

COMMUNITY AND LEISURE OVERVIEW & SCRUTINY PANEL – 15 September 2020

HEALTH AND LEISURE REVIEW

1 INTRODUCTION

- 1.1 On the 17th March 2020, Community and Leisure Panel received a report on the progress of the Health and Leisure Review.
- 1.2 This report provides an update on the progress that has been made since the last Panel meeting, including the impact of COVID-19 on the review timeline.

2 BACKGROUND

- 2.1 Members are committed to ensuring the long-term health and wellbeing of our communities through the provision and accessibility of quality and affordable leisure facilities.
- 2.2 Following Community and Leisure Overview and Scrutiny Panel recommendation, the Cabinet agreed in December 2018, for the Council to commence the process to identify a preferred partner to operate the 5 Health and Leisure Centres.
- 2.3 The Task and Finish group has met regularly to determine the Council's future requirements and agreed the Health and Leisure Vision.
- 2.4 A Customer Focus group with customer representatives from each of our 5 Health and Leisure centres meets on a monthly basis. A Staff Forum with staff representatives from each of the centres is in place and there is regular dialogue with our Trade Union representatives through the Employee Side Liaison Panel.
- 2.5 Regular meetings have been taking place with landowners – Hampshire County Council and a number of Schools.
- 2.6 An Evaluation Panel has been established, it consists of the Executive Head of Resources; the Chief Financial Officer; the Service Manager for Health & Leisure, the Strategic Procurement Manager, and the Business Improvement Project Manager.
- 2.7 The Evaluation Panel was responsible for reviewing and scoring tender responses at the Expressions of Interest stage and will also do so during the Invitation to Negotiate (ITN) and Best and Final Offer (BAFO) stages. They are also required to answer clarification questions from potential bidders. The Evaluation Panel reports the outcome of each stage of the evaluation to the Task and Finish group and the Stakeholder Panel.
- 2.8 The Stakeholder Panel consists of the Portfolio Holder for Leisure and Wellbeing; Health and Leisure Task and Finish Group; Trade Union representative and Advisor from the Employee Side Liaison Panel; Staff representatives from the Staff forum; Customer representatives from the Customer Focus group; and representatives from our partnership schools.

3 IMPACT OF COVID 19

- 3.1 At the end of January 2020, the council had received four bids and a full evaluation had been undertaken. Three bidders were due to progress to the Negotiation meetings in March 2020 which would have taken us through to the Best and Final Offer (BAFO) stage.
- 3.2 Due to COVID-19 the review was paused until the end of June. It was recognised that the impact of COVID-19 would in turn affect bids, and it was agreed that we would go back to the start of the ITN stage. An updated Tender Pack was provided to all three of the remaining bidders on the 1st September.

4 CHANGES TO TENDER DOCUMENTS

- 4.1 The contract term has been adjusted, and is now made up of:
- Year 1 (Transition Year)
 - Years 2 to 11 (original contract terms apply)
 - Possible 4-year extension, to replace the previous 5-year extension option
- 4.2 Epidemics and Pandemics are now included as part of the Force Majeure clause within the contract.
- 4.3 Provisions have been added to enable use of the centres as part of any future emergency response
- 4.4 Updated membership and pricing information as of August 2020
- 4.5 Updated TUPE list including new starters and deleting any leavers
- 4.6 Bidders have been instructed to review their responses to all questions in light of COVID-19.
- 4.7 The original reference sites included in responses will remain, however we have made clear that we reserve the right to contact or visit any other site that bidders hold contracts with and are able to take this into account when scoring responses.
- 4.8 Weighting of scoring for the financial proposal has been adjusted slightly to account for Year 1 (Transition Year) plus the original 10-year contract term.
- 4.9 The current Corporate Plan – “Community Matters” – has been included in the pack, as this was only in draft form when the original tender pack was realised.

5 PROCUREMENT PROCESS – INVITATION TO NEGOTIATE (ITN) PHASE

- 5.1 The Council completed a detailed Tender Pack which contained all the key information required by potential bidders. This included a Contract, Specification, financial information, condition survey output, a draft underlease and property information for each site, details of existing maintenance contracts, HR information, and a set of questions to be responded to in detail by bidders. This was reviewed and an updated tender pack was issued on 1st September 2020.
- 5.2 The Leisure Operating Contract was drafted by a combination of internal and external legal support. The contract sets out the services to be delivered, and includes

information regarding the facilities, contract performance management provisions, change protocols, Council policies, draft underleases and payment mechanisms. This was reviewed and an updated contract was issued on 1st September 2020.

- 5.3 A key schedule of the Leisure Operating Contract is the Service Specification, which sets out requirements and provisions that any future Operator must adhere to. The Service Specification includes details of the Council's Vision, customer and user experience requirements, asset maintenance responsibilities, operational performance measures and a number of detailed appendices which describe our facilities and programming. This was reviewed and an updated contract was issued on 1st September 2020.
- 5.4 Draft underleases have been drawn up for each of the sites. A list of property requirements has been agreed with landowners (schools and Hampshire) which will be incorporated into the final versions of the underleases. These have been included in the Tender Pack for Operators. This was reviewed and updated information on the boundary changes at Ringwood Health and Leisure with Ringwood school was issued on 1st September 2020.
- 5.5 The Performance Measurement System works at several levels.
- Performance Measures – 6 measures per site, which represent the requirements and provisions in the Contract and specification, and these will be monitored monthly. If an Operator fails to meet the minimum standards in any of these areas in any month, they will incur an agreed additional fee which will be due the following month. Measures cover Customer Experience, Memberships, Staff and Asset Maintenance.
 - Strategic Performance Indicators – linked to the Council's Strategic Priorities established early in the procurement and will be used to track the delivery of our Leisure vision and outcomes in the District.
 - Key Performance Indicators – a set of Operational measures which will be reported regularly to the Council. They cover Sales, Customer Service and Quality, Asset Management, Activity Programming, Environment, Social Value, Active Lifestyles, Finance and People (staff).
- 5.6 Formal additional due diligence support from FMG consultancy in association with our legal advisors continues throughout the procurement process.

6 STAKEHOLDER ENGAGEMENT

- 6.1 In parallel with the procurement process, the project team will continue to engage with key stakeholder groups. This was generally paused in March, but all meetings will now commence from September, with staff focus group on the 9th September and customer focus group on the 14th September, these will continue a monthly basis. We have at least monthly meetings with the Trade Union.
- 6.2 Meetings with the schools and Hampshire County Council are being organised for October.
- 6.3 The Task and Finish Group continues to meet approximately every 3 weeks to receive updates including procurement process and stakeholder engagement.

7 PROVISIONAL PROCUREMENT TIMELINE

- 7.1 The three bidders who had progressed to Negotiation stage were formally invited to re-tender on 1st September 2020.

- 7.2 The updated bids are due on the 22nd September 2020. The bidders will present their bids to the evaluation panel at the end of September, with the panel making their recommendations to Task and Finish group and Stakeholder Panel by mid-October.
- 7.3 Negotiations meetings will take place with bidders who will progress to Best and Final Offer (BAFO) stage, with Best and Final Offers received by mid-November.
- 7.4 Preferred bidders to be identified by early December. Stakeholder panel, open customer and staff forums (virtually and face to face where safe to do so) to take place during December and early January with preferred bidder presentations.
- 7.5 Having considered feedback from staff and customer forums, Task and Finish group to make recommendations to this panel on the 19th January 2021.
- 7.6 Following the Community and Leisure Overview & Scrutiny Panel, the matter will be the subject of reports to Cabinet and Council on 3 and 22 February 2021 respectively.
- 7.7 If Full Council decide to award a contract to a partner to run the 5 Health and Leisure Centres, then the contract start date will be 1st July 2021.

8 FINANCIAL IMPLICATIONS

- 8.1 At the January panel meeting officers estimated a further 50k will be required to complete the process. We still believe that external advice on proposed contract changes (as part of the negotiation stage) through to the final re-draft of the contract and associated documentation will be contained within this sum.

9 RECOMMENDATION

- 9.1 The panel notes this update report.

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Background Papers

Community & Leisure O&S September 2018
Health & Leisure Review

Community & Leisure O&S November 2018
Health & Leisure Review – T&F Group Report

Cabinet September 2019
Health & Leisure Review - Expressions of Interest

Community & Leisure O&S September 2019
Health & Leisure Review

Community & Leisure O&S January 2020
Health & Leisure Review

Community & Leisure O&S March 2020
Health & Leisure Review