

RECORD OF DECISION TAKEN UNDER DELEGATED AUTHORITY FROM EXECUTIVE/COUNCIL/COMMITTEE

DELEGATED POWERS OUTLINED IN THE CONSTITUTION



DELEGATED OFFICER DECISION TAKEN BY:	Strategic Director of Environment & Operations
DELEGATED BY:	Choose an item. (date of delegation)
IN CONSULTATION WITH:	Choose an item.
PORTFOLIO AREA:	Public Health, Prevention & Wellbeing

SUBJECT: Closure of Daisyfield Pools on grounds of Health and Safety

1. DECISION

To take immediate steps to close operations and services at Daisyfield Pools with effect from 19 August 2023 on grounds of health and safety, pending consideration of a full report to the Executive Board on 7 September 2023.

2. REASON FOR DECISION

Following recent surveys, there are increasing concerns regarding health and safety of the building and the pool plant at Daisyfield Pools. The health and safety of service users and the operational staff cannot be put at risk, and immediate action is necessary pending consideration of a full report and decision by Executive Board regarding future operations at Daisyfield Pools.

3. BACKGROUND

Following the leisure services review and subsequent public consultation in October 2015 regarding Daisyfield Pools, Half Fish' a local charitable organisation informed the Council of their interest in operating and managing the facility. They were the only interested party following a public meeting and local adverts, and the Council agreed with Half Fish to operate Daisyfield Pools on a landlord / tenant arrangement from 1 September 2016.

The Council has been made aware from recent surveys of a number of health and safety issues and there are now growing concerns regarding the health and safety risks of continuing to operate Daisyfield Pools. These issues and concerns have been raised with the operator and the risks highlighted. The issues identified cannot be remedied immediately and therefore urgent steps are needed to protect public health and safety, pending full consideration and decision by Executive Board regarding the longer-term position and future use of Daisyfield Pools.

4. KEY ISSUES AND RISKS

The health and safety concerns identified following recent surveys are of a serious nature and poses a risk to public health and safety.

Although the Council does not operate or manage the facility, as a local authority and as owners of the building and plant at Daisyfield, the Council must consider the implications from the findings of the survey and take the necessary action.

5. FINANCIAL IMPLICATIONS

There is no capital or revenue funding available to undertake the immediate remediation works and measures at Daisyfield Pools.

There may be some initial costs associated with closing the facility and building security costs should it become unoccupied.

6. LEGAL IMPLICATIONS

Although there is no signed lease in place, there are implied rights and obligations on both the Council (as landlord) and the operator (as the tenant). The closure referred to in this report is in relation to the use of the swimming pool at the premises due to health and safety concerns rather than the actual occupation of the building by the tenant. This may be considered in the report to the Executive Board on 7 September, regarding the longer-term position and future use of Daisyfield Pools.

A formal notice will need to be served on the operator to notify them of the closure of the swimming pool on health and safety grounds.

As the owner of the building and the plant at Daisyfield Pools, the Council could be also held jointly liable with the operator for any liability rising from health and safety breaches, and subject to any potential action by the Health & Safety Executive in the event of any serious injury or fatality.

This Officer Decision is taken under rule 15 of the Overview & Scrutiny Procedure Rules to enable immediate implementation, and therefore will not be subject to the a call-in review.

7. RESOURCE IMPLICATIONS

Management time to meet with the current users of Daisyfield Pool and organise their relocation to other Council owned pools within the Borough.

Input from colleagues in Property Services plus any costs associated with securing a closed building

8. OPTIONS CONSIDERED AND REJECTED

The facility cannot remain open to the public until the issues identified have been remediated. As this cannot be done immediately, the use of the swimming pool must cease.

To take no action would be a serious health and safety risk to the public.

9. CONSULTATIONS

The proprietor of Half Fish has been briefed and advised of the situation. The Deputy Leader (in the Leader's absence) has also been briefed. The Director of Public Health has also been informed.

10. DECLARATION OF INTEREST

All Declarations of Interest of the officer with delegation and any Member who has been consulted, and note of any dispensation granted should be recorded below:

VERSION:	1
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CONTACT OFFICER:	Martin Eden, Strategic Director, Environment and Operations
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DATE:	17 August 2023
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BACKGROUND DOCUMENTS:	
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