

Operational Decision Record

Publication Date 23/11/22	Decision Reference Number 4780
Decision Title	
External Pool Hire	
Decision Value	
£147,000	
Revenue or Capital Spend?	
Revenue	
Department	
Peoples	
Contact Officer (Name, job title, and contact details)	
Claire Moores School Swimming Manager	
Decision Taken	
Hire Portland and Lenton pool for school swimming due to the geographical location of the pools in relation to school premises.	
Reasons for Decision and Background Information	
<p>To enter into contracts for pool hire at The Lenton Centre and Portland Leisure Centre, for up to 3 years (1,1/2+1+1 at a cost of £49,000 per year) starting on 1 September 2022.</p> <p>The benefits of this to children and young people are that they can use pools in close location to the schools, which allows better use of school time in the classroom rather than travel and not losing valuable learning time within the school day.</p> <p>The benefits to Nottingham City Council are:</p> <p>The geographical locations for both swimming centres will ensure the city's carbon foot print is minimised by reducing or removing the needs for travel to other larger leisure centres in the city by using transport at a further cost to the school. The schools only in the geographical areas of Portland and Lenton will utilise the associated pools.</p>	
Reasons for recommendations	

The service is currently in place, well established (10+ years) and successful, both in terms of cost recovery and feedback/reputation.

Authorisation is sought to continue to procure external pool hire on the basis that there is a proven track record of financial viability on a traded basis and that doing so contributes positively to children and young people's learning, personal development and a number of elements of the Council Plan.

Other Options Considered and why these were rejected

Using vehicles to transport children to another city owned leisure centre was rejected as it could reduce the number of swimming lessons schools book due to have the financial implication of paying for additional transport where schools currently do not need this as they can walk at the moment in the locations already established.

The pool space isn't available in the city pools at this current time which means school would have to source external commitments.

Allowing Lenton and Portland to deliver contracts externally would provide less assurances of quality of delivery, best value, and attainment standards/reporting.

Going out to tender for alternative swimming pool provision in the wider county was rejected due to the need to keep the provision local to school area to avoid the risk of additional transport costs and the potential reduction of lessons that the school could afford, and classroom learning times due to travel.

Reasons why this decision is classified as operational

School Swimming is a statutory learning outcome in the National Curriculum for all Primary schools, schools must book pool hire instruction, and manage travel.

School Swimming facilitates educational lesson to ensure the learning outcomes are provided for every school pupil in the most sustainable way possible.

Using local facilities are key to ensure travel is kept a minimum, National Curriculum outcomes are achieved and lessons financially viable to school to access. Without the use of local provisions, schools would face a reduction of learning inside the classroom due to extended travel and costs for transport.

As a traded service If the service does not work with local operators fully, we may lose schools to either direct competition offers by these operators, where quality and finances could be impacted, and no longer under local authority procedures, where none delegable duty of care applies.

Additional Information

You should consider:

- obtaining and recording advice if necessary from legal, finance or other colleagues

Graeme Black Finance – /Claire Ricketts

As outlined in the decision above, the costs of this decision is £147,000 across the total 3 years (£49,000 per annum). Along with the non-financial benefits of contracting with these pools for hire, there is the added financial benefit of reduced travel/transport costs, especially as recently there has been increases to costs in this area.

The pool hire costs outlined in this decision will be covered via income generated from fees paid by schools to purchase swimming lessons. It should be noted and considered that the purchase of sufficient swimming lessons to cover the costs of pool hire should be maintained to ensure continued funding.

Clare Rickett, Finance – This is a long-standing relationship with an external provider and is the best value option for the service. The financial implication has been factored into the budget for this year and will be for forthcoming years also if approved.

Steve Oakley –

I am happy with the proposals and had agreed the exemption with Clive.

I would want to be clear that this is in reality two separate contracts one for circa £15k and the other for circa £22k per annum with two different organisations. The direct award and exemption is on the basis that if PCRs applied then we would argue that regulation 32 applies. But given the low value it was agreed that they are well below threshold and therefore should be approved.

Whilst Aggregation could be applied it would be odd to consider it this way, given we are only offering a three year contract for each and it would take 12.6 and 8.5 years to reach the threshold. There is not a contract available that is above threshold so am not sure reference to regulation 32 is particularly helpful although the principle is what is being applied ie no other supplier is available within the appropriate distance of the schools.

Matunga Barwell & Del Sander – Legal –

The Council has a statutory duty to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.” Section 3 of the Local Government Act 1999 (as amended by s137 of the Local Government & Public Involvement in Health Act 2007). The Council is therefore required to consider overall value, including economic, environmental and social value, when reviewing service provision.

The Council is also under duty pursuant to the Public Services (Social Value) Act 2012 (“the Social Value Act”) to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement.

Contracts awarded by the Council must comply with the Council’s Constitution including Article 18 (Contract Procedure Rules). However, if a procurement process in Article 18 cannot be completed due to extenuating circumstances, Officers can submit a request for an exemption from procurement procedures under Article 18.79.

Considering a waiver must be risk based and always last resort after all other options have been considered. Waivers may be considered in, but not limited to, circumstances where the purchase of supplies or the execution of works or services involve specialist or unique skills or knowledge. In this case, Officers are justifying the waiver request on the grounds that such specialism is around the geographical location of Portland and Lenton (the “Sites”) and their proximity to the Schools and pupils that will be accessing the Services.

The waiver request can be approved by the relevant Corporate Director if so persuaded.

If approved, Legal will work with Officers to finalise contractual arrangements with the Providers.

Jo Pettifor - Procurement – This decision relates to the hire of swimming pools which has been deemed to constitute a services contract. Exemption from the Contract Procedure Rules has been approved in accordance with Article 18.79 to make the proposed awards on the basis that there is no alternative provider for swimming pool provision in the required geographical locations.

Nick Lee – Education

The Service supports schools and local amenities by offering the option for schools to swim at pools in the closest geographical location with the service undertaking due diligence to offer such facilities, and offers this as a traded option in the city, and supports the offer through a sound traded option, I am happy to continue this offer to schools under the proposed arrangements.

- Lenton and The Meadows Ward Councillors, will only be notified if approval is not given
- This is an extension to the previous DDM 3779 24/01/2020
- As a traded service If the service does not work with local operators fully, we may lose schools to either direct competition offers by these operators, where quality and finances could be impacted, and no longer under local authority procedures, where none delegable duty of care applies.

Decision Maker (Name and Job Title)



Catherine Underwood

Corporate Director for People

22/11/22

Scheme of Delegation Reference Number 1

Date Decision Taken