

# COUNCIL

28 NOVEMBER 2023

## REPORT OF LEADER OF THE COUNCIL

### A.1 EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY

#### PART 1 – KEY INFORMATION

##### **PURPOSE OF THE REPORT**

To notify Members of recent Executive Decision(s) taken in the circumstances set out in the Council's Constitution in:-

- (a) Rule 15 of the Access to Information Procedure Rules (Special Urgency); and/or
- (b) Rule 18(i) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency); and/or
- (c) Rule 6(b) of the Budget and Policy Framework Procedure Rules.

##### **EXECUTIVE SUMMARY**

In accordance with the requirements of Rule 16.2 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules and/or Rule 6(b) of the Budget and Policy Framework Procedure Rules, this report notifies Members of recent Executive Decision(s) taken in the circumstances set out in Rule 15 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules.

##### **RECOMMENDATION**

**That the contents of the report be NOTED.**

#### PART 2 – SUPPORTING INFORMATION

##### **BACKGROUND**

The "Special Urgency" procedure in Rule 15 of the Access to Information Procedure Rules provides that where a key decision cannot be reasonably deferred to allow the procedure in Rule 14 (General Exception) of those procedure rules to be followed, it may still be taken with the agreement of the Chairman of the relevant overview and scrutiny committee, or failing him/her, the Chairman or Vice-Chairman of the Council.

Rule 18(i) of the Overview and Scrutiny Procedure Rules provides that the "call-in" procedure will not apply to a decision if the Chairman, or failing him/her the Vice-Chairman, of the relevant overview and scrutiny committee agrees both that the decision is reasonable in all its circumstances and that any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

## **DECISION(S) TAKEN AS A MATTER OF URGENCY**

### **(1) ACCEPT SWIMMING POOL SUPPORT FUND ALLOCATION FROM SPORT ENGLAND**

On 9 October 2023, the Assistant Director (Economic Growth, Culture and Leisure) (Mike Carran), acting on behalf of the Leader of the Council & Portfolio Holder for Corporate Finance and Governance, in view of the urgency of the issue concerned, and in accordance with Rule 18(i) of the Overview & Scrutiny Procedure Rules, sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's consent, that the Leader of the Council & Portfolio Holder for Corporate Finance and Governance's decision relating to the Swimming Pool Support Fund allocation from Sport England, be exempted from the call-in procedure.

The Leader of the Council & Portfolio Holder for Corporate Finance and Governance's decision was as follows:-

*"To accept funding to the value of £388,717 from the Government's Swimming Pool Support Fund, as administered by Sport England."*

It was felt that any delay likely to be caused by the call-in process would have seriously prejudiced the Council's and the public's interest for the following reason:-

*"The funding needed to be accepted by the Council by Tuesday 9th October, in order to secure the Government funding. If the Executive Decision was subject to call in, then it would not be possible to accept the funding on time, which would result in the Council missing out on this significant funding."*

#### Background

*In the 2023 Spring Budget, the Chancellor announced the Swimming Pool Support Fund (SPSF), making available £60 million for public swimming pool providers. The funding was to be distributed in two phases:*

*Phase I (which this decision refers to) offers £20 million to alleviate immediate cost pressures by providing revenue support, via a competitive grant application process. The SPSF is to fund increased costs associated with the operation of swimming pools for utility and pool chemical costs. Successful bids can receive a minimum of £10,000 and a maximum of £500,000, for all the facilities. The Council has been informed by Sport England that its bid to the fund for £388,717 towards in the increase in costs experienced at Clacton Leisure Centre, Dovercourt Bay Lifestyles and Walton on the Naze Lifestyles has been successful.*

*With that in mind, this decision is to accept the funding, to mitigate against that increase in costs. The funding can only be used to offset increased energy and chemical costs at Clacton Leisure Centre, Dovercourt Bay Lifestyles and Walton on the Naze Lifestyles and cannot be passed on to any other provider.*

*It should be noted that if any of the facilities do not remain open for three years following acceptance, the Council will need to contact Sport England for their approval, or the money could be 'clawed back'. The specific condition in the funding agreement is as below:*

- *The period during which the Applicant must comply with the terms of this Agreement (including continuing to operate or procure the operation of the Facilities) starts on the date of this Agreement and ends on the third anniversary of the date of this Agreement. The Applicant must obtain Sport England's approval if it wishes to close or limit the availability of any of the Facilities before the end of this period, and Sport England will consider any request for approval in accordance with clause 4.6 of Schedule 3.*

*clause 4.6 for reference:*

*Sport England will consider a request for approval under clause 4.4 or clause 4.5 acting reasonably and taking into account the Applicant's plan for the provision of public access to swimming facilities in its local area. The Applicant will provide Sport England with any information that Sport England may request in order to enable it to assess the request."*

## **BACKGROUND PAPERS**

### **(1) ACCEPT SWIMMING POOL SUPPORT FUND ALLOCATION FROM SPORT ENGLAND**

Chairman of the Resources and Services Overview and Scrutiny Committee (Councillor P B Honeywood)'s consent dated 9 October 2023 to allow the Leader of the Council & Portfolio Holder for Corporate Finance and Governance's decision to be exempt from call-in.

## **APPENDICES**

None