



Joint Management Committee

Secretary to the Committee

Frank McArdle

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Centre Manager

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Our Ref:

Date: 20 December 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, 09 January 2019** 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

Councillors Billings and Muller

Labour Group

Councillor Shepherd

Representative of the Governors of John Port Spencer Academy

Mr D Parker (Chairman) and Ms M Walker-Endsor



AGENDA

Open to Public and Press

- 1** Apologies and to note any Substitutes appointed for the Meeting.
- 2** To receive the Open Minutes of the following Meetings:

Etwall Leisure Centre Joint Management Committee 11th July 2018 **3 - 5**
Open Minutes
- 3** To note any declarations of interest arising from any items on the Agenda
- 4** ACTIVE NATION PERFORMANCE REPORT – Verbal report.
- 5** INCOME & EXPENDITURE 201819 and PROPOSED BASE **6 - 8**
BUDGET 201920
- 6** CHANGES TO USE OF SWIMMING POOL **9 - 14**

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

11th July 2018

PRESENT:-

Representatives of South Derbyshire District Council

Conservative Group

Councillor Mrs A Plenderleith

Labour Group

Councillor D Shepherd

Officers

A Thomas – Strategic Director (Service Delivery),

K Stackhouse – Strategic Director (Corporate Resources)

M Roseburgh - Cultural Services Manager

C Tyler - Democratic Services Officer

Representatives of John Port Spencer Academy

Governing Body

D Parker – School Governor

Representatives of Active Nation

J Dobson – Centre Manager

EL/1 **APPOINTMENT OF CHAIRMAN**

RESOLVED:-

Nominations for the position of Chairman were requested.

RESOLVED:-

That Mr Danny Parker (Governor) be appointed Chairman for the period ending July 2019.

EL/2 **APPOINTMENT OF VICE-CHAIRMAN**

Nominations for the position of Vice-Chairman were requested.

RESOLVED:-

That Councillor Mrs Plenderleith be appointed Vice-Chairman for the period ending July 2019.

EL/3 **APOLOGIES**

Apologies for absence from the meeting were received from Councillor Billings (Conservative Group).

EL/4 **MINUTES**

The Open Minutes of the Meeting held on 25th April 2018 were noted, approved as a true record and signed by the Chairman.

Councillor Shepherd made reference to Minute No.EL/21, confirming that he had received written assurances that members of the Joint Management Committee were not personally liable for insurance purposes.

EL/5 **DECLARATIONS OF INTEREST**

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

EL/6 **ACTIVE NATION PERFORMANCE REPORT – VERBAL REPORT**

J Dobson presented the Active Nation summary for Etwall Leisure Centre, making particular reference to the following items;

Active Nation Brand Map

- Comprising Active Education, Active Nutrition, Active Events, Active Community, Active Research, Active Ability, Active Health, Active People and Active #JustTryIt Days.

Participation Successes: April-June 2018

- Etwall Leisure Centre: Up 7,886 visits year on year.
- Gym usage: 30,651, up 2,897 year on year.
- Group exercise usage: 8,152, up 1,090 year on year.
- Swim lessons: 4,269.
- Swimming Pool casual sessions: 30,545, up 1,090 year on year.
- Badminton: 4,756, up 1,610 year on year.
- AGPitches: 15,118, up 440 year on year.

- Current membership levels:
 - Gym Live Count 2,172
 - Swim Scheme Live Count 1,436.

Service Quality

- The Centre maintained its Quest 'Very Good' accreditation, following recent unannounced inspection visits.
- The Centre attained 'Excellent' status in its ISO14001 environmental compliance.
- New pool cover in use, AHU unit improvements, boiler flue replacement, pool pumps and squash court works (roof, ventilation & doors).
- Public Wi-fi had been installed at the venue.
- Sports Hall inverter extractor replacement to improve air quality.
- Improvements made to Centre's IT system to move away from a Citrix based system to an Active Desktop.
- Investment in internal marketing to improve the appearance and brand identity of the Charity and external signage.
- New Brand Standards Rock Star Audit App launched – SDDC/AN, enabling users to report issues on-line.

Net Promotor Score (NPS)

- Etwall Leisure Centre had achieved a NPS score of 43 against a target of 40, ranked 'Good'.

Safety

- Safe Supporters: 0.1 Accidents ratio 2018/19.
- Safe Staff: Zero staff accidents reported in the first quarter of 2018/19.
- Safety Commentary:
New safety audits completed across the group.
Quarterly group safety meetings altered to add greater value to attendees.
Industry leader Joe Ryan appointed as Centre's external H&S expert to guide, advise and support.

Queries relating to GDPR compliancy, capacity issues, parking, cleaning, facility maintenance, complaint handling and the proposed overflow car park were responded to by the Centre Manager and Cultural Services Manager. It was agreed that further information regarding capacity levels, compliments & complaints and detractor graphs would be circulated to Committee members.

The Centre Manager informed the Committee that issues with the warm air extractor were being experienced, principally due to the prolonged heatwave, but would be reviewed as part of the annual Council / Active Nation Centre review. The Cultural Services Manager provided an update on the overflow car park, stating that a further planning application had become necessary as a result of the drainage issues being encountered at the location.

RESOLVED:-

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

EL/7

FINAL ACCOUNTS 2017/18

The Strategic Director (Corporate Resources) presented the report to Committee.

Queries were raised in relation to the current contract with Active Nation, the provision of the Sinking Fund, the capital replacement review, the budgetary process and funding for the car parking provision.

The Centre Manager highlighted areas that will require attention from a maintenance perspective in the near future, namely the EHU's, squash courts, gym roof and the pool filters.

It was agreed that documentation relating to the 2018/19 Budget would be made available to the Chairman.

RESOLVED:-

The Committee considered and approved the Final Accounts for 2017/2018.

The meeting terminated at 5.35pm.

Mr D PARKER

| | | |
|--------------------------------|--|---|
| REPORT TO: | ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE | AGENDA ITEM: 5 |
| DATE OF MEETING: | 9th JANUARY 2019 | CATEGORY: |
| | | RECOMMENDED |
| REPORT FROM: | TREASURER TO THE JOINT COMMITTEE | OPEN |
| MEMBERS' CONTACT POINT: | KEVIN STACKHOUSE (01283 595811) Kevin.stackhouse@southderbyshire.gov.uk | DOC: U/ks/live files/Etwall JMC/budget reports/2019 budget report Jan 19 |
| SUBJECT: | INCOME & EXPENDITURE 2018/19 and PROPOSED BASE BUDGET 2019/20 | |
| WARD(S) AFFECTED: | ETWALL, HATTON, HILTON, NORTH WEST, REPTON & WILLINGTON | TERMS OF REFERENCE: HCS |

1.0 Recommendations

- 1.1 That the projected out-turn for 2018/19 is considered and noted.
- 1.2 That the estimates of income and expenditure for 2019/20 are approved.

2.0 Purpose of the Report

- 2.1 To provide an update on the Leisure Centre's financial position for the current financial year 2018/19, together with submitting proposed estimates of income and expenditure for 2019/20.

3.0 Executive Summary

- 3.1 Based on income and expenditure to-date, the net cost of operating the Leisure Centre will be below Budget for 2018/19. Proposals for 2019/20 Budget show no increase compared to the base budget for 2018/19.

4.0 Detail

- 4.1 **Appendix 1** details the costs associated with the day-to-day operation of the Leisure Centre. The primary cost is the payment to the contractor (Active Nation) in accordance with the management contract. Active nation also work in partnership with the Council and the Academy to develop services and improve the health and well-being of local residents.
- 4.2 The net cost of the Centre is financed by South Derbyshire District Council and the John Port Spencer Academy in the proportion of 62% and 38% respectively. This is in accordance with the Joint Management Agreement.

- 4.3 Net expenditure in 2018/19 is forecast to out-turn approximately £6,000 (5%) lower than Budget. This is due to lower repairs and utility costs.
- 4.4 The proposed budget for 2019/20 is based on that for 2018/19. The payment to the Contractor could be higher, depending on the annual review of the price on the anniversary of the Contract in February 2019. Usually, the price is increased to reflect inflation.
- 4.5 Budgets are monitored on a regular basis and reported to the Committee. Overall, the net cost and contributions are summarised in the following table.

| | Actual 2016/17 £ | Actual 2017/18 £ | Budget 2018/19 £ | Projected 2018/19 £ | Estimate 2019/20 £ |
|---|------------------------|------------------------|------------------------|---------------------------|--------------------------|
| South Derbyshire District Council (62%) | 35,905 | 48,974 | 66,713 | 62,767 | 66,713 |
| John Port Spencer Academy (38%) | 22,006 | 30,017 | 40,888 | 38,470 | 40,888 |
| NET EXPENDITURE | 57,911 | 78,991 | 107,601 | 101,237 | 107,601 |

- 4.6 The main reason for the increase in net expenditure from 2016/17 to 2018/29 is due to the ending of a discretionary contribution from Derbyshire County Council, as previously reported to the Committee.

Sinking Fund and Decommissioning Costs

- 4.7 As part of the Budget, an annual contribution of £25,000 is made to a sinking fund to finance major replacements of plant and equipment. A contribution of £5,000 per year is also made to a decommissioning reserve.
- 4.8 As at 31st March 2018, the balance on the Sinking Fund was £111,000, with £20,000 in the Decommissioning Reserve. The contributions in 2018/19 will increase the balances to £136,000 and £25,000 respectively and to £161,000 and £30,000 respectively in 2019/20 if they are not utilised.

| Etwall Leisure Centre - Income and Expenditure | Actual 2016/17 £ | Actual 2017/18 £ | Budget 2018/19 £ | Projected 2018/19 £ | Proposed Budget 2019/20 £ |
|---|---------------------------------|---------------------------------|---------------------------------|------------------------------------|--|
| Repairs and Maintenance | 8,681 | 21,432 | 16,500 | 14,000 | 16,500 |
| Contribution to Utility Costs (Gas and Electricity) | 3,075 | 3,075 | 10,000 | 5,000 | 10,000 |
| Contribution to Sinking Fund | 25,000 | 25,000 | 25,000 | 25,000 | 25,000 |
| Contribution to Decommissioning Costs | 5,000 | 5,000 | 5,000 | 5,000 | 5,000 |
| Main Contractor Payment | 31,625 | 32,292 | 31,200 | 32,336 | 31,200 |
| Central Support Costs (Overheads) | 21,165 | 14,874 | 19,901 | 19,901 | 19,901 |
| Gross Expenditure | 94,546 | 101,673 | 107,601 | 101,237 | 107,601 |

Less Income Contributions

| | | | | | |
|--|---------|---------|---|---|---|
| Derbyshire County Council | -34,773 | -22,682 | 0 | 0 | 0 |
| Less - Share of Café Turnover (see note below) | -1,862 | 0 | 0 | 0 | 0 |

NET EXPENDITURE

| | | | | |
|---------------|---------------|----------------|----------------|----------------|
| 57,911 | 78,991 | 107,601 | 101,237 | 107,601 |
|---------------|---------------|----------------|----------------|----------------|

| Shared | Actual 2016/17 £ | Actual 2017/18 £ | Budget 2018/19 £ | Projected 2018/19 £ | Estimate 2019/20 £ |
|---|---------------------------------|---------------------------------|---------------------------------|------------------------------------|-----------------------------------|
| South Derbyshire District Council (62%) | 35,905 | 48,974 | 66,713 | 62,767 | 66,713 |
| John Port Spencer Academy (38%) | 22,006 | 30,017 | 40,888 | 38,470 | 40,888 |
| NET EXPENDITURE | 57,911 | 78,991 | 107,601 | 101,237 | 107,601 |

Notes:

Café Turnover

Since the closure of the café, AN have operated vending machines at the site. The vending machine surplus is accounted for outside of the above JMC agreement.

AN retains 50% of the surplus income from these, and pays the other 50% to SDDC. JPS then invoice SDDC for half of this amount, resulting in a 50/25/25 split.

The total 17/18 vending machine surplus is £3497.76, and is split £1748.88 AN / £874.44 SDDC / £874.44 JPS

Artificial Grass Pitch (AGP) Surplus

The AGP surplus is accounted for outside of the JMC agreement.

AN retains 50% of the surplus income from these, and pays the other 50% to SDDC. JPS then invoice SDDC for half of this amount, resulting in a 50/25/25 split.

The total 17/18 AGP surplus is £18990, and is split £9495 AN / £4747.50 SDDC / £4747.50 JPS

| | | |
|--------------------------------|--|--|
| REPORT TO: | ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE | AGENDA ITEM: 6 |
| DATE OF MEETING: | 9th JANUARY 2019 | CATEGORY: RECOMMENDED |
| REPORT FROM: | STRATEGIC DIRECTOR (SERVICE DELIVERY) | OPEN |
| MEMBERS' CONTACT POINT: | MALCOLM ROSEBURGH 01283 595774 malcolm.roseburgh@south-derbys.gov.uk | DOC: S/Leisure/LC A Nation/ Etwall /JMC/18-19/ ELC JMC Swimming pool report |
| SUBJECT: | CHANGES TO USE OF SWIMMING POOL | |
| WARD(S) AFFECTED: | ETWALL, HATTON, HILTON, NORTH WEST, REPTON & WILLINGTON | TERMS OF REFERENCE: HCS |

1.0 Recommendations

- 1.1 That the Committee approves changes to the programming and allocation of use of Etwall Leisure Centre (ELC) including “downtime” of the swimming pool.
- 1.2 That these changes are reflected in a Letter of Agreement between the Council and The Spencer Academies Trust
- 1.3 That a copy of the Letter of Agreement shall be provided to the Chief Executive of the Council and the Chief Executive of The Spencer Academies Trust (The 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.
- 1.4 That, subject to the above being approved, a contract variation is issued outlining the changes expressed in the Letter of Agreement.

2.0 Purpose of the Report

- 2.1 To update the Joint Management Committee (JMC) on proposed changes to the allocation of use to the ELC swimming pool and other facilities as set out in a Letter of Agreement and to seek approval to a contract variation to reflect and formalise the changes.

3.0 Detail

- 3.1 The Council’s Leisure Centre Contract allows for the contractor, Active Nation, and the Spencer Academies Trust to maximise the quality of provision and access to the leisure facilities for both pupils and members of the community alike.
- 3.2 To this end there is allowance within the Leisure Centre Contract for both parties to identify and utilise for community use, any ‘downtime’ in the programmed School use of ELC. The mechanism for doing this is regular operational meetings between representatives of The Trust and officers of the Council that the Contractor is required to attend and take a key role in.

- 3.3 Clause 18 of the ELC Joint Management Agreement also states that temporary variations “may be agreed on an ad hoc basis at an operational level by representatives from the Academy, the District Council and the Contractor.”
- 3.4 Discussions at operational and contract meetings have therefore been ongoing for some time about “downtime” in the swimming pool and reviewing other leisure centre arrangements. As a consequence an agreement has been reached about a change in historic arrangements.
- 3.5 The historic agreement relating to the use of the swimming pool, sports hall and health and fitness suite is as documented in Appendix 1.
- 3.6 The key elements of the new arrangements as outlined in the draft Letter of Agreement are as follows:
- 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
- 3.7 The full draft Letter of Agreement is attached as Appendix 2
- 3.8 The Letter of Agreement includes a statement that “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.” Subject to approvals this procedure needs to be implemented.
- 3.9 Upon final approval of a Letter of Agreement a contract variation should be issued to outline and formalise the changed arrangements expressed in the Letter of Agreement

4.0 Financial Implications

- 4.1 There are no direct financial implications. The change in use of responsibility for the primary school swimming programme is outside the financial arrangement between the School and the Council and so has no implication for the approved Leisure Centre budget.

5.0 Community Impact

- 5.1 The proposed changes maximise use of the leisure facilities according to the interests and requirements of the School, the Council and the contractor. In so doing

they increase community usage and aid realisation of the participation key performance indicator within the contract.

APPENDIX D**JOHN PORT SCHOOL AND COMMUNITY USE OF ETWALL LEISURE CENTRE****ALLOCATION OF TIME**

| Area | Term Time School Use (190 days less 5 inset days) | Term Time Community Use | Non Term Time Community Use |
|-------------------------------------|---|--|--|
| Sports Hall | 08:00 to 17:30 | 18:00 to 22:00 Weekday evenings 08:00 to 21:00 Weekends | 08:00 to 22:00 Weekdays 08:00 to 21:00 Weekends |
| Swimming Pool | 09:15 to 12:35 13:25 to 15:25 (plus 1 morning per week 08:00 to 08:45) and 1 evening 15:30 to 16:30 | 07:00 to 09:15 12:35 to 13:25 15:25 to 22:00 (See School use for exceptions) | 07:00 to 22:00 Weekdays 07:00 to 21:00 Weekends |
| Health and Fitness Suite | 09:15 to 15:30 | 07:00 to 21:00 Weekdays 07:00 to 20:00 Weekends | 07:00 to 21:00 Weekdays 07:00 to 20:00 Weekends |

**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