

Formal Meeting of the Cabinet – Friday 23 May 2025 - Leader of the Council's Public Statement – Clacton Leisure Centre Heating System

"On 22 April 2025 and in accordance with powers delegated to me within the Council's Constitution, as set out within Part 3 Responsibility of Functions (Scheme of Delegated Powers) – Schedule 3 (Responsibility for Executive Functions) – Section 3 (General Principles Regarding Decision Making by the Cabinet – Paragraph 4b [Part 3.29], I made an urgent decision on behalf of the Cabinet upon which I am required by those same provisions to make this public statement.

That urgent decision related to the Clacton Leisure Centre Heating System and 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 3.31 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.”*

My reasons for taking that urgent decision were as follows:-

“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.”

Following consultation, the Chairman of the Resources and Services Overview and Scrutiny Committee 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.

Details of my urgent decision were also publicly reported to Members at the meeting of the Full Council that took place on Tuesday 20th May 2025.

That concludes my statement on this matter.”