



## Record of individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

<b>Decision made by</b>	Cllr Sally Povolotsky, Cabinet Member for Climate Emergency and Environment.
<b>Key decision?</b>	Yes – as per Paragraph 121 of the Council's Contract procedure rules as contract value over £75,000.
<b>Date of decision</b> (same as date form signed)	24 November 2022
<b>Name and job title of officer requesting the decision</b>	John Backley Technical Services Manager
<b>Officer contact details</b>	Tel: 07917 088317 Email: <a href="mailto:John.Backley@southandvale.gov.uk">John.Backley@southandvale.gov.uk</a>
<b>Decision</b>	To approve the award of a contract with Sutcliffe Play (South West) Ltd for the supply and installation of play equipment in Vale of White Horse District Council owned play areas as and when the need arises for a term of three years plus an optional one year extension.
<b>Reasons for decision</b>	<p>This contract will be a joint one with South although mainly used for works in the Vale owned play areas.</p> <p>A procurement process has been undertaken to identify a suitable supplier to supply and install the replacement of any play equipment required in Vale Council owned play areas.</p> <p>In line with CPR 83, as there were fewer than five contractors express an interest, the head of service is able to seek instructions from the relevant cabinet member via an individual cabinet member decision.</p> <p>In conjunction with Procurement, it was determined that the most appropriate contract was a goods and services contract with a schedule of rates to allow for the best value for money to be achieved by obtaining specific quotations prior to confirming any work and to be advertised on the South East Business Portal as an open market tender.</p> <p>There is no commitment as to total expenditure and volumes of work during the contract term as the Council will draw down from the contract as and when the need for works arises.</p>

## Tender and Evaluation

The specification for play areas was written in two separate lots:

- Lot one was the contract to maintain and service the existing play equipment.

This lot did not receive any tenders. Officers are exploring alternative options to have a contractor in place as soon as possible.

- Lot two was the supply and fitting of new play equipment.

Lot two received one single submission. Officers have previously worked with Sutcliff Play on numerous occasions and are satisfied that this tender will achieve the desired outcome.

The tender submission was evaluated by the following:

Richard Ballard – Parks Team Leader

Richard Embling – Parks Officer (Contract monitoring)

This table shows the summary of the evaluation result.

Rank	Contractor	Price (%)	Quality (%)	Combined total (%)
1	A	£25,895 (40% max)	54.7% (60% max)	94.7% (100% max)

Officers from within the parks team are confident that these prices represent value for money. They have compared the prices within the tender with previous recent ad hoc quotations and consider them to represent best value. The recommendation is therefore to award the contract to Sutcliffe Play (South West) Ltd, 17 & 18 Freeland Park, Wareham Road, Lytchett Matravers, Dorset BH16 6FH.

### **Alternative options rejected**

The Council could re-tender for just lot two on a specific framework. However, officers do not consider this would provide any greater value for money and use resources.

### **Climate and ecological implications**

The specification included a question on Climate action as follows:

The councils have declared a Climate Emergency and are committed to reducing its carbon emissions and those of its suppliers. Please provide details of any actions your company is currently undertaking to reduce carbon emissions in its day-to-day practices.

Please confirm where you send the following waste streams? Metal, Wood, Plastics and any other waste that is applicable to this requirement.

The company response is in Appendix A.

### **Legal implications**

The proposed contract value is not above the UK threshold relating to procurement legislation. However, the three years plus one year

	<p>extension whole life of the contract will exceed £75,000.</p> <p>A standard Goods and Services Contract with a schedule of rates as amended by legal services in a draft version, was provided with the invitation to tender document pack.</p> <p><b>COMMENCEMENT OF CONTRACT</b> As per the council's CPR (para 29) No works, services or supplies shall be commenced until a contract has been completed or an order has been issued to the contractor unless the head of service approves otherwise.</p>
<b>Financial implications</b>	<p>Tendered works used for selection and evaluation purposes and potentially for the first three projects amounts to £25,895. There is currently £15k available in the capital budget code C015/YC03 for 2022/23. This year the most urgent project will be selected to be completed.</p> <p>In addition, councillors earmarked Community Infrastructure Levy (CIL) funds that can be spent on projects to upgrade play areas with accessible equipment for children with special needs. This funding can only be spent on CIL eligible projects, so is not available for all play areas.</p> <p>An application process is required to establish if CIL funding is available on a project by project basis. CIL funds can only be spent on projects that meet CIL funding criteria. The location of the play area, the condition of the site and the nature of the improvements will all need to be assessed by the CIL team to ensure the project is eligible for CIL funding. The budget available in this code is £40,000 per year for the next five years, totalling £200,000.</p> <p>However, the contract with Sutcliffe is for the first three years plus a possible extension of 12 months.</p> <p>Therefore, the contract could have a potential value of up to £160,000 throughout its term.</p>
<b>Other implications</b>	<p>The equalities officer was consulted as part of the invitation to tender and agreed with the award.</p> <p>All play equipment will be considered by the Equalities officer prior to being purchased.</p>
<b>Risk</b>	<p>The tender specification required experience and skills from staff managing, selecting and installing play equipment so the risk of having poor quality play equipment is reduced.</p>
<b>Background papers considered</b>	<p>DA: To approve the route for procurement of a contractor to carry out play area maintenance and supply and installation of new play area equipment on Vale of White Horse and South Oxfordshire District Council owned play areas for the term of three years. Dated 1 August 2022</p>
<b>Declarations/ conflict of interest?</b>	

<b>Declaration of other councillor/ officer consulted by the Cabinet member?</b>				
<b>List consultees</b>		<b>Name</b>	<b>Outcome</b>	<b>Date</b>
	Parks Team Leader	Richard Ballard	Comments included	18 October 2022
	Legal	Christine Cox	Comments included	27 October 2022 and 3 November 2022
	Finance	Emma Creed	Agreed	28 October 2022
	Procurement	Angela Cox	Comments included	18 October 2022
	Climate and biodiversity	Jessie Fieth	Suggest considering play equipment made from recycled or low carbon materials, and also how the carbon footprint of the contractors can be reduced.	24 October 2022
	Diversity and equality	Lynne Mitchell	Ensure chosen contractors consider accessible play equipment when replacements are required.	19 October 2022
	Health and safety	Debbie Porter	Whilst the replacement of play equipment is agreed, the provision for sufficient resource to ensure timely repair and maintenance of play areas and equipment is also a priority.	20 October 2022
	Risk and insurance	Yvonne Cutler Greaves	Agree with approach.	18 October 2022
	Communications	Gavin Walton	No Comments	19 October 2022
	CIL Funding	Mark Hewer	<p>Confirm that CIL funding has been allocated in the Capital Programme for the purpose of:</p> <p><i>Enhance Play equipment in Vale owned play areas with accessible equipment for children with special needs</i></p> <p>at £40,000 per year from 2022/23 to 2026/27 inclusive.</p> <p>Due to restrictions on the use of CIL, each project will need to be assessed by the infrastructure obligations team to ensure its eligibility for use of this allocation.</p>	18 November 2022
	Head of Development and Corporate Landlord	James Carpenter	Agreed	8 November 2022
<b>Confidential decision?</b> If so, under which exempt category?	No			
<b>Call-in waived by Scrutiny</b>	No			

<b>Committee chairman?</b>	
<b>Has this been discussed by Cabinet members?</b>	
<b>Cabinet portfolio holder's signature</b> To confirm the decision as set out in this notice.	Signature _____ Councillor Sally Povolotsky _____ Date _____ 24 November 2022 _____

**ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.**

For Democratic Services office use only		
Form received	Date: 24 November 2022	Time: 09:35
Date published to all councillors	Date: 24 November 2022	
Call-in deadline	Date: 1 December 2022	Time: 17:00

## **CARBON REDUCTION POLICY**

Our commitment to the environment is embedded into all aspects of our business with the consideration of our impact on our community and society being an integral part of our company philosophy. We are aware of the impact our business has on the environment and both Sutcliffe Play (South West) Ltd and the manufacturer Sutcliffe Play Ltd are accredited with ISO 14001: 2018 for our Environmental Management Systems.

We monitor our activities, source materials responsibly, reduce our raw material usage and energy use and recycle waste materials.

We understand the need to improve our environmental performance and conserve natural resources for the future, working closely with our supply chain using environmentally friendly and renewable materials.

We minimise carbon emissions at our business addresses in numerous ways:

**Energy** – numerous audits have resulted in investment in energy efficient power packs, diversion of waste from landfill through the use of fewer materials, return of packaging to suppliers, re-using materials, more recycling, LED lighting, and the installation of electric car point chargers.

We have calculated the carbon footprint of the energy used in manufacture of the equipment and this is based upon the use of energy within our facility matched to financial output.

**Electrical** – introducing a switch off policy when equipment is not in use

**Gas** – monitoring usage

**Water** - dispensers are plumbed into the water to prevent use of bottled water. No water is used in the factory for manufacturing

**Travel & Transport** - Determined decrease in vehicle miles, introduction of hybrid and electric cars, a cycle to work company incentive and staff also car share in a travel to work scheme. Equipment deliveries are scheduled for maximum economy and reduced emissions. Quotations and designs are emailed rather than posted and Skype is used for meetings.

**Design** – products are designed and manufactured in the UK enabling us to include renewable materials and sourcing materials sustainably. We are also able to refurbish equipment there.

**Environment** – We are members of a local environment group sharing best practice and updated with changing legislation. We have received a number of environmental awards through our efforts.

**Hazardous Waste** - managed through best practice and in accordance with legislative guidelines

## Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off, including the chief executive. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must hand-sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence.  
Tel. 01235 422520 or extension 2520.  
Email: [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk)
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days) if it is a 'key' decision (see the definition of a 'key' decision below). A key decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing a key decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If a key decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
  - refer the decision back to the Cabinet portfolio holder for reconsideration or
  - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
  - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

## Key decisions: assessing whether a decision should be classified as 'key'

The South Oxfordshire and Vale of White Horse District Councils' Constitutions now have the same definition of a key decision:

**A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers, which is likely:**

- (a) to incur expenditure, make savings or to receive income of more than £75,000;**

- (b) to award a revenue or capital grant of over £25,000; or**
- (c) to agree an action that, in the view of the chief executive or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.**

Key decisions are subject to the scrutiny call-in procedure; non-key decisions are not and can be implemented immediately.

In assessing whether a decision should be classified as 'key', you should consider:

- (a) Will the expenditure, savings or income total more than £75,000 across all financial years?
- (b) Will the grant award to one person or organisation be more than £25,000 across all financial years?
- (c) Does the decision impact on more than one district council ward? And if so, is the impact significant? If residents or property affected by the decision is in one ward but is close to the border of an adjacent ward, it may have a significant impact on that second ward, e.g. through additional traffic, noise, light pollution, odour. Examples of significant impacts on two or more wards are:
  - Decisions to spend Didcot Garden Town funds (significant impact on more than one ward)
  - Changes to the household waste collection policy (affects all households in the district)
  - Reviewing a housing strategy (could have a significant impact on residents in many wards)
  - Adopting a supplementary planning document for a redevelopment site (could significantly affect more than one ward) or a new design guide (affects all wards)
  - Decisions to build new or improve existing leisure facilities (used by residents of more than one ward)

**The overriding principle is that before 'key' decisions are made, they must be published in the Cabinet Work Programme for 28 calendar days. Classifying a decision as non-key when it should be a key decision could expose the decision to challenge and delay its implementation.**