

## COUNCIL

20 MAY 2025

### REPORT OF LEADER OF THE COUNCIL

#### A.1 EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

To notify Members of recent Executive Decision(s) taken in the circumstances set out in the Council's Constitution in:-

- (a) Rule 15 of the Access to Information Procedure Rules (Special Urgency); and/or
- (b) Rule 18(i) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency); and/or
- (c) Rule 6(b) of the Budget and Policy Framework Procedure Rules.

###### EXECUTIVE SUMMARY

In accordance with the requirements of Rule 16.2 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules and/or Rule 6(b) of the Budget and Policy Framework Procedure Rules, this report notifies Members of recent Executive Decision(s) taken in the circumstances set out in Rule 15 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules.

###### RECOMMENDATION

That the contents of the report be **NOTED**.

##### PART 2 – SUPPORTING INFORMATION

###### BACKGROUND

The “Special Urgency” procedure in Rule 15 of the Access to Information Procedure Rules provides that where a key decision cannot be reasonably deferred to allow the procedure in Rule 14 (General Exception) of those procedure rules to be followed, it may still be taken with the agreement of the Chairman of the relevant overview and scrutiny committee, or failing him/her, the Chairman or Vice-Chairman of the Council.

Rule 18(i) of the Overview and Scrutiny Procedure Rules provides that the “call-in” procedure will not apply to a decision if the Chairman, or failing him/her the Vice-Chairman, of the relevant overview and scrutiny committee agrees both that the decision is reasonable in all its circumstances and that any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

## **DECISION(S) TAKEN AS A MATTER OF URGENCY**

### **Clacton Leisure Centre Heating System**

On 22 April 2025, the Assistant Director (Sport, Culture and Health), on behalf of myself, the Portfolio Holder for Leisure & Public Realm and the Portfolio Holder for Economic Growth, Regeneration and Tourism and in view of the urgency of the issue concerned, and in accordance with Rule 18(i) of the Overview & Scrutiny Procedure Rules, sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's consent, that our joint decision relating to the Clacton Leisure Centre Heating System, be exempted from the call-in procedure.

That joint decision was as follows:-

*"That 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 Centre;*
- (d) subject to (a) & (b) above, that the installation of a new boiler system for Clacton Leisure Centre 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."*

It was felt that any delay likely to be caused by the call-in process would have seriously prejudiced the Council's and the public's interest for the following reason:-

*"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."*

The Chairman of the Resources and Services Overview and Scrutiny Committee also kindly agreed that the Special Urgency Procedure as set out in Overview and Scrutiny Procedure Rule 15 (Part 5.8), could be used, insofar as it only applied to my decision as the Leader of the Council as set out in paragraph (f) above.

## **BACKGROUND PAPERS**

### **Clacton Leisure Centre Heating System**

Chairman of the Resources and Services Overview and Scrutiny Committee (Councillor Paul Honeywood)'s consent to allow the joint decision of the Leader of the Council & Corporate Finance and Governance Portfolio Holder, the Leisure & Public Realm Portfolio Holder and the Economic Growth, Regeneration & Tourism Portfolio Holder to be exempt from call-in and that the Special Urgency Procedure as set out in Overview and Scrutiny Procedure Rule 15 (Part 5.8), could be used, insofar as it only applied to the Leader of the Council's decision as set out in paragraph (f) of that joint decision.

## **APPENDICES**

None