

11 June 2024

**REPORT OF THE LEADER OF THE COUNCIL AND PORTFOLIO HOLDER FOR LEISURE AND PUBLIC REALM**

**Clacton Leisure Centre/Vista Road Car Park**

**PART 1 – KEY INFORMATION**

**PURPOSE OF THE REPORT**

To seek agreement for extending the existing Clacton Leisure Centre car park refurbishment contract and include resurfacing of the entrance road, with additional funding being allocated from the Sport and Leisure Reserve Budget.

**EXECUTIVE SUMMARY**

- On 11 October 2019, Cabinet considered a report titled '*Freehold Disposal of Land at Vista Road, Clacton on Sea and Freehold Acquisition of Land at Rush Green, Clacton on Sea*'. Through this report, Cabinet accepted a funding plan agreed as part of this process, including a decision to refurbish the Clacton Leisure Centre/Vista Road Car Park through a financial package agreed with Essex County Council.
- Following on from the decision above, on 16 November 2023, a decision was published to appoint Marlborough Ltd as the contractor to resurface the Vista Road car park, which services Clacton Leisure Centre.
- Although the current contract with Marlborough Ltd includes a refurbishment of the car park, it does not incorporate the entrance road. This area was not initially included in the contract, as the overall budget did not have sufficient funds to cover it. Following subsequent discussions, omitting this area will result in a poor quality access road, when compared with the resurfaced areas. Further to that, this area will continue to deteriorate and a standalone refurbishment is likely to be less cost effective in future, when compared to incorporating the works into the main car park contract. Following an enquiry, the contractor has advised that the additional cost to incorporate that area, will be £24,000 and an exemption to the Council's procurement rules would be required to instruct Marlborough Ltd directly. This will be in addition to the £298,000 already allocated to the contract.
- This report requests that the additional budget of £24,000 is allocated to the contract from the existing budget that allows for an annual contribution to the Leisure Capital Projects Reserve.

**RECOMMENDATION(S)**

**It is recommended that:**

- (a) That the Portfolio Holder for Finance and Governance and Portfolio Holder for Leisure & Public Realm agree to include the refurbishment of the Leisure Centre entrance road into the existing contract with Marlborough Ltd and allocate an additional £24,000 to the Vista Road Car Park Capital budget from the annual revenue contribution to the Leisure Capital Projects Reserve,**
- (b) The subject to (a) above, the Portfolio Holders for Finance and Governance together with the Portfolio Holder for Assets agree an exemption to the Council's**

**procurement rules to instruct Marlborough Ltd to undertake this work as a variation on the existing contract to resurface the Vista Road Car Park,  
(c) That authority to vary the original contract with Marlborough Ltd is delegated to the Assistant Director, Building and Public Realm.**

**REASON(S) FOR THE RECOMMENDATION(S)**

To ensure the refurbishment of the entrance road to Clacton Leisure is included in the existing contract to resurface the Vista Road car park.

**ALTERNATIVE OPTIONS CONSIDERED**

An alternative not option to omit the resurfacing of the entrance road into the contract, will eventually result in further surface complication, as the entrance road will continue to deteriorate over time. Additional funds would need to be sourced in the future to complete this work, and it would be more expensive being addressed as a separate project.

**PART 2 – IMPLICATIONS OF THE DECISION**

**DELIVERING PRIORITIES**

Completion of this project will support delivery of the following Council objectives:

- Pride in our area and services to residents
- Promoting our heritage offer, attracting visitors and encouraging them to stay longer
- Financial sustainability and openness

**OUTCOME OF CONSULTATION AND ENGAGEMENT** (including with the relevant Overview and Scrutiny Committee and other stakeholders where the item concerns proposals relating to the Budget and Policy Framework)

**LEGAL REQUIREMENTS (including legislation & constitutional powers)**

Is the recommendation a Key Decision (see the criteria stated here)	NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	N/A

If a decision is made to allocate the funding, a variation of the contract will need to be agreed and appropriate governance followed.

**The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:**

No further comments to add to the content of the report.

### **FINANCE AND OTHER RESOURCE IMPLICATIONS**

The total value of the existing contract is £298,000, which was funded through an agreement with Essex County Council for the land swap arrangements for Visa Road Recreation Ground and Rush Green Recreation Ground respectively.

The additional £24,000 for the entrance road will be funded from the 2024/25 revenue contribution to the Leisure Capital Projects Reserve of £50,000. This will leave £26,000 in the reserve account and it should be noted that this will diminish the amount available to invest in Sports Facilities, including building repairs and reactive maintenance issues. Although the Service will endeavour to manage this risk within existing budgets, if additional urgent maintenance work/repairs which are either unfunded or are unable to be financed from the Leisure Capital Projects Reserve, this is likely to require an urgent cost pressure to proceed.

**The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:**

There are no additional comments over and above those set out elsewhere in the report.

### **USE OF RESOURCES AND VALUE FOR MONEY**

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	This additional investment into the Council's assets will ensure the authority will not need to fund works to the entrance road in the near future, which would be likely to be less cost, than incorporating the works into the existing contract.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	A variation on the current contract will be required in order to instruct the contractor to include these funded works.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	N/A

### **MILESTONES AND DELIVERY**

The existing contract has already commenced and this additional work will be added onto the current project plan.

### **ASSOCIATED RISKS AND MITIGATION**

If this work is not undertaken, there is the risk that the entrance road will deteriorate further and this may lead to additional costs to address, if carried out as a stand-alone contract. By addressing this matter under the existing contract, it is likely to be more cost effective.

### **EQUALITY IMPLICATIONS**

There are no additional equality implications to those addressed in the original reports.

<b>SOCIAL VALUE CONSIDERATIONS</b>	
There are no additional social value issues with regards to this decision to those addressed in the original reports.	
<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030</b>	
There are no additional implications towards net zero to those addressed in the original reports.	
<b>OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS</b>	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
<b>Crime and Disorder</b>	Nothing to report
<b>Health Inequalities</b>	Nothing to report
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	The contract was subject to a full procurement exercise, so there are no subsidy control issues to address.
<b>Area or Ward affected</b>	St Pauls Ward

### PART 3 – SUPPORTING INFORMATION

<b>BACKGROUND</b>
<p>The Cabinet report considered on 11 October 2019, demonstrated that investment was required for existing facilities at the vista Road site, including the all-weather pitch, parking and various other features. It went on to say that ‘the proposals enable TDC to assist with the facilitation of educational improvements as well as taking a more holistic view of the potential upgrading of facilities both at Vista Road and at Rush Green.’</p> <p>Furthermore, the report went on to say that the Council would ‘use the residue of the fund to procure and complete the other works identified on the plans, subject to the fund being sufficient, and would use any further residue of the fund for other improvement on the sites the nature of which will be determined by TDC.’ The car park was part of these improvement works and the original budget would not extend to cover the entrance road.</p>
<b>PREVIOUS RELEVANT DECISIONS</b>
<p>Report titled <i>Freehold Disposal of Land at Vista Road, Clacton on Sea and Freehold Acquisition of Land at Rush Green, Clacton on Sea</i> : 11 October 2019</p> <p>Decision on completion of Land Swap at Vista Road and Jaywick Lane  <a href="https://tdcdemocracy.tendringdc.gov.uk/ieDecisionDetails.aspx?ID=10435">https://tdcdemocracy.tendringdc.gov.uk/ieDecisionDetails.aspx?ID=10435</a></p> <p>Decision to appoint Car Park contractor:  <a href="https://tdcdemocracy.tendringdc.gov.uk/mglIssueHistoryHome.aspx?IId=29864&amp;Opt=0">https://tdcdemocracy.tendringdc.gov.uk/mglIssueHistoryHome.aspx?IId=29864&amp;Opt=0</a></p>
<b>BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL</b>

N/A

**APPENDICES**

**REPORT CONTACT OFFICER(S)**

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**Job Title**

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