Agenda Item No:	9	
Report To:	Cabinet	ASHFORD
Date:	10 th March 2016	BOROUGH COUNCIL
Report Title:	Management of Leisure Facilities: Corporate Str 2020: Priority 3 Active & Creative Ashford.	rategy 2015-
Report Authors:	Christina Fuller, Head of Culture	
Portfolio Holders:	Cllr Jessamy Blanford Portfolio Holder for Culture & Environment.	
Summary:	 Following lengthy discussions with Ashford Leisure Trust (ALT) including both the Leader of the Council and Chief Executive, no agreement has been reached to progress the redevelopment of the Stour Centre and a revised 3 year agreement for the Stour Centre, Julie Rose Stadium (JRS) and Conningbrook Lakes. It is now of growing strategic importance that the Council make progress to deliver the leisure management and financial aims described in the policy overview below. The report updates Members on the Jasmin Vardimon Big 8 project. This report was presented to the Stour Centre Regeneration Steering Group on 1st March. 	
Key Decision:	NO	
Affected Wards:	All.	

Recommendations: The Cabinet be asked to:-

- (i) Note the contents of the report;
- (ii) Agree that the Council (a) terminate the existing agreements with Ashford Leisure Trust for the operation of the Julie Rose Stadium and Conningbrook lakes Country park and (b) enter into a concession contract for up to 18 months (extendable for up to 6 further months) with Neighbourhood Southern Community Trust Ltd and their management agent Serco Leisure Operating Ltd for the operation of Conningbrook Lakes Country Park and Julie Rose Stadium, Pitchside, Courtside and the Spearpoint Pavilion;
- (iii) Agree the allocation of £24,650 to the Jasmin Vardimon Company for assisting the scoping of a new location;

	(iv)	Authorise the Heads of Culture and Legal & Democratic Services in consultation with the Leader of the Council and the Portfolio Holder to take all appropriate steps including entering into legal agreements as required to give effect to the above.
Policy Overview:	impro key le UK. D report to del Accor mana (a) Ac cu ar sp (b) De ine (c) Id	year corporate plan 2015-2020 specifically commits to ving the management and development of the Council's isure facilities so that they are among the best in the biscussions with ALT have reached no agreement so this now seeks a new means to make substantive progress iver the Council's aims in the corporate plan. dingly the report brings forward proposals for leisure gement arrangements which aim to: ddress the aspiration of the Administration to extend the altural offer at key facilities such as Conningbrook Lakes to the Stour Centre to provide higher quality facilities for borts, culture and leisure. eliver improved value for money –towards achieving dependence from government funding by 2018/19 entify new funding opportunities to support capital re- vestment in cultural facilities.
Financial Implications:	South to pay opera (as per the op (see A incom mainter This w delive £15,0 anticip inclus	roposed "concession contract" with the Neighbourhood ern Community Trust Ltd does not require the Council y anything and maintains the current tax efficient fiscal tion. The Trust will oversee the Serco Leisure operation er the arrangements at Tenterden Leisure Centre) and berator will perform the services required by the Council Appendix 1), pay the running costs and retain the ne. In addition, Serco Leisure will undertake facility enance which hitherto has been funded by the Council. will effectively reduce the maintenance expenditure ared by Property Services by an estimated £10,000 to 00 pa. Further savings in maintenance costs are bated from the economies of scale arising from the ion of Conningbrook Lakes, and potentially Pitchside, side and the Spearpoint Pavilion.
Risk Assessment	transf	ers have prepared a risk assessment for the proposed er of the leisure management arrangements from ALT ighbourhood Southern Community Trust Ltd.
Community Impact Assessment (CIA)	servic	screening tool has been completed which indicates es are open to all and the proposals in this report bring ve benefits to equality of access.
Other Material Implications:		roposals in this report seek to support and deliver the rate plan and medium term financial plan.
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Report Title: Management of Leisure Facilities: Corporate Strategy 2015-2020: Priority 3 Active & Creative Ashford.

Purpose of the Report

- 1. In accordance with the corporate plan the report will deal with matters relating to the future management and appointment process for the operation and development of key leisure facilities namely the Stour Centre, Conningbrook Lakes Country Park and the Julie Rose Stadium.
- 2. Furthermore the report recommends authorising the appropriate Heads of Service to include other smaller yet important local council operated leisure and sports facilities namely Pitchside, Courtside and the Spearpoint Pavilion on the grounds of efficiency and effectiveness.
- 3. The report updates members on the Jasmin Vardimon project and asks that they agree to support the scoping of a new location.

Report

Stour Centre: Ashford Leisure Trust (ALT)

- 4. As Members will know, ALT hold a leasehold interest in the Stour Centre site for the next 15 years and have written to the Leader of the Council stating that they intend this position be retained. In March 2014 Members agreed for officers to work with Ashford Leisure Trust (ALT) to develop a market testing exercise, secure a modern contract and services specification and negotiate a 3 year management arrangement and lease for the JRS and Conningbrook Lakes.
- 5. The intent was to assess the leisure operating market and agree, together with ALT, a joint procurement process for the appointment of an agent to carry out the effective day to day operation of a range of local leisure facilities. This approach supported the Council's strategy to continue to secure financial efficiencies in a climate of continuing Government pressure on public sector expenditure. This approach has been very successful at Tenterden Leisure Centre and has assisted the Trust and Council to continue to generate savings for capital reinvestment.
- 6. The key aims of the proposed leisure management appointment process have been discussed with ALT namely to retain the trust model for financial reasons and to secure a stronger well resourced leisure operator with greater capacity and able to provide:
 - a. an improved financial offer that enables the Council to reduce subsidy and support future investment;
 - b. effective business planning with bespoke business proposals;
 - c. project management capacity and expertise to deliver agreed refurbishment projects, and
 - d. greater resources and vision to tender for other local leisure and community infrastructure contracts supporting Ashford's future growth, development and ambition.

- 7. Unfortunately no formal agreement with ALT on market testing the wider leisure operator market has been secured and a modern contract specification for the Julie Rose Stadium has not been agreed by ALT.
- 8. As Members will be aware the Council has delayed upgrading the sport and leisure facilities at the Stour Centre, in an endeavour to join up and assist the Jasmin Vardimon Company (JVC) with its ambitious plans. Unfortunately these became unaffordable so we have been unable to progress further.
- 9. It is still officers' opinion that the best approach for bringing forward improvement proposals is through a full market testing process and we will continue to encourage ALT to work in partnership to deliver this. However it is recognised that there is an urgent need to move the other important sites onto a modern contractual arrangement.
- 10. Members are recommended to authorise the Head of Culture and the Chief Executive in consultation with the Portfolio Holder and the Leader of the Council to consider and scrutinise these proposals from Ashford Leisure Trust and report the proposals to Cabinet in due course.

Proposed Revised Management Arrangements for Conningbrook Lakes Country Park, Julie Rose Stadium and other local leisure facilities.

- 11. ALT have a temporary tenancy at will to operate the Julie Rose Stadium and a management agreement at Conningbrook Lakes which are proposed to be terminated. This will assist ALT to focus their modest resources on bringing forward their proposals for redevelopment of the Stour Centre, and producing a commercial business plan, capital re-investment, service specification and related management and contractual arrangements.
- 12. It is acknowledged that the leisure operational management challenges are significant and pressing. The water sports activities on the lake will be substantially greater this spring and the impact of the housing development interface with the park predicted to commence during 2016 will need careful co-ordination and management to ensure a continued safe and effective service.
- 13. Subject to agreement of detailed terms, it makes sound business sense for smaller but none the less important facilities (such as Courtside, Pitchside and the new and improved Spearpoint Pavilion) to be added to the management agreements with Neighbourhood Southern Community Trust Ltd and Serco Leisure Operating Ltd.
- 14. If we are to deliver the aspirations set out above the Council needs to secure more robust and very well resourced leisure management operator that will strengthen service management, development skills and operational capacity for the park, stadium services and infrastructure. This approach will ensure the Council can exploit and develop the full potential of major leisure assets given the S106 funding that is expected in the near future and maximise other leisure opportunities that develop.
- 15. To make this happen and secure a national leisure operator the Council is able to enter into new leisure management arrangements though a "concession contract" which is not subject to EC procurement regulations. The meaning of concession contracts under the Public Contracts Regulations 2006 is set out below:

"Services concession contract means a public services contract under which the consideration given by the contracting authority consists of or includes the right to exploit the service or services to be provided under the contract...."

- 16. This means that we provide the concessionaire (Serco Leisure in this example) the opportunity to make the business viable to them through charging the public and retaining this income, not by any direct funding from the Council. Under such an arrangement the contractor takes the business risk. Service concession contracts are excluded from the requirement to procure under Regulation 6 of the Public Contracts Regulations 2006.
- 17. It is therefore proposed to improve the management and development of Conningbrook Lakes Country Park and the Julie Rose Stadium through a concession contract with Neighbourhood Southern Community Trust and their management agent Serco Leisure Operating Ltd. This concession contract would commence once the necessary formal notice (of one month) is given to ALT and run for up to 18 months. This period may be extended for a further six months by mutual agreement by the Head of Culture in consultation with the Leader of the Council. The draft heads of terms and summary of the services specification is set out in Appendix 1 which has been reviewed in detail by the Stour Centre Regeneration Steering Group and Members of the Conningbrook Working Group.
- 18. Crucially this timescale allows the Council to review and consider all its leisure management arrangements, including the Stour Centre in partnership with ALT and decide whether a further extension may be agreed or a wider competitive procurement exercise can be considered.
- 19. As mentioned above Pitchside, Courtside and Spearpoint Pavilion should in principle be added to these arrangements and Serco are keen to include these facilities as part of the terms of the concession contract enabling them to bring economies of scale to bear and reducing the operational burden on the Council.
- 20. Members will wish to consider carefully the reasons why Management Team, the Portfolio Holder and the Stour Centre Regeneration Steering Group are proposing these arrangements be entered into with Neighbourhood Southern Community Trust and Serco Leisure Ltd (Serco). They considered the need for a local trust, the time constraints to put a new model in place and the expertise of the current trustees which will be strengthened by local representatives as soon as possible.
- 21. They endorsed the benefits of contracting Serco as follows:
 - a. Serco is a national leisure operator with numerous major council leisure contracts in the UK and Channel Isles (see contracts summary at Appendix 2). They have successfully managed and developed Tenterden Leisure Centre for the Tenterden Trust and Council as landlord for approximately 20 years (since 1994). During this time they have demonstrated the management skills and expertise required.
 - b. Serco has a wide leisure and cultural portfolio which includes the National Water Sports Centre Nottingham and other relevant services to Conningbrook Lakes such as the Maidstone Leisure contract which includes but is not limited to Mote Park and the Lake. Serco also provide arts and popular entertainment as additional services to boost services and revenue income.

- c. They are experienced and keen to bid successfully for major new contracts having recently secured Birmingham City cultural services contract, one of the largest in the UK.
- d. It makes sound business sense for Serco to seek to strengthen and expand their presence in a successful and growing Ashford Borough contiguous with other Serco contracts such as Swale and Maidstone.
- e. Serco are willing and able to agree a concession contract with the Council on a relatively short term basis and to support and advise the Council on the development of the Conningbrook Lakes Country Park and Julie Rose Stadium.
- f. In due course if the Council were minded to procure cultural and leisure services as part of a wider competitive package Serco would be in a sound operating position to make the Council a competitive offer as part of that wider procurement exercise.
- g. The proposed concession contract with Serco will maintain the financial benefit of trust status and save the Council an estimated £10,000 to £15,000 pa. on maintenance expenditure.
- h. Serco will put in place, their Neighbourhood Southern Community Trust. This is a fully compliant legal charitable entity which will trade as an exempt charity to secure financial continuity with full VAT and NNDR charitable relief for the council. This is a new trust, established by Serco for speedy use in circumstances such as these, which is intended to operate in the same way as similar trusts which Serco has established to support other local councils and has experienced trustees. The trust's governance arrangements can evolve to enable the Council, if so minded, to work with the trust to provide appropriate local representation and control including but not limited to a representative put forward by the Council (as advisers or trustees), local business people and representation from users of the facilities and local residents.
- Subject to Member's agreement, Serco are able to assume responsibility for the services at Conningbrook Lakes Country Park and Julie Rose Stadium, Courtside & Pitchside potentially in April 2016 including any transfer of existing staff from ALT if appropriate.
- 22. For these reasons Members are asked to agree that the Council enter into a concession contract with Neighbourhood Southern Community Trust and their management agent Serco Leisure Ltd to operate and develop the Conningbrook Lakes Country Park and Julie Rose Stadium and note the summary of the heads of terms and service outcome specification set out in Appendix 1 including the delegation to negotiate the inclusion of Pitchside, Courtside and the Spearpoint Pavilion within this agreement on the grounds of efficiency and effectiveness.

Jasmin Vardimon (JVC) Big 8 Project

- 23. As Members will know the earlier redevelopment plans to upgrade the sport and leisure facilities at the Stour Centre, in an endeavour to join up and assist Jasmin Vardimon Company (JVC) with its ambitious plans, became unaffordable. The Stour Centre Regeneration Steering Group prompted a review and subsequently expressed concern that the scale and costs were increasing beyond affordability. The Arts Council for England (ACE) also withdrew because the scheme changes and scope were so significant in nature to that submitted at Stage 1. Accordingly the decision was taken not to proceed with that particular scheme.
- 24. Nevertheless the presence of JVC in Ashford remains highly valued given their local community education programme, and outstanding contribution to the cultural offer at county, national and international level. Equally the Cabinet greatly values the wider community sports and leisure offer and wishes to press forward positively to develop the sports and recreation facilities to meet the aspirations of a growing and thriving Borough. These aims are set out in the revised corporate plan.
- 25. Officers have continued to work closely with JVC and external partners to find an alternative way of delivering an affordable and deliverable project. This work is being overseen by the Ashford Strategic Delivery Board and remains a strategic Ashford Big 8 project. Officers have been working with JVC to see how their unique cultural offer in Ashford could be strengthened in a cost effective way at a new site. ACE and KCC, remain supportive of JVC, and are now awaiting the announcement of the capital funding round to support a partnership bid for scoping funding via ACE.
- 26. The Ashford Strategic Delivery Board and portfolio holder are supportive of supporting JVC to scope a relocation to a new site. Accordingly Management Team have agreed to work with ACE, KCC and JVC by releasing the balance of the original and remaining joint partnership scoping funds of £84,455 (inclusive of ABC's £24,650) held by the Council for the earlier Stour Centre scheme. This will enable JVC to lead the partners in scoping the revised project and preparing a funding proposal to ACE. Members are asked to note this approach and allow the Council's remaining £24,650 to support this continued partnership approach.
- 27. JVC would remain based within the Stour Centre whilst this scheme is being scoped and if successful JVC are likely to relocate at some point. Members will be kept informed of developments.

Risk Assessment

28. Officers have prepared a risk assessment for the proposed transfer of the leisure management contract from ALT to Neighbourhood Southern Community Trust and Serco. These risks were shared with the Stour Centre Regeneration Steering Group and its is felt that all identified risks can be appropriately managed.

Community Impact Assessment

29. The CIA screening tool has been completed which indicates services are open to all and the proposals in this report bring positive benefits to equality of access.

Other Options Considered

- 30. The contents of this report demonstrate that "do nothing" is not an option. We have endeavoured to work with ALT for some time to secure a market testing procurement process without success. The strategy proposed in this report therefore represents a prudent and positive approach which will achieve results and assist the Council to achieve its aspiration to strengthen leisure management and improve value for money. Importantly this approach does not preclude moving towards a wider market testing exercise in the future if Members are so minded.
- 31. We have discussed with the Stour Centre Regeneration Steering Group the merits of engaging experienced trustees and strengthening the existing Neighbourhood Southern Community Trust with local representation rather than create a new Charitable Trust which will take more time and Council resource.

Handling

32. If Members are minded to agree the recommendations in this report, officers will put in hand the handling of transfer of the Julie Rose Stadium and Conningbrook Lakes management operation from ALT to Serco. Some aspects may require cooperation from ALT, and our own culture, legal and financial teams will undertake the necessary negoitations. Members will be kept informed of progress as required.

Portfolio Holder's Views

- 33. I welcome this important report which deals with delivery of several of the administrations new corporate plan priorities namely; the quality of the Council's key leisure facilities, their effective management, facility development and value for money. These are significant factors in promoting the health and well being and quality of life of our community.
- 34. The report brings forward helpful and considered recommendations concerning the leisure management of key cultural facilities and paves the way for potential capital investment to keep pace with Ashford's aspirations and economic growth. The report also deals with several important and interrelated issues, namely the importance of pressing ahead with the improvements to the Conningbrook Lakes Country Park, and updates members on encouraging progress with assisting Jasmin Vardimon to realise their ambitions to grow and thrive in Ashford Town Centre and to help the Council in potentially creating a world class cultural industries hub.

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1. Draft Heads of Terms & Building Maintenance

Terms and maintenance responsibilities for the facilities (the Site) will be established in agreements between Ashford Borough Council (the Landlord) and the Neighbourhood Southern Community Trust Ltd through its Managing Agent Serco Leisure Operating Ltd (The Tenant) and the current approach is summarised below. The precise arrangements under which each facility will be managed (e.g. lease, licence, management agreement, etc) has yet to be determined and will vary from facility to facility. Therefore in the following the use of terms "landlord", "tenant", "lease" etc. should not be taken as indicating any particular tenure.

All Sites	Lease Agreement Terms
Agreement	 18 months plus 6 months optional extension £1 per annum rent for each Landlords consent shall not be unduly with held should proposals to improve the operation of the facilities be submitted by the Tenant Landlord shall pay the buildings insurance and agree a contribution from the Tenant Tenant to take out insurance against loss or damage to contents, fixtures and fittings as well as not less than £10m Public Liability Tenant shall be responsible for monitoring and reducing utility consumption wherever possible and for all utility payments

Sites	Decoration, Maintenance, Plant & Equipment Requirements	
Conningbrook Lakes Country Park (Management Agreement)	 Landlord Repair, maintenance and replacement of the Structure excluding the routine or day-to-day repair, maintenance, minor replacements. Repair, maintenance and replacement of Major Plant excluding the routine or day-to-day repair, maintenance, minor replacements. Tenant Repair, maintenance and replacement of the Site including all fixtures and fittings within the site the equipment and other items (whether previously supplied by the Landlord or otherwise) required for the proper operation of the Site 	
Julie Rose Stadium	Decoration and cleanliness of the Site. Landlord	
	 Repair, maintenance and replacement of the structure of the Site (including the Building and the tented roof on the Site) but excluding the routine or day-to-day repair, maintenance and minor replacements. Repair, maintenance, replacement of Major Plant but excluding the routine or day-to-day repair, maintenance, minor replacements. Tenant Repair, maintenance and replacement of the Site including all fixtures and fittings within the Site the equipment and other items (whether previously supplied by the 	
	Landlord or otherwise) required for the proper operation of the Site	
Courtside &	Decoration and cleanliness of the Site.	
Pitchside	 Landlord (in this case it is KCC) Repair, maintenance and replacement of the Structure including roof and gutters but excluding the routine or day-to-day repair, maintenance and 	

	 minor replacements. Leaseholder (Ashford Borough Council) Replace the playing surfaces (3G and Courtside courts) Repair, maintenance, replacement of Major Plant excluding the routine or day-to-day repair, maintenance, minor replacements. Tenant Repair, maintenance and replacement of the Site including all fixtures and fittings within the Site
	 equipment and other items (whether previously supplied by the Landlord or otherwise) required for the proper operation of the Site Decoration and cleanliness of the Site.
Spearpoint Recreation Ground & Pavilion	 Landlord Grounds Maintenance Tenant Full repairing lease (Building will be under warranty)

2. SUMMARY OF THE SERVICES SPECIFICATION

A detailed Services Specification has been drafted which sets out the Performance Standards that the Operator (the Neighbourhood Southern Community Trust Ltd through its Managing Agent Serco Leisure Ltd) shall meet in the delivery of the Services on behalf of the Authority (Ashford Borough Council) which includes the following:

General

The specified Facilities and the associated buildings, grounds, pitches, courts and any other leisure amenities to be maximised for sporting, leisure and recreational uses.

Annual Performance Requirements

Provides the Operator with a high level view of the outcome and context of the requirements of the Authority and the need to improve participation rates.

Service Performance Requirements

A list of standards that relate to the output that the Operator shall meet but which are covered by regulations, Legislation, British Standards etc. and standards that set out the level of performance that the Operator shall meet including a reporting regime for various elements including complaints, accidents and incidents, inspections and maintenance checks.

Facility Performance Requirements

Detailed description of the standards required for operating the Facilities but which are covered by regulations, Legislation, British Standards The Facilities are:

- Julie Rose Stadium
- Conningbrook Lakes Country Park
- Courtside & Pitchside
- Spearpoint Pavilion

Authority's Key Outcomes i.e. to manage the Facilities with the aim of delivering the highest feasible quality services for the enjoyment and sporting achievement of the Borough's residents - *refer Appendix* 2a below for detail.

- Cleaning
- Environmental, Energy Management
- Customer Service
- Catering and Vending
- IT Systems
- Maintenance of Buildings, Plant and Equipment
- Grounds Maintenance
- Event Management
- Pricing Requirements
- Activity programming
- Health and Safety Management
- Opening Hours & Staffing
- Legislation and Policy
- Equipment
- CCTV and Security

Reporting Requirements

The Operator shall produce various reports, monitoring documents and financial summary's setting out the Operator's successes and areas for improvement against the Authority's Outcomes.

- Monthly contract monitoring meetings
- Annual Business Plan
- 6 monthly Trust/Operator meetings
- Quarterly Service Report and key performance review.

2a. Performance Standards

The Authority requires the Operator to work collaboratively in partnership to deliver first class leisure services which are accessible, well-managed, clean and provide a comfortable environment applicable to individual activities. The Authority requires the Operator to:

- 1. Work collaboratively in partnership to maximise investment opportunities in relation to the leisure portfolio and to continuously improve the services for the health and wellbeing of the area;
- 2. Support the aims of the Ashford Health and Wellbeing Board and Ashford Integrated Commissioning Group in terms of Health Improvement in relation to their annual priorities and medium/long term objectives such as supporting families, long term conditions and healthy living (Healthy Eating and Physical Activity);
- 3. Increase the current leisure portfolio to include additional recreational facilities;
- 4. Work collaboratively with the Authority to enhance the facilities on a rolling programme of facility enhancements, to be agreed on an annual basis;
- 5. Work collaboratively with the Authority to agree a structured target for the reduction of utility expenditure incorporating agreed base lines for current and future build facilities;
- 6. Deliver quality community programmes in schools, clubs and the community using internal and external facilities;
- 7. Increase participation across all activities;
- 8. Develop programmes of activity for disabled people;
- 9. Develop a programme of Community Events to include School Sport competitions, elite sport events and charitable events; and
- 10. Provide programmes to develop talent.

The key targets to which the Operator should aim to contribute towards, from the Ashford Borough Corporate Plan are as follows:

- 1. Jobs and economic growth: attracting and growing our business, leisure, retail and hospitality sectors;
- 2. Quality places to live: supporting cultural, artistic and sporting events which not only make the borough a better place to live, but bring the community together;
- 3. Value for money services: delivering effective and efficient services which are responsive to residents' needs and provide value for money;
- 4. A vibrant Town Centre;
- 5. Activities for young people: To make sure that our young people have places to go and things to do;
- 6. Sport and active living for the Over 60s;
- 7. Energy efficient buildings; and
- 8. Helping residents to help themselves, supporting capacity building and volunteering.

Quality Accreditation - it is the joint aspiration of the Authority and the Operator that a nationally recognised Quality Management Accreditation shall be achieved and maintained by the Operator for each of the Facilities.

Serco Leisure Partnership Contracts

- Tenterden Leisure Centre Trust and Ashford Borough Council
- Basingstoke & Deane Community Leisure Trust and Basingstoke and Deane Borough Council
- Bolton Community Leisure Ltd and Bolton Metropolitan Borough Council
- Eastbourne Leisure Trust and Eastbourne Borough Council
- Harborough District Leisure Trust and Harborough District Council
- Maidstone Leisure Trust and Maidstone Borough Council
- Meopham Sports & Leisure Association
- South Northamptonshire Leisure Trust and South Northamptonshire Council
- South Ribble Community Leisure Ltd and South Ribble Borough Council
- Sport England Serco Leisure work directly with Sport England to manage Bisham Abbey and Lilleshall National Sports Centre.
- States of Jersey
- Swale Community Leisure Ltd and Swale Borough Council
- West Lancashire Community Leisure Ltd and West Lancashire Borough Council
- Mansfield District Leisure Trust and Mansfield District Council
- Shropshire Community Leisure Limited
- Northern Community Leisure Trust and North Down Borough Council
- Ministry of Defence
- Holme Pierrepont Leisure Trust National Water Sports Centre and Nottinghamshire County Council
- Birmingham City Council.