

RECORD OF EXECUTIVE DECISION

Date	Decision Maker	Decision	Reason(s) for Decision	Alternative Options Considered	Conflicts of Interest Declared <small>(and Dispensations granted by the Monitoring Officer)</small>	Consultation with relevant Ward Member(s) Yes/No	Subject to Call-in? Yes/No
10 JANUARY 2025	LEADER OF THE COUNCIL AND PORTFOLIO HOLDER FOR FINANCE AND GOVERNANCE	Through this report, the Leader of the Council, is exercising delegated powers, paragraph 4b on Part 3.28 of the Council's Constitution, on behalf of the Cabinet, to make a key decision that is not in the Council's "forward plan" in order to implement in as timely a fashion as possible the purchase and installation of new Air Handling and Building Management Systems at Walton on the Naze Lifestyles. This decision is urgent, as Government funding allocated by Sport England is required to be drawn down by the 31 March 2025. Any further delay in entering into an agreement with the proposed contractor could lead towards withdrawal of funding allocated to the Council through the Swimming Pool Support Fund.	To ensure that the Air Handling Unit and Building Management System at Walton on the Naze Lifestyles are installed and the Council is able to utilise £94,500 of Swimming Pool Support Funding to contribute towards the project. If the Air Handling Unit is not placed at this time, the Council would need to consider options for replacement if and when the unit is deemed beyond reasonable repair. Detailed information is provided in the attached report.	The key alternative option from this decision would be to agree not to allocate additional funding towards the project. This has been fully considered, but as replacement of the Air Handling Unit is listed as an urgent item on a recently undertaken Condition Survey, this is not considered prudent. If the unit was	N/A	No	Yes

	<p>In addition, the Chairman of the Resources and Services Overview & Scrutiny Committee (Councillor Paul Honeywood) has agreed that this decision is reasonable in all the circumstances and that the decision can be taken under the "General Exception" provisions set out in Access to Information Procedure Rule 14 of the Council's Constitution.</p> <p>(i) Approves a total budget cost for the purchase and installation of a new Air Handling Unit and Building Management System at Walton on the Naze Lifestyles of £400,366, which includes £94,500 of external funding following a successful bid to the Swimming Pool Support Fund</p> <p>(ii) Subject to (i) above, approves the allocation of</p>		<p>to be deemed beyond economic repair, the Council would need to replace the system at the full cost and would not have access to the external funding allocated.</p>			
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£156,000 from the former Joint Use Sports Centre budget, in addition to the £150,000 previously allocated by Cabinet from the 2023/24 outturn, towards the total project cost of the above project.

(iii) Subject to (i) and (ii) above, and following a procurement exercise agrees for the Assistant Director for Economy, Culture and Leisure to enter into an agreement on behalf of the Council with Gowing & Hunt LTD to complete the project.

(iv) Subject to (i) and (ii) above, agrees to an exemption to the Council's procurement rules, for the

		<p>Assistant Director for Economy, Culture and Leisure to enter into an agreement on behalf of the Council with Heaton Design and Engineering Ltd to act as the Council's consultant to provide professional expertise and oversight of the project.</p>					
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URGENT DECISIONS ONLY (If non-urgent go to "Agreement to Decision" below):-

GENERAL EXCEPTION APPLIES? (Rule 14 Access to Information Procedure Rules)	NO	If yes, has at least 5 clear days notice been given to the Chairman of the relevant overview and scrutiny committee?	N/A
SPECIAL URGENCY APPLIES? (Rule 15 Access to Information Procedure Rules)	NO	If yes, has the Chairman of the relevant overview and scrutiny committee's consent been obtained?	N/A
EXEMPTION FROM CALL-IN APPLIES? (Rule 18i Overview and Scrutiny Procedure Rules)	NO	If yes, has the Chairman of the relevant overview and scrutiny committee's consent been obtained?	N/A
URGENT & OUTSIDE BUDGET OR POLICY FRAMEWORK? (Rule 6 Budget and Policy Framework Procedure Rules)	NO	If yes, why is it not practical to convene a quorate meeting of full Council?	
		If yes, has the Chairman of the relevant overview and scrutiny committee's consent been obtained?	N/A

AGREEMENT TO DECISION:-

<p>Signed:-</p> <p>Leader of the Council and Portfolio Holder for Finance and Governance</p> <p>.....</p> <p>Decision Maker</p>	<p>Date:-</p> <p>.....</p>	<p>Delegated Power Reference (in Part 3 of the Constitution):-</p> <p>Part 3.28 of the Constitution</p>
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**Original signed copy to be retained by Service.
Electronic copy to be sent to Ian Ford and Katie Sullivan (Committee Services) for publication.**