

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

5 February 2013

Report of the Management Team

Part 1- Public

Matters for Recommendation to Council

1 LEISURE FACILITIES REVIEW OF MANAGEMENT OPTIONS

Summary

This report supports the report attached at Annex 1 that was referred to Cabinet from the Leisure & Arts Advisory Board on 10 December 2012.

1.1 Background

1.1.1 The Leisure & Arts Advisory Board held on 10 December 2012 recommended to Council the recommendations of the report of the Management Team attached at **[Annex 1]** to establish a new Not for Profit Distributing Organisation (NPDO).

1.2 Progress

1.2.1 Members of L&AAB raised a range of questions at the meeting on 10 December 2012 which were in general satisfied by responses from Robin Thompson, the Council's appointed consultant, whose report was appended to the Board report, the executive summary of which is shown again at **[Annex 2]** for convenience. The Management Team however thought it may be helpful to update Cabinet on progress related to some key issues within the recommendations.

1.2.2 The original report identified the need for the new NPDO to obtain admitted body status to the Local Government Pension Scheme in order to protect pension rights of staff who will transfer under TUPE regulations to the new organisation. This has been pursued by the Director of Finance and a report will be submitted to the 8 February 2013 meeting of the KCC Superannuation Fund Committee (SFC) seeking approval for the Council to stand as guarantor to the new NPDO in its application for admitted body status. In the event Council approve the recommendation to transfer the full application for admitted body status will then be made to the meeting of the SFC on 26 July 2013 allowing time to complete the process by 1 October 2013.

1.2.3 The original report also identified the need to appoint expert advice utilising the Council's 'Invest to Save' earmarked reserve. The Director of Planning, Transport and Leisure has made arrangements to ensure the continued support of RPT Consulting and the Chief Solicitor is currently engaging an expert legal firm. In the

event Council approve the transfer, these appointments can be made with immediate effect.

- 1.2.4 The Leisure Facilities Officer Study Group has continued to meet and report the minutes to Management Team. A provisional timetable for the transfer is being developed and will be reported to the meeting of the Leisure & Arts Advisory Board on 26 February 2013. At present it is envisaged that the earliest date of transfer would be 1 October 2013 subject to all formal arrangements being in place. It is important to stress, however, that the timeframe will be dictated by satisfactory progress on all issues.
- 1.2.5 To date all staff have been briefed on an informal basis. However a sub-group of the OSG referred to above has met to consider existing contractual arrangements with staff and the programme for a formal TUPE consultation in liaison with Unison.

1.3 Legal Implications

- 1.3.1 As reported within the original report appended at **[Annex 1]**.

1.4 Financial and Value for Money Considerations

- 1.4.1 As reported within the original report appended at **[Annex 1]**.

1.5 Risk Assessment

- 1.5.1 As reported within the original report appended at **[Annex 1]**.

1.6 Equality Impact Assessment

- 1.6.1 As reported within the original report appended at **[Annex 1]**.

1.7 Policy Considerations

- 1.7.1 As reported within the original report appended at **[Annex 1]**.

1.8 Recommendations

- 1.8.1 It is **RECOMMENDED TO COUNCIL** that:

- 1) a new NPDO be established to operate Larkfield Leisure Centre, Angel Centre, Tonbridge Swimming Pool and Poulton Wood Golf Centre in the future;
- 2) a formal TUPE staff consultation be progressed with staff in liaison with UNISON representatives;
- 3) a detailed Project Plan and Timescale be submitted to the next meeting of the Leisure & Arts Advisory Board; and

- 4) the estimated consultancy costs of £75,000 be met from the 'Invest to Save Earmarked Reserve'.

Background papers:

contact: Robert Styles

Nil

Robert Styles
Chief Leisure Officer

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	See Equality Impact Assessment attached to original report.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	As above.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		N/A

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.