

## The Executive – 6 December 2022

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Minutes of the meeting of **The Executive** held on **6 December 2022** when there were present:-

Chairman: Cllr S E Wootton  
Vice Chairman: Cllr Mrs C E Roe

Cllr Mrs D L Belton  
Cllr D S Efde  
Cllr D J Sperring

Cllr I H Ward  
Cllr A L Williams

### VISITING MEMBERS

Cllrs I A Foster, M Hoy, Mrs L Shaw and C M Stanley.

### OFFICERS PRESENT

S Summers	- Strategic Director
E Yule	- Strategic Director
P Barnes	- Director, Assets & Investments
P Drane	- Director, Place
M Hotten	- Director, Environment
A Hunkin	- Interim Director, People & Governance
N Lucas	- Assistant Director, Resources
S Worthington	- Principal Democratic and Corporate Services Officer
L Quigley	- Senior Procurement Officer
W Szyszka	- Democratic Services Officer

### 239 MINUTES

The Minutes of the meeting held on 9 November were approved as a correct record and signed by the Chairman.

### 240 QUESTIONS ON NOTICE FROM COUNCILLORS

Pursuant to Executive Procedure Rule 3.1, the following Member questions had been received:-

From Cllr C M Stanley to the Leader of the Council, Cllr S E Wootton:-

“Does the Leader believe that Fusion has fulfilled its past obligations to maintain RDC’s assets?”

The Leader, Cllr S E Wootton responded as follows:-

“Earlier this year, I was pleased to meet with the new Chief Executive of Fusion Lifestyle. We had a positive conversation during which I stressed the importance of our leisure facilities to our community and the need for ongoing investment within these facilities.

We also discussed the investment that Fusion had made into our facilities in the past and where future investment may be needed.

Given the past two years of the Covid-19 pandemic, we also discussed how the leisure industry nationally, and Fusion locally continue to recover from the pandemic that had such a devastating effect on the industry, as it did on many other sectors.

I am also pleased to report some recent investment into our leisure facilities, including:-

- New boilers serving the swimming pools at Clements Hall Leisure Centre;
- Refurbishment of the sauna at Clements Hall Leisure Centre;
- New studio flood at Clements Hall Leisure Centre;
- External cladding works at Rayleigh Leisure Centre;
- Redecoration of external ducting at Clements Hall Leisure Centre;
- In addition, both leisure centres have received brand new state of the art gym equipment and spin bikes;
- This investment totals nearly £1m and is a clear demonstration of the Council's commitment to the health and wellbeing of our residents;
- I am also pleased to report that this gym equipment at both sites is accessible as part of the strategy to offer an inclusive leisure service.

Going forward as part of Fusion's programme of agreed works, the following will also be completed:-

- New boilers at Rayleigh Leisure Centre;
- New main hall floor at Clements Hall Leisure Centre;
- Replacement insulation on ductwork on the roof at Clements Hall Leisure Centre;
- Renewal of fire alarm system at Rayleigh Leisure Centre;
- Redecoration at both leisure centres.

Members will also recall that the leisure contract was extended in December 2020 as a result of the impact of Covid-19 on the leisure industry and to ensure a sustainable leisure service for our residents. I am proud that this forward-thinking Council made, this decision to safeguard our future leisure service for the benefit of residents, a decision that secured investment in our leisure

facilities, secured local jobs, and ensured our leisure service was well placed to provide for the needs of our community in the future.

As part of the contract, an agreed programme of works for Fusion to complete before the end of the contract has been agreed. This will build on the previous investment and works I referred to earlier in my reply and will continue to ensure that our leisure facilities receive the ongoing investment required.”

From Cllr C M Stanley to the Leader of the Council, Cllr S E Wootton:-

“Why has RDC not pressed Fusion to meet these obligations in the upkeep of Mill Hall?”

The Leader, Cllr S E Wootton responded as follows:-

“Members will recall, and as I alluded to in my previous answer, that the Leisure contract was extended in December 2020 as a result of the impact of Covid-19 on the leisure industry.

The Mill was mothballed at that time with Fusion remaining responsible for repair and ongoing maintenance of the Mill.

I am delighted the Council has since taken the decision to reopen the building and I am pleased to see previous groups returning and new groups booking.

I can confirm that Fusion remains responsible for repair and ongoing maintenance of the Mill and this Council will continue to ensure that Fusion carry out their responsibilities to maintain the building to ensure it continues to provide a valued community space for our residents.”

From Cllr C M Stanley to the Leader of the Council, Cllr S E Wootton:-

“The Asset Delivery Programme has included the requirement for Castle Hall to be disposed of – has this now changed as the Leader has said if you don’t use it you lose it?”

The Leader, Cllr S E Wootton responded as follows:-

“Castle Hall has never been part of the Asset Delivery Programme. The asset is managed under the Council’s leisure contract, and it is currently mothballed following a decision of the Executive in December 2020 as a result of the impact of Covid-19.

The Council will continue to explore the options for alternative commercial or community use of Castle Hall.”

### **241 FUTURE LEISURE SERVICE PROVISION**

The Executive considered the report of the Director of Assets and Investment setting out options for procurement of a leisure operator partner to deliver the Council’s leisure facility provision from 1 April 2025.

The Leader of the Council, Cllr S E Wootton, noted that it was critical that the Council had a robust procurement process and partner in place to operate in these facilities in a commercial and sustainable manner. The Leader continued that whilst the upfront investment in this process could appear as significantly large, it would ensure that the Council was able to achieve the best outcomes for the two sites as well as their users.

The Leader advised the Executive that this should be seen as a pump priming investment as having the suitable contract in place would provide the Council with a vast array of benefits, including financial benefits, in return. The Leader also added that there could be an opportunity to share some of the up front costs with Brentwood Borough Council, subject to their decision making processes.

The Leader also outlined the following points, highlighting that the reserve would enable the Council to engage sector experts to:-

- Undertake a feasibility study which would set out the opportunities for the facilities within the current and future leisure markets and identify the capital costs of any required refurbishment works. This would ensure that the Council had the capacity to deliver ambitious and viable outcomes for the sites;
- Complete a current building conditions survey, which would ensure that the Council was able to maximise opportunities with potential operators;
- Ensure that the Council followed the correct procurement and contracting processes that were specific to this type of service area.

The Deputy Leader requested that future reports were written in a more comprehensive manner to ensure it was accessible to all Members and residents.

The Portfolio Holder for Environment expressed concerns over the term 'consultant' noting that in the past the Council had relied on consultancy services which had a negative impact on the continuity in Council led projects. The Portfolio Holder added that he wished to see internal resource be utilised for matters that could be dealt with without the need to rely on external consultants.

The Portfolio Holder for Customer Services, Legal & IT expressed concerns over potential timelines with regard to community engagement referred to at paragraph 1.6 on page 7.1, noting that community engagement should be a priority for the Council to conduct first.

The Portfolio Holder for Climate & Economy requested that local businesses and professionals be taken into account to ensure that money was spent in a cost effective manner with good return to ensure short term and long term objectives were met with regard to this investment.

The Portfolio Holder for Strategic Planning expressed concerns over the allocated sums at paragraphs 1.2, 1.3 and 1.4 on page 7.1 and noted that one total sum would allow for the Council to monitor the spending more closely. The Portfolio Holder added that it was vital that the assets are offered at the best quality but also handed back in the same state.

Following the debate, Cllr S E Wootton moved a Motion, seconded by Cllr Mrs C E Roe, to undertake the required work, in consultation with the Leader of the Council and Portfolio Holders responsible for Finance and Leisure, to procure a leisure operator to deliver the Council's leisure facility provision from 1 April 2025, when the current contract ends.

Cllr S E Wootton moved a Motion, seconded by Cllr I H Ward, to agree an earmarked reserve of £100,000 to fund the necessary activities set out in the report to support the procurement of a leisure operator partner. Any spending against this reserve will be agreed by the Leader of the Council and the Portfolio Holders responsible for Finance and Leisure.

Cllr S E Wootton moved a Motion, seconded by Cllr Mrs D L Belton, to undertake a community engagement process to support the procurement of a leisure operator partner in consultation with the relevant Portfolio Holders.

Cllr S E Wootton moved a Motion, seconded by Cllr D J Sperring, that progress with the procurement is reported back to the Executive via Portfolio Holder updates and that any further decisions required by the Council's governance arrangements are brought to the Executive for agreement.

### **Resolved**

- (1) To undertake the required work, in consultation with the Leader of the Council and Portfolio Holders responsible for Finance and Leisure, to procure a leisure operator partner to deliver the Council's leisure facility provision from 1 April 2025, when the current contract ends.

(This was unanimously agreed.)

- (2) To agree an earmarked reserve of £100,000 to fund the necessary activities set out in the report to support the procurement of a leisure operator partner. Any spending against this reserve will be agreed by the Leader of the Council and the Portfolio Holders responsible for Finance and Leisure.

(This was unanimously agreed.)

- (3) To undertake a community engagement process to support the procurement of a leisure operator partner in consultation with the relevant Portfolio Holders.

(This was unanimously agreed.)

- (4) That progress with the procurement is reported back to the Executive via Portfolio Holder updates and that any further decisions required by the Council's governance arrangements are brought to the Executive for agreement. (DAI)

(This was unanimously agreed.)

### **242 COST OF LIVING UPDATE**

The Executive considered the report of the Director of Communities and Health providing an update on the current cost of living crisis.

The Portfolio Holder for Customer Services, Legal & IT queried paragraph 3.5 on page 8.1 as to whether there was an update on the work of the collaborative working group thus far.

Officers responded that two Task & Finish Groups had been established; however, a more detailed response would be provided to Members outside the meeting.

#### **Resolved**

That the update on the cost of living response and work of the Cost of Living Working Group be noted. (DCH)

### **243 CONTRACT MONITORING 2021/22**

The Executive considered the report of the Assistant Director, Legal & Democratic providing an update on the process and outcomes of contract monitoring for the Council's most significant contracts in terms of contract value and risk.

In response to a query from the Leader as to whether the report solely focused on contracts with a value greater than £100,000, officers confirmed that contracts with a value of over £100,000 were considered under appropriate risks that were assessed against them.

The Portfolio Holder for Strategic Planning queried how many contracts the Council procured in total. Officers advised that the Council disclosed the contracts register on its website; this listed details of all procured contracts and was available for public inspection.

In response to a Member query as to how many of the contracts were procured locally, officers advised that a detailed response would be provided to Members outside the meeting.

The Portfolio Holder for Climate & Economy noted that the report showed that Clements Hall Leisure Centre underperformed whilst Rayleigh Leisure Centre overperformed and queried how the Council managed these fluctuations.

Officers clarified that they were not well equipped to respond to this query as they solely dealt with the procurement process of the contracts and not their management.

### **Resolved**

That the contents of the report be noted. (ADR)

The meeting closed at 8.11 pm.

Chairman .....

Date .....

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