

Community Wellbeing & Housing Committee

7 January 2025

Corporate Policy and Resources Committee

20 January 2025

Title	Eclipse Leisure Centre Additional Spend
Purpose of the report	To make a decision
Report Author	Kamal Mehmood – Strategic Lead for Leisure & Community Development Richard Mortimer – Asset Management
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	Services
Recommendations	<p>Committee is asked to:</p> <p>Community Wellbeing Housing Committee (CWHC)</p> <ol style="list-style-type: none"> To approve preferred options and budget of £3,000 in relation to the sauna coals. Delegate approval of the final solution in relation to the design of barrier to protect the turfed area to the Group Head of Community Wellbeing in consultation with the Chair and Vice Chair of Community Wellbeing and Housing Committee. To approve preferred options and budget of £10,000 in relation to the barrier to protect the turfed area. <p>Corporate Policy and Resources Committee (CPRC)</p> <ol style="list-style-type: none"> To note the updated budget position for the construction of Eclipse leisure centre.
Reason for Recommendation	To enable works to be completed as soon as possible and to note the up to date budget position for phase 1 of the leisure centre project; and to ensure the centre is fully operational at the earliest opportunity.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> Whilst the Leisure Centre is fully compliant with Building Regulations and has been approved by planners, 	<ul style="list-style-type: none"> Whilst fully compliant with planning obligations, officers were required to address Place’s concerns regarding

<p>certain areas of the Eclipse Leisure Centre have remained cordoned off since its opening on 15th October over the operator’s concerns.</p> <ul style="list-style-type: none"> • These items are included as part of a schedule of agreed works under the leisure centre operating contract. The Council is required to address the matter of the sauna and the rooflight within 6 months of opening. • In addition, it has been suggested that additional barrier should be installed to deter people from walking on the grass at the front of the building. 	<p>certain operational issues in order to complete the Leisure Operator Contract (LOC) and avoid a delay to the full opening of the new centre.</p> <ul style="list-style-type: none"> • Whilst the facilities remain closed or are cordoned off costs are being incurred and the operator can potentially seek damages beyond the period in which the work can be completed. The faster the issues can be resolved the lower the claim for compensation will be.
<p>This is what we want to do about it</p>	<p>These are the next steps</p>
<ul style="list-style-type: none"> • Undertake agreed works to satisfy Place’s specific operational requirements and allow full use of the whole leisure centre. • A number of options have been costed in each case and the committee are asked to confirm which of the options they would like to be taken forward in each instance. 	<p>Once approved:</p> <ul style="list-style-type: none"> • Orders will be placed • The work will be undertaken • Restrictions lifted and facilities opened • Claims for compensation will be considered

1.1 This report asks the committee to consider the items listed below and confirm which of the options set out in Appendix A they wish to progress in relation to each item:

- The sauna;
- The rooflight enclosure;
- Protection for the turfed area at the front of the building.

2. Key issues

2.1 As part of the Leisure Operating Contract the Council was required to address Place’s concerns regarding certain operational issues to complete the Leisure Operator Contract (LOC). The full list of items is set out in Appendix A. This report focuses on two main elements in the appendix A and a further item that has arisen around visitors to the centre taking a short cut over a grassed area.

2.2 Sections 2.3 and 2.4 of this report below, seek Committee approval to instruct works in relation to the Sauna coils, included in Appendix A and the grass area. Section 2.5 of this report provides information on a

decision taken in consultation with the Chair and Vice Chair of this committee regarding protective fencing around the roof light, which is the second issue referred to within Appendix A.

- 2.3 The Leisure operator has concerns around the sauna coals being exposed and until the Council undertakes works to address these concerns, Places Leisure are not prepared to open the wellness area (the sauna and stream room). This may result in them seeking compensation if it can be demonstrated that its closure has result in a loss of income. Under the LOC works must be completed within 6 months, following which the operator would be able to claim compensation if losses can be demonstrated.
- 2.4 Whilst not included in Appendix A it has become apparent that people visiting the centre are opting to take a short cut across the grass to access the centre. This has resulted in newly laid grass becoming worn and looking unsightly as well as mud being trampled throughout the leisure centre. To deter people taking short cuts across the grass we are proposing to install a barrier. We are seeking authority to delegate approval of the final solution to the Group Head of Community Wellbeing and Housing in consultation with the Chair and Vice Chair of Community Wellbeing and Housing Committee.
- 2.5 Another of the items in Appendix A concerns preventing people abusing the rooflight over the swimming pool. Places have installed a temporary barrier around the rooflight at a cost of £500 per week. Costs at the end of December are £5,500 and ultimate responsibility for these costs is to be agreed. The Council has now placed an order for a permanent barrier to be installed around the rooflight. Works will commence towards the end of January 2025 and are anticipated to cost £23,500.
- 2.6 We have received details from the contractor Willmott Dixon with regards to the final settlement account for the construction work for Eclipse, which is seeking a figure which is NET £313,000, in excess of our budget forecast. This would bring this element of the project costs to £43.293m compared to the £42.98m that we have been forecasting. This amount has been proposed to achieve settlement within Willmott Dixon's financial Year End. (Appendix C)
- 2.7 Due to the additional £313,000 being sought a settlement of the final account needs greater scrutiny to understand make up of this additional cost. It is therefore unlikely agreement will be reached within the timescales set out by Willmott Dixon. Willmott Dixon have indicated, where additional costs have arisen their current proposal has been to split these between parties equally. Willmott Dixon have advised should this matter progress into their next financial year, they are likely to seek a greater percentage recovery of these costs. This could result in a larger claim being levied.
- 2.8 Despite the fact that Willmott Dixon may present a larger final account to the Council in the New Year, it's not considered a sufficient reason to agree an early settlement, when we do not have full understanding

of the validity of these additional costs. Once the items have been fully understood a further report will be taken to CPRC for recommendation to Full Council about the level of final account that should be agreed with Willmott Dixon.

3. Options analysis and proposal

- 3.1 Options for each of the various pieces of work are set up in Appendix B.
- 3.2 The recommendation in relation to the Sauna Coals is Option 1, the installation of A1 fire rated non combustible timber slatted enclosure. This is the most cost effective and straight forward solution that addresses our contractual obligations under the LOC and doesn't impact any of the building warranties or Passivhaus accreditation.
- 3.3 In relation to the grassed area further works needs to be undertaken to understand the full design impact and viability of the proposals set out in Appendix B. We are therefore seeking committee approval for a budget up to £10,000 to be approved, with the final design selection delegated as set out in the recommendations to allow further design work to progress and conclusions to be reached as to which is the most suitable and cost effective solution.

4. Financial management comments

- 4.1 Whilst the additional costs set out in this report are theoretically non-essential, the Council is obliged through the leisure centre operating contract to resolve the sauna and the rooflight enclosure which they consider to be health and safety matters. Therefore. the Council has no option but to address these two items within 6 months of opening.
- 4.2 The final account for the whole leisure centre programme (consisting of a number of Projects still ongoing) will continue to be based on budget figures until all final elements are completed. Regular updates on costs will be provided as part of ongoing project management.
- 4.3 The current forecast cost for completion of Phase 1 Eclipse Leisure Centre build may increase for the reasons set out in this report. As soon as clarity has been obtained on the additional items an updated report will be produced.

5. Risk management comments

- 5.1 As set out in the financial implications section, the risk remains that further budget will be required. The risk will be managed by providing regular updates on costs as part of ongoing project management.
- 5.2 Further claims by Places Leisure should work not be completed within the agreed timeframes. The Council will seek to get agreement to complete all works within the given timeframes.
- 5.3 Reputation risk to the Council, as people still regard the leisure centre as a council service.

6. Procurement comments

- 6.1 We will procure as required any additional works that need to be undertaken.
- 7. Legal comments**
- 7.1 The report has been circulated but no comments received to date.
- 8. Other considerations**
- 8.1 No considerations.
- 9. Equality and Diversity**
- 9.1 The decision has no bearing on equality and diversity.
- 10. Sustainability/Climate Change Implications**
- 10.1 Climate Change affects us all and the Passivhaus design of Eclipse Leisure centre has been a significant investment however the specific items listed in this report have no significant bearing on helping the council to reduce its carbon footprint.
- 11. Timetable for implementation**
- 11.1 As soon as possible, if approved.
- 12. Contact**
- 12.1 Richard Mortimer – r.mortimer@spelthorne.gov.uk
- 12.2 Kamal Mehmood – k.mehmood@spelthorne.gov.uk

Please submit any material questions to the Committee Chair and Officer Contact by two days in advance of the meeting.

Background papers: There are none.

Appendices:

Appendix A – List of contractual operational works

Appendix B – Overview of items and associated options

Appendix C – Eclipse Leisure Centre Budget Comparison

Appendix D – Diagram of Grass Protection Barrier location – To follow