

## Law & Governance

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Date: 8 November 2024

Dear Councillor Miles (Chair of Scrutiny Committee),

Under the new leisure operator contract it has been agreed that the Operator, Serco, can call upon the Council to contribute £1.37m to their programme of works. The £1.37 is a dilapidations contribution and is payable in lieu of the Council undertaking the works itself prior to Serco's occupation. These works were referenced in the original Cabinet decision. The works are budgeted and were included within the 24/25 budget round, approved by full Council. It has however become clear that the specific details on this, including the contractual terms, were not included in the contract. As they are works there is a requirement to use a standard form of contract and comply with applicable legislation concerning construction, design and health and safety.

As a result of the above, and in order to retain control of the quality of works, and of the spend the Council proposes entering into a JCT minor works contract with Serco. The Council will then pay on receipt of each works valuation. Some of the works relate to compliance testing and remediation. Given the need to realise the works for the benefit of users of the Leisure facilities, time is critical, therefore the Leader has agreed (as she is able) that it will be taken by a Single Member Decision and not at Cabinet. The decision will be taken by Cllr Munkonge as the relevant Cabinet Member.

Though the Leisure Operating Contract has detailed the sum and nature of the dilapidations to be undertaken it does require this addition contract to be entered in to and, in constitutional terms, this means we need a specific decision to enter into the contract. Given the value of the works the contract will secure this is a key decision, under paragraph 15.17 of the constitution. Key decisions ought to be advertised 28 days in advance of being taken. Where this is not possible, as the if the Head of Law and Governance must write to you, as Chair of the Scrutiny Committee to put you on notice we intend to take a key decision without the 28-prior publication. In this case, given the works were already detailed in the Cabinet report for the contract to Serco for operating the leisure services, it is not a new proposal. In addition, there is a need to ensure that the works are undertaken in order to bring the facilities up to standard for users. and make copies of the letter available to the public at the Council's offices and publish it on the Council's website.

Please therefore take this as notice that the Council intends to take the attached decision by way of Single Member Decision in 5 working days.

A copy of this will also be made available publicly with the decision on the website, in line with the requirements of 15.7.

Sincerely,

Emma Jackman  
Head of Law and Governance