

**Publication
Date
13
September
2019**

CHILTERN DISTRICT COUNCIL

**MINUTES of the CABINET
held on 20 AUGUST 2019**

PRESENT Councillors I Darby - Leader
M Stannard - Deputy Leader
C Jones
P Martin
J Rush
E Walsh

APOLOGIES FOR ABSENCE were received from Councillor F Wilson

ALSO IN ATTENDANCE: Councillors P Jones and P Shepherd

16 MINUTES

The minutes of the Cabinet held on 9 July 2019 were approved and signed by the Chairman as a correct record.

17 DECLARATIONS OF INTEREST

There were no declarations of interest.

18 28-DAY NOTICE

The Cabinet received a report attaching the draft 28-Day Notice which provided a forward look at the Agenda for the next meeting of the Cabinet. The Notice would be published on 16 September 2019.

RESOLVED –

That the Draft 28-Day Notice / Forward Plan, to be published on 16 September 2019, be noted.

19 CURRENT ISSUES

(i) Councillor I Darby -

Councillor I Darby reported that the nominated representatives on the Shadow Executive of the Shadow Buckinghamshire Council had continued to meet informally on a weekly basis, with formal meetings taking place every three weeks. Councillor Darby advised that formal meetings of the Shadow Executive were webcast online for those who were interested. There remained a large range of tasks to be addressed as part of the transition to Buckinghamshire Council and continued thanks were given to all staff that were engaged with the various unitary projects and who continued to offer their time willingly and engage positively with the transition.

20 INTER AUTHORITY AGREEMENT FOR BUCKS COUNTY COUNCIL LEGAL SERVICES

The Cabinet were asked to consider a report on the Chiltern and South Bucks joint Legal Service carrying out legal work for Buckinghamshire County Council from 1 October 2019 to 31 March 2020 together with Wycombe District Council. This would facilitate the re-establishment of an in-house legal service for Buckinghamshire County Council following termination of their external legal services contract with HB Public Law on 30 September 2019 and minimise redundancies across all organisations during the transition to a unitary council.

RESOLVED

- 1. That Chiltern District Council enters into an Inter Authority Agreement with South Bucks District Council and Wycombe District Council for the provision of legal services to Buckinghamshire County Council from 1 October 2019 to 31 March 2020.**
- 2. That the Head of Legal and Democratic Services be authorised to agree the final terms and conditions of the IAA.**

21 CHILTERN LIFESTYLE CENTRE SCRUTINY SUB-COMMITTEE COMMENTS AND RECOMMENDATIONS

Cabinet received a report from the Chiltern Lifestyle Centre Scrutiny Sub-committee which detailed comments and recommendations following a series of meetings held between February and August 2019 where the business case and associated reports on the proposed Chiltern Lifestyle Centre were scrutinised.

Cabinet noted the report which summarised the sub-committee's findings that the existing Chiltern pools were no longer fit for purpose and recognised that the Chiltern Lifestyle Centre was the best possible solution whilst being of no additional cost to the taxpayer. Further, the sub-committee had acknowledged that benefits would spread wider than the proposed new centre with planned upgrade works to the existing centres at Chalfont St Peter and Chesham being an integral part of the project. Cabinet thanked the sub-committee members for their time and valuable input.

RESOLVED

- 1. That Cabinet's thanks to the sub-committee be noted.**
- 2. That the report and recommendations be noted.**

22 CABINET REPORTS FROM POLICY ADVISORY GROUPS:

There were no reports to consider from Policy Advisory Groups since the last meeting of Cabinet on 9 July 2019.

23 EXCLUSION OF THE PUBLIC

RESOLVED –

That under section 100 (A) (4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following item(s) of business on the grounds that they involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)

24 CHILTERN LIFESTYLE CENTRE BUSINESS CASE

Cabinet considered a report which contained the final business case for the proposed Chiltern Lifestyle Centre and associated car park redevelopment. The key points of the report were highlighted and detailed breakdowns of the figures that form the business case were included in the appendices.

The final fixed project cost of the Chiltern Lifestyle Centre was c£36m. It was proposed that this would be financed by way of loan from the Public Works Loan Board.

Cabinet noted that there would be a cost to the Council during 2020/21 to continue the operation of the existing facility during the construction phase, following which the Council would then receive an income generated from the proposed centre. As the years progressed this income would increase. On the assumption that bids of a similar level were received to operate the centres at the time the leisure operator contract was up for renewal from year 16 onwards, over the 40 year period a significant profit for Buckinghamshire Council was predicted and deemed realistic.

Factored in to the business case was an annualised capital cost of £100k to deal with any structural repairs or external maintenance. Rental income would continue at the existing rate for the nursery and community centre to ensure that they were in no worse position, these lease agreements would be subject to a five yearly review.

It was proposed that an agreement be entered into with Sport England to draw down the Strategic Facilities grant of £1.5m and to use this funding in addition to the current capital programme.

Councillor M Stannard advised of the significant amount of time and work that had gone into the project over the past five years and spoke positively of the effect the proposed new lifestyle centre and proposed improvements at the centres at Chesham and Chalfont would have on residents of not only the Chilterns, but the whole county. The proposals before Cabinet would deliver a first class facility which would have something inside for every resident. The proposed lifestyle centre would deliver revenue to Buckinghamshire Council and could improve many residents' health and wellbeing.

Cabinet recorded its thanks to Councillor Stannard for his dedication, determination and time committed in supporting the project to reach this stage. Further, officers were thanked for their time and commitment given to the project with each stage having been carried out meticulously and professionally, and hundreds of hours work having been put in. Cabinet agreed that this would be a flagship centre for the entire county and residents would be delighted to use the new facilities in the knowledge that they were cost effective.

The Leader welcomed comments from non-cabinet members. Councillor P Jones emphasised that it was key that designs of the proposed centre were not changed as this could significantly increase costs to the Council. In addition, whilst recognising that this risk would lie with the operator, Councillor P Jones said that the estimated number of visits remained optimistic and should be treated with caution and queried the evidence behind it. Councillor P Jones added that at each of the Chiltern Lifestyle Centre Scrutiny Sub-committee meetings he had attended, members had been very thorough in their questioning and officers had answered questions in detail and in honesty which instilled confidence that building a top class facility was the best option.

Councillor N Shepherd agreed that the proposal before Cabinet was the best option for Buckinghamshire Council, he emphasised the importance of marketing and promoting the project which would excite so many residents and was such a good reflection of the work the Council does.

In response to Councillor P Jones concern, Councillor Stannard explained that experienced leisure operators who had carried out extensive research had guaranteed their number of visitors to the proposed centre as part of their bid for the operator contract, so if this number was not met, the risk was theirs rather than the Council's. If the operator was to outperform its targets, the Council would receive 50% of the extra funds generated.

The Leader acknowledged that whilst the project had been initiated by this Council, at the time of the proposed centre being opened, Buckinghamshire Council would be the responsible authority. The proposed centre was described as a facility which residents of the Chilterns and Buckinghamshire could be proud of. The Leader re-iterated that this would be a flagship project for the new Council and further thanks to Councillor Stannard and the team of officers behind the project were noted.

With Cabinet support, the business case would be considered by the Shadow Executive of the Shadow Buckinghamshire Council on 10 September 2019.

RESOLVED

- 1. That the current position be noted.**
- 2. That Cabinet agree the final business case and proposals for the Chiltern Lifestyle Centre project.**
- 3. That Cabinet agrees to utilise the £33m in capital programme for the construction of this project and allocate £500,000 from reserves to the project to cover the contingency sum.**
- 4. To authorise the Head of Healthy Communities, in consultation with the Portfolio Holder and Director of Services, to conclude the delivery agreement between BAM and the Council for the construction phase.**
- 5. That the Head of Finance be authorised to carry out the necessary arrangements to obtain the loan finance.**
- 6. That the Head of Healthy Communities be authorised to negotiate and conclude any necessary agreements including with Sport England to allow the development to proceed through to completion.**
- 7. That Cabinet note the loss in revenue income arising from the discontinuation of the Library car park from October 2019.**
- 8. To note and agree the re-phasing of the pre-construction costs of this project from £1,750,000 to £2,421,381 to avoid future costs arising from a delay to the build programme.**
- 9. To agree to set aside reserves to cover the three year initial revenue costs, these to be replenished during the 15 year contract period, ensuring the Chiltern Lifestyle Centre is delivered at no cost to the Council Tax payer.**

25 APPOINTMENT OF LEISURE OPERATOR

Cabinet considered a report which detailed the outcome of the procurement exercise to appoint a leisure operator to operate the proposed Chiltern Lifestyle Centre, Chesham and Chalfont leisure centres and interim operation of the Chiltern Pools. The report requested that Cabinet consider amending the capital programme 2020/21 to undertake the capital investment in the Chesham and Chalfont leisure centres; to enter in to leases with the chosen

leisure operator to occupy the Chiltern Lifestyle Centre, Chesham and Chalfont leisure centres and the Chiltern Pools and; for the new leisure operator contract for the operation of the centres to be signed.

The procurement of the Chiltern Leisure Operator contract had reached a satisfactory conclusion with bidders having exceeded the threshold income target of providing the Council with an average guaranteed net income of £1.2m/annum over a 15 year contract to operate the Chiltern Lifestyle Centre, and Chesham and Chalfont Leisure Centres. If the highest scoring tender was accepted, the management fee to be paid by the leisure operator to the Council would fully fund the cost of borrowing, and lifecycle repairs to external structural elements of the building, an area which the Council would retain responsibility for.

Cabinet was taken through the key proposals of the highest bid received, and a detailed presentation was provided in the reports pack which contained the proposed design and layout to each of the centres at Chalfont and Chesham.

The positive environmental impact was also recognised with planned reductions to energy consumption and carbon emissions.

Cabinet recognised the importance of the proposed improvements to the leisure centres at Chesham and Chalfont, having been acutely aware of the risk that customers would migrate from these centres to the proposed new centre in Amersham when the build had completed. The proposals for these centres were described as exciting and having exceeded expectations. Young people of the Chilterns would be particularly encouraged to use the centres, although each of the centres included activities for all age groups.

The Leader noted that the bids received had been strong and had met all of the desired needs for a new leisure facility; in addition impressive improvements to the leisure centres at Chesham and Chalfont would further excite residents. The Leader recognised that each centre would encourage a significant number of residents to visit, particularly those who were not currently using any leisure facility, or even engaging in no exercise at all. This vastly improved leisure provision would promote residents to lead healthier, more fulfilled lives and would greatly benefit Buckinghamshire Council.

RESOLVED

- 1. That Cabinet notes the current position regarding the procurement of the Chiltern leisure operator contract.**
- 2. That Cabinet agrees that the leisure operator contract for the operation of the Chiltern Lifestyle Centre, Chesham and Chalfont leisure centres and interim operation of the Chiltern Pools can be awarded to the most economically advantageous tender.**
- 3. That Cabinet agrees to enter in to leases with the leisure operator to occupy the Chiltern Lifestyle Centre, Chesham and Chalfont leisure centres and the Chiltern Pools.**
- 4. That delegated authority is given to the Head of Healthy Communities to agree the final terms of the leisure operator contract and leases.**

And RESOLVED to recommend to Council

That a sum to be agreed be added to the capital programme to enable capital investment in the Chiltern Lifestyle Centre, Chesham and Chalfont leisure centres to be made by the leisure operator.

The meeting ended at 7.33 pm