

Public Document Pack

Cabinet

Tuesday, 18th April, 2023
at 4.30 pm

PLEASE NOTE TIME OF MEETING

Council Chamber, Civic Centre

Members

Leader – Councillor Kaur

Cabinet Member for Children and Learning – Councillor Dr Paffey

Cabinet Member for Finance and Change – Councillor Leggett

Cabinet Member for Housing and Green Environment – Councillor Mitchell

Cabinet Member for Economic Development – Councillor Bogle

Deputy Leader and Cabinet Member for Health, Adults and Leisure – Councillor Fielker

Cabinet Member for Transport and District Regeneration - Councillor Keogh

Cabinet Member for Safe City – Councillor Renyard

Cabinet Member for Communities and Customer Engagement – Councillor Kataria

(QUORUM – 3)

Contacts

Cabinet Administrator

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Director of Governance, Legal and HR

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BACKGROUND AND RELEVANT INFORMATION

The Role of the Executive

The Cabinet and individual Cabinet Members make executive decisions relating to services provided by the Council, except for those matters which are reserved for decision by the full Council and planning and licensing matters which are dealt with by specialist regulatory panels.

The Forward Plan

The Forward Plan is published on a monthly basis and provides details of all the key executive decisions to be made in the four month period following its publication. The Forward Plan is available on request or on the Southampton City Council website, www.southampton.gov.uk

Implementation of Decisions

Any Executive Decision may be “called-in” as part of the Council’s Overview and Scrutiny function for review and scrutiny. The relevant Overview and Scrutiny Panel may ask the Executive to reconsider a decision, but does not have the power to change the decision themselves.

Mobile Telephones – Please switch your mobile telephones or other IT to silent whilst in the meeting.

Use of Social Media

The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair’s opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council’s Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public. Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so. Details of the Council’s Guidance on the recording of meetings is available on the Council’s website.

Municipal Year Dates (Tuesdays)

2022	2023
14 June	17 January
19 July	7 February
16 August	21 Feb (budget)
13 September	14 March
18 October	18 April
15 November	
20 December	

Executive Functions

The specific functions for which the Cabinet and individual Cabinet Members are responsible are contained in Part 3 of the Council’s Constitution. Copies of the Constitution are available on request or from the City Council website, www.southampton.gov.uk

Key Decisions

A Key Decision is an Executive Decision that is likely to have a significant:

- financial impact (£500,000 or more)
- impact on two or more wards
- impact on an identifiable community

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

Fire Procedure – In the event of a fire or other emergency, a continuous alarm will sound and you will be advised, by officers of the Council, of what action to take.

Smoking policy – The Council operates a no-smoking policy in all civic buildings.

Access – Access is available for disabled people. Please contact the Cabinet Administrator who will help to make any necessary arrangements.

Southampton: Corporate Plan 2022-2030 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Cabinet, and its Executive Members, are set out in Part 3 of the Council's Constitution.

RULES OF PROCEDURE

The meeting is governed by the Executive Procedure Rules as set out in Part 4 of the Council's Constitution.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 **APOLOGIES**

To receive any apologies.

2 **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

EXECUTIVE BUSINESS

3 **STATEMENT FROM THE LEADER**

4 **RECORD OF THE PREVIOUS DECISION MAKING** (Pages 1 - 4)

Record of the decision making held on 14th March, 2023 attached.

5 **MATTERS REFERRED BY THE COUNCIL OR BY THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE FOR RECONSIDERATION (IF ANY)**

There are no matters referred for reconsideration.

6 **REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES (IF ANY)**

There are no items for consideration

7 **EXECUTIVE APPOINTMENTS**

To deal with any executive appointments, as required.

ITEMS FOR DECISION BY CABINET

8 **CORPORATE ASSETS DECARBONISATION SCHEME (CADS) PHASE 2 - APPROVAL TO SPEND** □ (Pages 5 - 20)

To consider the report of the Cabinet Member for Economic Development. CADS delivers energy efficiency and renewable energy measures that reduce carbon dioxide emissions and energy costs within the Council's operational buildings. This report requests approval to spend existing budget, which will support the Council's aspiration to be net zero carbon by 2030.

9 ST MARY'S LEISURE CENTRE □ (Pages 21 - 36)

To consider the report of the Cabinet Member for Health, Adults and Leisure outlining the future for St Mary's Leisure Centre.

Thursday, 6 April 2023

Director – Legal, Governance and HR

SOUTHAMPTON CITY COUNCIL
EXECUTIVE DECISION MAKING

RECORD OF THE DECISION MAKING HELD ON 14 MARCH 2023

Present:

Councillor Kaur	-	Leader
Councillor Fielker	-	Deputy Leader, Cabinet Member for Health Adults and Leisure
Councillor Bogle	-	Cabinet Member for Economic Development
Councillor Kataria	-	Cabinet Member for Communities and Customer Engagement
Councillor Keogh	-	Cabinet Member for Transport and District Regeneration
Councillor Leggett	-	Cabinet Member for Finance and Change
Councillor Mitchell	-	Cabinet Member for Housing and the Green Environment
Councillor Dr Paffey	-	Cabinet Member for Children and Learning
Councillor Renyard	-	Cabinet Member for Safe City

63. 2023/24 CONCESSIONARY FARES SCHEME

DECISION MADE: (CAB 22/23 36263)

On consideration of the report of the Cabinet Member for Transport and District Regeneration, Cabinet agreed the following:

- (i) That Cabinet agrees to the 2023/24 Concessionary Fare Methodology to reimburse bus operators in line with the Department for Transport Concessionary Fares Guidance and forecast to cost £0.06M less than budget, as detailed in Appendix 1.
- (ii) That Cabinet agrees the local enhancements above the statutory minimum, which is to allow concessionary travel from 0900 rather than 0930 and between 2300 and 0030 for Southampton residents.
- (iii) That Cabinet agrees the adjustment to the 2022/23 Concessionary Fare Methodology at the cost of £0.21M and payments are as detailed in Appendix 3.
- (iv) That Cabinet notes that the 2022/23 methodology adjustment goes beyond Essential Spend and to note the considerable financial challenges the authority faces as set out in the 2023/24 budget report and Medium Term Financial Strategy (MTFS) agreed by Council on 22 February 2023, in particular the comments of the S151 Officer on the major risks faced and the inadequacy of reserves. Cabinet is therefore urged to carefully consider very carefully any and all extra spending prior to making any commitment. The budget challenge is set out in paragraphs 38 and 39.

64. ENHANCED BUS PARTNERSHIP

DECISION MADE: (CAB 22/23 36003) On consideration of the report of the Cabinet Member for Transport and District Regeneration, Cabinet agreed the following:

- (i) To approve the creation of the Southampton Enhanced Bus Partnership and to publish a Notice of Intent as required by section 138F of Transport Act 2000.
- (ii) To approve the draft Enhanced Partnership Plan and Scheme and finalise the EP Agreement, following consultation with the Director Governance & HR and Executive Director Place, and to commence the Partnership from 17th April 2023.
- (iii) To delegate authority to the Executive Director for Place, following consultation with the Cabinet Member for Transport and District Regeneration, to determine all matters recommended at the Enhanced Partnership Board as set out in the EP Scheme and in line with agreed Council budgets and the Policy Framework.

65. HOUSEHOLD SUPPORT FUND APRIL 2023-MARCH 2024

DECISION MADE: (CAB 22/23 36003) On consideration of the report of the Cabinet Member for Communities and Customer Engagement, Cabinet agreed the following:

- (i) To approve in principle for Southampton City Council to participate in the delivery of the next phase of Household Support Fund from 1 April 2023 to 31 March 2024.
- (ii) To delegate authority to the Executive Director Wellbeing & Housing to finalise the details of the local Household Support Fund scheme following consultation with the Executive Director - Finance, Commercialisation and S151 Officer and the Cabinet Member for Communities and Customer Engagement and to administer funding in accordance with that scheme.

66. HOUSEHOLD WASTE AND FLY-TIPPING POLICY 2023-2026

DECISION MADE: (CAB 22/23 36294) On consideration of the report of the Cabinet Member for Finance and Change and having considered the recommendations from Overview and Scrutiny Management Committee held on 9th March, 2023 Cabinet agreed the following:

- (i) To approve the Household Waste and Fly-tipping Policy.
- (ii) To delegate authority to the Executive Director for Place, following consultation with the Cabinet Member for Finance and Change and the Cabinet Member for Communities and Customer Engagement, to make minor changes to the Policy during its period of effect.

67. BUDGET MATTERS - GRANT FUNDING FOR SOUTHAMPTON CULTURE TRUST

DECISION MADE: (CAB 22/23 33674) On consideration of the report of the Cabinet Member for Finance and Change, Cabinet agreed the following:

- (i) To approve the award of grant funding of £0.07M in 2022/23, £0.35M in 2023/24, £0.044M in 2024/25 and £0.40M in 2025/26 towards the operation of the Southampton Culture Trust as per the allocations in the Council approved budget report and detailed in paragraph 12.
- (ii) To delegate authority to the Head of Culture & Tourism to conclude the grant funding arrangements with the Trust as per paragraph 12.
- (iii) To approve a £50k contribution to the Trust to carry out a Tourism audit and action plan as per paragraph 12.

68. SEND PROGRAMME

DECISION MADE: (CAB 22/23 35639) On consideration of the report of the Cabinet Member for Children and Learning, Cabinet agreed the following modified recommendations:

- (i) To approve the commencement of consultation, based on the option recommended in section 23. The option outlined is for the expansion and reconfiguration of Southampton Special Schools to create 278 additional spaces across 3 identified sites as per Table 1, section 23, subject to consultation and statutory school organisation decisions.
- (ii) To agree a further report to be brought back to Cabinet prior to the commencement of the strategy. This report will detail the outcome of the consultation including any required amendments to the programme.
- (iii) To approve spend of £0.67m in 2023/24 for the next phase for the SEND programme to proceed with preparatory work as outlined in the report from General Fund capital. Should any of the schemes not proceed following the outcome of the consultation these costs will be abortive costs which will be charged to the General Fund revenue account. The risk of the capital programme not proceeding is very low after 3 years of extensive consultation and phase 1 feasibility work. Equally, the risks of not doing the work are also high as surplus places within the city are needed to lower costs and not having these will lead to extensive use of out of city and independent specialist provision, at much greater cost. It is unlikely the costs would fall in full to revenue, but if any cost does, we will need to rely on staff savings via more vacancies being managed including those from early help and young people services. This would in turn impact on early intervention services, ultimately increasing demand.
- (iv) To agree to the commencement of work prior to consultation closing, understanding that there is a risk of abortive costs should any scheme not proceed needing to be charged to revenue.

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Agenda Item 8

DECISION-MAKER:	CABINET
SUBJECT:	CORPORATE ASSETS DECARBONISATION SCHEME PHASE 2 (CADS 2)
DATE OF DECISION:	18TH April 2023
REPORT OF:	COUNCILLOR BOGLE CABINET MEMBER FOR ECONOMIC DEVELOPMENT

<u>CONTACT DETAILS</u>			
Executive Director	Title	Executive Director of Place	
	Name:	Adam Wilkinson	Tel: 023 8254 5853
	E-mail:	Adam.Wilkinson@southampton.gov.uk	
Author:	Title	Energy Manager	
	Name:	Jason Taylor	Tel: 023 8083 2641
	E-mail:	Jason.taylor@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
N/A	
BRIEF SUMMARY	
To achieve its ambition to reduce its impact on the ongoing climate emergency, Southampton City Council (Council) has committed to be net zero carbon by 2030.	
This includes significantly reducing carbon dioxide emissions (CO ₂ e) associated with energy use within its non-domestic (corporate) buildings and assets. This energy use predominately comes from electricity and gas consumption.	
To address these carbon emissions, the Council has set up the Corporate Assets Decarbonisation Scheme (CADS). This scheme delivers energy efficiency and renewable energy measures that have a positive return on investment, as well as delivering CO ₂ e savings required to meet the Council's net zero ambitions.	
A full business case for the next round of decarbonisation works (CADS 2) has been developed. This paper provides a summary of the business case and requests the approval to spend against the existing budget allocated to CADS.	
RECOMMENDATIONS:	
(i)	Cabinet approves spend on Phase 2 of CADS of £0.95M, currently budgeted within the existing Place capital programme for financial year 2023/2024.
(ii)	Cabinet approves a revenue saving of £0.13M from the corporate energy budget, from 2024/25 onwards, which will more than cover the additional costs identified below.
(iii)	Cabinet approves the additional budget of £0.03M in 2023/24 and £0.067M from 2024/25 onwards for financing costs, to be added to the existing Capital Asset Management (CAM) budget. Capital

		financing was previously removed from the MTFs - pending the business case and confirmation the costs would be covered.
	(iv)	Cabinet approves the budget of £0.004M from 2029/30 onwards for the additional maintenance cost of the Solar PV units.
	(v)	Cabinet delegates authority to the Head of Corporate Estate and Assets following consultation with the Head of Supplier Management, to finalise any specific terms of the proposed contracts outlined within this paper, then award and enter the call off contract under the relevant framework agreement, and carryout all necessary actions to facilitate the execution, implementation and operation of the contracts.

REASONS FOR REPORT RECOMMENDATIONS

1.	CADS 2 will largely include Solar PV panels and LED lighting upgrades, along with ancillary works, and these technologies provide a proven return on investment and carbon reduction within the Council's corporate assets. This aligns with the Council's 2030 Net Zero Carbon ambitions.
2.	The Council's existing CADS 1 building works are being undertaken under contract with our external project management resource (Faithful & Gould consultancy) and delivery partner (Npower Commercial Gas Limited). These contracts will end once the CADS 1 buildings works are completed early financial year 2023/24. Therefore, new contracts will need to be procured for CADS 2.
3.	The recommended option outlined within this report and project assessment documentation provides a business case based on energy cost savings, a compliant route to procurement, along with the full range of services, cost effectiveness and quality sought by the Council.
4.	The CADS Programme aims to support the ambitions of the Council's Green City Plan and support the ambition of a Net Zero carbon footprint for the corporate buildings and operations by 2030, along with reducing the costs and risk associated with the rising price of energy.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5.	Option 1 – Do Nothing: The Council opts to not attempt to honour its Net Zero ambition by 2030 for its corporate assets. The sole benefit of this approach is the avoidance of capital expenditure. This option offers a short-term reduction in financial pressures by avoiding capital expenditure but does not begin to address the continued vulnerability of the Council to future energy price volatility and increases. Additionally, the Council will likely face public scrutiny for not attempting to meet its Net Zero commitments under the Green City Charter.
6.	Option 2 – Offset: Instead of a capital investment programme as a means of meeting its Net Zero ambitions, the Council opts to purchase carbon offsets as a means of obtaining Net Zero status by 2030. Current projections and estimates suggest that by 2030 the Council is projected to emit 7,900 tCO _{2e} in 2030 under a business as usual scenario (a 21% reduction from its current emissions due to the projected decarbonisation of the national grid). This is projected to cost the Council approximately an additional £0.4M in carbon offsets to obtain Net Zero certification per annum from 2030 onwards. This approach provides no tangible benefit to the Council or Southampton as a city

	outside of the net zero certification and continues to leave the Council vulnerable to increased energy prices.
DETAIL (Including consultation carried out)	
7.	This report proposes the option that involves the CADS 2 capital investment programme, which delivers energy efficiency and renewable energy projects that pay for themselves from energy cost savings within a 10 year period.
8.	CADS 2 will save carbon emissions and energy costs, which will repay borrowing and provide an additional net cost saving per year.
9.	This proposed CADS 2 project only applies to the Council's corporate assets funded under the General Fund (i.e. it excludes schools and leisure centres, currently operated by Active Nation). This is because the Council's General Fund Budget does not pay for the energy consumed in Leisure Centres (currently operated by Active Nation), Housing Revenue Account and Schools. Therefore, any expenditure in those assets would require an investment recovery mechanism. It is proposed a separate business case will be brought forward for decision (if considered appropriate) for investment in schools and leisure centre sites in 2023/24. The HRA capital programme already includes an energy efficiency programme separate from CADS. There are currently no plans to combine these programmes.
10.	All CADS 2 energy saving measures will be subject to a projected 10-year payback on investment. This qualification criteria ensures a healthy return on investment prior to the expected lifetime of the measure.
11.	The reasonable expected lifetime (as published by the Department for Business, Energy and Industrial Strategy) of the energy saving measures are as follows. <ol style="list-style-type: none"> 1. LED Upgrade: Approximately 25 years 2. Solar PV (Photovoltaic) Panels: Approximately 22.5 years
12.	This leaves a minimum additional 12.5 years of savings beyond the initial payback term.
13.	Total costs for CADS 2 are estimated at £0.95M, which includes technology delivery, project management and related services, including the Senior Energy Officer post within the Energy Team, who will deliver the day-to-day client role.
14.	Additional external resources are required to provide professional services support to ensure the successful delivery of this programme of works. These resources will be procured through the existing approved Council Procurement Frameworks for consultancy services.
15.	Once the additional resources are in place the following work will be completed. <ol style="list-style-type: none"> a. Scope Reassessment – Current proposed programme will be subject to a detailed review. This will be refined on an individual project/asset basis and subject to design team input and scrutiny. Any structural or detailed technical assessments required will be conducted at this stage. b. Scope Confirmation – The final site suitability will be confirmed, and further cost assurances will be provided together with savings

	<p>estimates, including but not limited to, cost, energy and CO₂e emissions.</p> <p>c. Scope Approval – Once the above is completed confirmation will be provided under delegated powers for the full design specification and final costs associated with works.</p> <p>d. Delivery Procurement – The contractor to deliver the works will then be procured through the pre-approved frameworks based on design.</p> <p>e. Project Management and Project Delivery – the project will then be delivered by the contractor to time, within budget and meeting the required quality parameters and savings targets.</p>
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16.	The Energy Team intends to procure contractors for Solar PV through the Central Southern England Multi Contractor Framework and LED Lighting upgrade works through the Hampshire's Mechanical and Electrical Minor Works Framework. Both of which have been approved by the Council's procurement partners.
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RESOURCE IMPLICATIONS

Capital/Revenue

17.	The proposal supports the Council's 'invest to save', by investing in energy saving measures the Council can directly reduce its annual expenditure on energy.
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18.	The table below shows the cost of the programme, the estimated annual cost saving, the payback period and the tonnes of CO ₂ e estimated to be saved per annum.
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Table 1 – Overall Cost and Benefits of CADS 2

Measure	Capital Costs	Estimated Annual Gross Saving	Payback (Years)	Tonnes CO ₂ e saved per annum
CADS Phase 2	£0.95M	£0.13M	7.3	95

19.	This paper requests approval to spend of £0.95M from the existing £2M CADS budget in the capital programme in 2023/2024.
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20.	The capital expenditure profile and proposed funding is shown in Table 2 below. All capital expenditure is expected to be incurred in 2023/24 and be funded by council resources as per the approved budget in the capital programme.
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Table 2 – Expenditure Breakdown and Funding Profile

CADS 2	2023/24	2024/25	Source of funding
Solar PV (Photovoltaics)	£0.45M		
LED Lighting Upgrades	£0.29M		
Project Fees	£0.21M		
Total Capital expenditure	£0.95M	-	-
Funded by:			
Council Resources	£0.95M	-	Borrowing

21.	<p>The revenue impact of the measures over the life of the assets is detailed in Table 3 below. Full savings are forecast to be generated from the start of 2024/25 and projected over the useful asset life of the measures. The financing costs are based on forecast interest rate of 5% for 25 years and incorporates the annual Minimum Revenue Provision charge to the general fund associated with the borrowing. This shows that the net saving of the measures over the life of the assets is estimated to be around £1.27M after financing costs and repairs & maintenance have been considered, which is greater than the initial outlay.</p> <p>Table 3 –Lifetime Revenue Impact</p> <table border="1" data-bbox="336 607 1433 987"> <thead> <tr> <th></th> <th>2023/24 £000</th> <th>2024/25 £000</th> <th>2025/26 £000</th> <th>2026/27 £000</th> <th>2027/28 £000</th> <th>5 year total £000</th> <th>25 year total £000</th> </tr> </thead> <tbody> <tr> <td>Gross Saving</td> <td>0</td> <td>-130</td> <td>-130</td> <td>-130</td> <td>-130</td> <td>-520</td> <td>-3,012</td> </tr> <tr> <td>Financing costs</td> <td>34</td> <td>67</td> <td>67</td> <td>67</td> <td>67</td> <td>268</td> <td>1,674</td> </tr> <tr> <td>Repairs & Maint.</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>74*</td> </tr> <tr> <td>Net Cost/ (Saving)</td> <td>34</td> <td>-63</td> <td>-63</td> <td>-63</td> <td>-63</td> <td>-252</td> <td>-1,264</td> </tr> </tbody> </table> <p>*Maintenance costs will apply from year 5 onwards</p>		2023/24 £000	2024/25 £000	2025/26 £000	2026/27 £000	2027/28 £000	5 year total £000	25 year total £000	Gross Saving	0	-130	-130	-130	-130	-520	-3,012	Financing costs	34	67	67	67	67	268	1,674	Repairs & Maint.	0	0	0	0	0	0	74*	Net Cost/ (Saving)	34	-63	-63	-63	-63	-252	-1,264
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22.	Combined net annual cost savings from the end of the first full year post delivery of CADS 2 would be £0.063M per annum until the first assets reach the end of their useful life. This savings figure does not include energy price inflation.																																								
23.	The current gross savings that will be delivered by the installation of the CADS 2 measures is £0.13M per annum.																																								
24.	Following the initial 5-year warranty on Solar PV installations, it is projected that the Council will be required to spend £4,000 per annum on Solar Panel maintenance, for a total of £0.07M over the lifetime of 22.5 years for the installed panels. The costs of maintenance from year 5 will be recovered from the energy savings delivered by the Solar PV installations.																																								
25.	The cost of replacement or retrofit LED Lighting upgrades will be met from the Corporate Repairs and Maintenance budgets.																																								
26.	There are already budgets for Asset Management Repairs and Maintenance contracts covering these technologies on Council assets. The existing contracts will be able to accommodate LED lighting technology. It is confirmed the new technology will reduce both planned and reactive maintenance due to warranty periods and newer technology replacing old. In addition, the lighting will be covered by a minimum refund or replacement 5-year warranty, further reducing potential associated costs.																																								
Property/Other																																									
27.	All works conducted under CADS 2 will be conducted on Council corporate owned and operated buildings.																																								
28.	There are wider property issues that need to be considered as part of this programme of work:																																								

	<ul style="list-style-type: none"> a. Roof replacement framework contract – CADS 2 will align with existing proposed roofing works planned for Council buildings with potential Solar PV opportunities. Sites flagged for inclusions in CADS 2 delivery will include any required enablement works to be covered in specification. b. Repairs and Maintenance programme – align with and understand historical, ongoing, and future planned works to minimise potential revenue expenditure or waste. Ensure ongoing maintenance liability is minimised where feasible. c. Property rationalisation programme – ongoing consultation, engagement covering the disposal of council assets will continue to be undertaken. This will ensure lifetime of measures, business case and possible change of ownership of the asset is considered when delivering CADS. d. Green City Plan – align with key charters goals including the principal decarbonisation scheme and align with the aspiration to be Net Zero carbon by 2030.
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LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

29.	S1. Localism Act 2011 permits the Council to enter into the arrangements set out in the report, subject to complying with all relevant financial procedure rules.
30.	The implementation of CADS 2 schemes will be subject to all necessary regulatory consents and EISA completion to meet the requirements of the Equalities Act 2010 and s.149 Public Sector Equality Duty as each proposal moves forward.

Other Legal Implications:

31.	N/A
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RISK MANAGEMENT IMPLICATIONS

32.	Although contingency has been included in the business case to account for inflation. There is continued risk that projected estimated costs are subject to further inflation during the tender process. If costs continue to become inflated through the delivery phase, the programme scope will be revised to accommodate the increased costs. Provided that the programme continues to meet the minimum 10-year payback on investment criterion. Relevant approval will be sought where required.
33.	Issues associated with the supply of materials such as solar panels or other components will have to be considered in the final project plan. The supply of materials has improved over the past 12 months; however, contingency has been included in the current project forecasts to accommodate delays up to 12 weeks.
34.	Any property related risks will also be managed and continued assessment of the assets' operation, life or ownership will be undertaken throughout the project. Any sites where the proposed payback on investment does not provide a positive business case will be removed from the programme.
35.	Volatility in the energy markets provides a significant risk with CADS. To attempt to provide the most up to date projections of prices going forward, the

	Energy Team has undertaken sensitivity analysis and engaged with our current energy suppliers to establish projected energy prices to 2030.																				
36.	<p>Projected electrical energy costs have been made to 2030 using projections made by energy market analysts, Cornwall Insights, and discussions with LASER (the Councils current energy purchasing organisation) around energy costs going forward. Table 5 outlines the current electricity price projections to 2030.</p> <p>Table 5 – Current electricity price projections to 2030.</p> <table border="1"> <thead> <tr> <th>Scheme</th> <th>2023</th> <th>2024</th> <th>2025</th> <th>2026</th> <th>2027</th> <th>2028</th> <th>2029</th> <th>2030</th> <th>Average</th> </tr> </thead> <tbody> <tr> <td>Unit Rate (p/kWh)</td> <td>38</td> <td>32</td> <td>28</td> <td>26.5</td> <td>25.5</td> <td>26.5</td> <td>26.5</td> <td>27.5</td> <td>29</td> </tr> </tbody> </table>	Scheme	2023	2024	2025	2026	2027	2028	2029	2030	Average	Unit Rate (p/kWh)	38	32	28	26.5	25.5	26.5	26.5	27.5	29
Scheme	2023	2024	2025	2026	2027	2028	2029	2030	Average												
Unit Rate (p/kWh)	38	32	28	26.5	25.5	26.5	26.5	27.5	29												
37.	Prior to the war in Ukraine, the Council purchased electricity at around 15p/kWh across corporate assets. The Council currently pays around 29p/kWh which includes the Government’s energy price support and will likely see further increase in October 2023 when energy prices are fixed for the year ahead.																				
38.	Current industry projections suggest that energy prices are likely to have continued volatility for the foreseeable future and are unlikely to ever return to their pre-Ukraine war levels.																				
39.	29p/kWh has been utilised as the representative electrical unit rate for payback calculations under this business case as it is the projected average unit rate to 2030.																				
40.	Should energy prices deviate considerably from the projected unit rates, the business case will be re-evaluated to ensure CADS 2 meets the 10-year minimum payback on investment criteria. Based on average costs across the whole project the energy price point per unit for solar would have to drop to below 14.5p/kWh and 21.5p/kWh for LED lighting for the technology payback of 10 years not to be met. Although this is unlikely in the current forecasts to 2030, continuing checks will be made to ensure ongoing paybacks are met.																				
41.	The key project risks have and will continue to be identified as part of developing the CADS 2 business case through to delivery. Risks are being managed under the Council’s project management process and will be presented at the monthly Decarbonisation Board as part of the governance.																				
POLICY FRAMEWORK IMPLICATIONS																					
42.	<p>CADS 2 contributes to the strategic objectives that will support and deliver council outcomes in the following policies:</p> <ul style="list-style-type: none"> • Southampton City Strategy (2015-2025): delivering whole place thinking and innovation. • Southampton City Council Corporate Plan (2022-2030): Green City and Wellbeing • Green City Plan 2030: to ensure the council corporate assets and streetlighting become zero carbon by 2030. The corporate assets cover all non-domestic buildings including SCC schools and streetlighting. 																				

	CADS will reduce the Councils associated CO ₂ e emissions and improve the Council as an organisation by helping to reduce the Council's energy costs, directly reduce its impact on the environment and support the delivery of the Net Zero agenda with the city.
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KEY DECISION?	Yes
WARDS/COMMUNITIES AFFECTED:	City Wide
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Equality and Safety Impact Assessment (ESIA)
2.	

Documents In Members' Rooms

1.	CADS 2 FULL BUSINESS CASE
2.	

Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes
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Data Protection Impact Assessment

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
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Other Background Documents

Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	
2.	

APPENDIX 1 – EQUALITY AND SAFETY IMPACT ASSESSMENT



Equality and Safety Impact Assessment

The Public Sector Equality Duty (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

Name or Brief Description of Proposal	CADS Phase 2
Brief Service Profile (including number of customers)	
Energy Efficiency and solar PV works across a wide number of corporate (non-schools) buildings. No direct impact on staff or council customers.	
Summary of Impact and Issues	
Possible temporary impact whilst works being undertaken on site. Noise, disturbance, and slight change in environmental conditions, which would be expected when replacing lighting and controls. These will be minimal with out of hours working in locations as required.	
Potential Positive Impacts	
Carbon & costs savings Improved light levels. Improve environmental conditions and controllability of workspaces.	
Responsible Service Manager	Jason Taylor
Date	15-03-23
Approved by Senior Manager	Ola Onabajo
Date	15-03-23

Potential Impact

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
Age	Potential disturbance and/or modifications to the appearance of facilities utilised by the elderly such as assisted living facilities etc.	The Energy Team will work closely with site operators to ensure that any modifications have minimal aesthetic impact wherever possible to ensure consistency.
Disability	Potential disturbance and/or modifications to the appearance of facilities used by people with disabilities such as day centres etc.	The Energy Team will work closely with site operators to ensure that any modifications have minimal aesthetic impact wherever possible to ensure consistency. Works will be carried out outside of hours of use wherever possible to ensure minimal disturbance through noise etc.
Gender Reassignment	None Identified	
Marriage and Civil Partnership	None Identified	
Pregnancy and Maternity	None Identified	
Race	None Identified	
Religion or Belief	None Identified	
Sex	None Identified	
Sexual Orientation	None Identified	
Community Safety	None Identified	
Poverty	Potential disturbance and/or modifications to the appearance of facilities used by people impacted by poverty such as libraries and day centres etc.	The Energy Team will work closely with site operators to ensure that any modifications have minimal aesthetic impact wherever possible to ensure consistency.
Health & Wellbeing	Potential changes to lighting and lux levels which may impact those with photosensitivity. Which has	All lighting designs will be compliant with the current CIBSE or other similar standards. Where an existing user who

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	been known to cause migraine or similar health impacts.	experiences photosensitivity is known, the design or control strategy will be modified to accommodate the users sensitivities.
Other Significant Impacts	None Identified	

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Equality and Safety Impact Assessment

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Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	Which has been known to cause migraine or similar health impacts.	standards. Where an existing user who experiences photosensitivity is known, the design or control strategy will be modified to accommodate the users sensitivities.
Other Significant Impacts	None Identified	

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Agenda Item 9

DECISION-MAKER:	Cabinet
SUBJECT:	St Mary's Leisure Centre
DATE OF DECISION:	18 th April 2023
REPORT OF:	COUNCILLOR FIELKER CABINET MEMBER FOR HEALTH, ADULTS AND LEISURE

<u>CONTACT DETAILS</u>			
Director	Title	Director of Public Health	
	Name:	Dr Debbie Chase	Tel: 023 8083 3694
	E-mail	Debbie.chase@southampton.gov.uk	
Author:	Title	Head of Supplier Management	
	Name:	Paul Paskins	Tel: 023 8083 4353
	E-mail	Paul.paskins@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

N/A

BRIEF SUMMARY

This report concerns the approach to procuring the long-term future for St Mary's Leisure Centre ("SMLC").

RECOMMENDATIONS:

- | | | |
|--|-----|---|
| | (i) | To delegate authority to the Head of Supplier Management to undertake a procurement process to appoint a long-term operator for SMLC. |
|--|-----|---|

REASONS FOR REPORT RECOMMENDATIONS

1.	The Council intends, subject to the approval of the recommendation of this report, to undertake a procurement process to appoint a long-term operator of SMLC.
2.	Further to the decision by Cabinet on 19 th July 2022 (the "July Report") to recommence leisure services from SMLC for a period of up to 18 months ("the Interim Arrangement"), a 12-week consultation ("the Second Consultation") on the longer-term operation of SMLC took place between 12 th December 2022 and 6 th March 2023.
3.	The Second Consultation indicated that sixty nine (69)% of respondents agreed with the proposal and sixty one (61)% of respondents agreed that it would have a positive impact for SMLC to remain as a leisure facility.
4.	Active Nation ("AN") is the operator of SMLC for the duration of the "Interim Arrangement", as approved in the July Report. This arrangement with AN commenced in August 2022 and is for a maximum of 18 months. The arrangement includes a notice period of 3 months and it is intended that the procurement process and subsequent mobilisation of the long-term operator will

	align with these timescales to ensure there is minimal disruption to services once the long-term operator is appointed.
5.	The procurement process for the long-term operator is expected to last between four and six months – including mobilisation by the new operator - from the date of the Cabinet decision.
6.	Once a preferred operator has been identified in accordance with the Council's Contract Procedure Rules, a further Cabinet report will be brought forward to enable Cabinet to consider the appointment of the new operator.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
7.	To revert to the Cabinet decisions of 21 February 2022 (“the February Report”), which included a decision to “ <i>permanently cease leisure services at SMLC and approve in principle the disposal of the site</i> ”. This option was rejected as it does not meet the Council's objective of re-opening SMLC in order to provide a facility which offers leisure and other community services in an area in which the community is experiencing significant long-term health, wellbeing, social, economic and financial challenges.
8.	Transfer the operation of SMLC to in-house Council management. This option has been considered and at present the Council does not have the expertise or infrastructure to enable provision of quality leisure services and, as such, this option is likely to be more expensive and provide poorer quality of services than the recommended option. Appointing an external operator is likely to bring extensive knowledge and skills of the leisure industry in order to achieve the maximum service and financial benefits for the Council and its customers.
DETAIL (Including consultation carried out)	
9.	SMLC is located in St Mary's Road and consists of a sports hall which is used for activities such as basketball and badminton, smaller rooms arranged around the main hall containing a variety of weights and gym equipment and two squash courts. The facility also contains a variety of other rooms.
10.	An eight-week public consultation regarding the discontinuation of leisure services at SMLC (“the First Consultation”) was undertaken between 30 November 2021 and 24 January 2022.
11.	1,758 responses to the First Consultation were received. 86% of all respondents to the First Consultation reported a negative impact and 7% a positive impact as a result of discontinuation of the services, 6% felt there would be no impact and 1% did not know what the impact would be.
12.	Leisure services operating from SMLC ceased in December 2021 at the conclusion of an arrangement with Solent University (“SU”) to operate these services.
13.	Following the Cabinet decision in February 2022, SMLC closed to the public in accordance with recommendation (i) of the February Report.
14.	Following the July Report, leisure services recommenced from SMLC in August 2022 through the Interim Arrangement with AN who deliver the leisure services and manage the day-to-day operation of SMLC.
15.	Under the Interim Arrangement, the Council have retained most of the repairs and maintenance liabilities associated with SMLC, in addition to insuring the building and responsibility for utility and most statutory compliance costs. The

	income received from the use of SMLC as a leisure facility is retained by the Council to offset the costs of operating.
16.	The Second Consultation was held between 12 th December 2022 and 6 th March 2023 and asked respondents to confirm agreement or disagreement with the Council's proposals for future usage of SMLC, which were based on feedback provided as part of the First Consultation and at a community event in November 2022.
17.	Appendix 1 is a report summarising the responses to the Second Consultation. In total, one hundred and eighty six (186) responses to the Second Consultation were received. Sixty nine (69) % of respondents to the Second Consultation agreed and twenty four (24) % disagreed with the proposal. Sixty one (61)% of respondents felt there would be a positive impact, eighteen (18)% felt there would be no impact and sixteen (16)% felt that the proposals would have a negative impact on them, their business, or the wider community.
18.	<p>SMLC is located in one of the most deprived parts of the city where health and wellbeing outcomes are poor. The centre is in Bevois ward which has the lowest life expectancy in Southampton; in 2018-20 life expectancy for males was 73.3 years in Bevois compared to the city average of 78.3 and the highest rate of 83.1 in Basset ward.</p> <p>Across the course of their lives, residents of Bevois ward generally have poorer outcomes. For instance, rates of low-birth-weight babies are significantly higher here than the Southampton average (6% in 2018-20 for the former compared to 3% for the latter). Rates of chronic conditions are high and health outcomes for older residents of Bevois ward are poor; for instance, over 65-year-olds are far more likely to have a fall leading to a hospital admission than the city average.</p> <p>Physical activity has well known benefits for both physical and mental health yet adult activity levels in the Bevois ward are amongst the lowest in the city (only 59% were doing 150 minutes of moderate intensity activity per week in 2020/21). The recommendation of this report is made in the context of these significant challenges and with the intention of SMLC contributing to improving health and wellbeing outcomes in the local community.</p>
19.	This report recommends the commencement of a procurement process to appoint a long-term operator of SMLC which will allow the facility to continue to be used as a leisure facility and made available for hire for one off community events.
20.	Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") will be considered as part of the transfer arrangements to the new operator.
21.	The Service Specification (which will form part of the proposed contract with the new operator) includes several operational requirements to which the successful operator must adhere. These include (but are not limited to) Facility Mix, Operating Model, Opening Hours, Customer Service, Programming for All, Public Health ("We Can Be Active") Strategy, Operating & IT Systems, Building and Maintenance Responsibilities, Cleaning, Pricing Requirements, Reporting Requirements, Equipment and Staff Development.
22.	It is intended that the long-term operator appointed as a result of the procurement process will work closely with the Council's Supplier Management service to ensure that the service specifications and all other contractual obligations are achieved. The contract will include performance measures and

	performance mechanisms linked to the outcomes required from the contract to help ensure compliance and maximise benefits.
23.	It is intended that the appointed operator will work closely with Public Health and align to the “We Can Be Active” strategy to contribute to deliver the goals of providing “opportunities that meet our needs and interests and are accessible and easy to find” and “support to help us get started”. The service offer would be developed around the responses to the Consultation in order to best meet the needs of the community and other users.
RESOURCE IMPLICATIONS	
24.	The precise details of the contract terms and risk profile associated with the contract for the long-term operator will be commercially sensitive and will be contained in the further Cabinet report.
25.	The costs of the procurement process will be met from existing budgets.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
26.	The Council has the necessary statutory powers in the Local Government Act 1972 to proceed with the recommendation of this report.
<u>Other Legal Implications:</u>	
27.	The Council must act in accordance with the Public Contracts Regulations 2015 (“PCRs”).
RISK MANAGEMENT IMPLICATIONS	
28.	<p>The Council has set a balanced budget for 2023/24 via a strong reliance on its reserves, covering a major budget shortfall of around £20.6M. It also is forecasting an in-year deficit for 2022/23 of £10.3M as reported at Cabinet on 21 February 2023, which again will significantly deplete the Council’s uncommitted reserves. The February 2023 budget report to Council commented that “financial resilience is much weakened by depleting the MTFR reserve, and a S114 notice is foreseeable and a major risk during 2023/24”.</p> <p>To help address this financial strain, an Essential Spend only regime has applied during much of 2022/23 and will continue into 2023/24, which is designed to minimise expenditure to meet legal and/or contractual requirements and the avoidance of service failure. Any decision that gives rise to a new commitment adds to the financial strain faced and Cabinet’s attention is therefore drawn to the fact that all decisions to spend, where not essential, further increase the Council’s financial risk by limiting the options to mitigate the forecast deficit or address the future budget shortfall projection.</p>
29.	The Council may be unable to agree acceptable commercial terms and form a contract with a long-term operator. Initial soft market testing has suggested there would be a small number of bidders that would be interesting in bidding for this opportunity. Work is well advanced on this matter, but if this risk were to occur, the Council would seek to make arrangements with an alternative operator in order to deliver the long-term future. This may necessitate the consideration of an exemption from the Council’s Contract Procedure Rules (“CPRs”).

30.	The risks associated with entering a contract as the result of granting an exemption to the Council's CPRs would be reviewed before such an exemption is approved and this review would also consider the PCR's.
POLICY FRAMEWORK IMPLICATIONS	
31.	The recommendation of this report is consistent with and not contrary to the Council's policy framework.

KEY DECISION?	Yes
WARDS/COMMUNITIES AFFECTED:	All wards
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Second Consultation Report

Documents In Members' Rooms

1.	N/A
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Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
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Data Protection Impact Assessment

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
--	-----------

Other Background Documents

Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	N/A

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St Mary's Leisure Centre consultation, Winter 2022/23

Full results summary





Southampton City Council undertook public consultation on proposals for the long-term operation of St Mary's Leisure Centre:

- Defining the centre as mixed leisure, wellbeing and community use;
- Ensuring the centre provides a range of gym, badminton, squash, fitness classes, and sporting facilities that will be available for hire by groups and clubs;
- Provide additional health and wellbeing activities such as stop smoking clinics, general health checks and drop-in sessions;
- It will be available for private hire events such as family events, birthdays, weddings, etc, and;
- Appointing an experienced provider via a competitive tendering process to manage the centre and work with the community to ensure it has a thriving future.

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The aim of this consultation was to:

- Communicate clearly to residents and stakeholders the proposals for the future of St Mary's Leisure Centre;
- Ensure any resident, business or stakeholder who wished to comment on the proposals had the opportunity to do so, enabling them to raise any impacts the proposals may have, and;
- Allow participants to propose alternative suggestions for consideration which they feel could achieve the objectives in a different way.



Southampton City Council is committed to consultations of the highest standard, which are meaningful and comply with the *Gunning Principles*, considered to be the legal standard for consultations:

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1. Proposals are still at a formative stage (a final decision has not yet been made);
2. There is sufficient information put forward in the proposals to allow 'intelligent consideration';
3. There is adequate time for consideration and response;
4. Conscientious consideration must be given to the consultation responses before a decision is made.



New Conversations 2.0
LGA guide to engagement



Rules: The Gunning Principles

They were coined by Stephen Sedley QC in a court case in 1985 relating to a school closure consultation (R v London Borough of Brent ex parte Gunning). Prior to this, very little consideration had been given to the laws of consultation. Sedley defined that a consultation is only legitimate when these four principles are met:

1. **proposals are still at a formative stage**
A final decision has not yet been made, or predetermined, by the decision makers
2. **there is sufficient information to give 'intelligent consideration'**
The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response
3. **there is adequate time for consideration and response**
There must be sufficient opportunity for consultees to participate in the consultation. There is no set timeframe for consultation,¹ despite the widely accepted twelve-week consultation period, as the length of time given for consultee to respond can vary depending on the subject and extent of impact of the consultation
4. **'conscientious consideration' must be given to the consultation responses before a decision is made**
Decision-makers should be able to provide evidence that they took consultation responses into account

These principles were reinforced in 2001 in the 'Coughlan Case (R v North and East Devon Health Authority ex parte Coughlan²), which involved a health authority closure and confirmed that they applied to all consultations, and then in a Supreme Court case in 2014 (R ex parte Moseley v LB Haringey³), which endorsed the legal standing of the four principles. Since then, the Gunning Principles have formed a strong legal foundation from which the legitimacy of public consultations is assessed, and are frequently referred to as a legal basis for judicial review decisions.⁴

¹ In some local authorities, their local voluntary Compact agreement with the third sector may specify the length of time they are required to consult for. However, in many cases, the Compact is either inactive or has been cancelled so the consultation timeframe is open to debate
² BAILII, [England and Wales Court of Appeal \(Civil Decision\) Decisions](#), Accessed: 13 December 2016.
³ BAILII, [United Kingdom Supreme Court](#), Accessed: 13 December 2016
⁴ The information used to produce this document has been taken from the Law of Consultation training course provided by The Consultation Institute





The agreed approach for this consultation was to use an online questionnaire as the main route for feedback: questionnaires enable an appropriate amount of explanatory and supporting information to be included, helping to ensure respondents are aware of the background and detail of the proposals.

Respondents could also write letters or emails to provide feedback on the proposals. Emails or letters from stakeholders that contained consultation feedback were collated and analysed as a part of the overall consultation.

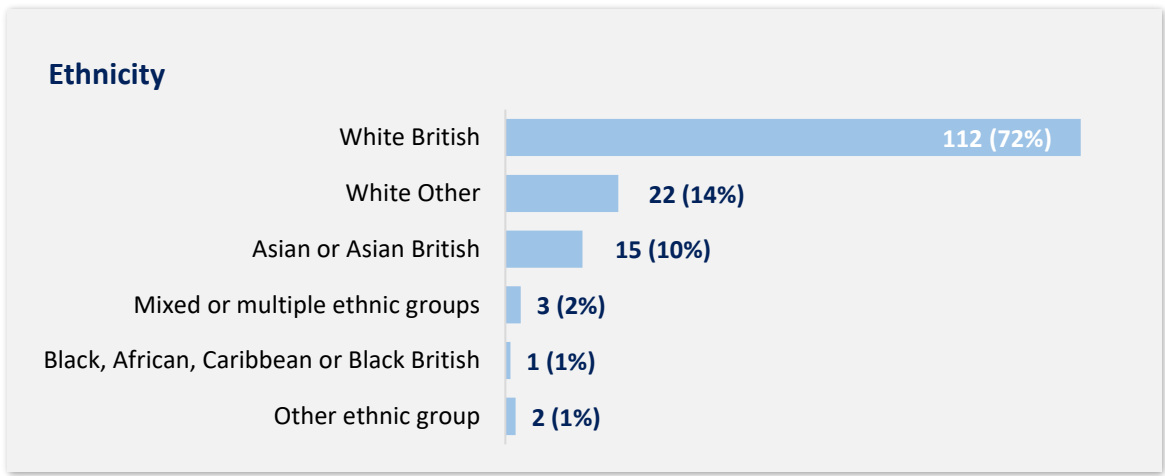
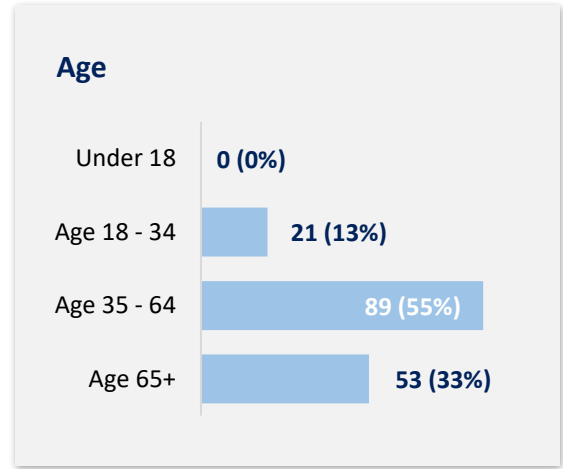
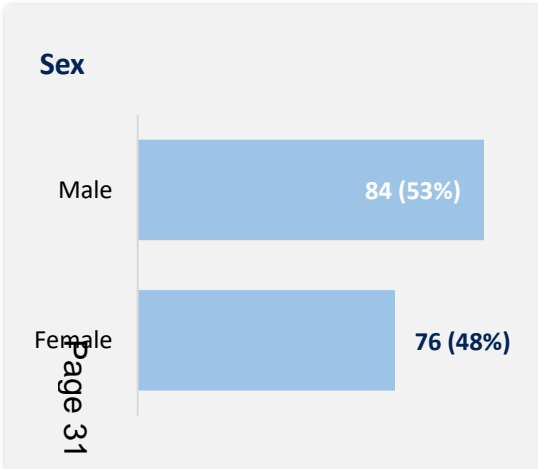
All questionnaire results have been analysed and presented in graphs within this report. Written responses and questionnaire comments have been read and then assigned to categories based upon sentiment or theme.

The consultation was live between **12 December 2022** and **06 March 2023**, and received a total of 185 responses via the online questionnaire and one response by email, for a total of **186 responses**.

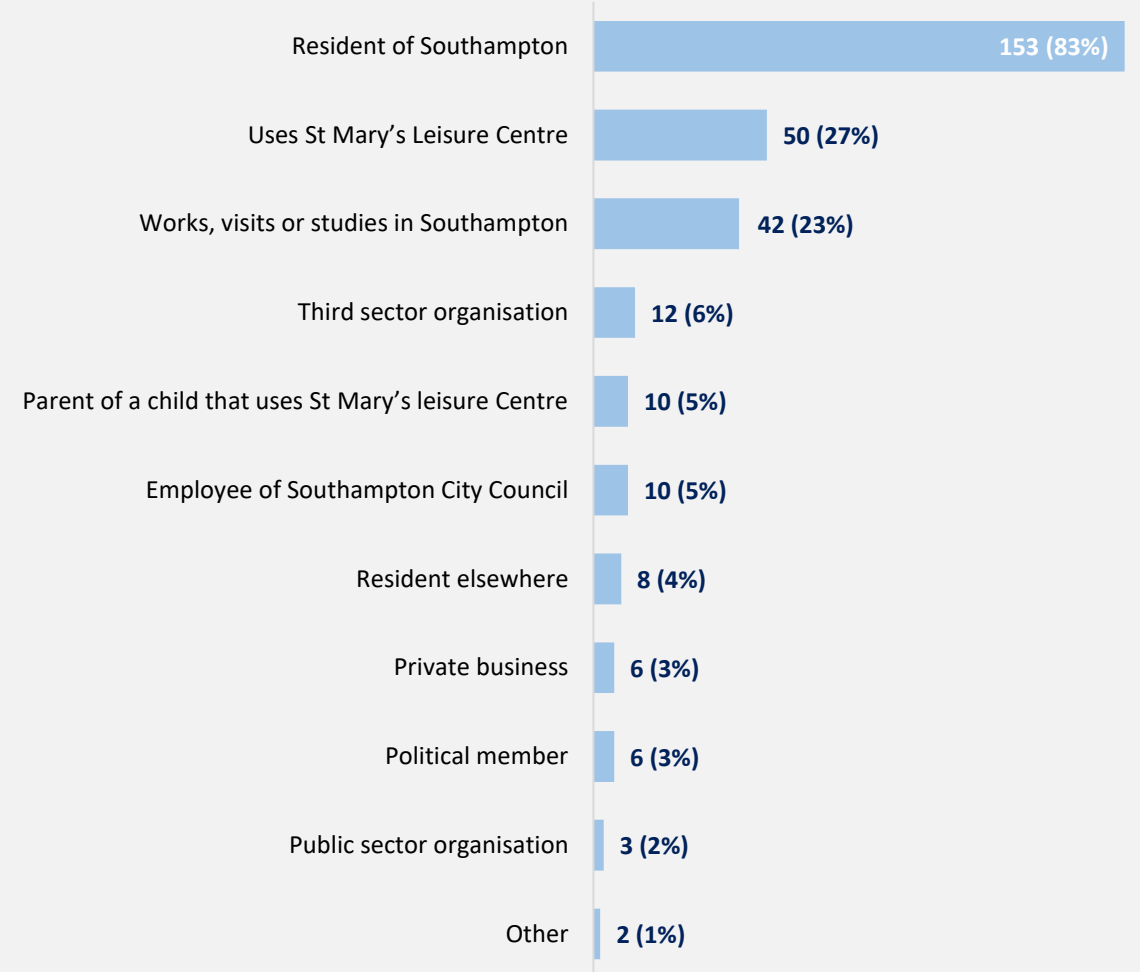


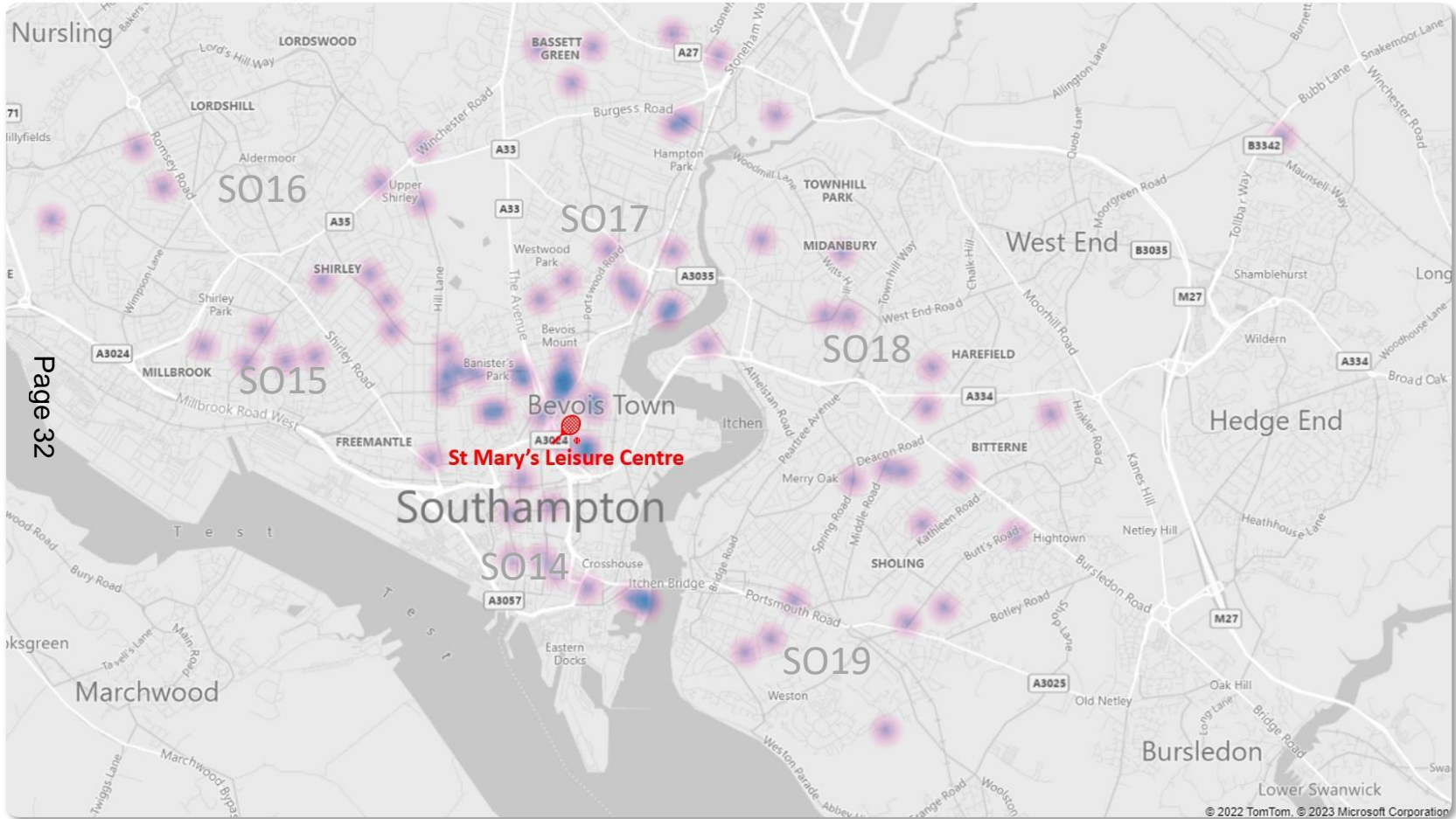
Total responses **186**

Graphs on this page are labelled as count of respondents and percentage.



Interest in the consultation



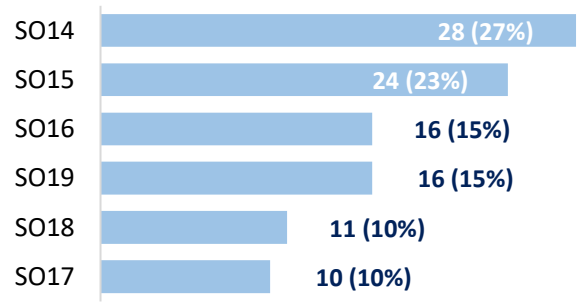


A map of Southampton illustrating the geographic distribution of consultation responses in relation to St Mary's Leisure Centre.

Heat map is by number of respondents/postcode. Dark blue means a greater number of respondents, light pink means a fewer number of respondents.

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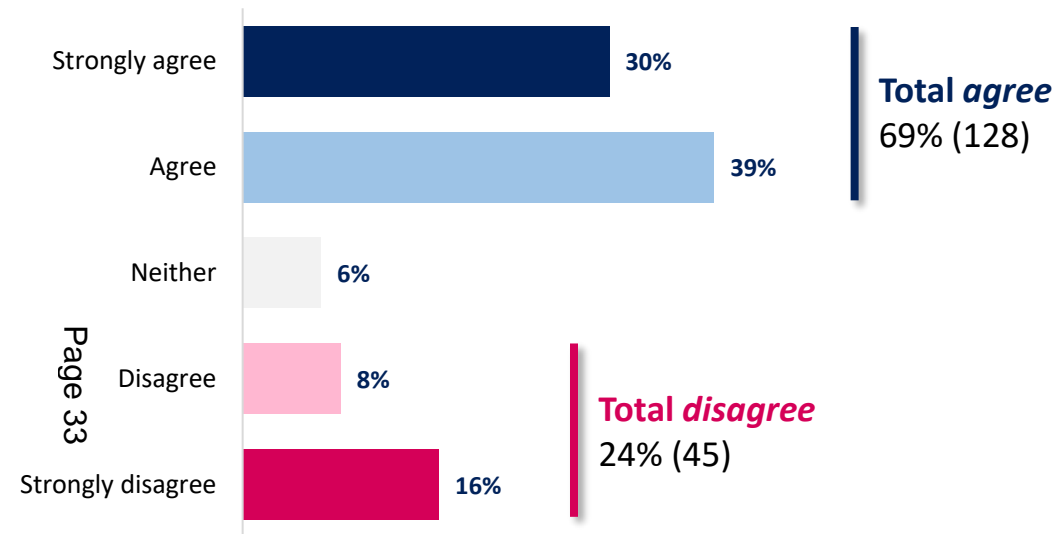
Postcode





Question 1 | To what extent do you agree or disagree with our proposal for the future of St Mary's Leisure Centre?

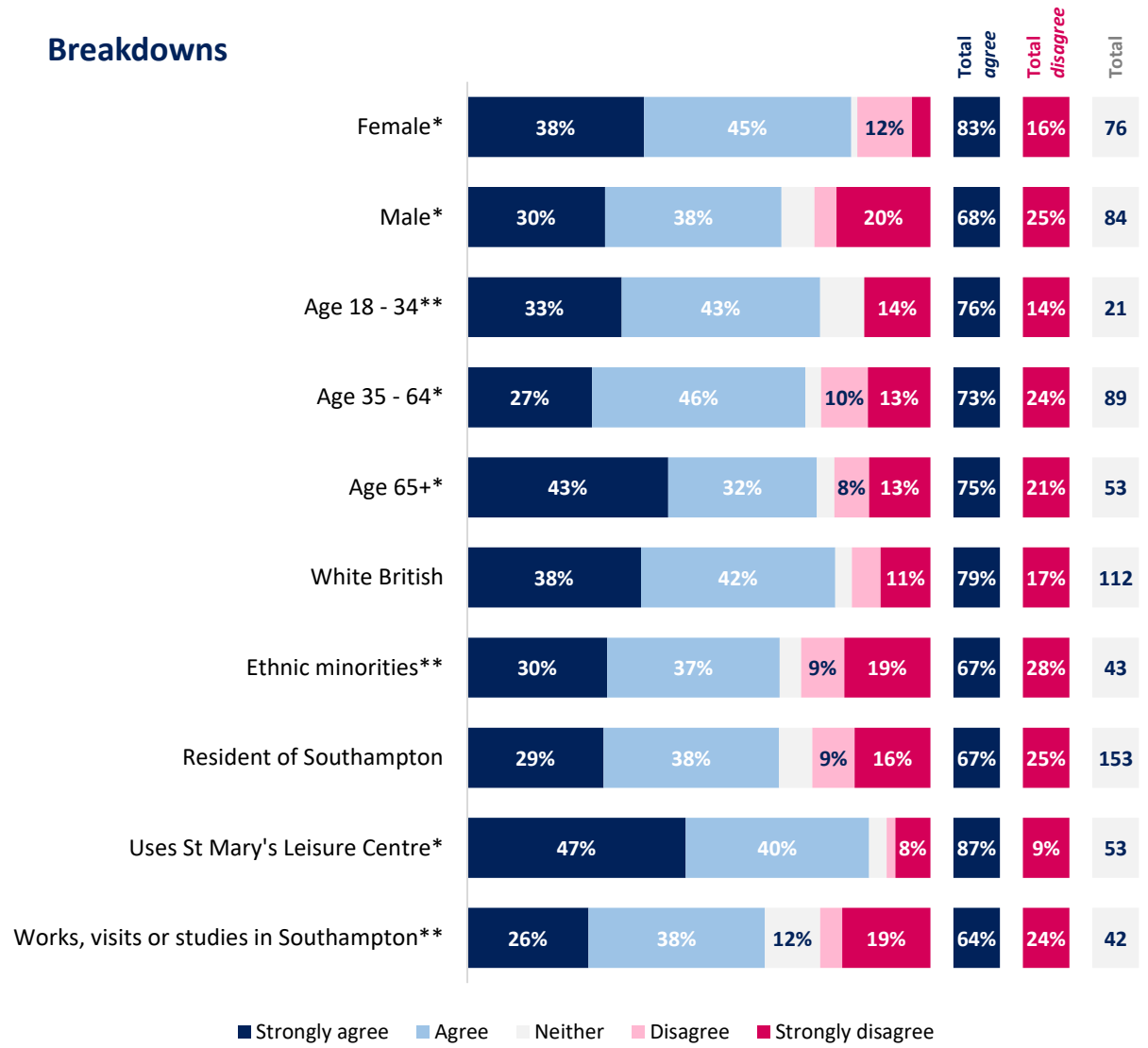
Total responses **185**



Key findings

- A majority (69%) said that they *agree* with the proposals
- Women responded *agree* (83%) to a greater extent than men (68%)
- Respondents that said they use St Mary's Leisure Centre said that they *agree* with the proposals to a greater extent than residents of Southampton generally, 87% versus 67% respectively

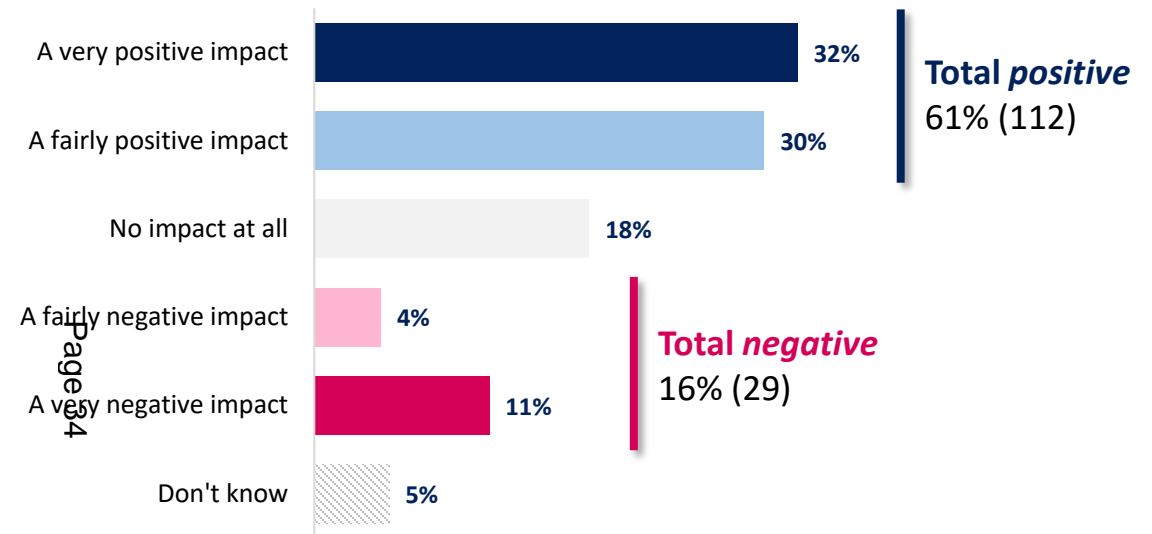
Breakdowns





Question 2 | What impact do you feel this may have on you, your business, or the wider community?

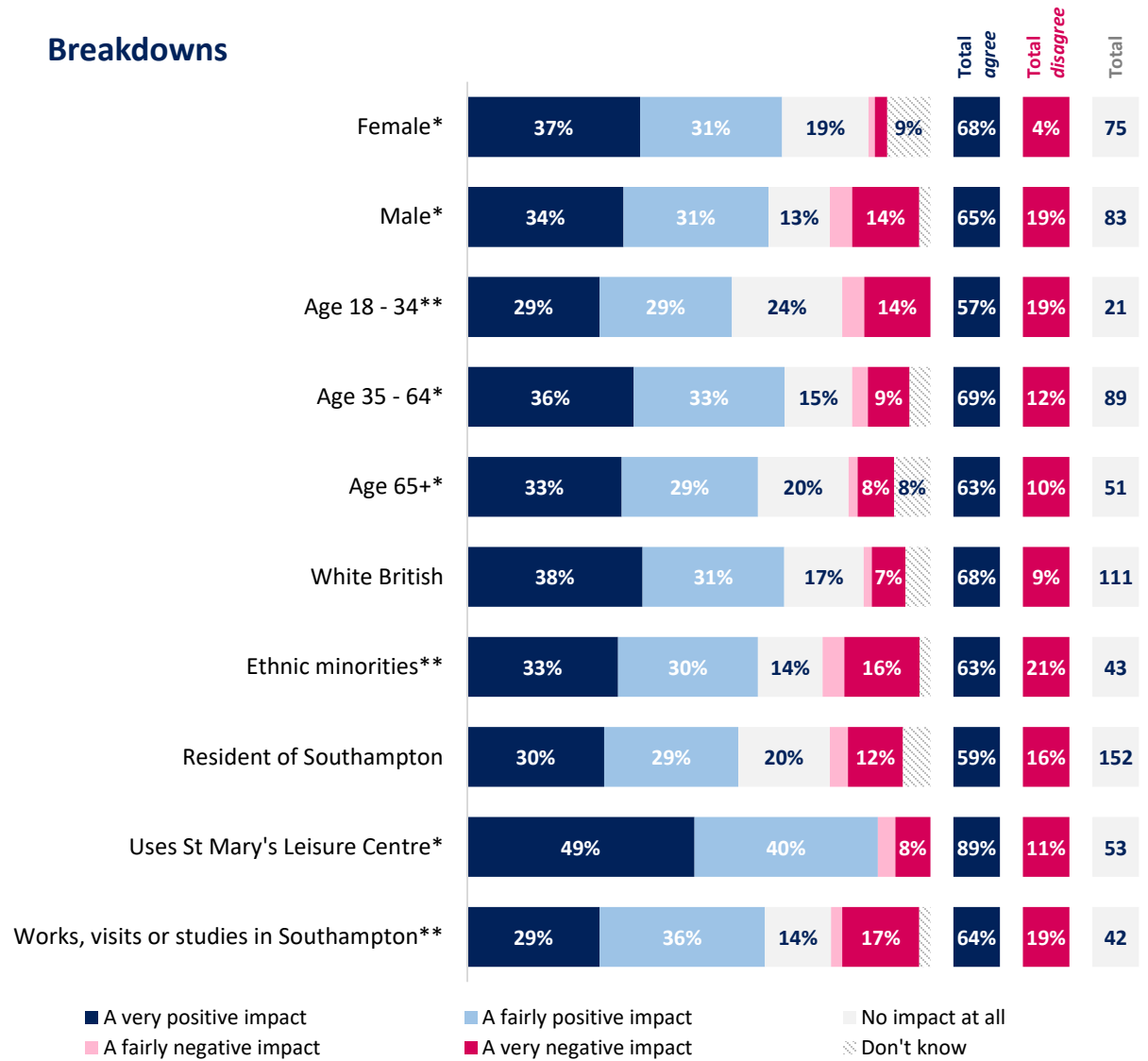
Total responses **183**



Key findings

- A majority (61%) said that the proposals would have a *positive* impact
- More respondents (18%) said that the proposals would have *no impact at all* than those that said they would have a *negative impact* (16%)
- Again, respondents that use St Mary's Leisure Centre responded *positive* to a greater extent than residents of Southampton generally, 89% versus 59% respectively

Breakdowns



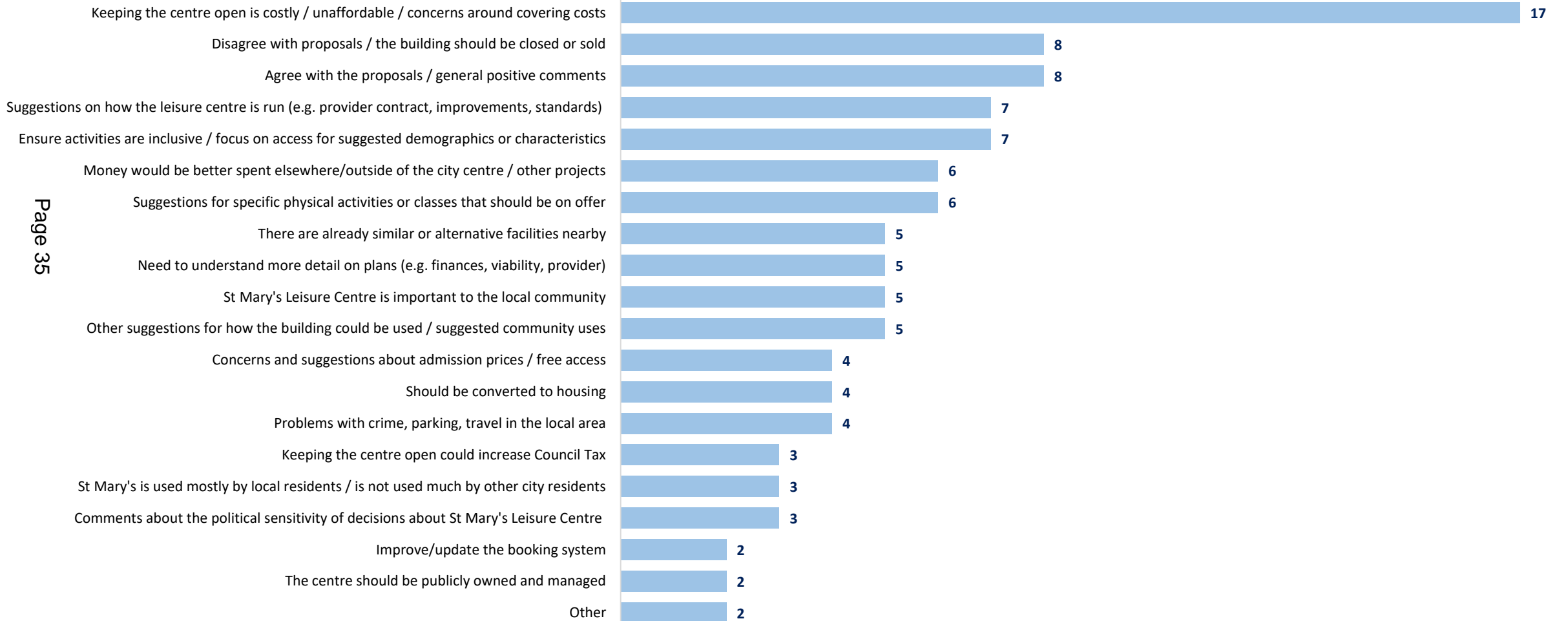


Question 3

If you disagree, or have any comments, impacts, suggestions or alternatives you feel we should consider, please provide details

Total responses **59**

Total comments



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