

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:	9 th August 2024
Decision Maker (Officer):	Kieran Charles – Sport & Leisure Operations Manager
Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):	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 were considered appropriate in the circumstances (paragraph 4.3 (4)(ii) – Part 3.39). The Corporate Director Lee Heley has delegated operational matters relating tender documentations and specifications for the new Building Management System and Air Handling Unit for Walton on the Naze Lifestyles, to the Sport & Leisure Operations Manager.
Identify which Portfolio Holder(s)/Committee Chairman consulted?	Cllr Mick Barry Cllr Mark Stephenson Cllr Kotz
Ward Member(s) consulted?	N/A
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	A) The Portfolio Holder for Corporate Finance and Governance and The Portfolio Holder for Assets, agrees with the procurement exemption as described in the letter. B) The Portfolio Holder for Leisure and Public Realm agrees to award and to entering into a contract with Heaton Design & Engineering Ltd to complete a Design (RIBA Stage 3) for a Replacement Air Handling Unit and a New Building Management System at Walton-on-the-Naze Lifestyles. C) The Portfolio Holder for Leisure and Public Realm approves the associated use of up to £15,000 from the Sport & Leisure Revenue Account to fund this work.

Reason for Decision (if a report was produced to support the Decision, refer to or attach it):	Walton-on-the-Naze Lifestyles is a vibrant TDC Sports Facility which was built in 1991. The Sports Centre's pool is popular with residents and visitors to the area. The Centre was recently successful in its Funding application to Sport England for the second phase of the Swimming Pool Support Fund for a replacement Air Handling Unit and a new Building Management System at a total cost of £131,750 (Funding Application costs taken from an Energy Report commissioned to Concept Energy Solutions Ltd, dated 24th June 2021). Following on from the application a Feasibility Study was commissioned in February 2024 with Heaton Design & Engineering Ltd where it was highlighted that indicative costs had risen for a replacement AHU and BMS system to £249,500. As such, this letter is to seek an exemption from procurement, to continue working with this consultant due to this being a specialised field and it requires expertise to proceed to the next stages. To enable the next Design Stage of the project we will require a consultant to complete a Royal Institute of British Architects (RIBA Stage 3 Design) of this project. Design Duties would include the following; • Make allowances as required for the survey of the existing service provisions to assess the loadings. • Visit the site as required to undertake non-intrusive survey work of the existing layout and services to establish site the constraints. • Provision of RIBA stage 3 design associated with the new pool AHU, ductwork, controls etc. • Outline requirements of temporary pool ventilation and existing ductwork cleaning. • Provision of RIBA stage 3 design associated with replacement of the existing BMS. • Liaise with specialists and suppliers. • Provision of RIBA stage 3 electrical design to support the mechanical installation. • Provision of RIBA stage 3 M&E services technical specification for tender purposes. • Provision of RIBA stage 3 technical drawings for tender purposes. • Provision of designer's risk assessments for M&E design as required. Tender Duties are as follows: • Issue design packages to 3no. Contractors. • Commenting as required upon returned tenders for the works. • Make recommendations as to the appointed contractor.
--	--

Highlight any associated risks/finance/legal/equality considerations:	To enable the utilisation of Sport England's Swimming Pool Support Fund Grant and TDC's recommendations to bridge the funding gap a design for contractors to tender against must be commissioned to ensure the correct specifications and design elements are captured to industry standards.	
Details of any Alternative Options Considered and rejected (together with reasons):	The only alternative would mean operation of the site utilising the existing AHU System (no BMS System currently on site). Over the course of time the unit would need replacing and Grant Funding may not be available at this time. If the replacements are made now TDC could utilise Grant funding and see an ongoing saving as part of the indicative efficiencies noted (£11,000 per annum and a reduction in TDC's Carbon Footprint).	
Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision) If relevant, a note of the dispensation granted by the Monitoring Officer:	N/A	
Reason Decision, or supporting Report, is not published: <i>Tick one or more of the specific exemptions,</i> <u>and</u> <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>	✓	Not applicable – Decision to be published.
		If Report is not to be published – tick one of the following boxes:
		The report supporting the Decision contains confidential information
		The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:
		• Relates to an individual
		• Likely to reveal the identity of an individual
		• Relating to financial or business affairs of a person or organisation
		• Relates to a claim for legal professional privilege in legal proceedings
		• 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
		• Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
<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		

	Reasons:
--	----------

Officers

Signed: K. Charles

Title: Sport & Leisure Operations Manager

Signed:

Title:

In consultation with:

Signed:

Portfolio Holder for Corp. Finance and Governance

Signed:

Portfolio Holder for Leisure and Public Realm

Signed:

Portfolio Holder for Assets

Signed:

Section 151 Officer (if required)

Signed:

Monitoring Officer (if required)

Dated: