

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	4088
Author:	Claire Moores
Department:	Children and Adults
Contact:	Claire Moores (Job Title: School Swimming Manager, Email: <a href="mailto:claire.moores@collegest.org.uk">claire.moores@collegest.org.uk</a> , Phone: 01159476202)
Subject:	External Swimming Provision (Teaching)
Total Value:	£66,000 (Type: Revenue)
Decision Being Taken:	To grant dispensation from contract procedure rule 4.1.1, in accordance with Financial Regulations 3.29, to enter into contracts for swimming instruction alongside the external pool hire delegated decision ref no 3779 for the Portland Centre, for 2 years and six months (1+1+1/2) at a cost of £24,000 starting on 1 January 2021 the contract will be formed with Quackers Ltd.
Reasons for the Decision(s)	<p>Using the external pool at the Portland Centre ensures that the city's carbon footprint is miminised by reducing or removing the need for travel to larger leisure centres in the city by using coaches at a further cost to schools. Use by schools in the geographical area of Portland allows pupils to participate in swimming lessons, not losing valuable learning time from the school day.</p> <p>In delegated decision 3779, pool hire is agreed, and now requires associated instruction that the pool cannot support at this time.</p> <p>An established relationship between NCC, Quackers Ltd and the Portland Centre is a factor and working agreements/arrangments already exist, which otherwise would need to be addressed in procuring a different provider by facilitating the working arrangements between them.</p>

**Other Options Considered:** Bringing services and employees in house - Rejected as proving the associated instruction to using the pools is essential and TUPE was not considered an option as this exceeds the cost of expected payroll expenses, citing the pool depth is not designed to meet with national governing body guidance around lesson provision and requires an in-water teaching approach that works outside the current service framework, creating additional expenses in staffing.

Do nothing - Rejected as this would leave pupils without swimming lessons, which are essential to the National Curriculum and life long learning.

Procure another operator - Rejected as there is no option to provide another swimming provider through an open market process, as there are no other organisations in the market of suppliers to undertake such a small contract, or have the specific knowledge and experience required for educational structured lesson and pool dynamics to provide delivery. A further agreement from the Portland trust to establish a working relationship would add complexities to the procurement process due to duty of care onsite and approval of designated responsibilities.

**Background Papers:** None

**Published Works:** DD3779

**Affected Wards:** Castle, Dales, Meadows

**Colleague / Councillor Interests:** None

**Dispensation from Financial Regulations:** Yes

**Consultations:** Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:** None arising from the decision.

**Equality:** EIA not required. Reasons: The provision secures participation only and engages the local community and business, and does not propose or amend existing policies.

**Relates to staffing:** Yes

**Decision Type:** Portfolio Holder

**Subject to Call In:**

**Yes**

**Call In Expiry date:**

**21/01/2021**

**Advice Sought:**

**Legal, Finance, Procurement, Human Resources**

**Legal Advice:**

**There are no significant legal issues arising from this decision. The Council may grant a dispensation for operational reasons and the reasons have been set out by the report writer. Due to the value of the contract this will be a dispensation from the need to carry out a tender process under Contract Procedure Rule 4.1.1. Based on the reasons given for the dispensation this proposal can be supported. Appropriate contract terms will need to be put in place with the provider.**

**Advice provided by Naomi Vass (Senior Solicitor) on 16/03/2020 & confirmed 14/01/2021**

**Finance Advice:**

**This proposal seeks to grant dispensation from Procedure Rule 5.1.2 in accordance with Financial Regulation 3.29, enabling the contract to be awarded to Portland as outlined in the guidance. The benefits of, and reasons for, this direct award are outlined in the guidance, and thus will reduce travel costs, and environmental impacts.**

**The cost of this contract is £24,000 per academic year, September to August, and the full duration of this contract is up to 3 years, for a total initial assumed cost of up to £72,000. However, due to delays in year 1, costs are likely to be £18,000, meaning an actual 3 year cost of £66,000.**

**These costs are fully funded via income generation from customers, and so will not cause additional pressure on Council budgets.**

**As these costs are fully covered by income, and additional non-financial benefits are present, this proposal is supported.**

**Advice provided by Graeme Black (Commercial Business Partner) on 02/11/2020.**

**Procurement Advice:**

The proposed award of contract for school swimming instruction at the Portland Centre will enable the delivery of swimming lessons in close proximity to schools, thereby minimizing travel costs and environmental impact and maximizing the accessibility of school swimming to pupils.

An open market procurement is not considered to be a cost effective option as there is not known to be a wider market of providers with the expertise and knowledge to deliver the swimming instruction required through a small contract of this nature. Additionally there are existing established arrangements between the Portland Centre who provide the pool hire and Quackers swimming school, which would present complications in seeking to procure an alternative swimming provider.

For these reasons dispensation from Contract Procedure Rule 4.1.1 in accordance with Financial Regulation 3.29 is supported from a procurement perspective.

Advice provided by Jo Pettifor (Procurement Team Manager) on 12/11/2020.

**HR Advice:**

The manager is seeking to procure external contracted resource to deliver swimming instruction. There is no impact on internal NCC staff.

Advice provided by Andrew Morley (Senior HR Consultant) on 12/03/2020 & confirmed 12/01/2021.

**Signatures**

<b>Cheryl Barnard (Portfolio Holder- Children and Young People)</b>
<b>SIGNED and Dated: 08/01/2021</b>
<b>Catherine Underwood (Corporate Director for People)</b>
<b>SIGNED and Dated: 07/01/2021</b>
<b>Clive Heaphy (Chief Finance Officer) - Dispensation from Financial Regulations</b>
<b>SIGNED and Dated: 04/01/2021</b>
<b>Chief Finance Officer's Comments:</b>