

TONBRIDGE & MALLING BOROUGH COUNCIL

FINANCE and PROPERTY ADVISORY BOARD

10 May 2006

Report of the Director of Leisure and Members for Leisure Facilities, Culture and Youth and Resources and Capital Projects

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 INDOOR LEISURE FACILITIES – INTERNAL DUCT CLEANING

Summary

This report draws attention to the need to undertake internal cleaning of the ventilation ductwork at the Council's indoor leisure facilities. The indicative cost of the works is £47,000. It is recommended that the work is tendered as soon as possible and the evaluation be reported to a future meeting of this Board.

1.1 Background

- 1.1.1 A recent report undertaken by specialist air and water hygiene consultants has highlighted the need to undertake cleaning of the internal ventilation ductwork at Larkfield Leisure Centre (LLC), Angel Centre (AC) and Tonbridge Swimming Pool (TSP).
- 1.1.2 The ductwork has not been cleaned comprehensively across all three sites, other than on an ad hoc basis as required at each facility. The report identified high levels of dust and, where sampled, the presence of bacteria. The measurements indicate levels of dust and bacterial presence that generally exceed guidance from the Heating and Ventilating Contractors Association. However, it is important to note that the legionella control is undertaken separately and the presence of such bacteria in a dry ventilation system is considered to be low risk.

1.2 Consultation

- 1.2.1 The consultant report has been considered by the Leisure Contracts Manager and the Council's Health and Safety Officer (HSO). The HSO has considered the matter carefully and his comments are attached in a memorandum dated 21 March 2006 [**Annex 1**].
- 1.2.2 The Board will note that the indicative cost of addressing this issue at all three sites is £47,000. The HSO recommended that the cleaning should be undertaken immediately to reduce possible health risks to customers and staff and to meet the

Council's obligation to maintain a healthy and safe environment. The HSO does also acknowledge the potential to consider undertaking the work on a phased basis over two or three years.

- 1.2.3 This matter was considered subsequently by Management Team, which agreed the approach of undertaking all the works as soon as possible. The Director of Finance has confirmed that funding may be provided by way of an earmarked reserve from the unexpected grant monies received in 2005/06 in respect of the Local Authority Business Growth Incentive Scheme.

1.3 Procurement

- 1.3.1 The indicative cost of the works result in the need to tender the contract in accordance with the Contract Procedure Rules (CPR).
- 1.3.2 It is intended to invite tenders from an Ad Hoc Approved List following a public notice inviting expressions of interest. To comply with the CPR a minimum of 4 contractors will be invited to tender if there are sufficient suitably qualified contractors interested in performing the contract.
- 1.3.3 In order to progress this matter as quickly as possible it is intended under Section 5.4 of the CPR to seek specific delegated power to the Director of Leisure to approve the final tender list and, following receipt of tenders, to report the evaluation to a future meeting of this Board.
- 1.3.4 The detailed specification of the works will be prepared in liaison with the Building and Facilities Manager and the evaluation will, in accordance with the CPR, cover the following areas:
- Technical Competence
 - Financial Status
 - Health & Safety Policies and Past History
 - Performance References
 - Employment Procedures
- 1.3.5 It is intended that the works will, wherever appropriate, be undertaken out of normal opening hours to ensure minimum disruption to services.

1.4 Legal Implications

- 1.4.1 The legal implications are outlined in detail in the HSO's memo **[Annex 1]** and are primarily concerned with health and safety and the liability of the occupier.

1.5 Financial and Value for Money Considerations

- 1.5.1 The cost of the works will be funded by way of an earmarked reserve from the unexpected grant monies received in 2005/06 in respect of the Local Authority Business Growth Incentive Scheme. The tender process outlined above will ensure value for money in the procurement of the works.

1.6 Risk Assessment

- 1.6.1 The HSO memo [**Annex 1**] draws attention to the potential of criminal and civil action against the Council for failure to comply with appropriate legislation, and outlines the health and safety risks and the need for future monitoring of the cleanliness of the ductwork.

1.7 Recommendations

- 1.7.1 It is, therefore, **RECOMMENDED** that:

- 1) the cleaning of the ventilation ductwork at all three indoor leisure facilities be progressed immediately;
- 2) funding is provided by way of an earmarked reserve from the unexpected grant monies received in 2005/06 in respect of the Local Authority Business Growth Incentive Scheme;
- 3) the work be subject to tender, in accordance with the Contracts Procedure Rules on the basis of an Ad Hoc Approved List;
- 4) the Director of Leisure be given delegated power to approve the final tender list; and
- 5) the evaluation of the tenders be reported to a future meeting of this Board.

The Director of Leisure confirms that the proposals contained in the recommendations, if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

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Envirocure Reports
File: MG057

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