

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	3454
Author:	Rachel James
Department:	Commercial and Operations
Contact:	Rachel James (Job Title: Chief Operating Officer, Email: rachel.james@nottinghamcity.gov.uk, Phone: 61411)
Subject:	Catering Concession Licence - Wollaton Park
Total Value:	Exempt (Type: Revenue)
Decision Being Taken:	1.To approve the extension of the catering concession licence for ice cream vans at Wollaton Park for a further two years. 2 To approve dispensation from procurement regulations 5.1.2 and Financial Regulations 3.29 for the above contract extension. 3.To approve the signing of contracts for the above licences by the Head of Culture & Libraries.
Reasons for the Decision(s)	The ice cream van operator has been in place at Wollaton Park for at least five years following a tender exercise in 2014. The service is satisfied with the service provided at this site during this time and the current income received. It is therefore proposed to extend these contracts for a further two years, with a percentage increase applied to the value each year, in line with the Retail Price Index.
Other Options Considered:	An alternative option would be to re-tender the icecream licences but this presents a risk of receiving lower prices than currently secured and/or poorer service
Background Papers:	None
Published Works:	None
Affected Wards:	Wollaton East and Lenton Abbey, Wollaton West

Colleague / Councillor Interests: None

Any Information Exempt from publication: Yes

Dispensation from Financial Regulations: Yes

Exempt Information:

Description of what is exempt: The value of the decision.

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 details of the license value would have a detrimental effect on the council's business and affect any future negotiations.

Documents exempt from publication:

Exempt value of decision.docx

Consultations:

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

Securing ice cream concessions on parks provides an additional attraction to visitors and thereby increasing footfall of genuine users of the site.

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 the services

Decision Type:

Portfolio Holder

Subject to Call In: Yes

Call In Expiry date: 25/03/2019

Advice Sought: Legal, Finance, Procurement

Legal Advice: This report does not raise any significant legal issues and the dispensation can be supported. The value is significantly below the financial threshold which applies to the award of contracts for concession services - currently £4,551,413. There is an argument that this is not a concession caught by The Concession Contracts Regulations 2016 and is a property licence only giving permission to carry out a commercial activity but that does not affect this decision. Advice provided by Andrew James (Team Leader Contracts and Commercial) on 04/03/2019.

Finance Advice: This decision seeks approval to extend the catering concession at Wollaton Park for a further 2 years. The expected income is included in the medium term financial plan (MTFP), and therefore failure to secure this income would lead to an overspend position. Dispensation from contract procedure rule 5.1.2 in accordance with financial regulation 3.29 is supported in order to ensure the income continues as currently expected in the MTFP.

Advice provided by Maria Balchin (Finance Analyst) on 22/02/2019.

Procurement Advice: The proposal is a request for a dispensation from contract procedure rule 5.1.2 to extend the existing catering concession's agreement at Wollaton Park for a further 2 years. Due to the overall value and the proposed length of extensions, there are no significant procurement concerns with this decision. Advice provided by Lauren Wheatcroft (Procurement Officer) on 15/02/2019.

Signatures

David Trimble (Portfolio Holder for Leisure and Localities)
SIGNED and Dated: 18/03/2019
Andy Vaughan (Corporate Director Commercial and Operations)
SIGNED and Dated: 18/03/2019
Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations
SIGNED and Dated: 13/03/2019
Chief Finance Officer's Comments: