

Subject:	Haslingden Swimming Pool	Status:	For Publication
Report to:	Overview and Scrutiny Full Council	Date:	24 June 2013 17 July 2013
Report of:	Chief Executive and General Manager of Leisure Trust	Portfolio Holder:	Regeneration, Tourism and Leisure
Key Decision:	<input type="checkbox"/> Forward Plan	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	Yes	Attached: Yes
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	That Corporate Scrutiny note the work done to date in order to identify a solution for Haslingden Pool and note the detailed consultation undertaken.
1.2	That Corporate Scrutiny note the expressions of interest received.
1.3	That Corporate Scrutiny note that the progress in relation to the three expressions of interest should continue, and a further report be presented confirming if the process has been successful in identifying and agreeing a preferred partner.
1.4	That Corporate Scrutiny recommend that should a preferred partner not be confirmed as noted in 1.3, that Haslingden pool will close at a date to be confirmed and agreed by Full Council.
1.5	That Corporate Scrutiny recommend the sum of £200k to support either of the chosen options.

2. PURPOSE OF REPORT

- 2.1 The purpose of the report is to update Members regarding Haslingden Swimming Pool and for work to continue identifying a preferred partner and should this be unsuccessful for the pool to close at a date to be confirmed by Rossendale Leisure Trust.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
- **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
- **Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

4. RISK ASSESSMENT IMPLICATIONS

- 4.1 Undertaking appropriate consultation on potential service changes is essential to enable informed decision making and to mitigate the risk of challenge. Importantly, this also reinforces a culture of engagement and empowerment.

5. BACKGROUND AND OPTIONS

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5.1 Cabinet considered a paper on the Medium Term Financial Strategy in June 2012 and gave approval for officers to work with Rossendale Leisure Trust in identifying potential savings and efficiencies in order to support the overall reduction in Council funding. One key aspect of this work related to Haslingden Swimming Pool. A further report was presented to Cabinet in September 2012, updating Members on progress to date and a report in November 2012 to both Cabinet and Overview and Scrutiny was received. This latter report gave authority to commence a 12 week consultation period in relation to either transferring responsibility for the pool to another organisation or closing the pool and considering site disposal options.

5.2 In order to support the consultation, an expression of interest process commenced in March 2013, with the aim of inviting organisations to submit their interest for managing the pool.

6.0 Haslingden Swimming Pool

6.1 The work carried out identifying potential savings and efficiencies with Rossendale Leisure Trust can be categorised as follows:

- Review of the Leisure Trust's information technology systems.
- Review of back office transactions with Rossendale
- Review of loss making/high subsidy activities within the Trust with specific focus on Haslingden Pool.

6.2 Work has now been completed in relation to the review of information technology. In addition agreement has been reached with the Leisure Trust in relation to the delivery of payroll and financial transactions and all have now been successfully implemented.

6.3 Of the three facilities operated by the Leisure Trust, the area which remains of significant concern and which requires revenue and capital investment is Haslingden Swimming Pool. Due to the importance of understanding the options surrounding the pool, a swimming pool panel was formed comprising representatives from swimming forums across the Borough, the Borough Council, Rossendale Leisure Trust and Members. The pool panel is not a decision making body, but have been prepared to give their time to understand the possible options surrounding the pool and will form part of the consultation process. The pool panel have met regularly throughout the review process.

6.4 The key stages (all of which have now been completed) in terms of the options appraisal for the pool comprised:

- Stage 1 - determine options available in relation to the pool
- Stage 2 - confirm criteria for assessing options
- Stage 3 - develop community impact assessments for each option
- Stage 4 - assess options (first stage assessment)
- Stage 5 - consult on options which meet the criteria
- Stage 6 - assess consultation feedback (second stage assessment)
- Stage 7 - report to enable preferred option to be confirmed

6.5 **Stage 1** - The options identified to date in relation to Haslingden Pool are:

- 1) For the pool to continue as is
- 2) Reduce costs, increase revenue and identify capital programme (it was recognised by the pool panel that this option needs to be expanded to demonstrate different variables)

- 3) Build an alternative pool
- 4) To close the pool and consider site disposal options
- 5) Transfer responsibility for the pool to another organisation
- 6) Other options identified as part of the consultation process

6.6 **Stage 2** - Development of appropriate equality impact assessments which will assist the assessment and final decision making stage.

6.7 **Stage 3** Each option has been assessed and the criteria for assessing each included:

- Fit with Council Priorities (supports a healthy and successful Rossendale and supports the Medium Term Financial Strategy)
- Risk Assessment assessing against Timescales
- Deliverability
- Market
- Sustainability
- Funding
- Equality assessment

6.8 **Stage 4** – An assessment panel has met comprising Rossendale Leisure Trust Officers, Board member, Rossendale Council Officers and Members to identify which options were viable and able to go forward for public consultation. Two options were identified for public consultation. The assessment panel used the evidence which has been reviewed and considered by the pool panel and all information was also submitted to overview and scrutiny and Cabinet in November 2012.

6.9 **Stage 5** – A consultation process commenced in January 2013 until the end of March 2013. In particular, focus groups working with equality groups potentially affected by either recommendation have been undertaken as well as:

- citizen panel questionnaire
- use of borough and leisure trust web site
- key stakeholders such as educational establishments, Rossendale’s clinical commissioning group and Lancashire County Council have all been contacted
- use of questionnaires/posters at key locations

6.10 **Stage 6** – Assessment of Consultation. Key information which can be derived from the consultation is as follows including a summary of the completed equality assessments.

6.11 Consultation findings summary
Consultation told us that:

- Of all respondents, over half that responded said they did not use HSP to swim. Of those that did, the majority used it on a weekly basis and accessed the pool by car.
- 41% of swim session respondents said that they would not attend any identified swim time at an alternative facility. But just under half would.
- The majority of disabled users feel closure of the pool would impact on them, but the majority also said they would attend alternative sessions elsewhere if their water time could be re-provided.
- The majority of disabled users access HSP by car.
- Just over half of women respondents said they use HSP weekly and the majority felt that closure of the pool would impact on them. Half of women said that they still would not go to alternative sessions if water time could be re-provided elsewhere, but nearly half said that they would.

- Of the schools that responded, nearly half felt that they would not be able to access another pool to swim. However, the majority did wish to be considered when looking at re-programming of water time.
- The majority of older people (50+) who responded said that they did not use HSP to swim. Of those that did, the majority use it weekly and access it by car. However, just over half of them said they would not attend other alternative sessions if water time could be re-provided elsewhere, but nearly half said they would. The majority of older people said they felt the closure of the pool would impact on them.
- There are still a reasonable proportion of HSP users who responded to the consultation that access the pool by walking or bus. It is recognised that these users would be affected should Option 2 (closure be pursued). This is identified as a cross cutting travel/cost impact factor.

As part of the consultation we asked a number of open questions to obtain an understanding of the impact people felt either of the options being considered would have on them.

Some of the main commonly occurring issues arising in relation to *impact* were:

- Financial impact
- Public Transport/Travel (accessibility & time)
- Health and wellbeing impacts (physical, social and mental)
- Other inconveniences
- Loss to the area

6.12 Members should note that if Option 1 (transfer to another organisation) is pursued, a further report will be presented detailing the impact once this is known.

6.13 Members should note that if Option 2 (closure) is pursued, all activities / swim sessions will be re-provided via a re-programming exercise. Some existing users/customers would not be fully accommodated in the re-programming as identified within the EIA and highlighted below. RLT will continue to work with individuals/groups on this as far as is reasonably practical.

Further, there have been cases highlighted during consultation which identifies that some individuals would struggle to travel to any other location at all and/or could not use public transport for health or financial or time convenience related issues and no mitigating actions aside from the pool remaining open would reduce this impact.

It should also be noted that regardless of the extent of impact or not, some current users of HSP would choose not to use another facility at all.

Member's attention is drawn to acknowledging the possible negative impact a decision to close HSP could have. Given the Council's financial situation it has been unable to put in place any further mitigation.

6.14 Equality Impact Assessment Summary

Option 1 – Transfer responsibility for the pool to another organisation

No specific adverse impact can be identified for any protected equality group at this stage in relation to Option 1. More detailed consideration to the positive and negative impact on equality would have to be undertaken as part of the due diligence and negotiation process with any transferring organisation.

Option 2 – Closure of the pool and to consider site disposal options

Negative impacts on various equality groups have been identified in relation to Option 2. Specifically a potential negative impact is identified for; older people, children and young people, BME, disability and women, the detail of which is set out in the EIA. Further, there is a general cross cutting impact in relation to costs and travel across all group/current users regardless of protected characteristic. However, the Council and Leisure Trust have sought to put mitigating actions in place to reduce the impact on these groups as far as possible, including looking at re-programming swim time allocations at Marl Pits to re-accommodate those that wish to. Some discussions are still on-going. This might require RLT liaising with neighbouring pool facilities to agree alternative accommodation where possible/appropriate.

Nonetheless, it is recognised that some groups or individuals will be impacted on as a result of Option 2 should the pool have to close. In particular there are three disabled users who live outside the borough and it is unlikely they can be accommodated with individual water time at Marl Pits. However, signposting to private swimming providers has been provided to help them identify alternative facilities within their local authority areas or elsewhere including the possibility of Whitworth Pool.

There are two special needs schools from outside of the Borough that currently use HSP on a weekly basis as part of the set school sessions programme. Weekend water time access has been offered at Marl Pits as an alternative to the special needs schools. However, this is not compatible with their desire to keep swimming within the mainstream education programme for its pupils. Therefore, RLT cannot re-provide for the two current school users. However, signposting to private swimming providers has been provided to the schools to help them identify alternative facilities within their local authority areas or elsewhere.

Dive club (1 hour per week for 10 weeks per year) have been notified of alternative venues that can support diving.

Haslingden Swim Club – a joint solution is being explored with all three Borough swimming clubs in order to maximise use of swim time. This will continue and is being led by RLT.

We are still awaiting full confirmation from all Borough schools who use HSP as to whether they wish to book water time for the year ahead. Once the schools have clarified their demand to RLT, reprogramming can be completed in discussions with the schools directly to determining timings. The Trust is confident that it will be able to accommodate all schools within the new schedule.

6.15 **Assessment of Expression of Interest**

Two expression of interest have been received from the private sector as a result of advertising the operational brief. In addition an expression of interest has been received via the Community Asset Transfer procedure from Friends of Haslingden Baths.

A panel consisting of cross party members considered the expressions of interest and determined that all three expressions should be contacted to submit detailed business cases with a deadline submission date of 9 August. A due diligence process will take place to assess the viability of bids thereafter. In addition, it was agreed to put forward a recommendation to Members that a budget of £200k be allocated to support the delivery of option 1 or 2. Should the process to identify a preferred partner be unsuccessful it is

recommended that the pool will close at a date to be determined in consultation with the Leisure Trust.

6.16 **Internal Audit Assessment in relation to the process followed**

A review of public consultations has been undertaken by the Internal Audit service as part of the 2012/13 Internal Audit Plan which involved assessing a sample of consultation exercises against the consultation principles set out by the Government and the Council's internal practices and procedures. A draft report is due to be issued in May 2013 for management consideration and the results of this review will be reported to members upon finalisation of the report.

Overall, the system of internal control over public consultations has adequate controls to achieve its control objectives and the controls are generally operating effectively in the areas covered by the internal audit review. The internal audit assessment of the consultation exercise surrounding Haslingden Pool has not identified any significant issues for actioning by management and it was confirmed that the process followed is in line with the established best practice principles and internal procedures.

7. **COMMENTS FROM STATUTORY OFFICERS:**

7.1 **SECTION 151 OFFICER**

The cost of closing the pool would be c£80k redundancy costs plus £15- 20k to secure the site. There would be a continuing revenue cost to ensure the site is secure until such time as a permanent solution is identified. This is estimated to be £20k per annum. Should the decision be made to close the pool it is recommended the site be referred to Council's regeneration company RTB (Rossendale, Together and Barnfield) for formal site appraisal option work to commence.

It is unknown at this moment what the financial implications, if any, would be should the pool transfer to another provider and this would need to be determined via the due diligence phase and would be reported to members as part of decision making should this be successful.

8. **MONITORING OFFICER**

8.1 Advice is being provided in relation to the options identified.

9. **POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT**

9.1 There are staffing implications for the Leisure Trust in relation to Haslingden Pool. Rossendale Leisure Trust are leading the staff consultation and will be responsible for undertaking the correct human resource process.

9.2 The Equality Act 2010 requires the Council to have due regard in the exercising of its functions to three considerations. The need to :

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.

Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.

- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

- The amount of regard that is “due” is set out in the Act and will depend on the circumstances of the case.

Under the general equality duty there is a requirement to engage with people with protected characteristics and to have an adequate evidence base for Council decision-making.

9.3 The Council is under a Duty to Consult representatives of a wide range of local people; this should include local voluntary and community organisations and small businesses in such consultation.

9.4 Rossendale Leisure Trust, Pool Panel and Rossendale Borough Council have been consulted. Citizen panel has been utilised. In addition, wider community engagement and specific focus groups were utilised as detailed in the consultation plan. Staff and employee consultation has commenced and is being led by Rossendale Leisure Trust.

10. CONCLUSION

10.1 The process identifying savings with the Leisure Trust has been undertaken in an open and transparent manner. Savings have been identified in relation to IT and back office transactional services and it is now recommended the Council moves to the final stage of determining the preferred option for the swimming pool.

Background Papers

Document	Place of Inspection
Report to Cabinet on MTFS – June 2012	Rossendale Borough Council Website
Report to Cabinet – Sept 2012	Rossendale Borough Council Website
Report to Overview and Scrutiny and Cabinet – November 2012	Rossendale Borough Council Website
Expression of Interest to Manage Haslingden Pool	Rossendale Borough Council Website
Consultation Plan	Rossendale Borough Council Website

Appendix 1 - Equality Impact Assessments

Appendix 2 - Evidence for EIA

Appendix 3 - Consultation Report