

**LETTER OF AGREEMENT
BETWEEN
SPENCER ACADEMIES TRUST
AND
ACTIVE NATION**

This Agreement is made between Spencer Academies Trust (hereafter referred to as “The Academy”) and Active Nation (hereinafter referred to as the “Contractor”).

PURPOSE

The day to day management and operation of the Etwall Leisure Centre is shared between the John Port Spencer Academy, an Academy forming part of The Spencer Academies Trust, and Active Nation, the Contractor appointed by South Derbyshire District Council to operate Etwall Leisure Centre. The Parties now wish to amend the operating arrangements set out in clause 18 of the Agreement of The Establishment, Constitution and Powers of the Etwall Leisure Centre Joint Management (‘the Agreement’) dated 29 March 2018.

THE PARTIES HAVE AGREED THAT

- any temporary variations to the operating arrangements set out in clause 18 remain at the discretion of the Joint Committee; amendments to operating arrangements may be considered by the Joint Committee which could assist with maximising community use and income generation; any amendments will be granted by way of a Letter of Agreement signed by the Chairman of the Joint Committee; and
- will be agreed at a meeting of the Joint Committee and captured in a Letter of Agreement signed by the Chairman of the Joint Committee; and
- a copy of the Letter of Agreement shall be provided to the Chief Executive of the District Council and the Chief Executive of The Spencer Academies Trust, so that they may exercise their rights to be heard and to exercise veto over proposals under the limited terms set down in the Agreement.

VARIATIONS TO THE AGREEMENT DATED 29 MARCH 2018

THE JOINT COMMITTEE HAS THEREFORE AGREED:

- Responsibility for the primary school swimming programme to be transferred from John Port Spencer Academy to Active Nation, and all income derived from the primary school swimming programme to be received by Active Nation

- Active Nation to have full use of the swimming pool on Mondays, Tuesdays and Wednesdays
- John Port Spencer Academy to have full use of the swimming pool on Thursdays and Fridays between the hours of 9.15am and 2.25pm
- John Port Spencer Academy to have exclusive access to gym facilities for 13 hours per week, during the disclosed term times of John Port Spencer Academy;
- Active Nation to provide sufficient gym staff and swimming instructors in accordance with the agreed use of the gym and swimming pool facilities during periods of exclusive use of John Port Spencer Academy; and
- The parties to reserve the right to request exceptional exclusive use of the facilities for the purposes of arranging swimming galas and other all day events, provided that notice is given not less than one calendar month before the event date

Provided that the terms of this Agreement are agreed, the amended operating arrangements are to be put in place from 9.00am, **Saturday 1 September 2018** and will be subject to a quarterly review by the Joint Committee.

IN WITNESS THEREOF, the parties have executed this Agreement as of the day and year last written below

SIGNED FOR AND BEHALF OF
ETWALL LEISURE CENTRE JOINT
MANAGEMENT COMMITTEE

NAME:

CHAIRMAN

NAME:.....

WITNESS