions to deliver the service (Portfolio Holder Decision).3. To approve the TUPE of staff from the current provider (Various) under scheme of delegation reference 16 (Non-Executive Officer Decision)
Reasons for the Decision(s)	The Odyssey Collaborative Trust is located in Derby and has undertaken a tender process to select a new catering operator. This was for an initial 4 schools and later for the remaining 2 schools within its operation to be included in the overall contract. Nottingham catering formally submitted a bid for this contract and was successful, being awarded the contract on 27th January 2020 for a period of 3 years with an optional extension period of 2 years. This decision does not include the financial information for the additional schools as this is not available at the current time, however a further approval decision will be submitted for approval at the point that the additional schools join this contract.The new contract will commence on 1 April 2020 for a period of 3+2 years. Employees who will transfer are employed by both private sector companies and the trust themselves. Trade unions and affected employees will be consulted in line with HR advice in regards to the TUPE transfer of staff at the appropriate time.
Other Options Considered:	To not provide the catering. This option was rejected as provision of the contract is within the scope of the Commercial Business Plan for the service and would be a lost opportunity to generate income.

**Background Papers:**

**None**

**Published Works:**

**None**

**Affected Wards:**

**Citywide**

**Colleague / Councillor Interests:**

**None**

**Any Information Exempt from publication:**

**Yes**

**Exempt Information:**

**Description of what is exempt:**

**An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972**

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**3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).**

**The public interest in maintaining the exemption outweighs the public interest in disclosing the information because the council is competing in a highly competitive sector for catering contracts. Publishing its financial modelling and the proposed budget for this contract would expose its commercial information to the competition and therefore place the council at a disadvantage and risk in regards to both new contracts and existing contract renewals.**

4 - Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

The public interest in maintaining the exemption outweighs the public interest in disclosing the information to enable the correct TUPE process to be undertaken, including notification and consultation with the affected staff. Publishing this information would potentially compromise this legal process. Some information to remain exempt to protect the rights of the employees.

5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The public interest in maintaining the exemption outweighs the public interest in disclosing the information to allow confidential legal advice to be provided to the client department to enable the client dept to determine whether the proposed terms and conditions are acceptable to the council

Documents exempt from publication:

legaladvice.docx, Odyssey Collaborative Trust - Financial Sheet v1.2 - Jan 2020.pdf, Odyssey Collaborative Trust - Exempt Finance Comments.docx

Consultations:

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

None

Equality:

EIA not required. Reasons: EIA not required. Reasons: No equality issues will result as part of this decision, in particular this contract is outside of the City boundaries.

Relates to staffing:

Yes

Decision Type:

Leader's Key Decision

Subject to Call In:

Yes

Call In Expiry date:

04/03/2020

Advice Sought:

Legal, Finance, Procurement, Human Resources

**Legal Advice:** This advice is exempt from publication and is contained within an exempt appendix Advice provided by Sarah O'Bradaigh (senior solicitor) on 11/02/2020.

**Finance Advice:** This advice is exempt from publication and is contained within an exempt appendix Advice provided by Susan Turner (Senior Commercial Business Partner) on 06/02/2020.

**HR Advice:** Please see attached.  
Advice provided by Sheila Birch, HR Consultant - Commercial and Operations (11.02.2020)  
Advice documents: HR Advice.docx

**Procurement Advice:** There are no procurement implications as result of this decision. Advice provided by Lauren Wheatcroft (Procurement Officer) on 20/02/2020.

**Signatures:** David Mellen (Leader/ PH Regeneration, Safety and Communications)  
SIGNED and Dated: 26/02/2020  
Andy Vaughan (Corporate Director Commercial and Operations)  
SIGNED and Dated: 26/02/2020