

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Ice Rink Tenders

Final Decision-Maker	Cabinet
Portfolio Holder(s)	Councillor Jane March – Portfolio Holder for Culture, Leisure and Tourism
Lead Director	Paul Taylor – Director of Change and Communities
Head of Service	Nicky Carter – Head of HR and Customer Service
Lead Officer/Author	Dawn Gabriel – Operations and Events Manager (Assembly Hall Theatre)
Classification	Part Exempt Exempt Appendix A exempt by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended): Information relating to the financial or business affairs of any particular person including the authority holding that information.
Wards affected	Park

This report makes the following recommendations to the final decision-maker:

1. That the Ice Rink tender be awarded to the provider identified in Exempt Appendix A as Supplier B for a five year term from October 2018

This report relates to the following Five Year Plan Key Objectives:

- A Prosperous Borough
- A Green Borough
- A Confident Borough

The Council has committed to deliver the annual ice rink to bring entertainment, and business to the town. (Prosperous Borough)

Timetable

Meeting	Date
Discussion with Portfolio Holder	Tuesday 15 May 2018
Management Board	Via email Wednesday 16 May 2018
Communities Cabinet Advisory Board	Wednesday 30 May 2018
Cabinet	Thursday 21 June 2018

Ice Rink Tenders

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To outline the recent tender process for the Ice Rink for the next five years and to recommend a provider
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2. INTRODUCTION AND BACKGROUND

- 2.1 The contract for the Ice Rink in Calverley Grounds ran out last season and a tender process for the provision of this popular annual attraction has been undertaken to cover the next five years. It should be noted that the current planning permission runs out after the first year of the five year period and new permission will need to be obtained for the following four years. The Ice Rink provision over those four years will be during the Civic Complex and new theatre build and access to the park will be restricted for deliveries and public entry. Year's two to five of the contract will be dependent upon the outcome of the decision to provide a temporary accessible path in the park for the period of the build for park contractors, public, café deliveries and emergency services vehicles.
 - 2.2 The tender document required tenderers to submit pricing for the core elements of the ice rink provision, and also asked for pricing of some additional options. The evaluation was based on the core elements only, with the Council reserving the right to accept or decline any of the optional items in line with budgetary and planning constraints.
 - 2.3 The tender process was run by the Council's procurement team and followed a fully compliant Official Journal of the European Union (OJEU) process. There were several expressions of interest in the opportunity, but only two tenders were received.
 - 2.4 During the evaluation and scoring process, clarification questions were raised and presented to the contractors based on their individual submissions. Supplier B replied to the clarification requests in good time and before the deadline set for responses to be received. Unfortunately, Supplier A failed to submit answers to the clarifications and we were therefore only able to assess the information provided in their tender document.
 - 2.5 The outcome of the evaluation was that Supplier B scored highest with a total score of 68.31%, with Supplier A scoring 59.5%. See Exempt Appendix A for the scoring breakdown.
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3. AVAILABLE OPTIONS

- 3.1 Do not award a contract to either tenderer – This would mean that no Ice Rink provision would be delivered by the Council.

- 3.2 Re-run the procurement process – This would need to be started immediately and may mean that no Ice Rink provision would be in place for December 2018.
- 3.3 Award the contract to Supplier B as the highest scoring tender received
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

The preferred option is 3.3 above, as this ensures the Council is able to provide an Ice Rink for 2018, with a further 4 years available subject to planning and access.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Summarise any consultation which has been undertaken or which is planned to inform the development of the proposal described in the previous section. Detailed consultation results should be provided in an appendix where relevant. This section can also be used to summarise viewpoints expressed in committees as the report goes through the sign-off process, where these have not been accommodated through changes to the report.

RECOMMENDATION FROM CABINET ADVISORY BOARD

- 5.2 The Communities Cabinet Advisory Board was consulted on this decision on 30 May 2018 and agreed the following recommendation:

That the recommendation set out in the report be supported.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal including Human Rights Act	The tender process was run by the Council's procurement team and followed a compliant Official Journal of the European Union (OJEU) process	Vanessa Wilder (Team Leader Contracts and Commissioning) on behalf of Patricia Narebor 21.5.2018]
Finance and other resources	The tender price is very similar to budget and any small differences can be met from the Cultural reserve which holds previous years' Ice Rink surpluses	Jane Fineman Head of Finance and Procurement 18 May 2018

Staffing establishment	Staffing for the ice rink will be delivered by the recruitment of temporary staff as in previous years, and is part of the allocated budget.	Nicky Carter Head of HR and Customer Service 10 May 2018
Risk management	The project management arrangements will provide risk identification and control measures. Other risks are around planning permission of the path and the actual ice rink for the following four years	Dawn Gabriel Operations and Events Manager 16 May 2018
Data Protection	<p>The Council abides by the six data protection principles and takes data privacy seriously.</p> <p>The Ice Rink will collect and use personal and financial data to issue tickets for the Ice Rink.</p> <p>This may pose a risk to individuals and security measures will need to be put in place to ensure the data is encrypted and the payment method on site is PCI DSS compliant.</p> <p>The service will also need to ensure that appropriate privacy information is given to customers at the point of collection of the personal data.</p> <p>It is recommended that a Data Protection Impact Assessment is undertaken before processing takes place to ensure risks are identified and mitigated.</p>	Jane Clarke Head of Policy and Governance 17 May 2018
Environment and sustainability	The ice rink has an impact in terms of its energy use and resulting associated energy costs. The aim would be to ensure consideration is given to keeping energy use to a minimum by implementing all possible energy efficiency measures and monitoring energy usage closely.	Karin Grey Sustainability Manager 17 May 2018
Community safety	The Ice Rink will be guarded overnight by a professional security company and will be covered by CCTV at all times. The SIA registered security team will be in possession of a Town Safe Radio and will address issues of rink-related anti-social behaviour that may arise during busy periods	Terry Hughes CSU Manager 17 May 2018
Health and Safety	The Ice Rink has a history of good health and safety practice on site over a number of years. The team work closely with the	Mike Catling Health and Safety Advisor

	<p>TWBC Health and Safety Advisor and all paperwork (risk assessments, methods statements) are updated and reviewed each year by TWBC officers and the Safety Advisory Group. Staff complete induction training at the start of each winter season with experienced managers offering supervision on site at all times when open. All stages of the event are managed by experienced managers including the setting up of the rink, running the event as well as closing down the site and returning the park back to normal operations. Incidents at the event are investigated with improvements in procedures actioned where required</p>	17 May 2018
Health and wellbeing	<p>Ice Skating is a fun and healthy activity and the team will be engaging with community groups and hard to reach audiences. The will also be a GO! Option which works towards the 5 year plan objective of a “Well Borough” and Improving social and health inequalities.</p>	<p>Stuart Smith Healthy Lifestyles Co-ordinator 17/5/18</p>
Equalities	<p>Decision-makers are reminded of the requirement under the Public Sector Equality Duty (s149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups.</p> <p>The ice-rink has been enjoyed by a range of people, including people of different ages, men, women and people with disabilities. It would continue to support the need to advance equality of opportunity by offering wheelchair users a choice to participate in an activity they may not otherwise have an option to take part in.</p>	<p>Sarah Lavallie West Kent Equalities Officer 17 May 2018</p>

8. REPORT APPENDICES

The following documents are to be published with and form part of the report:

- Exempt Appendix A: Tender Scoring document

9. BACKGROUND PAPERS

- None