

Public Questions for CEB Relating to Agenda Item 5

Officer's Responses are in the tables

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All questions relate to the Officer Report issued in relation to this agenda item; areas of the report are referenced by the corresponding Paragraph number.

Paragraph 2. Can you please explain in detail how the new Blackbird Leys swimming pool has been funded, and how and why any contribution to this funding from the sale of the Temple Cowley Pools site was determined and included, given that there remains at this time no certainty of any funding?

From the outset of this matter, the Council has been clear that a linkage existed between the funding required to deliver the new pool facility at Blackbird Leys and the disposal of The Temple Cowley pool site. However, in the event that the disposal of the Temple Cowley site fails to raise a capital contribution, the BBL pool would have to be funded through borrowing or other capital sources.

Paragraph 4. Why was the SaveTCPcic proposal included in the supporting information incomplete (omissions comprising an appendix with several hundred letters of support, detailed plans of the build and an appendix that assesses the impact on the community of the removal of leisure facilities), the wrong version and excluding the clarifications as this could be seen as extremely misleading?

The CiC proposal as set out in the report provides all necessary information to enable the CEB to reach a proper decision on the matter in hand. However, as a result of your request immediately after report publication, the Council issued 2 further CiC documents, namely the clarification document and the Appendix dealing with community health assessment. For information, the appendices which were not reproduced in the report were: "A" plans (substantially included in submission) and associated images, "B" details of the process of registering the site as an asset of community value (now largely irrelevant), "C" letters of support (referred to in the report), "D" no content.

How does the omission of critical bid information assist the members of the CEB in properly evaluating the benefits offered by SaveTCPcic?

Sufficient information from the bid has been submitted to allow the CEB properly to evaluate the CiC submission and make an informed decision.

Paragraph 10. Why were the commercial bidders offered more time, more meetings and a higher level of engagement from officers after their bid submission than SaveTCPcic?

This is not in fact the case. City Council officers spent much longer with the

CiC representatives, and dealing with their many questions, than with the open market bidders. It is disappointing that the support offered by Council officers to assist an inexperienced bidder has not been properly recognised and acknowledged.

Paragraph 11. How is the affordable housing being offered by the Catalyst bid, whereby the Council can purchase the dwellings at 80% of market value, a better option for the Council than the SaveTCPcic proposal for social housing, which in contrast will be owned and operated by a Housing Association and will not require the Council to make any capital purchase?

The Catalyst submission is policy compliant and meets the adopted policy criteria of an overall provision of 50% of the housing being affordable housing. The Council is not required to make any capital purchases as it will hold nomination rights in perpetuity to the affordable housing.

Paragraph 12. Why has a similar table to the one listed here not been included for the SaveTCPcic proposal to enable a more effective comparison?

The details of the CiC proposal were comprehensively described in the Stage 2 section of the report. In contrast, the Catalyst submission was merely summarised in the report. Both submissions are set out in more detail in the appendices.

Paragraph 13. What specific Corporate Plan priorities will the Catalyst bid deliver against and how? Why isn't there a similar comparison with the SaveTCP proposal?

Paragraph 13 sets out the Corporate plan priorities and how acceptance of the preferred commercial bid (if selected) would deliver against these. The results of acceptance of the CiC proposal against key Council priorities are fully set out in the report

Paragraph 14. Can you please supply a site plan for the Catalyst bid, showing the layout of the housing and also the car parking, including the three car park spaces allocated for library use?

A detailed plan would form part of a planning application in the event that the commercial bidder's proposal is accepted. It is not the remit of the CEB to go into the planning merits of the detail of plans which may or may not be submitted. However, in general terms City Development has indicated that, in planning terms, the submission by Catalyst is broadly policy compliant.

Paragraph 15. Why is the dependency on achieving planning permission not included in the Risk Register, given that the report highlights the dependency of the Catalyst bid on recognition as part of planning permission that the Blackbird Leys swimming pool provides an adequate replacement for the Temple Cowley Pools and Fitness Centre?

Paragraph 31 of the report deals with whether the new pool at Blackbird Leys will meet the requirements of Planning Policy SR2. The representation made by the Head of City Development suggests that the risk of it failing to meet the requirements of SR2 are minimal.

Paragraph 18. Why does the officer report not fully explain the context of the CiC bid – that the Disposal team was unable to provide any evaluation criteria for a proposal, and that the Council/Fusion took many weeks to provide even the most basic information concerning the current operation at Temple Cowley Pools?

The context of the CiC proposal is in fact well explained in the report. While the methodology of evaluating the commercial bids has always been very clear, the Council took the view at any early stage that rather than simply judging the CiC proposal against the existing “commercial” criteria (against which the CiC proposal would obviously score very poorly), it would be fairer to allow the CiC proposal to be assessed by the City Executive Board in the round, unfettered by a strict adherence to the original evaluation criteria. This position is set out in the CEB report, and that is why in the report recommendations, the CEB is asked to judge the merits of the preferred “commercial” bid against the merits of the CiC proposal.

In contrast to the statement made in the question in regard to the provision of information, Council officers in fact made every effort to supply the CiC with the information requested by it. In practice the information given to the CiC was significantly greater than that given to any commercial bidder.

Paragraph 20. Why is there an implication in the list in this Paragraph that all works need completion before the centre can be operated, as in doing so it misrepresents the SaveTCPic approach, which is to demonstrate successful operation of the centre’s current facilities before redevelopment of the dryside, housing and community aspects?

There is no statement in paragraph 20 that all works would need to be completed before the facility could be open for partial operation.

Paragraph 21. Why does the report not specifically state that the SaveTCPic proposal specifically includes a Community Asset Transfer, or reference the phasing options that would ensure demonstrable viability and implications that the proposal benefits both council and community by remaining in public ownership and contributing to minimising the risk?

The question confuses a Community Asset Transfer with the Community Right to Bid. The CiC held an extended right to bid for the Temple Cowley Site, as the site was registered as an asset of community value. This process does not, however, mean that the normal obligations placed on a local authority (eg the need to obtain the best consideration reasonably obtainable on disposal of property) will cease to apply. The benefits and risks, as far as they could be ascertained from the proposal and

clarifications, are reflected in the report.

Paragraph22. What evidence does the council have that the scale of benefit of the SaveTCPcic proposal would be reduced by ‘competing’ facilities, as the clear intention of both Council and SaveTCPcic is to increase overall participation in exercise?

These are basic market forces – an oversupply of provision would inevitably lead to underused and unsustainable facilities. This was evidenced in the exercise that led up to the adoption of the Leisure facilities Strategy in 2009.

Paragraph23.How many times have Swimming Club Galas closed Temple Cowley Pools at weekends during 2014, and what swimming provision will there for the public in 2015 when the new swimming pool is closed for Galas if Temple Cowley Pools is closed

Temple Cowley has been closed for five days in 2014 to hold swimming competitions. The current position is that in 2015 COSC can only book four all day, two day galas per year.

These will be advertised in advance and in good time

Whilst these are taking place, swimming will be available as per pool programme at Barton Leisure Centre, Ferry Leisure Centre and Hinksey Pools

Paragraph24.Can you please explain why officers believe that the SaveTCPcic proposals will require a “substantial public subsidy”, and why this concern was not brought to the attention of the SaveTCPcic as part of the clarification process?

The CiC has clearly acknowledged the need for a public subsidy in requesting the transfer of the site for nil capital receipt and at nominal rental value as opposed to the market value demonstrated by the disposal exercise referred to in the report

The fact that there was an expectation of a significant capital receipt from the proposal to dispose of the site for housing has been referred to by the City Council on numerous occasions.

Paragraph25.Why was this information included here, with no mention made of the Save Temple Cowley Pools Campaign and all the evidence that has been provided to Council over the last six years as to the viability of the centre, which already combines wet and dry side facilities?

This information was included as it was key to the development of the Council’s adopted leisure strategy. It is supported by evidence held by the Council.

Paragraph26.Why does the report not focus on the benefits and viability of the cic proposal, rather than previous conclusions of the Council?

This paragraph simply sets out the original intentions of the Council’s leisure strategy. This is clearly important as it explains why the Council is now seeking to dispose of the Temple Cowley pool site.

Paragraph28.How are the outdoor activities referenced here relevant to the SaveTCPicproposal, which will provide indoor activities (and will be able to integrate with outdoor leisure offerings) and is focused on a combination of offerings for the whole community – leisure, health, exercise, community activities and housing?

The report seeks to outline the Council’s interests in addressing the wider issues of leisure provision to meet evolving needs of the local community.

Paragraph29.What evidence is there for the report to include the very dismissive assertion that the SaveTCPic proposal is of “limited leisure utility”, when in the past with the existing facilities (and so excluding the proposed improvements) the footfall at Temple Cowley Pools has been 350,000 pa?

The report is not intended to be at all dismissive. Instead, it seeks to give a dispassionate explanation of the value of the retention of a pool/leisure facility at the Temple Cowley pool site in addition to the existing leisure facilities in the City. The Council is aware, through many years of experience, that for the pool to achieve a break-even status it would require either a significant increase in income or a reduction in costs. The CiC acknowledges that a significant public subsidy is required for its continued operation, as it is seeking a waiver of any land payment or rent for use of the site.

The assertion that footfall at the site has been 350,000 is incorrect and must be a concern if that figure is being used to underpin the CICs business case.

The correct figures are given below:-

| | |
|---------|---------|
| 2004/05 | 215,934 |
| 2005/06 | 190,261 |
| 2006/07 | 163,487 |
| 2007/08 | 164,852 |
| 2008/09 | 164,708 |
| 2009/10 | 197,503 |
| 2010/11 | 227,809 |
| 2011/12 | 194,163 |
| 2012/13 | 183,807 |
| 2013/14 | 142,268 |

2014/15 (Apr to Oct) 87,383

If a deduction is made for visits associated with the City of Oxford Swimming Club the attendance would be:-

| | |
|---------|---------|
| 2009/10 | 149,503 |
| 2010/11 | 179,809 |
| 2011/12 | 146,163 |
| 2012/13 | 135,807 |

2013/14

94,268

This is on a par with usage at typical community pools eg Barton which for 2013/14 was circa 120,000

Why was the Council not prepared at any point (even after a preferred commercial developer had been selected) to discuss what capital receipt it would require of a community bid, to enable SaveTCPcic to look at funding options for a specific amount?

It was clearly stated to the CiC that the capital receipt is a product of the bidding process. Any bidder in such circumstance should be able to calculate their own land value based on the thorough due diligence that they would need to undertake. If the CiC business case does not support a capital purchase price, which appears to be a prudent approach, that is the basis on which members should weigh the proposal.

Paragraph30. Why does the report ask members to consider only the leisure aspects of the SaveTCPcic proposal, when there are clear benefits against the council priorities relating to community, health, housing and reduction in crime?

In terms of the delivery of key housing requirements within the City, the report explains that the CiC bid falls short of the commercial bid. Any other benefits which the CiC believes would be deliverable by its proposal are fully set out therein.

Paragraph31. Can you please explain how the SaveTCPcic proposal is non-compliant with planning policy, since the housing provision at 17-20+ dwellings is within the 26 maximum proscribed for this site, and discussions with the Council Planning department raised no objection to redeveloping the community and leisure facilities along with housing?

To be clear the report states that the CiC proposal "is not fully compliant" with planning policy. The Local Plan allocates this site for "housing". The CiC bid does not optimise the potential of the site for housing. Can you also please explain how the Catalyst bid of 47 dwellings achieved compliance with planning policy given the 26 dwelling limit? What is the car parking provision for this proposal and who will it be policed?
The Sites and Housing Plan Document does not set a maximum for each site. It instead indicates the number of houses that individual sites, outside the City and District centres, may provide is based on a generic City wide density of 55 dwellings per hectare. This provides a broad indication of the scale of dwellings that could be delivered across Oxford. Some sites will be capable of delivering higher numbers, for example if they can support a scheme of flats. This is the case at the Temple Cowley Pool site.

Paragraph32. Why has the report not used the correct term of 'Housing Register', and why does it not use the latest figures, provided at a recent scrutiny meeting?

The statistics referred to in the report are sufficiently up to date for the purposes of this report. To be pedantic the correct term is the Oxford Register for Affordable Housing –

however, the choice of term used in the report is not material.

Paragraph 34. Why does the report only highlight housing in the findings of this survey, when the SaveTCPcic proposal clearly supports and directly addresses many other issues of concern to people in Oxford, including health, crime, activities for teens, sports/leisure, community, facilities for kids, education and “people get on well” as well as affordable decent housing?

As this section indicates the matter of greatest concern identified by the survey was the lack of affordable housing available in the city, this is clearly key. Any further potential benefits created by the CiC bid area available for members to view in appendix 4.

Paragraph 35. Why does the report seem to grudgingly acknowledge that “there is a level of public support to retain TCP”, and yet fails to recognise the many benefits (that directly address Council policies) of retaining and developing Temple Cowley Pools for the city as a whole?

The intention of this section is to acknowledge the support that exists for the retention of the pool. There is nothing “grudging” about it. However, these matters do need to be viewed in context of the Council’s overall responsibilities across the City.

Paragraphs 36-40. Why is this Assessment clearly incomplete, not addressing for example the real needs of minority groups, or the real impact on disabled groups unable to travel far or use mobile steps rather than those in Temple Cowley Pools?

Why is the provision of women only sessions in Barton considered acceptable for people in Cowley who will have to travel so much further and travel back often alone late at night?

Why is there no mention of the effect of removing leisure centres from a community?

The Equalities Impact Assessment is not incomplete. It is a thorough and fair description of the impact of the closure of the Temple Cowley Pool and the opening of the new Blackbird Leys pool on individuals with protected characteristics. Paragraphs 36-40 are a summary of the full equalities impact assessment set out in appendix 6

Paragraphs 41-45. Why has this risk assessment not included the clarifications provided by SaveTCPcic?

Why is there no acknowledgement that the SaveTCPcic proposal was developed with a qualified architect, a reputable leisure provider and a range of appropriate professionals?

It is the report author’s view that the CiC’s clarifications made no material impact on the Risk Assessment. At no time has the CiC been able to identify the specific leisure provider who would play an active part in the delivery of the CiC’s proposal, nor have any firm proposals been made about how the residential element would be funded or delivered.

Paragraphs 46-48.At a consultation meeting in April 2010 the MACE project manager estimated that remediation of the Temple Cowley Pools site for residential development may be as much as £5m – who bears the cost of any remediation that may be required, what further assessment has been made of this risk, and why has it not been referenced in this report?

The report [Pool Facilities Appraisal and Options Report August 2010](#) produced by Mace acting as lead consultant to the Council sets out on page 64 that the allowance made in their estimates of cost for the options around Temple Cowley Pools that the allowance made for Preparation/ contamination allowance was £300,000. This report has been made freely available to you and is published on the Council's website.

Before marketing commenced a ground investigation was commissioned which indicated limited requirements for remediation. The ground investigation report was provided to all bidders and formed part of their pre -submission due diligence. Officers do not expect the costs of remediation to come close to the sum indicated in the question, but in any event an appropriate sum has been budgeted by Catalyst within its assessment of viability.

Paragraph 50.Why have rigid pool covers not been installed at Temple Cowley Pools since 1986, when the cost (at today's prices) of approximately £25,000 for supply/fitting is immediately outweighed by annual savings of £25,000?

Why was the recommendation of the MACE report (August 2010) to correct the power matching and so save up to 20% of electricity cost not implemented?

Why does the report not reference the DEC ratings in comparison with other leisure centres, in particular the emissions per square metre that demonstrated that it was more efficient than either Ferry or Barton?

What will be the additional carbon emissions from transport if Temple Cowley Pools is closed and people are forced to go elsewhere?

What will be the carbon emission construction cost if the Catalyst proposal is implemented and 47 dwellings are built on the site?

From the point that the CEB agreed the strategy for the leisure provision in the south of the City - which involved the closure of the Temple Cowley Pool and the construction of the new Blackbird Leys Pool, it would have been a clear misuse of public funds to invest significant sums in upgrading the Temple Cowley Pool. The purpose of paragraph 50 is to summarise the environmental impact of the proposals under consideration.

As has been explained to you on a number of occasions, the DEC ratings you refer to were simply wrong and were corrected the correct position is clearly set out in the report produced by Mace referenced above.

It would be inappropriate and inevitably inaccurate to estimate carbon emissions of a scheme that has not even been subject to a planning application.