

Item 18 Paddling Pool Email from EALC

Good afternoon Clare

I hope you are well and that you had a good weekend.

I have heard this morning from NALC with a response to your enquiry and I am forwarding it below:

The most important aspect of this case is probably to resolve the question of the arrangement between the Town Council and the City Council over the ownership/occupation of the lido. This is because the answer to that question will determine who is responsible for any accidents at the lido amongst other responsibilities. I therefore strongly urge the Town Council to discuss this matter with the City Council and to reach an agreement in writing (e.g. a lease; service level agreement or similar).

If the answer to that question is that the Town Council is responsible for the lido then it would have to comply with the public procurement requirements. These are due to change in the near future but currently under regulation 12(7) of the Public Procurement Regulations 2015 a contract is exempt from the normal requirements where it is between two local authorities and meets the following criteria:

(a) the contract establishes or implements a co-operation between the participating contracting authorities with the aim of ensuring that public services they have to perform are provided with a view to achieving objectives they have in common;

(b) the implementation of that co-operation is governed solely by considerations relating to the public interest; and

(c) the participating contracting authorities perform on the open market less than 20% of the activities concerned by the co-operation.

Therefore, if the Town Council is the responsible body, it could contract with the City Council for work on the lido without advertising the contract provided that it confirms that the above three criteria are met. Only the Town Council can confirm whether the first two are met and it is highly unlikely that the two authorities would do more than 20% of the lido repair work in the UK.

I hope this helps but please do not hesitate to contact me again if you have any further questions or need further information.

Kind regards

Ann

Ann C Wood

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