

EAST LINDSEY DISTRICT COUNCIL EXECUTIVE DECISION NOTICE

1. Decision to be taken:
That East Lindsey District Council's (ELDC) leisure and culture venues are included within scope of the South & East Lincolnshire Council's Partnership leisure operator procurement process; and, in order to do so That partial termination notice of the current Funding and Management Agreement is served upon Magna Vitae.
2. This is a:
PORTFOLIO HOLDER SUPPORTED NON KEY OFFICER DECISION TAKEN IN ACCORDANCE WITH THE COUNCIL'S CONTRACT PROCEDURE RULES
Note: This form should not be used for Key Decisions
3. The following is the decision making body or person:
OFFICER: John Leach, Deputy Chief Executive (Communities) after consultation with Cllr Craig Leyland (Leader of the Council), Cllr Graham Marsh (Deputy Leader & Portfolio Holder), Rob Barlow (Chief Executive), Christine Marshall (Deputy Chief Executive and S151 Officer) and John Medler (Assistant Director, Governance and Monitoring Officer).
4. Financial implications from this decision have been communicated to the Portfolio Holder for Finance and the Leader? Yes – as far as can be known at this point in time.
5. The decision was taken on: 10 January 2024.
6. Published on the Council website on 2nd February 2024.
Note: - the above date to be completed by Democratic Services upon publication
7. Contact Officer and details: Mark Humphreys, Head of Special Projects (Leisure) mark.humphreys@e-lindsey.gov.uk, 07468 358628
8. List of documents submitted for consideration in relation to the matter in respect of which the decision is to be made :
 - Report to Deputy Chief Executive, Communities, 10 January 2024 - South & East Lincolnshire Council's Partnership - Leisure Operator Procurement Project (including an optional cultural venues element).
 - South and East Lincolnshire Councils Partnership (SELCP) Annual Delivery Plan 2023/24
 - SELCP Sub-Regional Strategy 2024/25 – 2028/29

Decision Notice Form (ExD2)

- Briefing papers to Partnership Stakeholder Board 18th September and 4th December 2023
- Funding and Management Agreement (FMA) between ELDC & Magna Vitae 2014 and the associated Deed of Variation 2018.

8. Where the documents are held and where they can be obtained from (except exempt items) when they become available:

The SELCP documents are available at <https://www.e-lindsey.gov.uk/article/14947/South-East-Lincolnshire-Councils-Partnership>

The Partnership Stakeholder Board briefing papers are available from the Assistant Director (Corporate), and the Funding and Management Agreement documents are available from the Assistant Director for Leisure & Culture.

9. The reason for the decision and other alternative options considered and rejected:

To enable a partnership wide leisure operator procurement process to be undertaken in a timely manner to meet partner contract timeline requirements in accordance with the annual delivery plan 2023/24; and

To enable the ELDC facilities to be included.

Other alternative options considered and rejected:

ELDC not participating in the procurement project has been considered and rejected on the basis that not doing so would be contrary to the agreed SELCP Sub-Regional Strategy and annual plan 2023/24.

Progressing the procurement process with ELDC venues included but without giving notice to Magna Vitae has also been considered. Legal advice has determined that such an approach could leave the Council open to significant legal challenge due to the current FMA contract commitments. The advice explained that in order to be able to publish a tender that includes ELDC venues, a termination notice needs to have been served in respect of the current contract.

10. Declaration of any conflicts of interest of the decision making body or the individual:

None

11. Provide a note of any subsequent dispensations granted by the Head of Paid service:

None

12. Financial Implications of this Decision:-

Estimated cost:-

The support costs associated with the SELCP procurement project, both in terms of external specification (contracts, leases, tender documentation drafting and legal execution) and internal project management (by the Head of Special Projects, Leisure), as would be attributable to ELDC's participation in the process, are estimated to be in the region of £80k.

Funded from:-

Proforma B submissions have been prepared by the Assistant Director (Leisure & Culture) for inclusion in 2024/25 revenue budget.

South Holland District Council (SHDC) is the lead authority for the purpose of raising Purchase Order and invoicing, with proportionate contribution towards the costs noted above being recharged to ELDC.

General:

The tender approach being taken may ultimately deliver financial benefits that would offset these one-off project costs, and may provide medium to long term service cost savings. These will only be understood once the tender exercise is nearing completion.

N.B. Please enter names below, signatures will be retained as a hard copy and will not be published therefore should be provided on page 3 of this form:

13. This decision has been signed off by:

Head of Paid Service/S151 Officer or person presiding

Christine Marshall, Deputy Chief Executive and S151 Officer

Officer:

John Leach, Deputy Chief Executive (Communities)

Portfolio Holder:

Cllr Graham Marsh, Deputy Leader and Portfolio Holder