

To: City Executive Board

Date: 1 September 2010 **Item No:** 4a

Report of: Swimming Pool Provision Scrutiny Panel

Title of Report: Scrutiny Panel response to the “Provision of Swimming Pools to the South of the City of Oxford” report

Summary and Recommendations

Purpose of report: To present the views and findings of the Scrutiny Panel in response to recommendations made to the City Executive Board

Executive lead member: Councillor Bob Timbs

Panel Lead Member: Councillor Stephen Brown
Legal: Lindsay Cane

The City Executive Board is asked to consider the Panel’s findings and say if it:

- Agrees – if so, what is the timetable for implementation, or
- Disagrees - if so, the reasons for this.

1.0 Introduction and Background

1.1 At its meeting on 6 July, the Value and Performance Scrutiny Committee appointed a panel to examine the final report of The Head of City Leisure recommending a course of action to the City Executive Board for future swimming provision in Temple Cowley and Blackbird Leys.

1.2 The panel’s terms of reference were agreed as follows:

To consider the robustness of any proposals to include consideration of:

- The financial model - its affordability and deliverability.

- The risks to the Council of the project and how these have been or can be mitigated.
- The range of thinking to produce option choices for evaluation.

In considering this to take into account the views of communities as they apply to these lines of inquiry.

1.3 The Executive Director for City Services, Head of Finance and Head of City Leisure attended to assist the panel with their deliberations.

2.0 Conclusions and Recommendations

The Committee had previously heard from City residents keen to change the view of the Council on the emerging preferred option i.e. a new pool at Blackbird Leys and no closure of the Temple Cowley and existing Blackbird Leys Pools. These are attached at Appendix 1. It was also understood that a substantial petition had been received by the Lord Mayor, as Council's representative, to this same effect. At the time of hearing these representations the results of the feasibility study were not available to the committee and so no opinion was expressed other than such substantial representation was significant and should form part of the value for money judgement. In support of this and in response to previous recommendations City Executive Board had also agreed to look carefully at the results of consultation and representations in coming to its decision

Recommendation 1

Whilst accepting that economics and efficiency are at the heart of decisions on option choice the real achievement of value for money lies in providing an effective solution and that amongst other things this included giving real weight to the aspirations of Oxford's residents. In this the panel would urge the Board and Council to consider carefully and seriously the "weighty views" of resident groups the strength of which is not reflected well/adequately in the report)

Options for consideration by the Board

The panel noted the view expressed on the current uncertain picture of local authority finance and supported the view that currently it was not clear what was affordable across the whole range. The revenue consequences in options are substantial and more certainty on costs and the availability of both revenue and capital funding is essential before any decision to proceed is taken

Recommendation 2

To support the view that affordability of any option is still unclear and final decisions should not be taken until clarity exists

Option 1 – Do nothing

In immediate terms the Panel would wish to rule out option 1 (close Temple Cowley and Blackbird Leys pools without replacement). It is hard to see who this would serve.

Recommendation 3

To rule out now the do nothing option

Maintenance of existing pools

It was not clear to the Panel the detail of the maintenance backlog at the existing sites and a substantial difference existed between the MACE and residents opinions on what was needed to repair or refurbish the Temple Cowley facility. Whilst accepting MACE has been engaged by the Council as experts this gap is so substantial as to be worth further discussion. The Panel asked that MACE meet with resident's representatives to go through these opinions and that meeting has been set. At the time of writing the results of this are not known

The Panel pointed to a number of anomalies between the MACE and Trelor costings when considering the refurbishment of Temple Cowley Pools. These points have been given to MACE for consideration. Until these can be clarified the Panel was not convinced of the costing for the refurbishment of Temple Cowley Pool

Recommendation 4

More detail should be presented on the current maintenance backlogs at existing sites showing the urgent, planned and as and when categories of repairs along with justification and cost

Recommendation 5

That the detail of the outcome from the meeting between MACE and residents be made available publicly

Recommendation 6

That the costings of the refurbishment of Temple Cowley Pools is considered again to provide certainty to Council of the case presented

The unbudgeted repair liability represents a substantial and current risk to the Council. At face value it would seem that this liability could force the immediate closure, or worse, of either of the current facilities. This is clearly unacceptable and the Panel would urge the funding of work to avoid this.

Recommendation 7

For CEB to continue to undertake work and allocate a budget to keep facilities open and safe

The Panel would wish to see more detail of energy costings of the various options included in analysis before any final decisions are reached

Recommendation 8

For the Board to be presented with accurate energy costing so that an informed decision can be taken

The panel also wished it to be recorded that they would wish officers to submit reports/information to members in a timely manner when detailed issues such as this are considered in future.

Comments from Executive Director City Services

Situations such as these are always complex and require decisions to be made based on judgements of the available evidence. The only ways to have complete certainty over costs and risks are to implement the option and bear the risk or carryout such intrusive surveys as would lead to temporary and potentially permanent closure of the existing facility.

The Council has procured expert advice on the options the likely costs and risks. The report from Mace is consistent with previous studies, the views of leisure providers and those of your officers.

Evidence of this nature will always be in-complete and open to question and challenge. However, the available evidence is overwhelming in supporting the view that the best value for money approach to the future provision of swimming to the south of the city of Oxford is to provide a new pool adjacent to the existing leisure centre at Blackbird Leys.

We do recognise the level and strength of support from local residents and regular users of the Temple Cowley pools. However, the costs and risks associated with keeping the pool open into the medium and long term are such that your officers could not support that option.

There is a difficult question around affordability and funding. The report demonstrates that there are only two feasible options. The first is the planned run down and closure of the existing pools. The second introduces the replacement pool at Blackbird Leys, funded by the savings on running costs of the closed pools and the capital receipt from the Temple Cowley site.

Name and contact details of author: Pat Jones ☎ 01865 252191
email: phjones@oxford.gov.uk on behalf of the Value and Performance Scrutiny Committee.

Appendix One

Extract of the minutes of the Value and Performance Scrutiny Committee

6 July 2010

Nigel Gibson and Jane Alexander, speaking on behalf of themselves as members of the general public, the Temple Cowley Pools Action Group and the just under 7,500 people who have put their names to a petition to be presented to full Council requesting that Temple Cowley Pools remain open, addressed the committee.

As a result of the lack of obvious public consultation by the Council, we undertook our own survey, which can be found at www.tinyurl.com/tcpsurvey999. Highlights from the survey are as follows:

- 70% of the current users of Temple Cowley Pools (TCP) go there either on foot or by bicycle
- Over 50% of respondents would like the diving pool retained (the City would lose its only diving pool under the Council's preferred option for a new pool at Blackbird Leys)
- 7,000 of the existing users would not be able to travel to a new facility at Blackbird Leys, mostly either because of the additional cost involved (car, multiple bus journeys, and even taxis) or the additional time (for example, people who swim during their lunch hour could no longer do so)
- Of those who could travel to Blackbird Leys, 70% would do so by car (ie a huge increase in car usage compared to at present)

The information provided to date, by both the council and the councillors primarily involved in pushing this scheme such as Councillor Bob Timbs, has been consistently misleading and unclear. We do not believe that this is deliberate, but there are two examples of the many instances:-

- Initially we were told that Temple Cowley simply had to be closed because it generated 50% of the Council's greenhouse gas emissions; this figure was subsequently reduced to 10%, and the latest version is stated as 10% of the council's building stock.
- Councillor Bob Timbs has stated in a recent email that the cost of Temple Cowley rose to £640,000 last year, up from £530,000 in the previous year. When we sought clarification, the council leisure department said that the £640,000 was actually for both Temple Cowley and Blackbird Leys pools, and so the cost (which we are questioning in any event) had not risen significantly.

We believe that the subsidy per user at TCP is the lowest of any leisure facility within the City of Oxford, and that if the subsidy was raised to the current highest figure then our preferred option of an eco-refurbishment could be paid for within 3 years. An example picture of what a refurbished TCP could look like was circulated:

- It has never been clear exactly what the remit of MACE, the consultants carrying out the feasibility study, was. CEB widened the scope of the study to look at options for TCP as well as simply building new at Blackbird Leys, but from what little was disclosed at the public 'consultation' meetings it seemed that the council officers had highly constrained the options to lead to only one recommendation ie build new at Blackbird Leys. Our preferred option of an eco-refurbishment, which we have

been assured by consultants can be achieved for under £3m, was apparently not considered.

- Councillor Timbs has promised that a full business case, as well as the feasibility study, will be open for public review in advance of any decision – we await this with interest, particularly given the considerable number of questions raised (and not answered) by the outline business case presented previously.
- Councillor Timbs has repeatedly asserted that TCP is not ‘financially viable’; despite repeated requests, we have not been provided with a definition of this term, or any comparative figures with the other leisure facilities in the city.
- We would question the value for money being delivered to the council taxpayers by the council in destroying a building that, despite assertions to the contrary by council officers, is only 23 years old; of particular concerns are the environmental aspects of this proposal.
- Fusion has forecast an increased usage of a new pool at Blackbird Leys compared to that at TCP and Blackbird Leys at present. We have been given no rationale for this, and would ask firstly which area would the users would be drawn from, and secondly how many of the existing TCP users would Fusion expect to retain at Blackbird Leys. Our survey results clearly show that 7,000 current users would simply be abandoned by the Council.
- MACE, by their own admission, are experienced at ‘new build’ leisure facilities, and have been involved in only ‘two or three’ refurbishments. This would lead us to question any recommendation from the feasibility study as it is likely to be skewed by MACE’s experience.
- The Fusion contract has not been released to the public, or, as far as we are aware, to councillors. We believe that this decision by the Council to build a new pool at Blackbird Leys is driven by the commercial considerations within the contract, rather than the wishes of the council taxpayers of the City of Oxford.
- The council, in moving a facility away from the Cowley community to the other side of the ring road into the centre of Blackbird Leys, is simply shifting their (claimed) costs and CO2 emissions from the council to the general public, many of whom are financially disadvantaged. Any feasibility study should take account of the total costs and GHG emissions from wherever they are generated, and include ‘whole lifecycle’ costings and GHG emissions as well to achieve a fair comparison.
- An option that doesn’t seem to have been considered was highlighted in a recent public procurement undertaken by a council in Wales, who are seeking a contractor to either build new or refurbish a pool. They have set a wide-ranging budget, but are asking the suppliers to offer innovative solutions rather than simply be restricted by the limited understanding and prejudged ideas within the council. We think this approach may have merit in this instance.
- We have discussed the Council’s proposals with the Swimming Club, who find themselves unable to use TCP for galas at present. Shoehorning two sets of users into one facility, as the council wishes to do, and then adding the burden of weekend closure for galas, would be completely unacceptable. We understand that the University pool at Iffley Road was granted planning permission on condition that it could hold Galas; whilst the pool is large enough, galas cannot be held there at present because, for whatever reason, no-one appears to have thought of the amount of seating necessary. Particularly as there is additional planning permission being sought at this facility at present, we suggest that the planning condition for holding galas is enforced, and that the University is required to put in adequate seating so enabling the Swimming Club to continue within the city.

In conclusion, we are strongly recommending an eco-refurbishment as the most economically viable solution for the council, the swimming club and most importantly the general public. We would be pleased to work with the council to develop the best solution, and would be happy to share information and ideas.