

Councillor P Honeywood,
Town Hall
Station Road
Clacton-on-Sea
Essex
CO15 1SE

22 April 2025

Dear Councillor Honeywood

Delegated Power Ref: Part 3, Schedule 3 (responsibility for executive functions) Sections 4.2.1 (responsibilities of individual portfolio holders) part 3.32 Sports centres and Facilities). In addition, The Leader of the Council will be exercising powers delegated to the Cabinet, as per Part 3 and part 5.8 (responsibility for executive functions) - in cases of urgency, in consultation with the Monitoring Officer and/or Section 151 Officer.

Request for Consent to gain Exemption from Call-in Procedure

The Leader of the Council and Portfolio Holder for Finance and Governance, Portfolio Holder for Leisure and Public Realm and Deputy Leader and Portfolio Holder for Economic Growth, Regeneration and Tourism propose to make the following executive decisions:-

Following the failure of one of two boilers serving the Clacton Leisure Centre swimming pool and accompanying changing rooms, the following decisions will agree a process to protect continuity of service, install a new boiler and accompanying plant through securing external funding and improve energy/carbon efficiency of a significant Council asset.

- (a) The Portfolio Holder for Leisure and Public Realm agrees the strategy set out in this report for addressing the boiler failure at Clacton Leisure Centre, following an action set out for delivery in the Council's Sport and Activity Strategy;**
- (b) on behalf of the Cabinet and using the special urgency powers, in accordance with Parts 3.X and 5.8, the Leader of the Council and Portfolio Holder for Finance and Governance, in consultation with the Portfolio Holder for Leisure and Public Realm agree for the Council to accept Salix Funding to the value of £1,204,481 and enter into the Funding Agreement, as set out in Appendix A, for the purpose of purchasing and installing a new Boiler and associated plant for Clacton Leisure Centre; and**
- (c) subject to (a) and (b), the Portfolio Holder for Economic Growth, Tourism and Regeneration together with the Portfolio Holder for Leisure and Public Realm agree to allocate £164,248 from the Community Regeneration Partnership Funding, as the Council's contribution to the purchase of a new boiler at Clacton Leisure;**
- (d) subject to (a) & (b) above, that the installation of a new boiler system for Clacton Leisure is added to the Capital Programme in 2025/26 with a total budget of £1,368,730;**
- (e) that the Leader of the Council and Portfolio Holder for Finance and Governance agrees to carry forward £45,000 from the former Joint Use**

Sports Centre budget from the 2024/25 financial year into 2025/26, and allocates this towards a budget which can fund a temporary oil-fired boiler system for Clacton Leisure Centre at short notice, as an interim measure, in the event of a failure of the remaining boiler prior to the project being completed;

- (f) subject to (d) above, that the Leader of the Council and Portfolio Holder for Finance and Governance agrees an exemption to procurement is agreed to allow the Council to appoint its term contractor, Lindsey Group, to provide the temporary boiler, associated plant and labour;**
- (g) following (f) it is noted that the Assistant Director Sport, Leisure and Health will develop the procurement strategy for the commissioning of the contractors required to deliver the installation of a new boiler system within the milestones, as required by the Funding Agreement.**
- (h) It is understood that the decisions above are made in the context that the Council is bound by the Salix Funding agreement from the grant start date until 3 years after the project is completed.**

Any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest for the following reasons:-

Due to the requirement under the funding agreement to sign the funding agreement within 10 days, this request to you as the Chairman of the Resources and Services Committee, will agree to the 'special urgency' procedure being enacted, as listed in Rule 15 of the Access to Information Procedure Rules in Part 5 of the Council's Constitution.

The response to this application was due in May 2025, so although this item has been listed on the Forward Plan, 28 days will not be passed in time.

Any delay in signing the agreement may result in the Council losing the external funding secured, which totals £1,204,481.

I therefore propose that the decision should be exempt from the call-in procedure by virtue of Rule 18(i) of the Overview and Scrutiny Procedure Rules in Part 5 of the Council's Constitution. I would be grateful if you would sign, scan and email or post the attached Consent Form back to me indicating whether you agree with this course of action.

Yours sincerely

Mike Carran, Assistant Director, Sport, Culture and Health

Mike Carran,
Town Hall,
Station Road,
Clacton

Dear Mr Carran

Delegated Power Ref: Part 3, Schedule 3 (responsibility for executive functions) Sections 4.2.1 (responsibilities of individual portfolio holders) part 3.32 Sports centres and Facilities). In addition, The Leader of the Council will be exercising powers delegated to the Cabinet, as per Part 3, Schedule 3 (responsibility for executive functions) - in cases of urgency, in consultation with the Monitoring Officer and/or Section 151 Officer.

Request for Consent to gain Exemption from Call-in Procedure

I refer to the letter from you dated 22 April 2025 concerning exercising the above delegated power in relation to the proposed strategy for replacing the swimming pool heating system at Clacton Leisure and agreeing a process for allocating the external funding.

In view of the urgency of this decision, I note that you wish to gain an exemption from the call-in process by virtue of Rule 18(i) of the Overview and Scrutiny Procedure Rules in Part 5 of the Council's Constitution.

I agree / ~~do not agree~~* that the decision is reasonable in all the circumstances and that an exemption from the call-in procedure should be applied in this case.



.....
Councillor Paul Honeywood
Chairman of the relevant overview and scrutiny committee

22nd April 2025

Dated

* *Please delete as appropriate.*

Additional comments (if any):