



COTSWOLD  
DISTRICT COUNCIL

## COTSWOLD DISTRICT COUNCIL

Committee and date	<b>OVERVIEW AND SCRUTINY COMMITTEE – 25 MAY 2021</b>
Report Number	<b>AGENDA ITEM 9</b>
Subject	<b>TETBURY AND FAIRFORD LEISURE PROVISION TASK AND FINISH GROUP – FINAL REPORT</b>
Wards affected	Tetbury; Grumbolds Ash with Avening; Fairford North; Coln Valley; and Lechlade, Kempsford & Fairford South
Accountable member	Councillor Gary Selwyn, Chair of the Task and Finish Group Email: <a href="mailto:gary.selwyn@cotswold.gov.uk">gary.selwyn@cotswold.gov.uk</a>
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Summary/Purpose	<p>The Committee set up the Task and Finish Group to review the approach taken to leisure provision in Tetbury and Fairford and the future provision of facilities to meet current and future needs of residents.</p> <p>This report provides background to the approach taken in Tetbury and Fairford, considers the decision making for the Council's leisure and cultural services and provides a number of lessons learned based on the evidence gathered during the review.</p>
Annexes	Annex A – Evidence base
Recommendations	To make recommendations to Cabinet based on the findings of the task and finish group.
Corporate priorities	Help residents, businesses and communities to access the support they need to ensure a high level of health and well-being
Key Decision	No
Exempt	No
Consultees/ Consultation	Current and former Councillors. Members of the communities. Representatives from the secondary schools of Fairford and Tetbury. Current and former members of staff.

## **I. BACKGROUND TO THE REVIEW**

- I.1.** A position statement regarding Fairford and Tetbury leisure centres was presented to the Overview and Scrutiny Committee on 23 July 2019. As a result a Task and Finish group (hereafter referred to as the group) was set up out of concern of Councillors and residents of Tetbury and Fairford, following the decisions taken by the companies running the leisure facilities at the schools to close them in 2019.
- I.2.** At its meeting on 28 July 2020, the Committee confirmed the composition of the group with three Councillors and three Officers, and agreed the Terms of Reference, which set out two main questions that the group should have regard to:
  - a. What lessons might be learnt from the approach taken to leisure provision in Fairford and Tetbury since 2013; and
  - b. The future provision of facilities to meet current and future needs of residents.
- I.3.** The review was to have particular regard as to whether the perceived benefits/outcomes of the approach taken in Tetbury and Fairford had been achieved and to make appropriate recommendations to the Committee.
- I.4.** An interim report was presented to the Committee on 1 December 2020, which identified the points below as emerging key themes (not conclusions):
  - a. The robustness of the evaluation and any viability assessments made on the business plans submitted by the schools for these facilities to achieve a break-even operating model and to protect the future of the services for local people;
  - b. The clearer presentation of the comparative options between the SLM provision for Fairford and Tetbury and the schools option, balancing financial cost and social cost;
  - c. The lack of community impact assessments to support the decision making process;
  - d. The monitoring and reporting of the terms of the grant agreements with the schools;
  - e. Use of facilities by the residents, the community and rehabilitation patients.
- I.5.** The group has since concluded its conversations and the contributions from around 20 people has allowed the group to gather a broad evidence base to inform the lessons learned. We offer our sincere thanks for their time and candour, allowing a cohesive and consistent narrative to be formed. A desktop review of key documents supplemented the information provided by individuals and the evidence based used is summarised at Annex A.

## **2. BACKGROUND TO THE APPROACH FOR TETBURY AND FAIRFORD**

- 2.1.** In November 2011, Cabinet considered procurement options for future delivery of the Council's leisure and cultural services. The six facilities in scope being the leisure centres at Bourton-on-the-Water, Chipping Campden, Cirencester, Fairford and Tetbury; and the Corinium Museum, Cirencester.
- 2.2.** The procurement routes had been informed by an options appraisal with a key objective:  
*“To look at alternative ways of delivering Leisure & Cultural Services **without closing any of the six facilities**, whilst at the same time achieving a minimum reduction in the operating costs of £300,000 per annum from April 2012”* (report author's emphasis).

- 2.3. The options appraisal report concluded that the Council had invested significantly in leisure and cultural services and, as a result, the facilities were in excellent order and very well maintained. Such investment had maximised income growth and there would be very little an incoming contractor or Trust could or would change. Indeed, if it were not for the VAT and business rates benefits a Trust could bring, there would be little benefit of moving from the current in-house provision.
- 2.4. After considering a range of factors, however, the recommended preferred option was to outsource the service to an existing Non Profit Distributing Organisation (NPDO) – more commonly known as a Trust – by following an EU compliant external procurement process.
- 2.5. In June 2012, Cabinet considered a report relating to the dual use leisure centres based on the secondary school sites in Bourton-on-the Water, Chipping Campden, Fairford and Tetbury. The report identifies that, in addition to the EU procurement process for the six leisure and cultural facilities, parallel discussions were taking place with the relevant schools, exploring ways in which they might take on full time operation of the leisure facilities on their site.
- 2.6. Following initial discussions, Sir William Romney's school (Tetbury) and Farmor's School (Fairford) expressed an interest for more detailed discussions, with The Cotswold School (Bourton-on-the-Water) and Chipping Campden School choosing not to pursue it any further.
- 2.7. The report indicated that the two schools had submitted proposals to transfer the buildings and operation of the sports facilities to their respective schools. Cabinet supported the principle of this transfer and delegated authority to the Head of Service, in consultation with the appropriate Strategic Director, to lead negotiations based around the respective proposals.
- 2.8. Any executive decisions arising from the negotiations were to be the subject of a future meeting of the Cabinet for consideration.

### **3. DECISION MAKING FOR LEISURE AND CULTURAL SERVICE DELIVERY**

- 3.1. On the basis that it contained information relating to the financial or business affairs of any particular person, in May 2013 Cabinet considered an exempt report detailing the outcomes of the procurement process for leisure and cultural services. From this report, Cabinet had to decide whether to award a contract for future provision of all the leisure and cultural facilities, or to transfer the dual use facilities at Tetbury and Fairford to the schools.
- 3.2. The basis for the recommendations made in the report was to deliver actions to:
  - achieve the target annual service savings of £225,000\*\*
  - protect the future of the services for local people
  - maximise opportunities through effective partnerships, to engage with communities and promote participation in leisure and cultural services which meet the needs of local residents and visitors

\*\* Original target saving was £300,000 per annum however, this reduced by £75,000 per annum due to a management restructuring within cultural services.

- 3.3. For the external procurement process, the report comprehensively covered the financial, legal and human resources implications for outsourcing to the preferred bidder; together with the key risks associated with the transfer. One appendix clearly showed the savings summary for five different options, when compared to the in-house provision prevailing at the time. The other showed a summary of the tender evaluation for each bidder, detailing qualitative scores for criteria such as marketing and communication, continuous improvement and contractors' technical expertise; and for a number of method statements, such as community engagement, capital investment and health & safety.
- 3.4. Whilst the report noted the basis for and mechanics of any transfer, information pertaining to the detailed proposals resulting from the negotiations with Sir William Romney's School and Farmor's School, delegated to Officers, was far less comprehensive. Most notably:
- a. The outline business plans produced by the schools were not appended to the Cabinet report (but were noted as background documents available in the Members' Room);
  - b. No quantitative or qualitative analysis was presented to provide assurance on the viability, or otherwise, of the proposals;
  - c. No assessment as to the likelihood of the schools successfully bidding for capital funding from the Education Funding Agency was provided;
  - d. No key risks aligned to 'protect the future of the services for local people' were identified; and just one risk to the Council was highlighted – failure to transfer the Fairford and Tetbury facilities to the schools would mean the Council would retain the repair and maintenance costs for these facilities.
- 3.5. The discussions with each of the schools during the evidence gathering clearly demonstrated their willingness to take on these facilities, with a clear view of making them a success.

#### 4. WHAT LESSONS MIGHT BE LEARNT?

- 4.1. **Clear service requirements and desired outcomes need to guide all procurement and service delivery decisions, so that there is a robust process to evaluate quality, viability, social value and community impact, in addition to financial cost**
- 4.1.1. The Council's clearly stated aim in its 2012-2015 Corporate Strategy was "to be recognised as the most efficient council in the country" and this was supported by three priorities:
1. Freeze Council Tax for the next three years whilst protecting front line services that matter to our residents
  2. Maintain and protect our environment as one of the best places to live work and visit
  3. Work with local communities to help themselves
- 4.1.2. Aligned to the first priority, a 'top task' was to commission services that provide best value and a review of the leisure and museum services was an identified action.
- 4.1.3. The contract specification issued to the six shortlisted leisure providers clearly stated the Council would be seeking to achieve four headline objectives:
- Reducing any Council subsidy
  - Enhancing public access to quality services
  - Ensuring services meet the needs of all groups within the community
  - Reducing the environmental impact of these services

- 4.1.4. Seventeen (not exhaustive) overall service requirements supported those headline objectives. Together with the method statements and other qualitative elements asked for, this provided an extremely clear statement of service requirements and desired outcomes for bidders to frame their proposals around and for evaluating their tender submissions.
- 4.1.5. Acknowledging that the group was not able to receive testimony from the Strategic Director who led on discussions and negotiations with the two schools, there was no evidence of any written specification, service requirements or desired outcomes for the schools to frame their business cases around. Consequently, there was no objective basis for evaluating the quality, viability, social value and community impact of the proposals.
- 4.1.6. Equally, the absence of any written specification, service requirements or desired outcomes in the Grant Agreement with each school meant there was no focus to the required six monthly monitoring and reporting as part of the Agreements.
- 4.2. **Strategic needs analysis should be used to bring objectivity to good commissioning decision making, so that the desired outcomes are delivered sustainably**
- 4.2.1. During the evidence gathering, a former senior officer advised that Members were aware Tewkesbury Borough Council had transferred all of their dual use leisure centres (back to the schools) a number of years before (circa 2008). In considering this Council's future leisure provision, it was stated:
- "It was recognised that the two centres in question did not provide the same range of facilities as the others and were of less strategic importance than the other three leisure facilities. It was believed that the schools could make better use of the facilities at a lower cost by combining managing both the school and community facilities together".*
- 4.2.2. For many years, Sport England has evolved a range of facilities planning models – the approach informing the Council's emerging leisure strategy. These facility planning tools revolve around assessing need and demand based on demographics, looking at existing supply of facilities within designated drive times (and not constrained by the administrative boundaries of a given District) and objectively establishing strategic need, to provide the right facilities in the right places.
- 4.2.3. There was no evidence provided of any objective assessment happening during the commissioning activity in 2011 and 2012 to establish the relative strategic importance of each of the five leisure centres and therefore to better inform the procurement options and subsequent evaluation and due diligence to protect the future of services for local people.
- 4.3. **The robustness of cost : quality assessments brought to formal procurement evaluations should apply equally to other commissioning routes, so that risks, quality, viability and efficiencies are all considered as part of the due diligence process.**
- 4.3.1. A desktop review of the tender evaluation process applied to the external procurement for leisure and cultural services has shown its robustness. Three officers arrived at independent scores covering method statements, qualitative factors and the cost analysis for each of the six shortlisted bidders. This information was provided to Cabinet in May 2013 to inform the decision to outsource three of the leisure centres and the Corinium Museum.

- 4.3.2.** As highlighted at 4.1.5, the group found no evidence of the schools using the same specification as the external providers to frame their business case submissions. Equally, no evidence materialised of formally assessing the quality or viability of the schools submissions. Award to the schools therefore appears to have been a cost only decision.
- 4.3.3.** From this review, the group highlighted a range of factors that could have been flagged as part of the due diligence performed on the schools submissions and subsequently presented to Members as potential risks to the key objective at 2.2:
- a. The in-house service, with its quality noted during the 2011 options appraisal, required a subsidy at all four dual use leisure centres. The bids from all six leisure providers indicated that each dual use centre needed an annual subsidy. How then would the schools achieve a break-even position for these facilities, especially when leisure management is not part of their core expertise?
  - b. The subsidies identified above are needed despite capital investment to improve the facilities or to update fitness equipment. For the facilities at Cirencester, Bourton-on-the-Water and Chipping Campden the Council retained capital liability for such improvements or updates. No capital support from the Council featured in the proposals for Fairford and Tetbury; indeed, the business plans for both schools assumed there would be access to significant capital funding from the Education Funding Agency. One of the schools cited lack of access to such capital as a significant contributory factor to the facility becoming financially unviable.
  - c. In moving to a 'mixed economy', i.e. multiple providers of the same service, the economies of scale for back office services such as finance, IT, human resources, payroll, sales and marketing are lost.
- 4.4. Reports to Members should explicitly frame alternative options and the associated risks, costs and benefits so that a clearer understanding between cost and social value informs their decisions.**
- 4.4.1.** Accepting that Appendix A to the exempt May 2013 Cabinet report contained the comparator information, the main body of the report was silent on the fact that awarding the contract to the Council's current provider for all five leisure centres and the museum would still have exceeded the £225,000 target saving.
- 4.4.2.** Transferring the leisure facilities at Fairford and Tetbury to the schools, with the preferred bidder running the museum and the leisure facilities at Bourton-on-the-Water, Chipping Campden and Cirencester resulted in savings of just under £283,000 per annum. The option of awarding all five leisure centres and the museum to the preferred bidder would have resulted in savings of £245,000 per annum, still exceeding the target saving by just over £20,000 per annum; but £38,000 per annum less than the option selected.
- 4.4.3.** Framing this as an option to Members could have assured the key objective to look at alternative ways of delivering Leisure & Cultural Services without closing any of the six facilities, because of the robust tender evaluation that took place for the preferred bidder's submission. This may have better allowed the social value of a £38,000 cost to be considered.

- 4.5. Any significant proposed changes to service provision (or policy decisions) should be subject to an impact assessment, so that any potentially positive or negative impacts are understood, as well as presenting an opportunity to better involve stakeholders in our decision making process.**
- 4.5.1.** Somewhat ironically, at the Cabinet meeting held in June 2012 when the options for the dual use leisure centres were considered, Cabinet also approved the Council's equality scheme to make sure it met its obligations under the Equality Act 2010.
- 4.5.2.** One such obligation is to conduct an impact assessment on proposed changes to service provision. As a minimum, an equality impact assessment focussing on any disproportionate impacts on individuals or groups protected under the Act should have been completed and appended to the May 2013 Cabinet report. Given the scale of the proposed changes to the Council's leisure and cultural services, a more comprehensive community impact assessment should have been considered and aligned to the key objectives set out for the services.
- 4.5.3.** The findings of a comprehensive community impact assessment, when considered alongside more robust due diligence on the schools' business plans, may have resulted in a different decision.
- 4.6. Formal monitoring of relevant grant agreements should be undertaken in conjunction with finance, so that any concerns over financial viability of a service can be identified at the earliest opportunity.**
- 4.6.1.** The grant agreements with Farmor's and Sir William Romney's schools contained a number of provisions to assure quality and to assess progress towards the financial position set out in each business plan, for example:
- "The Council shall have the right to review, at the Council's reasonable request, the Company's accounts and records that relate to the expenditure of the Grant ....."*
- "The Company shall provide the Council with a financial report and an operational report on its use of the Grant and provision of the service every six months during each financial year ....."*
- 4.6.2.** The agreements also obligated the schools to let the Council know at the earliest opportunity of any financial or other difficulties, which could have a material impact on effective service delivery.
- 4.6.3.** There is little evidence of the required six monthly reports and it appears there was little or no involvement of accountants in assessing these reports, or the annual accounts of Farmor's Sports Centre Limited or Sir William Romney's Leisure Limited. Such involvement may have identified much sooner that neither facility was going to be viable at the end of the grant period (31 December 2019) and earlier interventions considered.
- 4.6.4.** There is evidence of both schools raising viability concerns as far back as 2016 and changes to pension contributions were a particular burden. In August 2017, Farmor's school approached the Council to reduce opening hours to help reduce operating costs. Officers approved this in consultation with the Portfolio Holder and Ward councillors. We found no evidence though of any formal escalation of these viability concerns to senior leadership and subsequently to Members, suggesting the handover of the facilities to the schools in 2013 was principally a financially driven, discharge of liability decision, as opposed to one considering the wider social value they offered. For balance, there is no evidence presented for either school formally requesting further financial assistance from the Council.

## **5. FUTURE LEISURE PROVISION TO MEET CURRENT AND FUTURE NEEDS**

- 5.1. When the terms of reference for the group were drafted, the second key line of inquiry was to explore the future provision of facilities to meet current and future needs of residents.
- 5.2. Subsequent to this, Cabinet commissioned a Leisure Strategy, which followed the Sport England Strategic Outcomes Planning Model and is structured around four stages:
- Stage 1: Outcomes – Developing shared local outcomes for your place
  - Stage 2: Insight – Understand your community and place
  - Stage 3: Interventions – Identify how the outcomes can be delivered sustainably
  - Stage 4: Commitment – Secure investment and commitment to outcome delivery
- 5.3. Given that Cabinet commissioned the leisure strategy, which includes the scope of the future provision of facilities to meet current and future needs of residents, the group has not undertaken any work on this second line of inquiry.
- 5.4. Cabinet considered the strategy and the findings from this on 1<sup>st</sup> March 2021, including its key intervention recommendations. A copy of the full leisure strategy is on the Councillor portal.
- 5.5. Worthy of note is the consultation, which included virtual focus groups with Fairford and Tetbury residents, who were very engaged and interested in providing comments and feedback on leisure provision in their respective areas. This level of commitment is commended and, as identified in the summary of the strategy (Annex A of the report to 1<sup>st</sup> March Cabinet meeting), there is scope and contacts in place to keep this rapport and engagement going forward.
- 5.6. It is also worthy of note that the strategy summary report identifies that the 20-minute drive time catchment area (as per Sport England guidance) from the Council's three main leisure centres does not cover the whole Cotswold area; but does cover the whole District when all leisure provision including community spaces is assessed. This emphasises the importance of the community spaces in overall leisure provision for the district.
- 5.7. It identifies the need for a community fitness facility to replace the one at Farmor's school, Fairford. The Tetbury focus group identified the need for more community space or improved partnership to open up planned community space for physical activity use e.g. Tetbury rugby clubhouse.
- 5.8. As work continues to undertake a leisure management options appraisal to determine the most suitable delivery model, contract scope and contract terms for the Council's leisure facilities, when the current contract expires, this may be a future item for the Overview and Scrutiny committee's forward plan.

## **6. FINANCIAL COMMENTARY**

- 6.1. There are no financial implications arising directly from this report.

## **7. LEGAL IMPLICATIONS**

- 7.1. There are no legal implications arising directly from this report.

**8. RISK ASSESSMENT**

**8.1.** No significant risks identified specific to this report.

**9. EQUALITIES IMPACT**

**9.1.** Not required.

**10. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

**10.1.** There are no climate change or ecological emergency implications arising immediately from this report.

**11. ALTERNATIVE OPTIONS**

**11.1.** Not applicable to this report.

**12. BACKGROUND PAPERS**

**12.1.** None identified.

## Annex A – Evidence base

Interviewed	Desktop review
<ul style="list-style-type: none"> <li>• Ward Members for Fairford and Tetbury</li> <li>• Former Cabinet Members</li> <li>• Fairford Town Councillor</li> <li>• Tetbury Town Councillor</li> <li>• Leisure procurement lead</li> <li>• Leisure contract monitoring staff</li> <li>• Health and wellbeing staff</li> <li>• Leisure provider representative</li> <li>• Former Head of Leisure</li> <li>• Sir William Romney School</li> <li>• Farmor's School</li> <li>• Fairford resident representative</li> <li>• Tetbury resident representative</li> <li>• Section 151 Officer</li> </ul>	<ul style="list-style-type: none"> <li>• Business plan submitted by Sir William Romney school</li> <li>• Business plan submitted by Farmor's school</li> <li>• Cabinet report 3 November 2011</li> <li>• Cabinet minutes 3 November 2011</li> <li>• Cabinet report 14 June 2012</li> <li>• Cabinet minutes 14 June 2012</li> <li>• Cabinet report 9 May 2013</li> <li>• Minutes from Audit and Scrutiny Committee September 2014</li> <li>• Grant Agreements with Sir William Romney and Farmor's schools</li> <li>• Certificate of Incorporation for Farmor's Sports Centre Ltd</li> <li>• Certificate of Incorporation for Sir William Romney's Leisure Ltd</li> <li>• Annual accounts submitted to Companies House by Farmor's Sports Centre Ltd</li> <li>• Annual accounts submitted to Companies House by Sir William Romney's Leisure Ltd</li> <li>• Sample six monthly monitoring reports for Sir William Romney's Leisure and Farmor's Sports Centre</li> <li>• Letter from Farmor's Sports Centre Ltd requesting a reduction in opening hours</li> </ul>