



# COTSWOLD DISTRICT COUNCIL

Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>CABINET - 4<sup>TH</sup> NOVEMBER 2019</b>
Report Number	<b>AGENDA ITEM (10)</b>
Subject	<b>NOTICE OF MOTION - LEISURE FACILITIES IN FAIRFORD AND TETBURY</b>
Wards affected	Predominantly Fairford North; Lechlade, Kempsford & Fairford South; Tetbury East & Rural; Tetbury Town; and Tetbury with Upton - although potential users of the facilities could come from adjoining/other wards.
Accountable member	Councillor Jenny Forde Cabinet Member for Health, Well-being & Public Safety Tel: 01285 623000 Email: <a href="mailto:jenny.forde@cotswold.gov.uk">jenny.forde@cotswold.gov.uk</a>
Accountable officer	Martin Holland Business Manager (Contracts) 01993 861556 <a href="mailto:martin.holland@publicagroup.uk">martin.holland@publicagroup.uk</a>
Summary/Purpose	To consider a Motion referred by the Council for debate and decision.
Annexes	None
Recommendation/s	To consider the Motion and agree a way forward based on the options identified.
Corporate priorities	Leisure provision contributes to the Health and Wellbeing priority in the Corporate Plan.
Key Decision	No
Exempt	No
Consultees/ Consultation	Senior Officers

## **1. BACKGROUND**

- 1.1.** Following a strategic review and options appraisal of the Council's Leisure and Cultural Services, Cabinet (on 3<sup>rd</sup> November 2011) decided to contract out the management of the service. Following a procurement exercise to select a leisure management contractor, the contract award Cabinet report (11<sup>th</sup> April 2013) also authorised the transfer of the dual use facilities at Tetbury to Sir William Romney's School and at Fairford to Farmor's School. This followed a period of extensive consultation with the schools during which they reviewed the operating costs and income at that time. Both schools made the decision to request a transfer of the facilities to them; and this resulted in the Council having no management, ownership or control of the facilities.
- 1.2.** The terms and conditions for the asset transfer, which included financial support in the form of grants, were specified within legal agreements signed on 31<sup>st</sup> December 2013, expiring on 31<sup>st</sup> December 2019. Both Schools elected to set up limited companies for the administration of the sites, and the existing staff transferred to the company under TUPE arrangements.
- 1.3.** Along with terms and conditions for the grant payments, the agreements also specified the opening hours for community use and arrangements for information sharing such as performance data. In August 2017, Farmor's School approached the Council to vary the opening hours to more accurately reflect patterns of use and enable more effective use of resources - and, in order to support the school, the variation was agreed.
- 1.4.** Earlier this year, both schools advised that, without subsidy, the community use of the facilities was financially unsustainable; and, as a consequence, such use would cease by no later than 31<sup>st</sup> August 2019. However, neither school approached the Council for any further financial assistance.
- 1.5.** In the event, the facilities did close; but both schools indicated a desire to revert to a traditional School community use model supervised by caretakers - whereby the sports halls would continue to be available for hire by community groups, sports clubs and organisations on a block booking basis. However, the Health and Fitness Suites would close and would not therefore be available for community use; although the Schools indicated that they were willing to explore options emerging from discussions with stakeholders which could result in a different operating model to enable community use.
- 1.6.** Informal discussions were held with the Council's Leisure Management Contractor to explore the ramifications of adding both sites to the existing leisure contract, but it became clear that this was not straight-forward and was not financially or operationally viable in the short-term.
- 1.7.** Once news of the closures was made public, the local communities along with their Town Councils held meetings. District Ward Councillors attended some of these meetings and facilitated other meetings to explore options for a way forward. The Cabinet Member was in regular discussions with Ward members confirming facts and fielding enquiries from residents from all wards.
- 1.8.** In response to further and on-going questions and enquiries, the Cabinet Member and, also, the Leader of the Council, both confirmed that the administration would not authorise more public money being spent on facilities that are no longer under the Council's ownership and whose business model had proven to be unsustainable - but would be prepared to consider funding well-planned and costed solutions in the future that demonstrated a real community benefit. Attention had also been drawn to the

commitment to produce a District-wide leisure strategy, to look at provision holistically and based on current and future needs.

- 1.9. At the time of writing this report, no formal approach has been made to the Council, either from the schools or any community group/organisation.

## 2. MOTION AT COUNCIL

- 2.1. At the Council Meeting on 25<sup>th</sup> September 2019, the following related Motion (No. 11 of 2019/20) was Proposed by Councillor Richard Norris, Seconded by Councillor Stephen Andrews:-

*'Local communities in Tetbury and Fairford have been left devastated by the recent and sudden closures of their leisure centres. Both communities are working hard to find solutions to try and keep their leisure centres open for local residents and local community groups. As leisure facilities are so crucial to the mental and physical wellbeing of residents, this council fully supports efforts by local communities and so will offer financial support if requested.'*

*This Council resolves to:*

*Offer a grant of up to £25,000 for each leisure centre (£25,000 for Tetbury and £25,000 for Fairford) to help transition from their previous organisation structure to their new structure. This grant will be available immediately and will be in place for the next 24 months. Funding can be spent on anything related to the present and or future labour and equipment needed for the successful start-up of each centre. For clarification:-*

- monies cannot be spent on past leisure centre operations or outstanding debts;*
- will be subject to the submission of a proposal by the local community organisation; and,*
- will be with the agreement of the school that in principle the facilities will be made available to the local community organisation.*

*The grant can be spent on:-*

- Funding to purchase, update or develop new booking and administration systems (including software, hardware and any increase labour costs associated with new administration procedures).*
- Funding for marketing activities so local communities are informed about the new opening and ongoing availability of the centres.*
- Funding to purchase and install new doors and locking systems if necessary (for example a magnetic key fob system or card swipe systems).*
- Funding to purchase any new security systems deemed necessary (for example CCTV).*

- *Funding to purchase new insurance deemed necessary by the new organisations.*
- *Funding to purchase or replace any old or damaged equipment.'*

**2.2.** In accordance with Council Procedure Rule 12, the Motion, having been Proposed and Seconded, was referred to the Cabinet for consideration.

**2.3.** In the light of such referral, the Proposer and Secunder are entitled to attend the Cabinet Meeting and present it formally to Members. The Proposer will also have an opportunity to respond to the Cabinet debate, immediately prior to final comments from the responsible Cabinet Member and the formal vote.

**2.4.** The Cabinet Member has recently met with the Proposer and Secunder of the Motion.

### **3. OPTIONS**

**3.1.** Options available to the Cabinet include:-

- (i) Support the Motion as submitted;
- (ii) Maintain the current position that the Council would be prepared to consider funding well-planned and costed solutions in future that demonstrate real community benefit;
- (iii) Take no further action at the current time, but address future provision in these locations as part of the upcoming leisure strategy.

**3.2.** If option (ii) is preferred, the Cabinet may wish to consider whether to impose the suggested caveats/conditions put forward in the Motion, or any others, in an attempt to assist any organisation that might put forward a business case.

**3.3.** If funding is to be made available, a formal application process is not considered necessary - the presentation of a full business case document would be more beneficial.

### **4. FINANCIAL IMPLICATIONS**

**4.1.** With the closure of the facilities, the Schools were in breach of the grant agreements and liable to re-pay to the Council a proportion of the grant funding received. However, the values are relatively small given that both agreements expired in December 2019.

**4.2.** With specific regard to the Motion, the suggested funding contributions are not included within the Council's budget. If the Cabinet did support the Motion, or any alternative funding mechanism, any contributions would need to be financed through the Council Priorities Fund.

### **5. LEGAL IMPLICATIONS**

**5.1** Any proposal that involves the existing premises would need the consent of the respective school(s), as they own the assets.

**5.2.** Any funding award should be subject to a formal agreement which sets out the conditions and/or requirements of such award.

## **6. RISK ASSESSMENT**

There is a risk that any recipient of a funding award could renege on any agreement.

## **7. EQUALITIES IMPACT**

No negative effect on protected groups identified.

## **8. CLIMATE CHANGE IMPLICATIONS**

No specific implications.

## **9. BACKGROUND PAPERS**

**9.1.** The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

- Report to Cabinet - 3<sup>rd</sup> November 2011 - leisure and cultural services option appraisal
- Report to Cabinet - 11<sup>th</sup> April 2013 - tender exercise results and contract award
- Question to Council - 3<sup>rd</sup> July 2019
- Question to Overview and Scrutiny Committee - 23<sup>rd</sup> July 2019
- Motion to Council - 25<sup>th</sup> September 2019
- Question to Overview and Scrutiny Committee - 7<sup>th</sup> October 2019

**9.2.** These documents are available on the Council's Website.

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