

Record of Officer's Decision

The Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Date of Decision:	3 March 2023
Decision Maker (Officer):	Kieran Charles – Sport & Leisure Operations Manager
Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):	<p>Part 3, Schedule 3 – Responsibility for Executive Functions delegated to Officers paragraph 4.3 (1) – the Corporate Director has delegated authority to discharge executive functions within their respective service areas (Part 3.38). All delegations are subject to consultation where considered appropriate in the circumstances (paragraph 4.3 (4)(ii) – Part 3.39).</p> <p>The Assistant Director of Economic Growth & Leisure, Michael Carran, has delegated operational matters relating to Pool Chemical Procurement to the Sport & Leisure Operations Manager.</p>
Identify which Portfolio Holder(s)/Committee Chairman consulted?	None
Ward Member(s) consulted?	N/A
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	<p>The Portfolio Holder For Leisure & Tourism and Leader of the Council agree to:</p> <ul style="list-style-type: none"> a) appoint Complete Pools to provide Tendring District Councils (TDC) Pool Chemicals under the ESPO framework; b) enter into contract with Complete Pools. The contract would be for three years with the opportunity to extend the contract by one year; c) enact the procurement exemption as described in the concurrence letter; and d) to fund this from the Management of Sports Facilities Budget for the 2023/24 revenue allocation for Sports Facilities, agreed at Full Council in February 2023 as part of the General Fund budget (General Fund Budget and Council Tax report – 2023/24). e) to enter a temporary arrangement/ agreement with Complete Pool whilst ESPO is finalising their updated cost arrangements

<p>Reason for Decision (if a report was produced to support the Decision, refer to or attach it):</p>	<p>The current contract had ended with TDC. As such, a procurement exercise was required. There were two supplies on the ESPO Framework, one being TDC's current providers and the other being complete pools. When the current supplier was offered to complete a mini-tender, they objected to this offer.</p> <p>As such, a direct price comparison was conducted and found both suppliers are relatively priced, with Complete Pool Controls currently £78.37 more expensive considering our usage in 2021/22. To note, Brenntag (current provider) has yet to announce its price increase, which we expect to align with inflation.</p> <p>Due to the responses received from Brenntag & issues encountered with slow processing & delivery times leading to operational problems, a Procurement Exception is requested to appoint Complete Pool Controls. This would then allow stability where we have been assured good stock levels are available & the ability to deliver within five working days from placing an order.</p> <p>A temporary agreement may need to be implemented while ESPO finalises their updated cost arrangements; this will support the pool operations in avoiding closures.</p>	
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>Financial risk is that if the contract isn't changed over the pool chemical purchases would cost more, increasing the cost to operate the pools across the District</p>	
<p>Details of any Alternative Options Considered and rejected (together with reasons):</p>	<p>Not to appoint Complete Pools and continue with the current supplier. This isn't an idyllic option due to the increased cost of chemicals.</p>	
<p>Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision)</p> <p>If relevant, a note of the dispensation granted by the Monitoring Officer:</p>	<p>N/A</p>	
<p>Reason Decision, or supporting Report, is not published:</p> <p><i>Tick one or more of the specific exemptions,</i></p> <p><u>and</u></p>	<p>✓</p>	<p>Not applicable – Decision to be published</p> <p>If Report is not to be published – tick one of the following boxes:</p> <p>The report supporting the Decision contains confidential information</p> <p>The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:</p> <ul style="list-style-type: none"> • Relates to an individual

<p><i>Give more information in the final box with regards to why the exemption applies and outweighs the public interest test (which is in favour of disclosure).</i></p>		<ul style="list-style-type: none"> • Likely to reveal the identity of an individual
		<ul style="list-style-type: none"> • Relating to financial or business affairs of a person or organisation
		<ul style="list-style-type: none"> • Relates to a claim for legal professional privilege in legal proceedings
		<ul style="list-style-type: none"> • Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment
		<ul style="list-style-type: none"> • Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
<p><u>And</u> is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> <p>Reasons: [insert]</p>		

Officers

Signed: _____ Title: Sport & Leisure Operations Manager

Signed: _____ Title: _____

In consultation with:

Signed: _____ **Portfolio Holder For Leisure & Tourism**

Signed: _____ **The Leader of the Council**

Signed: _____ **Monitoring Officer (if required)**

Dated: _____