



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:	28/08/24
Decision Maker (Officer):	Mike Carran, Assistant Director Economic Growth, Culture and Leisure
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 Corporate Director of Place and Economy has delegated operational matters relating to the recruitment of temporary resource to the Assistant Director, Economic Growth and Leisure.</p>
Identify which Portfolio Holder(s)/Committee Chairman consulted?	Leader and Portfolio Holder for Finance and Governance
Ward Member(s) consulted?	N/A
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	<p>Following detailed consideration by Council Officers, to enter into the following agreements, to secure external funding under the Government's 'Swimming Pool Support Fund and progress the projects at Walton on the Naze Lifestyles up to and including a tender process for the upgrade of Building Management System and new Air Handling Unit for Walton on the Naze Lifestyles.</p> <p>(i) Capital Grant Agreement between Tendring District Council and Sport England.</p>

	<p>(ii) Grant Adherence Agreement between Tendring District Council, Sport England together with Brightlingsea Town Council and Brightlingsea Lido CIO (the latter two organisations as the lease holder and operator respectively of Brightlingsea Lido).</p> <p>Note: No order for works will be raised until an executive decision has been published together with a business plan for the respective projects, to allocate additional funding as required.</p>
<p>Reason for Decision (if a report was produced to support the Decision, refer to or attach it):</p>	<p>Following the submission of an external funding application to Government's Swimming Pool Support Fund via Sport England and receipt of a subsequent offer letter, this decision will secure investment for energy saving swimming pool plant technology to continue the Council's drive to decrease energy costs and carbon emissions.</p> <p>This funding opportunity was open to all non private sector pools in the district, but only the local authority was authorised to submit applications. As such, a bid that was completed by Brightlingsea Lido CIO was submitted by the Council, but without any input from Council Officers in its preparation.</p> <p>The funding was allocated as follows:</p> <p style="padding-left: 40px;">Tendring District Council: Walton on the Naze Lifestyles Upgrade of Building Management System: £35,000 Air Handling Unit: £59,500</p> <p style="padding-left: 40px;">Brightlingsea Lido CIO Photo Voltaic (PV) panels: £41,650</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>Officers have carried out an assessment of the agreements and consider them appropriate and do not put the Council under any undue risk.</p> <p>The Council's responsibilities under the respective agreements are set out as follows:</p> <p>(i) Capital Grant Agreement between Tendring District Council and Sport England.</p> <p>This is to form an agreement between Sport England and Tendring District Council as the responsible authority for the grant funding. It should be noted that once the respective works are complete, the funding will be paid in arrears to the Council. Once Brightlingsea Lido have completed their requirements, the funding allocated to their project can be released.</p>

	<p>(ii) Grant Adherence Agreement between Tendring District Council, Sport England together with Brightlingsea Town Council and Brightlingsea Lido CIO (the latter two organisations as the lease holder and operator respectively of Brightlingsea Lido).</p> <p>Officers have worked with Sport England, together with Brightlingsea Town Council and Brightlingsea Lido to finalise an agreement which ensures the responsibilities of each organisation are clearly set out and formalised. This agreement ensures that direct responsibility for the projects under the jurisdiction of Brightlingsea Lido are the accountability of the lease holder (Brightlingsea Town Council and operator (Brightlingsea Lido) respectively. Under this agree it is the responsibility of the Council to transfer the grant funding following receipt from Sport England to the operator, following completion of the works.</p> <p>It should be noted that the Council will need to be mindful of its responsibilities under both agreements.</p>												
<p>Details of any Alternative Options Considered and rejected (together with reasons):</p>	<p>The only alternative option considered was to not enter into agreements for the grant funding. This would have resulted in the projects receiving external funding and the business case for installation being weaker. The two installations at Walton on the Naze Lifestyles will support a reduction in energy costs and carbon emissions at the site.</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>The Leader and Portfolio Holder for Finance and Governance is being consulted on this decision, due to the Portfolio Holder for Leisure and Public Realm being both a Brightlingsea Town Councillor and a Trustee of Brightlingsea Lido CIO.</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>	<table border="1"> <tr> <td data-bbox="571 1639 638 1680">✓</td> <td data-bbox="638 1639 1388 1680">Not applicable – Decision to be published</td> </tr> <tr> <td data-bbox="571 1680 638 1747"></td> <td data-bbox="638 1680 1388 1747">If Report is not to be published – tick one of the following boxes:</td> </tr> <tr> <td data-bbox="571 1747 638 1825"></td> <td data-bbox="638 1747 1388 1825">The report supporting the Decision contains confidential information</td> </tr> <tr> <td data-bbox="571 1825 638 1937"></td> <td data-bbox="638 1825 1388 1937">The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:</td> </tr> <tr> <td data-bbox="571 1937 638 1982"></td> <td data-bbox="638 1937 1388 1982">• Relates to an individual</td> </tr> <tr> <td data-bbox="571 1982 638 2016"></td> <td data-bbox="638 1982 1388 2016">• Likely to reveal the identity of an individual</td> </tr> </table>	✓	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
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<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"> • 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: AD Economic Growth Leisure

Signed:

In consultation with:

Signed: 

Signed:

Signed:

Dated: 15/05/2024