

Record of individual Cabinet member decision



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

Decision made by	Councillor Andrew Crawford
Key decision?	Yes
Date of decision	18 April 2024
Name and job title of officer requesting the decision	Tim Sonnex, Strategic Property Surveyor
Officer contact details	Email: tim.sonnex@southandvale.gov.uk
Decision	To award Earth Trust a five-year contract with effect from 1 April 2024, to deliver custodianship and volunteer management services of countryside land on three sites in the District of Vale of White Horse and three sites in South Oxfordshire (Countryside Management Services). This will be a joint contract with South Oxfordshire District Council.
Reasons for decision	<p>In accordance with a procurement management plan approved on 7 June 2023, officers have undertaken a compliant procurement process via the Find a Tender Service and South East Business Portal to invite Tenders for the provision of custodianship and volunteer management services to replace the existing services being supplied at Abbey Fishponds, Abingdon, and to introduce these services to two further sites in the District. In addition, the contract will cover three countryside sites in South Oxfordshire District Council.</p> <p>The tender from Earth Trust was the only one received. Three officers undertook an evaluation of the tender against a pre-published set of evaluation questions and after receiving further clarifications to the response received and awarded a total of 55 per cent out of a possible 60 per cent for quality. 40 per cent of the marking was attributed to price and, as this was the only tender, it received a maximum score for price. Overall, this gave a score of 95 per cent.</p> <p>Please see more detailed comment on the pricing schedule under Financial implications below.</p> <p>The proposed Countryside Management Services will help to maintain and enhance the biodiversity of these sites in support of the council's priorities and strategic themes and in particular tackling the climate emergency and building healthy communities under the Corporate Plan.</p>

	<p>The sites are all of ecological importance and are visited frequently by members of the public:</p> <p>Tuckmill Meadows is a site of 6.1 hectares in Shrivenham, designated as a local nature reserve and SSSI with a diversity of natural habitats.</p> <p>Abbey Fishponds is a Local Nature Reserve (LNR) of 6.9 hectares comprising a wetland teeming with wildlife. LNR is a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949. The site is held on a lease from private landowners which expired on 30 June 2017, but on which the council remains in occupation. Heads of terms have been agreed for a new lease for a term to coincide with the proposed new countryside management contract, which will incorporate a contribution from the landlord, a minimum of £4,000 per annum, towards the countryside management costs.</p> <p>Besselsleigh Wood is a site of 9.7 hectares near Appleton comprising primarily mature oak-ash-hazel woodland and containing a number of public and permissive footpaths.</p> <p>Local volunteer groups are active on all three sites and are a vital resource. The appointed service provider will be required to work closely with these groups, to support them and to provide advice and guidance.</p>
<p>Alternative options rejected</p>	<p>There were no alternative bids to consider.</p> <p>The council do not have the in-house resources to manage these sites which are of a specialist nature and the alternative of not appointing a managing agent would be contrary to the council's priorities and strategic themes on the climate emergency and community well-being, as well as risking reputational damage to the council.</p> <p>The council could choose to not appoint an external consultant to provide countryside management services, but the Development and Corporate Landlord would need to recruit to fill this gap or potentially compromise its position on health and safety, ecology and biodiversity.</p>
<p>Climate and ecological implications</p>	<p>15 percent of the quality score was given to a question asking the bidders to provide details of their ecological monitoring skills and experience of managing sensitive ecological sites, including SSSIs. Earth Trust scored 5 out of 5, demonstrating high levels of skill and experience in managing sensitive ecological sites.</p> <p>5 per cent of the quality score was given to a question asking the bidders to outline how their approach would help to contribute towards the councils' goals of carbon reduction and energy efficiency. Earth Trust scored 4 out of 5 for their response, which demonstrate a clear ability to address climate change and embed sustainability into their services, but officers felt was slightly generic and could have provided more site-specific commentary. Officers can work with Earth Trust to develop more site-specific initiatives if approval is granted to proceed with the appointment of Earth Trust.</p>

Legal implications	Legal services will be requested to prepare the final contract documents for execution by the successful tenderer and the Council. A draft contract was included as part of the Invitation to Tender.
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Financial implications	<p>Bidders were asked to provide annual costs for each of the three sites over the 5 years of the proposed contract and to include any cost inflation within their proposals, such that the cost of future years is known and can be budgeted for.</p> <p>Officers sent a number of clarification questions to Earth Trust on their proposed fee schedule, due to the fact that the numbers showed a significant increase from current levels and were weighted towards year 1 of the contract. Earth Trust responded to those clarifications comprehensively and submitted a slightly revised fee schedule showing some reductions and the principal reasons for the increases can be summarised as follows:</p> <ol style="list-style-type: none"> 1. They state that they have been managing a contract on Abbey Fishponds at a loss in recent years but have a strong desire to retain their involvement in that site as well as managing the other two sites in South, with a pricing structure which allows them to at least cover their costs. 2. The pricing on Abbey Fishponds has not kept up with CPI increases. 3. The year 1 costs include the purchase of a vehicle, the cost of which Earth Trust have spread over all of both councils' sites in the tender as the vehicle will be used across the joint contract. 4. The pricing schedule allows for an annual uplift of 5 per cent. 5. Any reduction on the revised fee proposal will result in a compromise on the services delivered. <p>The fee schedule for Vale of White Horse is as follows:</p> <table border="1" data-bbox="422 1355 1321 2060"> <thead> <tr> <th>Site</th> <th>Time period</th> <th>Total £</th> </tr> </thead> <tbody> <tr> <td rowspan="5"><u>Tuckmill Meadows, Shrivenham</u></td> <td>Year 1</td> <td>£30,551.66</td> </tr> <tr> <td>Year 2</td> <td>£18,937.49</td> </tr> <tr> <td>Year 3</td> <td>£18,659.37</td> </tr> <tr> <td>Year 4</td> <td>£19,004.34</td> </tr> <tr> <td>Year 5</td> <td>£20,304.55</td> </tr> <tr> <td></td> <td>Total</td> <td>£107,457.41</td> </tr> <tr> <td rowspan="3"><u>Besselsleigh Woods, Appleton</u></td> <td>Year 1</td> <td>£19,195.28</td> </tr> <tr> <td>Year 2</td> <td>£14,949.19</td> </tr> <tr> <td>Year 3</td> <td>£15,171.65</td> </tr> </tbody> </table>	Site	Time period	Total £	<u>Tuckmill Meadows, Shrivenham</u>	Year 1	£30,551.66	Year 2	£18,937.49	Year 3	£18,659.37	Year 4	£19,004.34	Year 5	£20,304.55		Total	£107,457.41	<u>Besselsleigh Woods, Appleton</u>	Year 1	£19,195.28	Year 2	£14,949.19	Year 3	£15,171.65
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		Year 4	£14,607.24
		Year 5	£15,687.60
		Total	£79,610.96
	<u>Abbey Fishponds, Abingdon</u>	Year 1	£15,710.48
		Year 2	£14,468.50
		Year 3	£13,534.24
		Year 4	£13,787.87
		Year 5	£14,477.26
		Total	£71,978.36
	<u>Grand total - all sites</u>	5 years	£259,046.73
	The annual budget for countryside services in the Medium Term Financial Plan matches the contract price.		
Other implications	<p>5 per cent of the quality score was given to a question asking the bidders to demonstrate their approach to delivering social value through this contract. Bidders were asked to demonstrate their experience of organising and running a programme of public events and to outline their approach.</p> <p>Earth Trust scored 4 out of 5 (4 per cent) for their response. Whilst the panel did not score full marks for the submission, they felt that Earth Trust were committed to delivering social value and could work with the project team to optimise outcomes for the District's residents.</p>		
Background papers considered	N/A		
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	As far as the evaluation team is concerned there were no conflicts of interest identified.		
List consultees		Name	Outcome
	Ward councillors	Mike Pighills- Abingdon Peachcroft; Mark Coleman-	
			Date

		Thames; Katherine Foxhall- Watchfield and Shrivenham		
	Legal legal@southandvale.gov.uk	Pat Connell	Agreed as amended	10/10/2023
	Finance Finance@southandvale.gov.uk	Kathy Merritt	Agreed	27/02/2024
	Procurement Procurement@southandvale.gov.uk	Angela Cox	Agreed.	26/09/2023
	Human resources hadminandpayroll@southandvale.gov.uk	Trina Mayling	Agreed with no comments	18/10/2023
	Strategic property Property@southandvale.gov.uk	Karen Lister	Agreed with comments incorporated	19/03/2024
	Climate and biodiversity climateaction@southandvale.gov.uk	Jessie Fieth	Agreed with no comments	19/10/2023
	Diversity and equality equalities@southandvale.gov.uk	Lynne Mitchell	I would approve this request but would just like confirmation that when they are completing requirements in appendix 1 they will also be ensuring that accessibility to everyone is good to and in the sites, wherever possible. Also reporting any potential problems that may arise	13/10/2023
	Health and safety healthandsafety@southandvale.gov.uk	Jane Smith	Approved. Please ensure that Volunteer/staff receive adequate training/instruction and supervision under H&S, and provisions are in place accidents/first aid/PPE and risk assessments and method statements are in place	19/10/2023
	Risk and insurance risk@southandvale.gov.uk	Yvonne Cutler Greaves	Agreed. Ensure they have suitable levels of PL/EL £10M minimum prefer £15m if possible as it is in the public domain	16/10/2023
	Communications communications@southandvale.gov.uk	Lucy Billen	Agreed. We would look to publicise the relationship with the chosen bidder when appropriate	19/10/2023
	SMT		Approved with comments incorporated	20/03/2024
Confidential decision? If so, under which exempt category?	No.			
Call-in waived by Scrutiny Committee chairman?	No			

Has this been discussed by Cabinet members?	Decision is on the Cabinet Forward Plan.
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature: Andy Crawford Cabinet Member for Finance and Property (approved via e-mail). Date: 18 April 2024

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

For Democratic Services office use only		
Form received	Date:	Time:
Date published to all councillors	Date:	
Call-in deadline	Date:	Time:

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
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 (except government grant) 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.