

Report To:	CABINET	Date:	9 JULY 2018
Heading:	LEISURE TRANSFORMATION PROGRAMME – SELSTON HIGH SCHOOL		
Portfolio Holder:	COUNCILLOR TOM HOLLIS – DEPUTY LEADER OF THE COUNCIL (INWARD FOCUS)		
Ward/s:	RURAL		
Key Decision:	YES		
Subject to Call-In:	YES		

Purpose of Report

To update Cabinet on the Leisure Transformation Programme and in particular the proposal from Selston High School. The proposal which requires mutual agreement would see operation of the community leisure services transfer to the school. Therefore, the report seeks delegated authority to consider withdrawing from the operational management contract for Selston Leisure Centre and transfer all management responsibilities through mutual agreement to Selston High School who will continue to run the leisure services for the community.

Recommendation(s)

- 1) To mutually agree the transfer of the operational management of Selston Leisure Centre and associated notices to the Two Counties Trust to continue with Leisure provision at the school for the community:**
 - a) Cabinet is requested to grant delegated authority to the Interim Service Director, Place and Communities, in consultation with the Leader of the Council to negotiate a mutually agreeable notice period and finalise the relevant notices; and**
 - b) To serve notice on the current provider Sports and Leisure Management, (SLM Ltd).**

Reasons for Recommendation(s)

To implement the recommendations within the Leisure Transformation Programme: the importance of working in partnership with community/sporting facilities to ensure that they are affordable, accessible and fit for purpose in creating sustainable communities.

The Two Counties Trust own the leisure centre buildings and manage and operate the site for curriculum needs. They have experience in operating leisure centres within the community and are promoting this course of action.

Alternative Options Considered

Not recommended: to maintain the current arrangements for operation of the site as contracted to Sports and Leisure Management Ltd. including the associated management fees.

The Leisure Facilities Review has allowed the Council to understand the appropriateness of its current leisure stock and future requirements. The provision of an effective facility infrastructure will be central to the successful delivery of the health and wellbeing objectives within the Corporate Plan.

Maintaining the current operation does not allow the Authority to achieve the aims of the Corporate Plan through supporting the development of shared assets and asset rationalisation as recommended in the Leisure Facilities Strategy.

Detailed Information

Background

Selston Leisure Centre is housed within the buildings on the school campus of Selston High School (SHS) and has operated since 1975 under a joint use agreement between Ashfield District Council (ADC) and the then building owners, Nottinghamshire County Council (NCC). In 2016 the school converted to an academy and joined The Two Counties Trust (TTCT), transferring all legal rights of the joint use agreement from NCC to the multi academy trust.

In 2002 Ashfield District Council entered into an Agreement for the provision of Outsourced Leisure Services with Sports and Leisure Management Ltd., (SLM Ltd) which will terminate at the end of March 2021. SLM's brand operator name is Everyone Active.

Selston Leisure Centre facility mix consists of an Outdoor 5-a-side synthetic surface pitch, a 4 court Sports Hall, male and female changing rooms, Multi-use Studio, 30 station gym, a weights room and associated office and staff accommodation.

The gym, weights room and studio are operated exclusively by the leisure centre for community use. All other facilities are used by SHS throughout the school day to service the curriculum and transfer to the leisure centre during evenings, weekends and school holidays, providing a wide range of activities for the local community.

Selston Leisure Centre activities include, indoor and outdoor football, badminton, martial arts, rollerskating, children's birthday parties and holiday activities. The main club use is from local groups including Selston Football Club, Selston Badminton Club, Selston Cricket Club, All Stars Cheerleaders, Selston Gymnastics Club, Netball Club and others

There are currently 437 members with gym subscription packages and casual pay as you go members' number 3,459. Analysis of postcodes indicates that the overall user base is predominantly from the Selston Parish and areas South West of the centre with 74% of customers living in the NG16 postcode to the west of the M1 motorway, 12% are from neighbouring Derbyshire towns and villages, 5% from Kirkby and 1.5% from Hucknall and Newstead areas.

The Two Counties Trust (TTCT)

TTCT was formed in April 2016 with the founder member schools being Ashfield School, Kirkby in Ashfield, Notts., Swanwick High School, Swanwick, Derbys., and Selston High School, Selston, Notts. Since then the Trust has gone on to add other schools to the portfolio and now manages several School Academies within neighbouring authorities, two of which operate leisure centres on campus as part of the school curriculum with Community access. TTCT schools operate an Equal Opportunities policy and have an Equalities Objectives Operational Plan.

Leisure Transformation Programme (LTP)

In February 2016 ADC commissioned FMG Consulting to undertake a Leisure Facilities Strategy for the District leisure provision including the development of policy options:-

- based on the needs and evidence, the current levels of provision and access across the district need to be protected and enhanced;
- the need for any redeveloped provision across the district should be developed in partnership;
- the importance of community/sporting facilities that are affordable, accessible and fit for purpose has been highlighted as an important element in creating sustainable communities.

Subsequent works led to the formulation of a Leisure Transformation Programme (LTP) embedded within the Authority's Corporate Plan. The LTP identifies the need to work in partnership and the proposal to transfer the operation of the leisure centre to TTCT would assist in this process.

Next steps

TTCT has experience of delivering leisure cost effectively at other sites which would negate Community programming risks e.g. fitness prices at a TTCT leisure centre are considerably lower than currently offered at Selston Leisure Centre.

- Discussions with TTCT are favourable. They own this site, use it for school curriculum and have overall responsibility for maintenance.
- TTCT has experience of delivering leisure on other sites, and have intimated would be ready to take over operations at the end of 2018, subject to TUPE considerations.
- Legal and HR advice on TUPE implications will be provided as part of the process.
- SLM Ltd. requires 9 months' notice of termination and SHS require 2 years' notice (contracts are open to negotiation with mutual agreement).

Implications

Corporate Plan:

Aligned to Corporate Plan as follows:-

Secure a district-wide network of quality, affordable, accessible and sustainable Leisure Centres and services for the benefit of all residents of Ashfield.

Ensure best use of our assets, exploring and supporting the development of shared assets across partner agencies and implementation of asset rationalisation.

Increased perception that the Council provides value for money services

Legal:

TUPE refers to the "Transfer of Undertakings (Protection of Employment) Regulations 2006" as amended by the "Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014". The TUPE rules apply to organisations of all sizes and protect employees' rights when the organisation or service they work for transfers to a new employer. TUPE has impacts for the employer who is making the transfer (also known as the **outgoing employer** or the transferor) and the employer who is taking on the transfer (also known as the **incoming employer**, the 'new employer' or the transferee).

Legal advice should be sought at the relevant stages to ensure the regulations are complied with.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	The current 2018/19 annual management fee is £75,593. NCC Joint use contribution £16,872 - 50% (£8,436) ring fenced for maintenance. Transfer of the facility would result in a net annual management fee saving of £58,721.
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Risk	Mitigation
Equality and diversity issues are not taken into consideration.	Equality Impact Assessment undertaken - Negotiations have a focus on equalities in relation to service delivery and employment practices.

Human Resources:

TUPE implications are being considered by HR and legal.

Equalities:

An Equalities Impact Assessment has been undertaken and added to the risk mitigation above.

Other implications

The Council will work with the High School on appropriate communications as the project develops for customers and residents.

Reason(s) for Urgency

N/A

Reason(s) for Exemption

N/A

Background Papers

Cabinet – 24th January 2009, Leisure Centres Review.

Cabinet - 10th April 2014, Leisure Management Contract.

Corporate Plan

Cabinet - March 24th 2016, Targeted Activities Programme.

Cabinet - 14th July 2016, Leisure Review Transformation Programme.

Cabinet – 13th October 2016, Leisure Review Transformation Programme.

Report Author and Contact Officer

Theresa Hodgkinson,

Assistant Director – Place and Wellbeing

t.hodgkinson@ashfield.gov.uk

01623 457588

Carol Cooper Smith

INTERIM DIRECTOR OF PLACE AND COMMUNITIES

c.cooper-smith@ashfield.gov.uk

01623 457009