

## 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

<b>Date of Decision:</b>	26 June 2025
<b>Decision Maker (Officer):</b>	Kieran Charles – Head of Sport & Leisure
<b>Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):</b>	<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 Lee Heley has delegated operational matters relating to the Personal Trainer Operating Agreement to the Head of Sport &amp; Leisure.</p>
<b>Identify which Portfolio Holder(s)/Committee Chairman consulted?</b>	Cllr Mick Barry
<b>Ward Member(s) consulted?</b>	N/A
<b>Is it a Key Decision?</b>	No
<b>Is it subject to call-in?</b>	No
<b>Decision Made:</b>	<p>To implement the Personal Trainer Operating Agreement for the use of Tendring District Council leisure facilities. This new agreement sets out the terms under which approved personal trainers may operate, including requirements for insurance, risk assessments, permitted use, and adherence to health and safety protocols. The agreement is designed to ensure service quality, generate a new revenue stream, enhance the value proposition of the facilities, and support local employment and professional development in the fitness sector.</p> <p>The collection of contract fees will be on a quarterly basis in advance, with rates set through the annual fees and charges process.</p>
<b>Reason for Decision (if a report was produced to</b>	The purpose of this agreement is to provide a new revenue stream for the facilities and an opportunity for personal training as an additional activity. By introducing personal training

<p><b>support the Decision, refer to or attach it):</b></p>	<p>services, we aim to attract a broader range of clients who are interested in customised fitness programs.</p> <p>This initiative not only enhances the value proposition of our facilities but also promotes a healthier lifestyle among our community members. Additionally, the revenue generated from personal training sessions can be reinvested into the maintenance and improvement of our facilities, ensuring a high standard of service and equipment for all users. This agreement will also create job opportunities for qualified personal trainers, contributing to the local economy and fostering a supportive environment for professional development in the fitness industry.</p>	
<p><b>Highlight any associated risks/finance/legal/equality considerations:</b></p>	<p>A key risk associated with implementing the Personal Trainer Operating Agreement is the potential for operational disruption due to space and scheduling conflicts within leisure centres, as the agreement does not guarantee availability or priority for trainers.</p> <p>Additionally, there are legal and financial risks if trainers fail to maintain required insurance or comply with health and safety obligations, which could expose the Council to liability.</p> <p>Reputational risks may also arise if trainer conduct or service quality falls short of expectations, potentially impacting public perception of the Council's leisure services. As such an auditing approach by the general manager will be undertaken to ensure conduct or service quality doesn't fall short of expectations and that the insurance levels are maintained.</p>	
<p><b>Details of any Alternative Options Considered and rejected (together with reasons):</b></p>	<p>The Council could opt not to introduce a formal Personal Trainer Operating Agreement. An ad hoc or informal arrangements could take place instead.</p> <p>This approach is rejected due to the associated risks around liability, inconsistent service standards, and missed revenue opportunities. The chosen agreement provides a structured, compliant, and revenue-generating framework that supports both operational control and community benefit.</p>	
<p><b>Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision)</b></p> <p><b>If relevant, a note of the dispensation granted by the Monitoring Officer:</b></p>	<p>N/A</p>	
	<p>✓</p>	<p>Not applicable – Decision to be published.</p>

<b>Reason Decision, or supporting Report, is not published:</b>  <i>Tick one or more of the specific exemptions,</i>  <u><b>and</b></u>  <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>	<b>If Report is not to be published – tick one of the following boxes:</b>	
		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
		• Relating to financial or business affairs of a person or organisation
		• Relates to a claim for legal professional privilege in legal proceedings.
		• 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.
	• Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	
<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.  Reasons:		

### **Officers**

Signed: K. Charles

Title: Head of Sport & Leisure

Signed:

Title:

### **In consultation with:**

Signed:

**Portfolio Holder for Leisure and Public Realm**

Signed:

Signed:

Signed:

**Section 151 Officer (if required)**

Signed:

**Monitoring Officer (if required)**

**Dated:**