



**REPORT OF THE SERVICE DIRECTOR, YOUTH, FAMILIES AND CULTURE
COMMERCIAL OPERATIONS AT RUFFORD ABBEY COUNTRY PARK**

Purpose of the Report

1. To inform Culture Committee of the outcome of the procurement process for a partner to operate and manage the commercial operations and visitor offer at Rufford Abbey Country Park, whilst the Council continues to maintain the Park overall.
2. To seek approval to award the contract to the preferred bidder to operate and manage Rufford Abbey Country Park's commercial operations and visitor offer, subject to approval of the Council's capital contribution.
3. To seek delegated authority to the Corporate Director, Children, Families and Cultural Services, in consultation with the Group Manager, Legal and Democratic Services, to approve any additions or amendments to any agreements which in their judgement are necessary to give effect to the project and which are within the financial parameters set out in the **Exempt Appendix**.
4. To seek approval, subject to approval of the Council's capital contribution and any contract fine-tuning, to enter into legal agreements with the preferred bidder who has been identified through the procurement process.

Information and Advice

5. Some information relating to this report is not for publication by virtue of Schedule 12A of the Local Government Act 1972, paragraph 3, due to the confidentiality of information relating to the financial and business affairs of the Council and individual bidders. Having regard to all the circumstances, on balance the public interest in disclosing the information does not outweigh the reason for exemption because the information would add a limited amount to public understanding of the issues but would significantly damage the Council's commercial position. The exempt information is set out in the **Exempt Appendix**.
6. Culture Committee received a report at its meeting on 8 March 2016 that outlined the current annual operating cost of running Rufford Abbey Country Park. At that meeting Members agreed to the commencement of a procurement process to seek an appropriate partner to manage Rufford Abbey Country Park's commercial operations with effect from early 2017. The overall project ambition for the County Council was to achieve:

“A long-term, sustainable future for Rufford Abbey Country Park. To conserve (protect and enhance) the heritage of the historic abbey buildings and the surrounding parkland and to develop a modern and attractive visitor offer.”

7. More specifically, the objectives that have guided the procurement process are summarised below:
- The development of a modern and attractive visitor offer that will:
 - operate daily throughout the year
 - as a minimum support and accommodate current visitor numbers
 - demonstrate that any capital investment in new/ improved facilities has a minimum life span of 10 years
 - ensure continuing free public access to Rufford Abbey Country Park
 - effectively support all-ability visitor access
 - effectively support the management of visitor impact on the park in general and the historic remains within and around the Scheduled Ancient Monument (SAM)
 - provide appropriate interpretation/visitor information
 - demonstrate environmental good practice in respect of the operation of the facilities.
 - The effective conservation management of all the buildings and the SAM area within the scope of the commercial operation.
 - The Council's ambition is for the Park to be operated with as small a revenue budget subsidy as is practicable, and in the short-term to reduce net costs by £300,000 per annum.

The Procurement Process

8. As previously agreed by Members, a Competitive Dialogue procurement process was followed. This was considered to be the best process to be followed as it gave flexibility to potential partners within the context of the Council's objectives.
9. The tender process had three distinct stages:
- Pre-qualification (four companies submitted pre-qualification questions)
 - Invitation to Submit Outline Solutions (two companies submitted outline solutions)
 - Invitation to Continue in Dialogue and Submit Final Tenders (two companies submitted final tenders).
10. The bids were evaluated by a multi-disciplinary officer panel and external advisors using the high-level weightings below:

Operations and services	40%
Commercial	60%
Total	100%

Outcome of Evaluation

11. The moderated scores for the two bids are contained in the Exempt Appendix, along with further information about the preferred bidder, its offer and the financial implications for the Council.
12. It is recommended that the contract be awarded to the preferred bidder on the basis of the moderated scores.
13. Bidders shall be informed of the outcome of the procurement process and given feedback in accordance with the requirements and obligations of EU public procurement rules.
14. The award will be subject to successful clarification/fine-tuning of any outstanding issues in the contract documentation to be addressed by the Council with the preferred bidder. The contract documentation will not be subject to re-negotiation.
15. On successful completion of the clarification/ fine-tuning stage, the Council and the winning bidder will complete the contract. The contract will set out what the winning bid proposed to ensure that the Council retains control through the contract. At the agreed commencement of the contract, staff currently working on the commercial operations will transfer to the successful bidder and run the commercial operations.
16. Should it not be possible to conclude these outstanding points, then the Council may consider re-engaging with the unsuccessful bidder. The Council also reserves the right not to award the contract to any bidder. In this case, this will be reported back to Culture Committee for further consideration and approval.

Other Options Considered

17. Maintain the current in house approach to the commercial offer at Rufford, supported by additional capital investment.

Reason/s for Recommendation/s

18. Procuring an experienced leisure and commercial partner to operate and develop further the commercial activities was selected on the basis that it offered the best potential to meet the financial and future operational objectives set by the Council. It also reduced the Council's commercial risks whilst the Council would continue to directly maintain the Park overall and its grounds. Rufford Abbey would continue to be under the guardianship of English Heritage.

Statutory and Policy Implications

19. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

20. No crime and disorder implications are expected.

Financial Implications

21. The net cost of running the overall Park is approximately £400,000 per annum (based on 2015-16 outturn figures). The Council is expecting to reduce this cost by around £300,000 per annum, bringing the site much closer to cost neutrality from 2017.
22. Finance and Property Committee will consider the required Council capital contribution (envisaged as being £1million), as part of a wider capital programme report at its meeting on 21 November 2016.
23. More detail on the financial offer is set out in the **Exempt Appendix**.

Human Resources Implications

24. The successful bidder will accept the transfer of existing employees with protection under the Transfer of Undertakings (Protection of Employment) (TUPE) regulations.
25. Full communications and consultation will take place with those employees affected and with the relevant trade unions with respect to the planning and implementation of the transfer of employment.

Public Sector Equality Duty implications

26. The partner will be expected to comply with the Public Sector Equality Duties.

Implications for Service Users

27. The impact on service users (visitors) will be positive with enhanced and new visitor facilities. These are set out in the Exempt Appendix.

Implications for Sustainability and the Environment

28. The Council will continue to retain the overall Park and grounds. Improving the commercial operations to reduce the operating cost will make Rufford Abbey Country Park more sustainable.

RECOMMENDATION/S

That, subject to approval of the Council's capital contribution, the Committee:

- 1) approves the preferred bidder, as identified in the **Exempt Appendix**, to be awarded the contract to partner with the Council and operate and develop further the commercial operations and visitor offer at Rufford Abbey Country Park, whilst the Council continues to maintain the Park overall.
- 2) approves the Council entering into the necessary Legal Agreements to give effect to the project within the financial parameters set out in the **Exempt Appendix**.

- 3) gives delegated authority to the Corporate Director, Children, Families and Cultural Services, in consultation with the Group Manager, Legal and Democratic Services, to approve any additions or amendments to any agreements which in their judgement are necessary to give effect to the project and which are within the financial parameters set out in the **Exempt Appendix**.

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Constitutional Comments (SMG 18/10/16)

29. The proposals in this report fall within the remit of this Committee.

Financial Comments (TMR 06/10/16)

30. The financial implications are set out in paragraphs 21 to 23 of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Commercial Operations at Rufford Country Park – report to Culture Committee on 8 March 2016 (previously published)

Commercial Operation at Rufford Country Park – report to Finance and Property Committee on 17 October 2016 (previously published)

Electoral Division(s) and Member(s) Affected

All.

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