

East Herts Council Report

Executive

Date of meeting: Tuesday 3 September 2024

Report by: Councillor Carl Brittain, Executive Member for Financial Sustainability

Report title: Ward Freman Pool Update

Ward(s) affected: Buntingford;

Summary

To provide a further update on Ward Freman Pool following the closure in December 2023 and an update paper in March 2024. The report explores options to be considered by members.

RECOMMENDATIONS FOR EXECUTIVE

- a) To approve Option 1 as described in para 4.1, continue to facilitate discussions with Ward Freman community pool group and Hertfordshire County Council, therefore continuing with the joint use agreement and remove the management of Ward Freman Pool from the Council's contract with Sport and Leisure Management Ltd.

1.0 Proposal(s)

- 1.1 To provide options for the future of Ward Freman Pool in relation to the Council's responsibilities.
- 1.2 To provide a brief update on the work of the Ward Freman Community Pool Group (WFCPG)

2.0 Background

2.1 In December 2023 due to health and safety concerns raised by the council's leisure operator (Sport and Leisure Management/SLM Ltd – Everyone Active) of Ward Freman Pool in Buntingford, a decision was taken to close the pool whilst further evaluation of options took place on the future of the pool. Officers proposed that an options appraisal would be undertaken and presented back to Executive in spring 2024 which was further extended to Autumn 2024. Background information on this can be found in reports listed in para 7.1.

2.2 During this period East Herts Council has facilitated conversations with the newly formed Ward Freman Community Pool Group (WFCPG) and Hertfordshire County Council (HCC) who are the freeholder of the pool. The WFCPG intended to apply for the Community Ownership Fund which, which the Executive agreed to match fund £200k subject to HCC accepting the viability of the business plan from WFCPG. However, with the funding round on pause WFCPG have applied for other external funding including the National Lottery Reaching Communities Fund and the Benefact Group Movement for Good as well other smaller pots of funding. The business plan is currently being reviewed by HCC.

2.3 The Council's contractor has continued to maintain the facility by carrying basic checks such as fire alarm, security and flushing the system. The contractor's insurer has however requested that the building is hoarded to optimise the security of the building and safeguard it for future use; HCC are in agreement with.

3.0 Reason(s)

3.1 There are legal and financial implications that effect East Herts Council in relation to current practice and the future of Ward Freman Pool. These are described under the options section.

4.0 Options

4.1 Option 1 – Facilitation – RECOMMENDED

- a. Continue to facilitate the working relationship with the WFCPG and HCC on the basis that the business plan is yet to be accepted by HCC and the outcome of external funding is unknown. However, should external funding not be sought by March 2025, this position will be reviewed.
- b. Formally remove the management of Ward Freman Pool from the EHDC and the SLM contract and install hoarding to secure the building.
- c. Continue with the Joint Use agreement with HCC

4.2 Since the closure of pool in December 2023, the Council is incurring costs of approximately £26,000 for January to June 2024, paying SLM to maintain the building from water flushing, checking alarm systems and other demobilisation costs. Further pressures will cease with this option from September 2024. HCC will be charged 40% of these costs. The annual impact on the contract is £138,838 saving – this needs to be agreed in order to see the benefit on the leisure revenue budget. Further to this corporate support costs will be reduced by approximately £20,000, though this is not a cashable saving. The hoarding will cost approximately £16,000.

4.3 The Council would cease to receive approximately £70,000 from HCC as their contribution for managing the facilities. However, any ongoing costs such as security checks and building insurance will be shared with HCC. The net financial position would be approximately £46,000 saving for 2024 based on the information presented to date.

4.4 In terms of legal implications, The Everyone Active contract will need to be formally varied to remove Ward Freman Pool. The Contract is subject to procurement rules and any variation needs to be compliant with those rules. The removal of Ward Freman Pool is compliant. The closure of the pool (or variation) has resulted in redundancies, the Council is liable for any associated redundancy costs, these have been incorporated in the demobilisation costs. This included pension liabilities.

4.5 The Council will continue to bear responsibility under the joint use agreement for maintenance of the facility unless a variation is agreed.

4.6 This approach sits in line with the majority of the corporate priorities:

- Listening, open and transparent
- Acting with the community
- Fair and inclusive

4.7 Option 2 – Cease

- a. Cease working relationship with all parties on the basis that external funding position is unknown and to date a business plan is yet to be accepted/lease provided by HCC.
- b. Formally remove the management of Ward Freman Pool from the Everyone Active contract
- c. Formally agree to disband the Joint Use agreement with HCC. The financial implications for this are the same as para 4.2 and 4.3

4.8 Regarding legal implications of this option, these are as described in para 4.4 and 4.5. In addition, it is important to note Termination of the joint use agreement will require the approval of both the Council and HCC. HCC have stated mutual agreement will not be provided at this current time.

4.9 This option is less favourable when aligned with the corporate priorities however it does seek to reduce the Council's ongoing liabilities with the contractor.

4.10 Option 3 – Do Nothing

- a. Continue with existing arrangements until a time where a third party wishes to take over the operating of the swimming pool or an external factor impacts the future of the pool or we reach the

end of the joint use agreement, or there is willingness from HCC to mutually terminate the agreement.

4.11 This is an untenable position for the contractor from an insurance and security perspective. The contractor's insurers have advised that the building needs to be hoarded from a security perspective. The council could continue to pay Everyone active to carry out checks on the building, but this will be billed quarterly.

4.12 If this option is approved, the Contract would need to be formally varied to reflect the Council's ongoing requirements. This could result in the contractor seeking assurances and indemnities in relation to the condition of the property and potential liabilities arising out of the same. This could increase the Council's exposure to risk.

5.0 Risks

5.1 All risks are highlighted in the body of the report under options.

6.0 Implications/Consultations

6.1 The Council continues to liaise with HCC and the WFCPG

Community Safety

Yes – hoarding is essential for building safety

Data Protection

No

Equalities

No – this report does not seek to change the current position of the pool being closed – this decision was taken in December 2023.

Environmental Sustainability

Yes – less energy consumption.

Financial

Yes – these are embedding in the report

Health and Safety

Yes – these are embedded in the report

Human Resources

Yes – some reference to redundancies is referred to in the report

Human Rights

No

Legal

Yes these are included in the report

Specific Wards

Buntingford

7.0 Background papers, appendices and other relevant material

7.1 Executive

- July 2024 - £200k contribution towards funding
 - [Ward Freman Community Pool Group CIO match funding support for Community Ownership Fund bid.pdf](#)
- 26th March 2024 – Holding Report
 - [Ward Freman pool update.pdf](#)
- December 2023 – Close Pool Report
 - [Health and Safety u2013 Ward Freman Pool.pdf](#)

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