



TITLE OF DECISION: CONTRACT AWARD - PUBLIC TOILET CLEANING

OFFICER REQUESTING: PROGRAMME DIRECTOR FOR PLACE AND RESOURCES
PHILLIP SPURR

DATE OF SUBMISSION: 26 MAY 2022

1.0 PURPOSE

- 1.1 The purpose of this report is to seek additional annual budget approval over 3 years up to a maximum value of £37,590, to enable the award of a 3 year contract for cleansing and minor maintenance of public conveniences.
- 1.2 This decision is required as following a compliant tender exercise the successful bid has a total potential contract value that is significantly higher than the approved budget for 2022/23.

2.0 RECOMMENDATION(S)

- 2.1 It is recommended that:
- (i) Approval is granted for the potential additional annual budget over 3 years up to a maximum of £37,590 (in Year 3) to cover the total annual cost of the contract for cleaning public toilets.

3.0 REASON FOR RECOMMENDATION(S)

- 3.1 On 29 November 2021, Policy and Resources Committee approved the annual spend from existing budgets for the public toilet cleaning contract (Minute 84).
- 3.2 However, following a compliant procurement exercise, the potential annual value of the new public toilet cleaning contract is significantly higher than the approved budget (of £76,490 in 2022/23) as shown in Table 1.

Table 1
Public Toilet Cleaning Contract – Annual Cost Comparison and Budget Increase

Financial Year	Maximum Contract Cost	Maximum Budget Increase
2022/23	£106,500	£30,010
2023/24	£110,760	£34,270
2024/25	£114,080	£37,590

- 3.3 The main reason for the potential increased costs over the approved budget is that the specification built in flexibility over the frequency of cleans and includes for the

completion of minor repairs by the contractor. It should also be noted, however, that the total annual costs may not be incurred for the following reasons:

- i. The contract specification builds in a requirement that will allow for additional cleaning at all toilet blocks (up to 2 cleans per day, 7 days per week) that may, or may not, be required due to any future public health issues or service demands. The cleaning regime will be continually reviewed as part of managing the ongoing risk assessment to ensure frequencies meet all service standards and public health requirements.
- ii. The contract specification allows for the appointed contractor to service all the Council's public toilets and complete minor repairs. The previous contract did not cover all sites and there are separate budgets and arrangements in place for repairs and maintenance, locking up Pickering and Thornton-le-Dale and cleaning Rosedale public toilets. The new specification gives the option to change the current arrangements and the contract costs reflect this however unless there are changes to the current arrangements these additional costs will not be incurred.

4.0 SIGNIFICANT RISKS

- 4.1 Ensuring a suitable contractor is appointed to undertake the cleaning of the Council's public toilets supports risk management as it is essential to mitigate the reputational risk associated with unsatisfactory standards of cleanliness for this important service to residents and to the public visiting Ryedale.
- 4.2 If the recommendation is not supported there is a risk to service continuity due to not having a contract in place. Additional work would be necessary to consider the implications of alternative service delivery models, or a contract variation would be required to enable a retendering exercise to be completed which could result in the same outcome.
- 4.3 Following significant investment in the Council's public toilets during 2021/22 ensuring these assets are managed, serviced and maintained reduces financial risk and ensures the continued successful management of the public toilets which are important to our visitors and communities, and delivers the Council's commitment to support the economy and pride of place across the district.

5.0 IMPLICATIONS

5.1 The following implications have been identified:

a) Financial

The 2022/23 approved annual budget for the cleaning contract is £76,490, therefore approval of the additional annual costs that may be incurred is required as detailed in Table 1. Additional costs will be met from reserves in 2022-23, and built into base estimates as a growth item from 2023-24. As this contract is included in the Forward Procurement Plan it would fall under the terms of the General Consent (if agreed) relating to the s24 notice and therefore there is no requirement for NYCC to approve this.

b) Legal

There are potential procurement implications if the additional annual budget is not approved. This would involve continuing to contract on the current contract terms on the increased rates to ensure service continuity whilst further work would be required investigating alternative options for the service:

- Retender the contract on a reduced specification to decrease total potential costs
- Retender the contract on same specification but likely to end up with same result.
- Bring the service in house
- Close sites so cleaning is not required.

None of these options is recommended as the way forward.

- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)
 There are no other implications arising directly from this decision request. Health and safety, staffing and equalities implications were considered as part of the procurement process.

6.0 MONITORING OFFICER ADVICE

It is recommended that Group Leaders be advised that it is necessary to invoke Urgency Powers to approve an additional annual budget over 3 years up to a maximum value of £37,590, to enable the award of a 3 year contract for cleansing and minor maintenance of public conveniences.

This decision is required as following a compliant tender exercise the successful bid has a total potential contract value that is significantly higher than the approved budget for 2022/23 agreed at the Policy & Resources Committee on 29 November 2021.

A delay in awarding the contract until the next meeting of the Policy & Resources Committee on 16 June 2022 would cause significant risks to the Council as detailed at 4.0 above.

7.0 CONSULTATION RECORD

Progress to EM consultation with Group Leaders

According to the Constitution, under urgency powers, decisions usually taken by the Council and its committees are taken by the CEO following consultation with the appropriate elected members.

The appropriate elected members are:

- The Leader of the Council
- The Chair of the appropriate committee, for matters relating to that specific committee¹
- Relevant Ward member(s), if any, for matters of particular relevance to that ward²

Name of Consultee	Councillor D Keal
Agree	
Date consultation completed	25.5.22

¹ "Chairman of the appropriate Committee" refers to committee specific matters and does not mean that all Committee Chairs will be consulted on everything

² "Relevant Ward Member(s), if any" refers to ward specific matters and does not mean that all Members will be consulted on everything

Name of Consultee	Councillor S Arnold
Agree	
Date consultation completed	25.5.22

Name of Consultee	Councillor L Burr
Agree	
Date consultation completed	25.5.22

Name of Consultee	Councillor J Frank
Agree	
Date consultation completed	25.5.22

Name of Consultee	Councillor M Potter
Agree	
Date consultation completed	25.5.22

Name of Consultee	Councillor K Duncan
Agree	
Date consultation completed	25.5.22

8.0 DECISION

Decision of the CEO based on consultation	To be completed after consultation
Approved.	