

**REPORT TO:** CABINET

**DATE:** 3 DECEMBER 2020

**TITLE:** PADDLING POOL HEALTH AND SAFETY WORKS  
BUSINESS CASE AWARD

**PORTFOLIO HOLDER:** COUNCILLOR MIKE DANVERS, PORTFOLIO  
HOLDER FOR RESOURCES

**LEAD OFFICER:** SIMON FREEMAN, HEAD OF FINANCE AND  
PROPERTY AND DEPUTY TO THE CHIEF  
EXECUTIVE (01279) 446228

**This is a Key Decision**

**It is on the Forward Plan as Decision Number I011968**

**Call-in Procedures may apply**

**This decision will affect Bush Fair, Netteswell, Old Harlow, and Sumners and Kingsmoor Wards.**

**RECOMMENDED that Cabinet:**

**A** Awards the following Business Case to HTS (Property and Environment) Ltd subject to clarification and agreement on the terms and conditions, and a contract are entered into not exceeding the values set out below:

i) Paddling Pool Health and Safety Works at following sites:

Bush Fair  
Sumners  
Norman Booth  
Town Park

Total: £333,053.26

**B** Notes that works at Staple Tye will be addressed through separate contract connected to agreed installation of a new Splash Park.

## **REASON FOR DECISION**

**A** Scrutiny Committee on 18 February 2020 (and subsequently approved under emergency delegated powers by the Chief Executive Officer ON 14 May 2020) resolved that:

i) Health and safety issues including staff access to the pump rooms at Norman Booth and Town Park be addressed.

- ii) Perimeter railings be installed at the Town Park paddling pool to prevent water contamination mainly from domestic and wild animals particularly at times when the pool is 'closed' and not supervised.
- iii) Internal railings to separate play park equipment from water play at Sumners, Norman Booth and Staple Tye would be installed.

## **BACKGROUND**

1. On 1 February 2017, the Council established HTS (Property and Environment) Ltd (HTS) as a wholly owned Local Authority Trading Company (LATC).
2. In accordance with the new Service Agreement, a new business case and methodology process was approved for additional works to those carried out under the Annual Service Charge which required detailed works information to be provided to HTS for them to submit a Business Cases for the Council to evaluate and consider for approval.
3. Council Officers have prepared a scope of works to fulfil the requirements of the independent health and safety report presented to Scrutiny Committee.
4. The Council is able to award a works contract to HTS as it exercises control over the company similar to that which it exerts over its own departments. This control exempts the Council from the usual public procurement rules. As such, HTS have been exclusively invited to submit a Business Case for the paddling pool health and safety works.

## **ISSUES/PROPOSALS**

5. HTS' business case submission for paddling pool Health and safety works has been reviewed by Officers to establish that:
  - a) HTS are equipped to deliver the works, and
  - b) having undertaken price benchmarking, the proposed pricing structure clearly represents lawful and proper value for money.
6. Having satisfactorily completed a detailed evaluation of HTS' business case, it is intended that the contracts are awarded and managed by the Council's Property and Facilities Team, in conjunction with the Community Safety team who operate the Paddling Pool sites.

## **Contract Management and Governance**

7. Methodology is in place for the governance, reporting, delivery, and monitoring of HTS' delivery. The performance will be monitored and reported regularly to the Officer project team.

8. Any additional works identified by the Council that would result in the approved budget being exceeded, shall be the subject to a separate report to the relevant Portfolio Holder or the Cabinet, and subject to their subsequent approval prior to any additional works being commissioned.

## **IMPLICATIONS**

### **Environment and Planning (Includes Sustainability)**

None specific.

**Author: Andrew Bramidge, Head of Environment and Planning**

### **Finance (Includes ICT, and Property and Facilities)**

Funding has been set aside as a result of the Cabinet decision in July 2018 of at least £750,000.

**Author: Simon Freeman, Head of Finance and Property and Deputy to the Chief Executive**

### **Housing**

None specific.

**Author: Andrew Murray, Head of Housing**

### **Community Wellbeing (Includes Equalities and Social Inclusion)**

None specific.

**Author: Jane Greer, Head of Community Wellbeing**

### **Governance (Includes HR)**

The use of the business case process meets procurement rules and Council Standing Orders. When awarded the contracts will include appropriate remedies and recourse for the Council when undertaking contract administration.

**Author: Simon Hill, Head of Governance**

## **Appendices**

None.

## **Background Papers**

Scrutiny Committee 4 December 2018 – Review of Paddling Pools Scoping Report

Scrutiny Committee 18 March 2019 – Review of Paddling Pools Interim Report

Scrutiny Committee 15 October 2019 Review of Paddling Pools Presentation

Scrutiny Committee 18 February 2020 – Review of Paddling Pools Final Report

All accessible via

<https://moderngov.harlow.gov.uk/ieListMeetings.aspx?Committeed=119>

## **Glossary of terms/abbreviations used**

HTS – HTS (Property and Environment) Ltd

LATC – Local Authority Trading Company