

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

Date of Decision:	17/02/2026
Decision Maker (Officer):	Kieran Charles, Head of Sport and Leisure
Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):	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). The Corporate Director Place and Wellbeing has delegated operational matters relating to the legionella remedial works at Dovercourt Bay Lifestyles to the Head of Sport and Leisure. In addition to the above, as the service is already operating with a service provider, the below exemption ruling will be applied: • (g) Where a partnership arrangement has been entered into with a contractor or a supplier as a result of competitive tendering, and the proposed procurement is within or related to the documented scope of that partnership arrangement. In such cases the Corporate Director/Head of Department must be able to demonstrate that the proposed procurement through such a partnership arrangement is advantageous to the Council (for example, continuity of service or product supply, or extension of existing arrangements). The documentation will be issued will take the form of a contract variation as determined in the partnership contract and/or via the Official

	Ordering rules or if appropriate the documentation to be issued will be as required by the Procurement Procedure Rules for the value of the procurement. (EU limits must be observed to ensure no thresholds are exceeded).
Identify which Portfolio Holder(s)/Committee Chairman consulted?	Councillor Mick Barry Councillor Mark Stephenson
Ward Member(s) consulted?	N/A
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	A) To enter into an additional purchase order with Concept Environmental Solutions to complete these works which includes removal of additional redundant materials from site since the remedial works took place. The purchase order amount is £3,350.00 B) Portfolio Holder for Finance & Governance and Portfolio Holder for Leisure & Public Realm agree to fund the works from the 25/26 Leisure Capital Projects Reserve. This will mean committing £3,350.00 from this budget.
Reason for Decision (if a report was produced to support the Decision, refer to or attach it):	Remedial works took place to control the levels of legionella on the previous decision, <u>Decision - Legionella Remedial Works - Dovercourt Bay Lifestyles</u> It was initially though the tanks would be removed as part of this process, however they were isolated in the short term, and a decision has now been made to remove them as per recommendation from our contractor.
Highlight any associated risks/finance/legal/equality considerations:	All risk are high: Heath risks will be high without these works. Legionella bacteria thrive in warm, stagnant water. Legionnaires disease is especially dangerous to vulnerable groups (elderly, immunocompromised) which make a high proportion of the Tendring community. Delays in works

	could allow conditions that would have a rapid bacterial growth. Legal risk is high - Statutory Duties: Under the Health and Safety at Work Act 1974, COSHH Regulations, and Management of Health and Safety at Work Regulations states that duty holders must identify, assess, and control legionella risks. Failure to implement remedial works after a risk assessment breaches these obligations. Ignoring remedial actions identified in a risk assessment means non-compliance with these codes, which can lead to enforcement action. Penalties: Non-compliance can result in: HSE enforcement notices Fines and prosecution Civil liability for negligence if illness occurs. Financial and reputational risks are high - a full legionella outbreak can lead to legal claims, closure of the facilities and income and cause reputational damage, likely attracting media attention and harm trust in the council and their facilities. Emergency works if an outbreak occurs would be more costly than these works.
NEW : Details of Local Government Reorganisation and/or Devolution considerations	There will be no impact to LGR as this is one-off works required. This will however support asset improvements, which will reduce risks to any future Unitary Authority.
Details of any Alternative Options Considered and rejected (together with reasons):	To stay safe and compliant there are no other options.
Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision)	N/A

If relevant, a note of the dispensation granted by the Monitoring Officer:			
Reason Decision, or supporting Report, is not published: <i>Tick one or more of the specific exemptions,</i> <u>and</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>	x	Not applicable – Decision [and report] to be published	
		If Report is not to be published – tick one of the following boxes:	
		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: [insert]			

Officers

Signed:

Title: Head of Sport & Leisure

Signed:

Title:

In consultation with:

Signed:

Portfolio for Finance and Governance

Signed:

Portfolio Holder for Leisure and Public Realm

Signed:

Section 151 Officer (if required)

Signed:

Dated: