

**Policy and Service
Review Scrutiny
Committee**



Date	Wednesday 28 January 2009
Venue	Town Hall, Lytham St Annes
Committee members	Karen Buckley (Chairman) John Prestwich (Vice-Chairman) Cheryl Little, Tony Ford, Elizabeth Oades, Elaine Silverwood, Thomas Threlfall, Elizabeth Clarkson
Other Councillors	Simon Renwick
Officers	Chris Holland; Clare Platt; Ian Curtis; Paul O'Donoghue; Paul Walker; Annie Womack
Others	John Cronin (YMCA)

1. Declarations of interest

Members were reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.

Cllrs Elaine Silverwood and Liz Oades declared a personal interest in item 4 - Asset Transfer Kirkham Pool.

2. Substitute members

There were no substitute members.

3. Exclusion of the Public - Asset Transfer Kirkham Pool

RESOLVED: That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business, on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of the Act.

4. Asset Transfer Kirkham Pool

Clare Platt (Director of Community Services) introduced this report and identified the key issues that Members should consider in making recommendations to the Cabinet regarding the transfer of Kirkham Pool to the YMCA.

Mr John Cronin of the YMCA was invited by the Chairman to speak and answer questions about their business plan. He briefed the committee on the details of the plan, and made it clear that the YMCA is keen to support swimming in Fylde.

Members discussed the assumptions and conclusions identified in the YMCA business plan which had been explored in Ms Platt's report. In particular, they considered the issues around DCMS funding and the potential for a temporary leasing arrangement rather than an immediate transfer of asset; the question of where any funds should be invested in the event that the Council were to opt for a buy-back option; and certain details of governance and funding implicit in the lease arrangement. They also discussed at length the staffing issues and in the absence of professional advice at the meeting, were unable to give a definitive recommendation but agreed that, dependent upon the implications on the YMCA business plan, the preferred option was to follow the HR advice regarding TUPE. Members preferred a transfer of the staff as a whole because of the possibility of re-deployment within the YMCA and the opportunity this afforded to the YMCA to structure their staffing requirements appropriately.

There was a very wide ranging debate on the overall implications of the business plan on the future of a swimming provision in Kirkham, and the potential financial impacts on the Council and the YMCA, and the committee

RESOLVED to make the following recommendations:

1. That the facility should be leased to the YMCA for a nominal amount until such time as grant monies from the Department of Culture Media and Sport (DCMS) grant monies are no longer available, and then the ownership of the pool and adjacent car park to transfer without cost to the YMCA, subject to it's use continuing for a community leisure / swimming purpose.
2. That the 'learner' / splash pool be closed.
3. That the Council provide a sum of £20k per year, index linked, for five years, utilising unbudgeted estimated repair and maintenance costs for the pool should it remain empty in the longer term.
4. That the Council continues to work with the YMCA to secure PCT funding of £15k per year, index linked, for five years; but that this amount is not underwritten by the Council.
5. That the Council should arrange, if necessary, for energy procurement via their own purchasing agreement
6. That operating stocks of consumable materials and spares should be transferred free of charge
7. That the Council should pass over copies of all documents, plans, policies and procedures to the YMCA
8. That the preferred option was that HR advice regarding TUPE should be followed, subject to further evaluation of the implications for the YMCA business plan.

In respect of the terms and conditions of transfer, they RESOLVED to make these recommendations also:

9. That the buy-back option be followed, and that any balance after proceeds of sale be re-invested in leisure provision in rural Fylde
10. That the YMCA should provide 'open book' accounts to the Council to assess the ongoing viability of the operation

11. That the Council should review the success of the operation during the period of the lease and prior to transfer of ownership, but that this does not place the transfer under threat
12. That access and parking rights of the bowling club are recognised and protected
13. That formal Council representation on the YMCA's local management board should be a requirement of transfer, so long as the Council subsidises the pool.
14. That the best utilisation of the house be agreed with the Council's housing service whilst it remains available for residential use.