

Item 10(a)

LEISURETIME COMPETITIVE PROCESS SUB-COMMITTEE

FRIDAY 3 AUGUST 2001 AT 2.00 PM

PRESENT: Councillor Mrs Pattinson (Chairman), Councillors Dodd (as substitute for Councillor Mrs Prest), Knapton, Ms Martlew (as substitute for Councillor Weedall) and Weber.

ALSO

PRESENT: Mr Kevin Franklin, Strategic Leisure Limited

LCP.14/01 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Prest and Weedall.

LCP.15/01 WELCOME

The Chairman welcomed Mr Franklin to the meeting.

LCP.16/01 DECLARATIONS OF INTEREST

Councillors Dodd, Knapton, Ms Martlew, Mrs Pattinson and Weber declared non-pecuniary interests in accordance with the National Code of Local Government Conduct in the business to be transacted.

LCP.17/01 MINUTES OF PREVIOUS MEETING

RESOLVED – That the Minutes of the meeting held on 25 May 2001 be received.

LCP.18/01 *DRAFT CODE OF CONDUCT

The City Solicitor and Secretary presented a report by the Director of Leisure and Community Development (LCD.79/01) enclosing a draft Code of Conduct for Members and Officers involved in the proposed externalisation of Leisuretime.

The City Solicitor and Secretary indicated that the draft Code was currently with the District Auditor whose comments were awaited. He added that the purpose of the rules was to provide guidance for Officers and Members who had an involvement, and he outlined the draft Code in detail, specifically the need to be alert for the potential to arise of:

- (i) Conflict of Interest
- (ii) Anti Competitive Conduct.

In response to a question, the City Solicitor and Secretary indicated that the matter was likely to be an Executive function under the new political structure scheduled to be implemented in September 2001, but ultimately it was for the Leader to determine the level of delegation.

With regard to the provision of information to bidders, a member raised the scenario whereby a third party may be involved e.g. a company providing a catering service to a particular venue, commenting that information of a commercially sensitive nature might be disclosed. The City Solicitor and Secretary advised that in such circumstances under the Code such companies would be requested to release the information to prospective tenderers but, if they refused to do so, this would not be compelled of them.

The Director of Leisure and Community Development stressed that Officers had been operating in line with the rules and would continue to do so.

RESOLVED - (1) That the draft Code of Conduct be adopted and applied by all engaged in the process, with the exception of paragraph 1.1 (Conflict of Interest) upon which the comments of the District Auditor were awaited.

(2) That the City Solicitor and Secretary be requested to report further on paragraph 1.1 following clarification on how the proposed externalisation of Leisuretime would be dealt with under the new political structure in the Leader's Scheme of Delegation and receipt of the comments of District Audit.

LCP.19/01 *RISK ANALYSIS

The Director of Leisure and Community Development submitted report LCD.82/01 providing an update on the risk management of the project. He commented that the District Auditor had been consulted and an additional column added to the document to enable progress to be monitored.

RESOLVED – That the Risk Assessment and the work being carried out by Officers be noted.

LCP.20/01 *BUDGET

The Director of Leisure and Community Development submitted report LCD.83/01 concerning the budget available to cover the costs of the externalisation process and outlined the position as at 30 July 2001.

RESOLVED – That the report be received and the position noted.

LCP.21/01 *DRAFT TIMETABLE AND ACTION PLAN

The Director of Leisure and Community Development submitted report LCD.84/01 enclosing a draft Timetable and Action Plan in respect of the externalisation process.

He commented that the actions marked ✓ had now been completed and work continued on schedule.

RESOLVED – That the report be received and the position noted.

LCP.22/01 PUBLIC AND PRESS

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against each Minute) of Part 1 of Schedule 12A of the Local Government Act 1972.

LCP.23/01 *A REPORT FROM STRATEGIC LEISURE

(Public and Press excluded by virtue of paragraph 9)

Mr Franklin presented report LCD.78/01 concerning expressions of interest received following the advertisement for prospective partners to join with the City Council to manage and develop the Council's indoor and outdoor leisure and recreation facilities.

Mr Franklin provided details of the companies who had applied to be considered for inclusion on the select list of tenderers for the contract. He then reported on Strategic Leisure's evaluation of their suitability against the set criteria and made recommendations.

Mr Franklin added that the company identified at paragraph 3.3 of his report had been excluded on the basis of its response to a human resources issue, but that Members may wish to seek further clarification on that point.

RESOLVED – (1) That the companies identified at paragraph 4.1 of report LCD.78/01 be selected for inclusion on the select tender list and be invited to submit tenders to be evaluated alongside a tender submitted by the Leisuretime "trust" option.

(2) That Strategic Leisure Limited be requested to seek clarification of the human resources issue from the company indicated at paragraph 3.3 of the report.

LCP.24/01 *ISSUES FOR CONDITIONS OF CONTRACT AND OTHER SCHEME DOCUMENTATION

(Public and Press excluded by virtue of paragraph 9)

The City Solicitor and Secretary submitted report LCD.80/01 concerning issues relevant to conditions of contract and other scheme documentation.

The City Solicitor and Secretary outlined the complexity of continuing to apply Best Value through the life of a long contract. He commented on the need for expert input into the contract documentation, together with the likely financial implications thereof.

RESOLVED – That no further action be taken pending the receipt of:

- (i) A response from the Inspectorate on Best Value;
- (ii) The submission of guide prices for contract matters.

LCP.25/01 *LEISURE FACILITIES IMPROVEMENT PRIORITIES

(Public and Press excluded by virtue of paragraph 9)

The Director of Leisure and Community Development submitted report LCD.81/01 concerning the prioritisation of leisure facility improvements.

The Director commented that following the Best Value consultation process a facility improvement list had been compiled which covered the main issues raised and could be split into three main categories. He then outlined each of the improvements in turn and asked that Members agree the extent and categorisation of the same.

RESOLVED – That the extent and categorisation of the improvements contained within report LCD.81/01 be agreed.

[The meeting ended at 3.15 pm]