

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	3003
Author:	James Dymond
Department:	Commercial and Operations
Contact:	Eddie Curry (Job Title: Head of Parks, Open Spaces and Investment Funding, Email: eddie.curry@nottinghamcity.gov.uk, Phone: 01158764982)
Subject:	Highfields Park Boating Lake
Total Value:	Exempt (Type: Revenue)
Decision Being Taken:	1. To approve the issue of a tender for the operation of the boating lake at Highfields Park for up to 5 years from 2018. 2. To delegate authority to the Director of Sport & Culture to award the contract for the operation of Highfields Park boating lake.
Reasons for the Decision(s)	Highfields Park boating lake is currently operated by Colwick Park lifeguards under a contract awarded in 2015. It is proposed to tender this opportunity out to the market as a concession where operators pay the Council for a licence to run the lake. The existing boat stock and access to the ticket office and boathouse will be provided to the successful operator who will lead on marketing, investment in the operation and the day-to-day running. This will provide the best possible boating lake attraction at the park to complement the £5.2m Lottery-funded restoration that is currently underway on the site.
Other Options Considered:	1. To continue with the existing contract - this would not necessarily lead to the best possible operation on site and offer to Citizens or maximise income to the City Council. This option has therefore been dismissed. 2. To not tender out the opportunity - this would risk breaching procurement regulations. This option has therefore been dismissed.
Background Papers:	None
Published Works:	None

Affected Wards:	Wollaton East and Lenton Abbey
Colleague / Councillor Interests:	None
Any Information Exempt from publication:	Yes
Exempt Information:	
Description of what is exempt:	The financial information relating to the last 3 years of the boating lake operation are exempt from publication.
	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
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 financial information on previous licences could compromise the future tender process.
Documents exempt from publication:	Highfields Park boating lake background info EXEMPT.docx
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	These opportunities will increase the attractiveness of City parks and open spaces, thereby increasing visitor numbers and reducing the risk of anti-social behaviour.
Equality:	EIA not required. Reasons: There is no proposal for new or changing policies/services/functions or financial decisions that would have a major impact on services.
Decision Type:	Portfolio Holder
Subject to Call In:	Yes

Call In Expiry date: 20/11/2017

Advice Sought: Legal, Finance, Procurement

Legal Advice: This report does not raise any significant legal issues. The proposed contract will be a services concession contract - that is a contract where the contractor will operate the boating lake on behalf of the City Council but instead of a payment from the City Council the contractor will receive payment from the public who hire the boats. Services concession contracts are potentially subject to the Concession Contracts Regulations 2016 rather than the Public Contracts Regulations 2015. However based on the likely value of this opportunity this concession contract will not exceed the applicable financial threshold and will be subject only to meeting the requirements of the City Council's Contract Procedure Rules. Advice provided by Andrew James (Team Leader Contracts and Commercial) on 10/10/2017.

Finance Advice: This decision seeks approval to issue a tender for the operation of the boating lake at Highfields Park, with the aim to securing an improved financial position for the Council for the next 5 years. The contract will need to be clear in terms of roles and responsibilities of the contractor, so that the budgets can be realigned to reflect the new responsibilities for the Council and the contractor. Advice provided by Maria Balchin (Finance Analyst) on 23/10/2017.

Procurement Advice: The procurement team will assist with the tendering exercise to ensure that a fully compliant value for money concession is entered into. Advice provided by Paul Ritchie (Lead Procurement Officer) on 11/10/2017.

Signatures
David Trimble (Portfolio Holder for Leisure and Culture)
SIGNED and Dated: 06/11/2017
Andrew Vaughan (Corporate Director Commercial and Operations)
SIGNED and Dated: 06/11/2017