

**Reports and Notices received by the Chair of Overview and Scrutiny Committee as required under the Constitution or Law.**

**1. Items referred to the Chair of Overview and Scrutiny Committee under Contract Standing orders and Standing orders for dealing with Land**

Notifications received where it has not been possible to obtain 3 quotations for a contract estimated to be between £10,000 and £50,000.

**- Disaster Recovery Contract – 14<sup>th</sup> April 2020**

The contract relates to the disaster recovery arrangements in respect of Information and communications technology (ICT).

In the event of a disaster rendering the Council's servers unusable the Council requires services from a third party to assist in the recovery of systems and files.

A contract with Centerprise has been held previously and has previously been jointly procured with Rushcliffe Borough Council (RBC), Mansfield District Council (MDC), Broxtowe Borough Council (BBC) and Newark and Sherwood District Council (NSDC). That contract expired on 1<sup>st</sup> February 2020. RBC led on procurement for a new disaster recovery contract on behalf of Gedling Borough Council, and four companies supplying disaster recovery services in respect of IT were contacted. Three of the four companies advised that they could provide the services detailed in the specification for disaster recovery: Due to commercial reasons one withdrew and of the two remaining quotations Centerprise quoted the lowest price.

It was agreed to enter a five year contract with the existing provider.

**- Leisure Management System- 17<sup>th</sup> April 2020**

In April 2014 it was agreed to waive Contract Standing Orders to enable the Council to enter into a contract with Omnico Group UK Limited ("Omnico") to upgrade the existing leisure management system with a newer version from the same supplier. This decision was agreed based on the removal of Microsoft XP support to the older version of the system and the cost involved with procuring a new system. In May 2018 the Director for Health and Community Wellbeing decided to enter into a further contract with Omnico for a term up to 2 years whilst joint working arrangements with another local authority were being reviewed as, if those arrangements were finalised, a joint tender for a new leisure management system when both authorities' contracts expired would have been preferable. This was reported to the Chairman of the Overview and Scrutiny Committee in May 2018. The Council's current contract is due to expire on 30 April 2020. The Council is currently undergoing a significant piece of work reviewing leisure provision and development of an investment strategy and therefore it is not the right time to consider going out to tender for a new leisure management system when the current contract due to resources involved. The Council does not have current capacity to carry out a tender exercise for a new system nor its implementation which would likely take in excess of 6 months. Neither does it have the budget to procure a new system. It was agreed to enter into a 1 year contract with Omnico for the provision of the ClarityLive

Leisure Management System with an option for the Council to extend the contract for a further period of 6 months. By this point the future of leisure provision and operation may be known ensuring the right leisure management system is purchased to support the delivery of the service in the medium to long term.

**- Redevelopment of Arnold Market- 24<sup>th</sup> April 2020**

Following the Council's acquisition of the Arnold Market site in July 2018, Cabinet approval was obtained in April 2018 to secure the temporary improvement of the market whilst a wider regeneration scheme was being considered. Works to remove the old stalls and installation of the new temporary market stalls was completed in advance of spring 2019.

A final development scheme was required to progress the project forward and submit a detailed planning application. However, the project had already experienced some challenges during the Covid-19 pandemic which would have impacted on the delivery programme. The project was at high risk of further delays, increased costs and uncertainty whilst working under the Government's restrictions. After review the most economically viable and commercially advantageous method of progressing the scheme within the lockdown period was to re-commission the services of the original Architect: Maber Associates Ltd. Through the earlier feasibility works, Maber Architects had already developed a sound working knowledge of the development site, its constraints and were familiar of the council's aims and objectives. Site visits and initial briefing meetings have already been carried out. The background work already completed in the earlier stages would also negate the need for non-essential travel, repetition of (virtual) face to face project briefings and site visits which in turn, further minimises any risks to staff and the public. Furthermore, officers have been impressed with their work done to date and have no concerns about the quality, pace and value for money already received. It was agreed to appoint Maber Architects Associates Ltd to prepare and coordinate a final building design, specification and supporting documents for the Arnold Market Place.

**- Update of pumps at Carlton Forum Leisure Centre – 21<sup>st</sup> April 2020**

The Council needs to update the circulation pumps for both the main pool and the teaching pool. This will require closure of the pools at the Leisure Centre for a least 4 day which will result in a loss of income for the Council. The existing pumps are not suitable for operating a commercial pool and should be replaced for newer upgraded pumps with IE3 motors and to include Inverter drives to operate during the night time period to offer energy savings. Currently the centre is closed to the public as a result of restrictions imposed by the Government in response to the Coronavirus COVID-19 pandemic. Whilst the centre is closed to the public, it is an ideal time to undertake the necessary upgrade works to the circulation pumps.

The Council has approached Sterling Hydrotech Ltd to provide a quotation for the necessary upgrade. Sterling Hydrotech are specialists in swimming pool design, supply, installation of filtration of and water treatment equipment. Due to Sterling Hydrotech expertise in the field only one quote was obtained for the upgrade of the main and small pool circulation pumps. They also currently

oversee the maintenance at Arnold, Calverton and Carlton Forum Leisure Centre's and understand the workings of the plant rooms.

As the works need to be undertaken promptly whilst the centre is closed to the public and Sterling Hydrotech are specialists in this field with existing understanding of the relevant plant room, it is not proposed that the Council undertakes a procurement process inviting written quotations from other suppliers. This is to prevent any further closure of the pool to members of the public when the Government lifts its current restrictions and to prevent any further loss of income to the Council.

**- Contract for the upgrade of circulation pumps for the Main and Teaching pools and Filter Refurbishment at Arnold Leisure Centre. – 29<sup>th</sup> April 2020**

Arnold Leisure Centre is closed to the public as a result of restrictions imposed by the Government in response to the Coronavirus COVID-19 pandemic. Whilst the centre is closed to the public, it is an ideal time to undertake the necessary upgrade works to the circulation pumps and filter refurbishment to prevent closure at a later date which will be an inconvenience to customers and avoid any further loss of income to the Council.

The Council has approached Sterling Hydrotech Ltd to provide a quotation for the necessary upgrade. Sterling Hydrotech are specialists in swimming pool design, supply, installation of filtration and water treatment equipment. They are considered market leaders in the field. The Council contracted with Sterling Hydrotech previously for works on its swimming pools.

Sterling Hydrotech have confirmed that they have the staff available to undertake the works within the Council's timescales and because of their expertise and detailed operational knowledge of the site they are considered to be best placed to undertake the works within the very tight timescale to ensure minimal disruption to customers and prevent any further loss of income when we are able to reopen the centre. As the works need to be undertaken promptly whilst the centre is closed to the public and Sterling Hydrotech are specialists in this field with existing understanding of the relevant plant room, it is not proposed that the Council undertakes a procurement process inviting written quotations from other suppliers. This is to prevent any further closure of the pool to members of the public when the Government lifts its current restrictions and to prevent any further loss of income to the Council.

**- Lease of the Lower Car Park, Burntstump Country Park – 6<sup>th</sup> May 2020**

To seek approval to lease part of the Lower Car Park at Burntstump Country Park, Arnold to the Police and Crime Commissioner ("P&CC"), subject to the right for members of the public to be able to use the Land between 6pm and 6am on weekdays, at weekends and Bank Holidays and subject to the Land being removed from the current Off Street Parking Places Order. In addition to seek approval to remove the Land, which comprises of 57 car parking spaces, from the current Off Street Parking Places Order ("the Parking Order") and amend the Parking Order to restrict maximum stay on the Remaining Land to 2 hours.

- **Contract for Counsel to represent Gedling Borough Council ('the Council') in the County Court at trial- 19<sup>th</sup> May 2020**

Contract for the provision of legal services to defend the Council in the disability discrimination claim and to represent the Council in those proceedings. This contract relates to a longstanding matter which is likely to proceed to trial. The Council is defending a claim made under the Equality Act 2010 on the basis that the Council failed to make reasonable adjustments when refurbishing the gym in April 2018. Due to the complex nature of the claim and need initial advice and has continued to advise and represented the Council at the Case/costs management conference on 2 December 2019 before the Nottingham County Court. The fees by this time were approaching £10,000, which would usually require quotations to be obtained. The Council now needs to fully prepare this case for trial whilst still complying with our duty to try and resolve matters without litigation through the use of mediation. It is estimated that the barrister's costs will be between £10,000 and £50,000 to conclude this matter through to trial. The barrister has a detailed knowledge of both the background and the legal issues involved in the Claim and has also been involved in trying the Alternative Dispute Resolution we are bound to consider including mediation. Any other barrister would need to familiarise themselves with the history of this case and the legal issues involved, to progress the matter now, for which a charge would be made; it is likely that therefore if a different barrister were now used their overall charges would be higher than those quoted.

Please note that the above list may not be exhaustive; items may be referred at short notice to the Chair of Overview and Scrutiny Committee.

## **5. Recommendation**

To note the contents of the report.