

**STROUD DISTRICT COUNCIL**  
**STRATEGY AND RESOURCES COMMITTEE**

**AGENDA  
ITEM NO**

**30 JULY 2020**

**4**

<b>Report Title</b>	<b>SUPPORT OF THE LEISURE CONTRACT PROVIDER IN STROUD (SPORT AND LEISURE MANAGEMENT) TO RECOVER FROM THE IMPACT OF COVID-19</b>
<b>Purpose of Report</b>	To consider financial support for the provider of the leisure contract in Stroud to assist in its recovery from the impact of covid-19 and ensure the provision of accessible community leisure opportunity.
<b>Decision(s)</b>	<p><b>The Committee RESOLVES that:</b></p> <ul style="list-style-type: none"> <li><b>a. a sum not in excess of £170,000 is ringfenced from Council reserves to fund a monthly payment to SLM to assist in the reopening of Stratford Park Leisure Centre, if required.</b></li> <li><b>b. Responsibility for the allocation and monitoring of services, outputs and payments to SLM is delegated to the Strategic Director of Communities in consultation with the Strategic Director of Resources and S151 Officer, the chair of Strategy and Resources Committee and the Chair of Community Services and Licensing Committee. All payments will be contingent on full and open access to operational accounts and service activity being provided.</b></li> <li><b>c. The Council is committed to delivering the real living wage. Any allocation to SLM is contingent on this being introduced in September 2020.</b></li> <li><b>d. Authority is delegated to the Section 151 Officer and Head of Legal Services to negotiate and conclude any legal documentation necessary arising from any decision made.</b></li> </ul>
<b>Consultation and Feedback</b>	Group Leaders and the Chair of Community Services and Licensing Committee have been briefed on the financial and operational impact of Covid-19 on SLM and the reopening of Stratford Park Leisure Centre.
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<b>Options</b>	The Council could choose not to provide support to SLM at this time. This may delay the operation of Stratford Park Leisure Centre for an unknown period of time.
<b>Background Pape</b>	None

<b>Appendices</b>	<p><b>The following appendices contain exempt information by virtue of Paragraphs 3 and 5 of Part 1 of Schedule 12a of the Local government Act 1972 and a resolution may be passed to exclude the public during consideration of this item.</b></p> <p>Appendix One Appendix Two</p>			
<b>Implications (further details at the end of the report)</b>	Financial	Legal	Equality	Environmental
	Yes	Yes	Yes	No

## 1. BACKGROUND

- 1.1. The Covid-19 pandemic is having a very significant impact on many services and businesses across the UK. This is the case in the leisure industry and most significantly in this context, the provision of public sector sport and leisure facilities. This is affecting the ability of local authorities, charitable trusts and private sector providers to ensure the delivery of otherwise well established and financially sustainable services such as swimming pools and fitness gyms.
- 1.2. Concerns about the ability of public sector leisure to maintain effective services have been raised at a national level by representative bodies such as Community Leisure UK, the Chief Leisure Officers' Association and the Local Government Association (LGA) as well as national governing bodies of sport such as Swim England. This view has been acknowledged and endorsed by Sport England.
- 1.3. The South West Counties Leisure Officers' Group recently wrote to the Ministry of Housing, Communities and Local Government (MHCLG) and Department of Communities, Media and Sport (DCMS) highlighting the pressure being experienced in the region. Local authorities across the South West are being asked by their contracted leisure operators to provide financial support. The financial losses accrued by providers in the region is likely to be tens of millions of pounds.
- 1.4. In Stroud the District Council's leisure provision is delivered through two separate arrangements: at Stratford Park Leisure Centre, by Sport and Leisure Management Ltd (SLM) which operates under the trading name Everyone Active, and at The Pulse in Dursley, run directly by the District Council.
- 1.5. Although differing in scale and with largely separate catchments, both Stratford Park Leisure Centre and The Pulse are facing significant operational and financial challenge because of restrictions on their business. Staff have been undertaking essential building maintenance checks and some fitness classes have been delivered online but compared with the pre-Covid period activity has been very limited.
- 1.6. The Council, as reported to this committee in June, will be required to allocate additional funding to support the operation of The Pulse this financial year. There is a subsidy level of £45k included in the base budget (including all support costs but excluding depreciation figures) approved by Council in February 2020. The current estimate is that as a result of the lost income at the Pulse due to Covid-19 the net subsidy in 2020/21, after all estimated government support, will be £338k.

- 1.7. There was a clear expectation from Central Government that all bodies receiving funding for Covid-19 response should not be furloughing staff but rather redeploying them. This was the case for staff at the Pulse who were deployed on a number of other Covid response activities. This has included the critically important work calling and supporting vulnerable residents during the early stages of lockdown restrictions. Clearly therefore a significant portion of the £338k extra cost of the Pulse can be regarded as the cost of Covid response although it is not possible to put an exact figure on this.
- 1.8. Since the Pulse closed to the public in March it has delivered a wide range of free activities and programmes aimed at both its regular users and members of the community in general. These have been primarily on-line but more recently also on green space adjacent to the facility.

## **2. Sport and Leisure Management (Everyone Active) in Stroud**

- 2.1 SLM was appointed to operate the facilities at Stratford Park Leisure Centre in Stroud by the Council in October 2011. The facility comprises a 6 court sport hall, 25 metre 5-lane swimming pool, 2 squash courts, a 75 station fitness gym and group exercise rooms. Adjacent facilities managed by SLM are the Stroud Lido, four tennis courts and a full-size artificial turf pitch.
- 2.2 The management agreement initially put in place for 10 years was extended in January 2020 to run until October 2023.
- 2.3 In common with the industry providers across the UK, Stratford Park's principal income streams are generated via direct debit membership, focusing on fitness gym and exercise classes and learn to swim tuition, including school swimming provision. Last year these two areas made up around 50% of the centre's income.
- 2.4 In the last full year of operation Stratford Park Leisure Centre had over 634,000 user visits and it provided 69,000 swimming lessons.
- 2.5 The facility closed to the public on Friday 20 March in accordance with Government advice at the time. Direct debit membership income sharply declined from that date.
- 2.6 In March 2020 SLM wrote to the Council alerting it to the implications of its trading position because of Covid-19 restrictions and requesting assistance. In response to this request the Council agreed, through officer delegation, to pay its annual management fee (£78,000) in full up front in April. It also agreed that the planned introduction of the Living Wage for SLM employees should be delayed until September 2020. As this was being funded by SDC it amounted to, in effect, a cash sum payment of £35,000 by the Council.
- 2.7 Officers have been in close contact with SLM's local and regional management over the last three months and have been made aware of the Stroud operation position during this period.
- 2.8 During this period SLM has also reduced its operating costs, however health and safety and building maintenance requirements have some ongoing revenue implications. For comparison April 2019 expenditure was £131,000 and April 2020 expenditure was £24,000.

### **3. KEY CONSIDERATIONS**

#### **3.1 Difficulties in making accurate forecasting**

3.2 SLM has stated in correspondence and in subsequent meetings, that accurate predictions are difficult to make for reasons which have been in large part outside of the company's control. They include:

- until recently there was no clarity about when leisure centres would be allowed to open to the public. On 9 July the Government said the date for opening indoor facilities was 25 July.
- uncertainty about the possible relaxation in some public situations of the 2m social distancing rule,
- lack of guidance or instruction from governing bodies of sport about what, how and when sporting activities would be able to take place.
- uncertainty around public confidence about returning to leisure centre settings.

3.3 Officers met with SLM on 23 June when the position regarding Stratford Park Leisure Centre was discussed in detail. Since then and in the light of emerging guidelines, further discussions and correspondence have taken place between the Council and various SLM officers. In response to requests from officers, additional information has been provided by SLM.

#### **3.4 Immediate cash flow position**

3.5 It is generally understood that in the period immediately following opening, or in this case re-opening, a leisure facility there is likely to be a 'time lag between' an expediential increase in costs and actual cash flow.

3.6 SLMs forecast is that, month on month it will not achieve a break even position until January 2021.

3.7 SLM stated the period during which the business will fully return to pre-Covid levels is difficult to predict but this could up to two years.

#### **3.8 Operation in the event of no support from the Council**

3.9 SLM has stated that it will be able to open the facility on 25 July, using a skeleton staff to provide access to the fitness gym, on an appointment only basis, and a limited exercise class programme.

#### **3.10 Job Retention Bonus**

3.11 SLM has informed the Council that in Stroud it will receive an estimated £30,000 to £40,000 through the Government's recently announced Job Retention Bonus Scheme. This scheme, 'rewards' employers that brings someone back into work who was furloughed and continues to employ them between November 2020 and January 2021 with a one off £1,000 bonus for each worker. It is payable in January 2021.

3.12 The timing of this announcement means that it is NOT included in the SLM's modelling which they have presented to the Council. This money can be considered as an additional

income and will be taken into account as part of any open book arrangement should the decision be taken to offer support.

### **3.13 State Aid.**

The state aid position will be considered in more detail in the legal implications contained in Appendix One, but the test for state aid is to ask the following questions:

- Is support granted by state resources?
- Does the support confer selected advantage to an undertaking?
- Does the support distort or have the potential to distort competition?
- Does the support affect trade between member states

### **3.14 Position of other local authorities**

3.15 Local authorities across the UK are considering how best to respond to the impact of the lockdown period on their leisure service provision. Unlike other sectors the sectors have not received any specific support and has only so far benefited the Governments employment protection scheme (furlough).

3.16 Opportunities to raise the profile of this lack of support through publicity and lobbying are being considered separately. This could include bringing the matter to the attention of Ministers and Government Departments through political channels (such as local MPs)

3.17 The South West Councils network surveyed member authorities to understand how many of them had entered into support agreements with their leisure contractor. Of the 21 councils which responded to the survey, over 75% had agreed or were in advanced stages of discussion to provide some form of financial assistance available to their leisure provider.

3.18 While the Council is now also considering its position regarding support, direct comparisons between Stroud's position and other council's is difficult. This is because some authorities have contracts which oblige them to provide assistance. Stroud District Council's contract does not have this obligation. Also services and facilities which are included in leisure contracts vary, with many different combinations of facilities and profitability between contracts. The length of term of the remaining contract and whether there are other capital investment agreements in place also will influence local decisions.

3.19 It is understood that Cotswold DC, which has a contract with includes its museum, has not yet reached agreement with SLM.

## **4. INDUSTRY ADVICE**

4.1 To assist the Council in its consideration of how it responds to the SLM request for support officers have commissioned short term advice from a company of industry expert consultants. (Knight Kavanagh and Page – KKP). KKP is on Sport England's list of specialist consultancy companies which it believes are qualified to provide this service. (funding for this advice)

4.2 The consultancy has been able to assess the proposal and the business plan projections of SLM. In its view is that SLM's financial profiling and modelling is fair and reasonable

when compared with normal business trends and when reflecting upon the experience of other operators in the sector.

- 4.3 KKP has (reflecting Government and Sport England guidance) indicated that a clear open book approach should be adopted and made a requirement of any financial support. Similarly, it has emphasised the importance of setting monitoring criteria which reflect both the pressures on SLM and the Council's own Covid-19 recovery priorities. They consider it appropriate that criteria for any support should include outputs supporting community resilience and wellbeing.

## **5. OPTIONS**

- 5.1. While the Council does not have any legal or contractual obligation to financially support SLM at this time options for consideration are set out in Appendix One

## **6. RECOMMENDATION**

- 6.1 It is recommended that Option 3b (Appendix One) is adopted and that a sum not in excess of £170,000 is allocated to assist in the reopening of Stratford Park Leisure Centre.
- 6.2 This amount recognises that in the months immediately after reopening it is likely that income would take time to grow while the majority of operating cost, including a large proportion of staff costs, would be incurred at and in some cases ahead of the opening date.
- 6.3 Based on the forecasts provided by SLM, £170,000 would allow the company to provide a service broadly in line with its contractual obligations until income increases to approach the costs of operations in January 2021. To this extent it would incentivise SLM to develop its business during this period.

## **7. STRUCTURE OF POSSIBLE PAYMENT**

- 7.1 If a decision is made to support SLM with a capped amount the Council could provide SLM with a payment scheduled over a 6-month period when the company forecasts its most challenging period of operation (July to December) but which would be subject to a strict open book approach.
- 7.2 In this scenario payments would be made monthly on an open book basis according to agreed performance criteria and amounts tapered to reduce over the period. If performance of the facility exceeds that which is predicted or performance criteria is not met, the amount would be adjusted accordingly, for example:
- July – September – no more than £36,000 per month,
  - October – December – no more than £21,000 per month.
- 7.3 Any payments would be contingent on agreement by SLM of the following requirements
- Access to open book assessment of its income and expenditure\*.
  - Guarantee of no redundancies.
  - Guarantee to pay Living Wage to be paid from September 2020.
  - Any previous commitments linked to facility investment and equipment upgrade actioned and delivered in a timely manner.

- Guarantee that appropriate provision is made for school swimming (actual demand is unknown at this stage).
- Analysis of activity and services to ensure that SLM is maximising opportunity, space and temporal booking capacity.
- Guarantee of agreed level of access for 'pay and pay' users.

## **8 IMPLICATIONS**

### **8.1 Financial Implications**

**8.2** The recommended option includes a capped cost to the Council of £170k. Previous reports to Strategy and Resources have established the principle that the net cost of Covid-19 will be funded from the Council's equalisation reserve. The sum of up to £170k will be recorded as a cost of Covid-19 and used to help calculate the draw on reserves at the end of 2020/21.

**8.3** Since the report to Strategy and Resources Committee on Covid-19 on Council Finances in June 2020, a further grant payment of £149k has been allocated from Central Government. This allows the Council to ring-fence the £170k without significantly further increasing the net draw on reserves reported in June.

**8.4** Any payment each month, up to the capped sum, will only be made after receipt and analysis of open book financial information provided by SLM. Where the financial performance is better than expected the contribution each month will be reduced.

**8.5** The Council will make no payments in excess of the monthly caps proposed in this report.

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### **8.6 Legal Implications**

There are a number of legal implications relating to a proposal to support SLM which are set out in Appendix One.

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### **8.7 Equality Implications**

**8.8** This report has been written with reference to the Council's Equality and Diversity Policy. Particular reference was made making services accessible and easy to use and providing the best possible standards of service and value for money to all our customers.

**8.9** The council is committed to equality and the fair application of the policy, ensuring that people receive fair outcomes in the standard of service they receive from the Council and equality access to Council services, regardless of their race, gender, age, religion or belief, sexual orientation, marital or civil partnership status and/or disability in line with the principles set out in the Equalities Act 2010.

### **8.10 Environmental Implications**

There are no significant implications within this category.