

## Joint Management Committee

Secretary to the Committee

**Frank McArdle**

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Centre Manager

**James Dobson**

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Our Ref:

Date: 17 April 2018

Dear Councillor,

### **Etwall Leisure Centre Joint Management Committee**

A Meeting of the **Etwall Leisure Centre Joint Management Committee** will be held at **John Port Spencer Academy**, on **Wednesday, 25 April 2018** at **17:00**. You are requested to attend.

Yours faithfully,

Secretary to the Joint Management Committee

To: **Representatives of South Derbyshire District Council**  
**Conservative Group**  
Councillor Mrs Plenderleith (Chairman) and Councillor Billings

**Labour Group**  
Councillor Shepherd

**Representative of Governors of John Port Spencer Academy**  
Mrs K Squire



## **AGENDA**

### **Open to Public and Press**

- 1** Apologies and to note any Substitutes appointed for the Meeting.
- 2** Appointment of Vice-Chairman
- 3** To receive the Open Minutes of the following Meeting:-  
  
Etwall Joint Management Committee 22nd January 2018 Open Minutes **3 - 5**
- 4** To note any declarations of interest arising from any items on the Agenda
- 5** ETWALL LEISURE CENTRE JOINT MANAGEMENT AGREEMENT **6 - 18**
- 6** ACTIVE NATION PERFORMANCE REPORT (Verbal report)

### **Exclusion of the Public and Press:**

- 7** The Chairman may therefore move:-  
  
That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE

22<sup>nd</sup> January 2018

**PRESENT:-**

**Representatives of South Derbyshire District Council**

Conservative Group

Councillor Mrs A Plenderleith (Chairman) and Councillor A Billings

Labour Group

Councillor D Shepherd

Officers

K Stackhouse - Strategic Director (Corporate Resources), M Roseburgh - Cultural Services Manager and C Tyler - Democratic Services Officer

**Representative of Derbyshire County Council**

Councillor Mrs Chilton

**Representatives of Etwall John Port School**

Governing Body

K Squire – School Head

Officer

M Walker-Endsor – School Business Manager

**Representatives of Active Nation**

J Dobson – Centre Manager

EL/10 **APPOINTMENT OF VICE-CHAIRMAN**

The Chairman proposed that this matter be deferred due to the ongoing transitional situation at the school.

**RESOLVED:-**

***That the Appointment of Vice-Chairman be deferred to a later meeting.***

EL/11 **APOLOGIES**

The Committee was informed that no apologies had been received.

EL/12 **MINUTES**

The Open Minutes of the Meeting held on 27<sup>th</sup> September 2017 were noted, approved as a true record and signed by the Chairman.

EL/13 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

EL/14 **INCOME AND EXPENDITURE 2017/18 AND PROPOSED BASE BUDGET 2018/19**

The Strategic Director (Corporate Resources) presented the report to Committee, drawing attention to the fact that costs were increasing due to the phased withdrawal of County Council funding, along with the repairs and maintenance issues reported on at the last meeting.

Councillor Shepherd referred to the discussion at the last meeting, enquiring if there had been any revision to the County Council funding position given the change in administration there. The Chairman stated that the County Council had confirmed that their position remained unchanged. County Councillor Mrs Chilton undertook to make her own enquiries in this matter.

**RESOLVED:-**

***Members approved the projected out-turn for 2017/18 and the proposed estimates of income and expenditure for 2018/19.***

EL/15 **ACTIVE NATION PERFORMANCE REPORT – VERBAL REPORT**

J Dobson presented the performance review of Etwall Leisure Centre, making particular reference to the following items;

**Supporter Base Performance**

- Actual monthly between April 2017 and December 2017 ranged from 39,224 to 43,867, the latter figure achieved in August, with further information provided giving breakdowns by activity type across all centre facilities.
- Total annual visits had risen from 320k in 2011/12 to 425k in 2016/17.
- A breakdown giving the postcode location of supporters was also supplied, showing that the majority of users live in the immediate local area.

**Good News Stories**

- Increased participation levels, year to date stand at 75,810.
- Total subscriptions currently stood at 2,021 (year to date).
- 300 children took part in the Multisport half term holiday camp.
- 50 children took part in the Soccer Stars half term holiday camp, with Scott Carson in attendance from Derby County Football Club.
- Level 1 FA Football coaching course held, along with ASA swim CPD.
- New 'Born to Move' exercise class launched for children aged 12-16.
- CAP2 launched for swim lesson feedback with positive growth on swim lessons for 1,405 children.
- Works completed on the plant room on the pool pumps
- Melbourne class timetable performing well, with five classes per week.
- Net Promotor Score currently 50 (industry average = 40).
- Phase 1 of new Wi-Fi and IT systems installed in site.
- New signage installed for the overflow car park, along with markings.
- Social Media – Facebook, Twitter and Website - increased localised usage.
- Saturday Night Project: 50 children per weekend attending.
- 3g pitch usage – 51,695 users year to date / 10 slots available.
- Discovery weekends held 13<sup>th</sup> & 14<sup>th</sup> January - #justtryit open weekend.
- Hilton Harriers football fund raiser held over Christmas.
- New pool cover ordered and due to be installed early February 2018.

The Chairman queried what proportion of comments / complaints related to car parking issues. The Centre Manager stated that they tended to be periodic, rather than constant, usually tied into particular events, but undertook to provide a more detailed analysis of the feedback trends for future meetings. In relation to comments regarding cleanliness, the Centre Manager stated that the situation was improving, given the increased presence of blue shoe cover stations and their usage, a matter of changing user culture.

Reference was made to the incident on the 2<sup>nd</sup> January 2018 when a floodlight caught fire due to a fault in the igniter unit. The Centre Manager confirmed that the unit had promptly been made safe and since fully repaired, with all such lights now subject to an enhanced maintenance routine. The Chairman commended Centre staff on their prompt action, evacuation of the immediate area and contact with the fire services.

Councillor Billings requested an update on swimming provision. The Centre Manager confirmed that swimming classes were all at or very near full capacity, especially at the lower stages, presenting difficulties in growing classes. Use of the Etwall Primary School pool was also proving problematic, given the urgent need for some pool repairs, more extensive than at first anticipated. County Councillor Mrs Chilton queried whether the opening of the Moorways Leisure Centre in Derby would have any impact on Etwall. The Centre Manager felt that given the primarily local usage of Etwall, not many of its customers would elect to travel to the Derby location.

**RESOLVED:-**

***The Committee considered and noted the points made in the presentation.***

EL/16

**SCHOOL UPDATE**

The School Head and Business Manager provided a brief update on the current situation at the school, in that the transfer to the Spencer Academy Trust was still scheduled to take place with effect from Thursday 1<sup>st</sup> February 2018 and that legal personnel representing the Trust were currently working on the transfer and new joint constitution documentation in conjunction with legal officers from the Council.

The School Head also stated that the school were looking to free up some more swimming pool time, making it available for community usage.

**RESOLVED:-**

***Members noted the information provided.***

The meeting terminated at 5.25pm.

COUNCILLOR MRS A PLENDERLEITH

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<b>REPORT TO:</b>	<b>ETWALL JOINT MANAGEMENT COMMITTEE</b>	<b>AGENDA ITEM: 5</b>
<b>DATE OF MEETING:</b>	<b>25<sup>th</sup> APRIL 2018</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE OFFICER</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>FRANK McARDLE</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE AGREEMENT</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ETWALL</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

- 1.1 That the Committee notes the Joint Management Committee Agreement that came into effect from 1<sup>st</sup> April 2018.

## **2.0 Purpose of Report**

- 2.1 The Committee is asked to note the updated Agreement, following the change in school status and the withdrawal of Derbyshire County Council funding.

## **3.0 Detail**

- 3.1 Following a change in school management, The John Port School became The John Port Spencer Academy with effect from 1<sup>st</sup> February 2018.
- 3.2 In 2016 Derbyshire County Council entered into a two-year phased reduction of its financial contribution, with one third of the reduction in April 2017 and the balance withdrawn from April 2018.

## **4.0 Financial Implications**

- 4.1 None arising directly from this report.

## **5.0 Background Papers**

- 5.1 Etwall Joint Management Committee Agreement.

DATED DAY OF *29th March* 2018

**SPENCER ACADEMIES TRUST**

**AND**

**SOUTH DERBYSHIRE DISTRICT COUNCIL**

**AGREEMENT**

**for**

**THE ESTABLISHMENT CONSTITUTION AND POWERS OF THE ETWALL  
LEISURE CENTRE JOINT MANAGEMENT COMMITTEE**



**THIS AGREEMENT** is made the

DAY OF *29<sup>th</sup> March* 2018

**BETWEEN**

(1) **SPENCER ACADEMIES TRUST** incorporated and registered in England and Wales with company number 07353824 whose registered office is at George Spencer School Arthur Mee Road Stapleford, Nottingham, Nottinghamshire, NG9 7EW (Hereinafter referred to as "the Academy")

(2) **SOUTH DERBYSHIRE DISTRICT COUNCIL** whose registered office is at Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH (Hereinafter referred to as "the District Council")

This Agreement supersedes the original agreement with regards to the constitution of the Joint Management Committee.

**WHEREAS:**

By an Agreement dated 6<sup>th</sup> December 1971 made between the Governing Body of John Port School (hereinafter referred to as "the School"), the Repton Rural District Council and Derbyshire County Council, arrangements were made for the control and management of a leisure centre (hereinafter referred to as "the Leisure Centre") provided at the School to be vested in a Joint Management Committee, and,

By an Agreement dated 1<sup>st</sup> May 2013 made between the School, Derbyshire District Council and Derbyshire County Council, the establishment of the constitution and powers of Etwall Leisure Centre were vested within the Joint Management Committee (hereinafter referred to as "Joint Committee").

By an Agreement dated 1<sup>st</sup> February 2018 the School's interest is now vested in Spencer Academies Trust (hereinafter referred to as "the Academy")

The Academy and the District Council shall each year appoint representatives for noting at the annual meeting of the Joint Committee, the Academy and the District Council have agreed pursuant to Section 102 and sub-section (5) of Section 263 of the Local Government Act 1972 to make new arrangements for the management of the Leisure Centre.

**NOW THEREFORE** in pursuance of the above recited Agreement, **THIS AGREEMENT WITNESSETH** as follows:

1. The Academy and the District Council shall establish a Joint Management Committee(hereinafter referred to as “the Joint Committee”) to be known as the Etwall Leisure Centre Joint Management Committee and to consist of Six members appointed as follows:

Three members to be appointed by the District Council from amongst its elected members who shall not be elected members of the Academy’s Governing body

Three members to be appointed from the Academy who shall not be an elected member of the District Council

2. The Joint Committee shall at its first meeting and at the Annual Meetings each succeeding year thereafter elect a Chairman to hold Office until the next Annual Meeting
3. The Joint Committee shall meet quarterly including an annual meeting on the month of June each year provided that the Chairman may at any time convene a meeting and must do so if requested by no fewer than two members of the Joint Committee.
4. The Chairmanship of the Joint Committee shall alternate on an annual basis between a representative from the Academy and a representative from the District Council.
5. To constitute a meeting of the Joint committee there shall be present not less than three of the members of the Joint Committee including not less than one member appointed by each of Academy and the District Council.
6. Each member of the Joint committee shall continue in office until the date of the annual meeting following their appointment unless otherwise replaced by the organisation they represent.
7. Each of the partner organisations shall have the right to appoint substitute members with voting rights where appropriate and subject to clauses 1 and 8.
8. The Academy and the District Council shall have a discretionary right of veto over any proposals involving additional financial commitment to the agreed budget.

9. The District Council subject to the agreement under clause 12 shall act as Secretary and Treasurer respectively of the Joint Committee.
10. The District Council shall be responsible for the preparation and distribution of calling notices, agendas and reports the details and contents of which shall be agreed in advance of the meeting by the Academy and the District Council subject to the agreement under clause 12, such agendas shall include items of Matters Arising and Any Other Business.
11. The recording and distribution of minutes shall be the responsibility of the District Council as minutes Secretary.
12. The central costs incurred for the administration of the Joint Committee shall be approved annually in advance by the Joint Committee subject to veto by the School.
13. The Chief Executive of the District Council and the Chief Executive Officer of the Academy shall have the right to attend and speak at any meeting of the Joint Committee or to appoint any other person to attend and speak on their behalf.
14. The Joint Committee shall appoint a suitably qualified person (hereinafter referred to as "the Manager") or a suitably qualified Contractor (hereinafter referred to as "the Contractor") together with such other staff as it may consider necessary to ensure the efficient functioning of the Leisure centre and the safety of persons using it with the Academy and the District Council having a right of veto over such decisions subject to clause 18 below.
15. The Academy and the District Council shall each be equally involved at all stages in the recruitment, selection and appointment process for all posts of Duty Officer and above except where this undertaking will be negated should the Leisure Centre Contract be externalised under Clause 14.
16. The Manager or a representative of the Contractor shall attend meetings of the Joint Committee and advise the Joint Committee on matters relating to the management of the Leisure centre.
17. Any Contractual arrangement for the management of the Leisure Centre shall be the responsibility of the Joint Committee subject to a right of veto which can be exercised by the Academy or the District council in respect of the appointment of the Contractor.

18. The Academy shall be entitled to exclusive use (which will include Derbyshire County Council Primary School swimming provision) and occupation of the Leisure Centre during the Academy term time as follows:

Swimming Pool	09:15 to 12:35 and 13:25 to 15:25 (plus 1 morning per week 08:00 to 08:45) and 1 evening 15:30 to 16:30
Sports Hall	08:00 to 17:30
Squash Courts	The Academy shall have exclusive use of the Squash Courts (08:00 to 17:00) in relation to its curriculum need and the District Council shall endeavour to maximise use of the Squash Courts outside this time.
Fitness Suite	09:15 to 15:30
Artificial Grass Pitch ("AGP")	The Academy shall have exclusive use of the AGP (08:00 to 17:00 Monday to Friday only) in relation to its curriculum need and the District Council shall endeavour to maximise use of the AGP outside this time.

The exclusive use by the Academy defined above shall be subject to variation with due notice from the Academy should the Academy decide or be required to vary the start and finish times of the Academy working day.

Any temporary variations to this principle which could assist with maximising community use and income generation may be agreed on an ad hoc basis at an operational level by representatives from the Academy, the District Council and the Contractor.

The Fitness Suite shall be used jointly during the Academy's hours subject to reporting such to the joint Committee.

The AGP and its operational arrangements including the profit share is subject to the provisions of the Contract Variation dated 20 March 2017.

19. The Joint Committee shall impose maximum charges for swimming, sports hall, court use and casual gym use as it is responsible for under the Leisure Centre management arrangements.

20. The Academy may release facilities under clause 18 for which it has exclusive use during the Academy term time and hours for use by the general public in negotiation with the Leisure Centre Management.

21. The Manager or the Contractor subject to the agreement of the Joint Committee which may delegate to the Chairman such power of agreement shall be empowered subject to the provision of clauses 18 and 19 hereof to receive and decide upon any application by any Club, Society or other body for the use of the Leisure Centre.
22. Operational management meetings shall take place between the Parties on not less than a monthly basis between the School, the District Council and the Leisure Centre Management, unless agreed otherwise between the parties..
23. The Treasurer shall ensure that proper accounts recording income and expenditure in respect of the Leisure Centre are kept and quarterly financial reports are submitted to the Joint Committee with the accounts subject to audit inspection by the District Council.
24. The Financial reports shall at any time be made available for inspection by the Academy and the District Council.
25. The Joint Committee shall in each year submit for approval to the Academy and the District Council estimates of the expenditure to be incurred in the succeeding year with the power to veto being available to the Academy and the District Council.
26. The Joint Committee shall have the power to effect in the name of the Joint Committee such insurance against third party risks as it may consider necessary.
27. Where expenditure included in the approved budget is incurred in respect of any matter connected with the leisure centre including works of maintenance or repair carried out in pursuance of clause 30 hereof and such expenditure can properly be attributed to the exclusive use of the pool by the Academy or the District council then such expenditure shall be borne by the organisation to which it is attributable but in any other case revenue expenditure shall be apportioned between the Academy bearing thirty eight per cent thereof and the District council bearing sixty two per cent or in such other proportions as may be agreed between the Academy and the District Council.
28. Subject to clause 8 Capital and Revenue expenditure budgets will be set annually by the Joint Committee.
29. Any surplus or deficit on the facility shall be met by the Academy and the District Council in the proportion of thirty eight percent and sixty two percent respectively.

30. All Capital expenditure and the Financing of Capital projects is subject to prior approval of the Joint Committee.
31. The Academy has the responsibility for grounds maintenance adjacent to the Leisure Centre and the costs of which shall be borne by the Joint Committee.
32. The Leisure Centre Manager shall have the power to authorise expenditure up to an amount agreed by the Joint Management Committee. Expenditure in excess of this amount shall be agreed by the Joint Committee and shall require prior approval of the Joint Committee.
33. In the event the Management of the Leisure Centre be outsourced externally, clause 32 shall be varied to take into account the New Management.
34. Five thousand pounds will be set aside from the Centre's Revenue budget towards future decommissioning costs and will be held by the District Council.
35. The Academy grants right of foot and vehicular access over the Academy Land to the District Council, members of the public and contractors whilst carrying out bona fide business in connection with the use or maintenance of the Leisure Centre.
36. The Academy shall retain in perpetuity title to the land and buildings associated with the Leisure Centre including the AGP and the Squash Courts.
37. This Agreement may be altered or determined only by the consent of all parties to the Agreement.
38. Each Party to this Agreement and Partner Organisation shall be responsible for their own independent legal advice such as but not limited to, financial, legal and recruitment.
39. The Academy and the District Council may terminate their involvement in the Agreement by giving not less than twelve months written notice to the partners and subject to agreeing a financial compensation to the remaining partner.

IN WITNESS whereof the Academy and the District Council have caused their Common Seal to be hereunto affixed the day and year first before written.

Executed as a deed by affixing  
the Common Seal of SOUTH  
DERBYSHIRE DISTRICT COUNCIL  
in the presence of:



11 9 3 8

.....  
Chairman of the Council

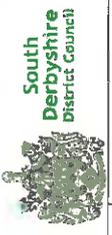
.....  
Chief Executive

Executed as a deed by  
SPENCER ACADEMIES TRUST  
acting by.....  
a director and .....,  
[a director OR its secretary]

.....  
Director

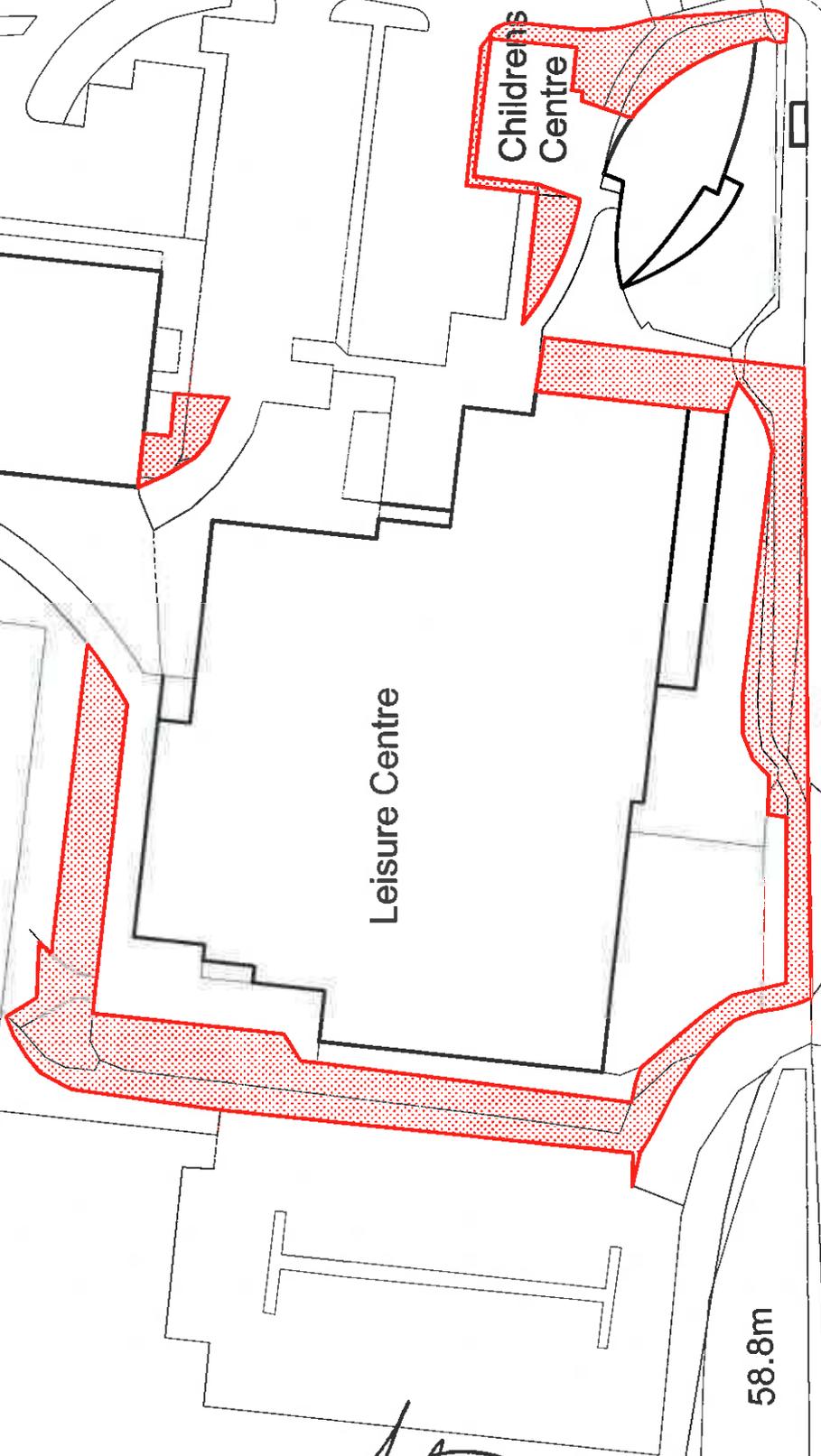
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Director OR Secretary

**ANNEXE 1- Map**



# Land at Etwall Leisure Centre

**FOR IDENTIFICATION PURPOSES ONLY**



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