

# Overview and Scrutiny Management Committee

Thursday, 17th February, 2022  
at 6.00 pm

**PLEASE NOTE TIME AND VENUE OF  
MEETING**

**Guildhall, Southampton**

This meeting is open to the public

## **Members**

Councillor Fielker (Chair)  
Councillor Savage (Vice-Chair)  
Councillor Chaloner  
Councillor Cooper  
Councillor Fuller  
Councillor Guthrie  
Councillor Kaur  
Councillor Stead  
Councillor Vaughan

## **Appointed Members**

Nicola Brown, Primary Parent Governor  
Catherine Hobbs, Roman Catholic Church  
Francis Otieno, Primary Parent Governor  
Rob Sanders, Church of England

## **Contacts**

Judy Cordell  
Senior Democratic Support Officer  
Tel. 023 8083 2766  
Email: [judy.cordell@southampton.gov.uk](mailto:judy.cordell@southampton.gov.uk)

Mark Pirnie  
Scrutiny Manager  
Tel: 023 8083 3886  
Email: [mark.pirnie@southampton.gov.uk](mailto:mark.pirnie@southampton.gov.uk)

## PUBLIC INFORMATION

### Overview and Scrutiny Management Committee

The Overview and Scrutiny Management Committee holds the Executive to account, exercises the call-in process, and sets and monitors standards for scrutiny. It formulates a programme of scrutiny inquiries and appoints Scrutiny Panels to undertake them. Members of the Executive cannot serve on this Committee.

#### **Role of Overview and Scrutiny**

Overview and Scrutiny includes the following three functions:

- Holding the Executive to account by questioning and evaluating the Executive's actions, both before and after decisions taken.
- Developing and reviewing Council policies, including the Policy Framework and Budget Strategy.
- Making reports and recommendations on any aspect of Council business and other matters that affect the City and its citizens.

Overview and Scrutiny can ask the Executive to reconsider a decision, but they do not have the power to change the decision themselves.

**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.

#### **Southampton: Corporate Plan 2020-2025 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

#### **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.

**Smoking Policy:-** The Council operates a no-smoking policy in all civic buildings.

**Mobile Telephones:-** Please switch your mobile telephones to silent whilst in the meeting

#### **Fire Procedure:-**

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

**Access is available for disabled people.** Please contact the Democratic Support Officer who will help to make any necessary arrangements.

#### **Dates of Meetings: Municipal Year 2019/20**

2021	2022
10 June	13 January
15 July	3 February
12 August	10 March
9 September	14 April
14 October	
11 November	
16 December	

## **CONDUCT OF MEETING**

### **TERMS OF REFERENCE**

The general role and terms of reference for the Overview and Scrutiny Management Committee, together with those for all Scrutiny Panels, are set out in Part 2 (Article 6) of the Council's Constitution, and their particular roles are set out in Part 4 (Overview and Scrutiny Procedure Rules – paragraph 5) of the Constitution.

### **RULES OF PROCEDURE**

The meeting is governed by the Council Procedure Rules and the Overview and Scrutiny Procedure Rules as set out in Part 4 of the Constitution.

### **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 4.

## **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.

## **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 AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

### **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.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

### **3 DECLARATIONS OF SCRUTINY INTEREST**

Members are invited to declare any prior participation in any decision taken by a Committee, Sub-Committee, or Panel of the Council on the agenda and being scrutinised at this meeting.

### **4 DECLARATION OF PARTY POLITICAL WHIP**

Members are invited to declare the application of any party political whip on any matter on the agenda and being scrutinised at this meeting.

### **5 STATEMENT FROM THE CHAIR**

### **6 FORWARD PLAN - ST MARY'S LEISURE CENTRE** (Pages 1 - 44)

Report of the Service Director, Legal and Business Operations enabling the Overview and Scrutiny Management Committee to examine the content of the Forward Plan and to discuss issues of interest or concern with the Executive.

### **7 MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE**

(Pages 45 - 50)

Report of the Service Director, Legal and Business Operations, enabling the Overview and Scrutiny Management Committee to monitor and track progress on recommendations made to the Executive at previous meetings.

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# Agenda Item 6

<b>DECISION-MAKER:</b>	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
<b>SUBJECT:</b>	FORWARD PLAN – ST MARY’S LEISURE CENTRE		
<b>DATE OF DECISION:</b>	17 FEBRUARY 2022		
<b>REPORT OF:</b>	SERVICE DIRECTOR - LEGAL AND BUSINESS OPERATIONS		
<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	<b>Deputy Chief Executive</b>	
	<b>Name:</b>	<b>Mike Harris</b>	<b>Tel: 023 8083 2882</b>
	<b>E-mail</b>	<b>Mike.harris@southampton.gov.uk</b>	
<b>Author:</b>	<b>Title</b>	<b>Scrutiny Manager</b>	
	<b>Name:</b>	<b>Mark Pirnie</b>	<b>Tel: 023 8083 3886</b>
	<b>E-mail</b>	<b>Mark.pirnie@southampton.gov.uk</b>	
<b>STATEMENT OF CONFIDENTIALITY</b>			
None			
<b>BRIEF SUMMARY</b>			
This item enables the Overview and Scrutiny Management Committee (OSMC) to examine the content of the Forward Plan and to discuss issues of interest or concern with the Executive to ensure that forthcoming decisions made by the Executive benefit local residents.			
<b>RECOMMENDATIONS:</b>			
	(i)	That the Committee discuss the items listed in paragraph 3 of the report to highlight any matters which Members feel should be taken into account by the Executive when reaching a decision.	
<b>REASONS FOR REPORT RECOMMENDATIONS</b>			
1.	To enable Members to identify any matters which they feel Cabinet should take into account when reaching a decision.		
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>			
2.	None.		
<b>DETAIL (Including consultation carried out)</b>			
3.	The Council’s Forward Plan for Executive Decisions from 21 February 2022 has been published. The following issues were identified for discussion with the Decision Maker:		
	<b>Portfolio</b>	<b>Decision</b>	<b>Requested By</b>
	Finance & Capital Assets	St Mary’s Leisure Centre	Cllr Fielker

4.	Briefing papers responding to the items identified by members of the Committee are appended to this report. Members are invited to use the papers to explore the issues with the decision maker.	
<b>RESOURCE IMPLICATIONS</b>		
<b><u>Capital/Revenue</u></b>		
5.	The details for the items identified in paragraph 3 are set out in the Executive decision making report issued prior to the decision being taken.	
<b><u>Property/Other</u></b>		
6.	The details for the items identified in paragraph 3 are set out in the Executive decision making report issued prior to the decision being taken.	
<b>LEGAL IMPLICATIONS</b>		
<b><u>Statutory power to undertake proposals in the report:</u></b>		
7.	The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.	
<b><u>Other Legal Implications:</u></b>		
8.	The details for the items identified in paragraph 3 are set out in the Executive decision making report issued prior to the decision being taken.	
<b>RISK MANAGEMENT IMPLICATIONS</b>		
9.	The details for the items identified in paragraph 3 are set out in the Executive decision making report issued prior to the decision being taken.	
<b>POLICY FRAMEWORK IMPLICATIONS</b>		
10.	The details for the items identified in paragraph 3 are set out in the Executive decision making report issued prior to the decision being taken.	
<b>KEY DECISION</b>		No
<b>WARDS/COMMUNITIES AFFECTED:</b>		None directly as a result of this report
<b><u>SUPPORTING DOCUMENTATION</u></b>		
<b>Appendices</b>		
1.	Briefing Paper – St Mary’s Leisure Centre	
<b>Documents In Members’ Rooms</b>		
1.	None	
<b>Equality Impact Assessment</b>		
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out?		Identified in Executive report
<b>Data Protection Impact Assessment</b>		
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out?		Identified in Executive report



<b>Other Background Documents</b>		
<b>Equality Impact Assessment and Other Background documents available for inspection at:</b>		
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.	None	

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## BRIEFING PAPER

**SUBJECT:** St Mary’s Leisure Centre  
**DATE:** 17<sup>th</sup> February 2022  
**RECIPIENT:** Overview and Scrutiny Management Committee (OSMC)

**THIS IS NOT A DECISION PAPER**

<b>SUMMARY:</b>	
This paper briefs OSMC in respect of the Cabinet report of 21st February 2022 titled “St Mary’s Leisure Centre” (“the Cabinet Report”). The Cabinet Report considers the discontinuation of leisure services from St Mary’s Leisure Centre (“SMLC”) and potential disposal of the freehold of the building.	
<b>BACKGROUND and BRIEFING DETAILS:</b>	
The Cabinet Report recommends:	
(i)	Having had regard to representations received to date and the Equality and Safety Impact Assessment, to permanently cease leisure services at SMLC and approve in principle the disposal of the site on the basis set out in recommendation (ii) below.
(ii)	To delegate authority to the Executive Director, Place to explore the option of restricting the disposal of the building to residential and wholly affordable housing or mixed use with affordable housing in accordance with planning policy. A further decision, in accordance with the Council’s Constitution, would be brought forward if this option was to be determined to be viable. If the Executive Director, Place, following consultation with the Cabinet Member for Finance and Capital Assets and the Executive Director for Finance, Commercialisation, determines this option not to be commercially viable, to proceed to disposal of the site on the open market.
(iii)	In accordance with the Council’s Financial Procedure Rules, and subject to the anticipated proceeds, explore options for investing a proportion or all of a sum equivalent to the capital receipt arising from the disposal of the building to enhance, improve or supplement facilities and places for people (especially young people) within the community for leisure and recreation.
(iv)	If the outcome of recommendation (ii) is to dispose of the building without restriction, to delegate authority to the Executive Director, Place to take all necessary action to dispose of the site on the open market, including but not limited to selection of a preferred bidder and undertaking all associated arrangements to conclude the sale of the premises.
<b>Background and Consultation</b>	

1. Users of SMLC have decreased considerably over 2020 and 2021 and since the reopening of SMLC in May 2021 - following the easing of COVID-related restrictions - users were averaging around 1,100 per month. It is believed that this significant reduction in usage is due to:-
  - SMLC’s closure in accordance with the Health Protection (Coronavirus) Regulations 2021 and associated non-statutory government guidance (referred to in this report as the “Covid-19 impact”) and
  - SU opening their new academic leisure facility at East Park Terrace (“the Sports Complex”) and the transfer of the academic users from SMLC to the Sports Complex.
2. In addition to a wide range of Council and privately owned leisure facilities operating across Southampton, a number of facilities exist within a one-mile radius of SMLC. This includes the Sports Complex which is situated approximately 0.2 miles from SMLC and which provides (around its academic provision), public access to a number of activities available at SMLC.
3. The condition of SMLC building and interior facilities are poor and likely to be costly to maintain, particularly as a result of its Grade II listed status. The facility is at odds with the Council’s emerging strategic vision for modern, accessible leisure facilities which actively contribute to the improvement of health and care outcomes for residents and users and result in improved income from such facilities in order to reduce subsidisation by the Council.
4. The annual budget of operating SMLC is £208,000 and the budgeted income from the facility is £60,000 resulting in a net budgeted saving of £148,000 by discontinuing leisure services at SMLC.

It should be noted that in 2020/21 and 2021/22 financial years the net cost of operating the facility varied from the £148,000 as shown in the table below. This occurred as a result of the direct and indirect effect of the Covid-19 impact which affected the actual expenditure and actual income.

	2020/21		2021/22	
	Budget	Actual	Budget	Actual
	£	£	£	£
<b>Income</b>	-60,000	-9,732	-60,000	-11,388*
<b>Expenditure</b>	208,000	172,205	208,000	145,474*
<b>Deficit</b>	148,000	<b>162,472</b>	148,000	<b>134,085*</b>

*\*forecast figures to 31/03/2022.*

<p>5. The capital receipt arising from disposal on the open market without restriction is indicated to be up to £810k, based on estimates in October 2021 and subject to the caveats set out in paragraph 35 of this report. It should be noted that if disposal was restricted to development for the provision of residential use, the capital receipt is likely to be reduced. The indicative financial impact of restricting the disposal in this manner will be determined by the process described in paragraph 27 and subject to paragraph 30 of this report.</p>
<p>6. A contract between the Council and SU for SU to operate SMLC commenced in 2010 and expired in 2019. The Council conducted a bidding process in 2019 to create a 'community hub', facility but this did not result in the appointment of an alternative operator as none of the bids received met the Council's criteria. As a result, SMLC continued to be operated by SU on behalf of the Council with the Council paying SU's costs and receiving (and taking the risk on) the income until 31 December 2021, when the arrangement with SU ended. Allowing for a usual Christmas period closure, the final date of operational activities at SMLC was 22 December 2021.</p>
<p>7. A previous consultation was carried out in August 2019 for twelve weeks, regarding the proposal to create a community hub in the building. When asked how to use the space in the future, the highest two responses indicated a preferred usage for sports and wellbeing and for community-driven use. The highest percentage of people completing the survey were from the Bevois area of the City. This consultation informed the Council's approach to service delivery between its completion and the current date.</p>
<p>8. As a direct and indirect of the Covid-19 impact, many authorities across the country have closed or failed to re-open leisure facilities and operating conditions in the leisure market as a whole remain challenging with local authorities under pressure to establish or increase subsidies.</p>
<p>9. The Council undertook a successful bid to the National Leisure Recovery Fund which resulted in an allocation of £22,321 to support the reopening of SMLC. These funds were used for this purpose and assisted in mitigating the impact of the income reductions referred to in paragraph 4 of this report.</p>
<p><b>Consultation</b></p>
<p>10. An eight-week public consultation regarding the discontinuation of leisure services at SMLC ("the Consultation") was undertaken between 30 November 2021 and 24 January 2022.</p>
<p>11. The Consultation sought feedback from users of SMLC and local residents and business on the impact on a discontinuation of leisure services at SMLC.</p>
<p>12. The Consultation was made available in variety of formats, including online, hard copy and translated into languages of Polish and Farsi with other languages available on request.</p>
<p>13. The Consultation was communicated through a variety of media including local radio, press releases, the Council's website and bulletins, posters and postcards and social media. The Council's Stronger Communities team was also actively engaged in promoting the Consultation within the local community, including</p>

visiting community spaces and venues and engaging with users at SMLC before its closure for the Christmas period.
14. The full results summary of the Consultation feedback is contained as Appendix 1. This provides key findings regarding the impact and is supported by comment analysis and demographic/characteristic breakdown analysis.
15. In summary, 1,758 responses to the Consultation were received. 75% of respondents are users of SMLC (or parents of children who use SMLC). The highest numbers of responses are from those who take part in badminton activities, football and exercise classes. The highest proportion of respondents were of Asian/Asian British ethnicity (892 responses - 51%) and White British ethnicity (288 responses - 16%).
16. 86% of all respondents report a negative impact and 7% a positive impact if discontinuation of the services was to take place. 6% felt there would be no impact and 1% didn't know what the impact would be.
17. The free text comments have been read and categorised into different themes (including positive, negative, user type and suggestions). These are contained in Appendix 1.
18. Aside from general comments around wishing leisure services to continue from SMLC (266 comments), the top three most frequent free text themes from those responding to indicate a negative impact are:- <ul style="list-style-type: none"> <li>• SMLC is important to the area and community needs the facilities close by (470 comments);</li> <li>• SMLC supports physical and mental health/negative impact if removed (234 comments) and</li> <li>• SMLC provides low-cost leisure/more affordable in comparison (192 comments).</li> </ul> <p>Aside from other positive comments about discontinuing leisure services from SMLC (9 comments), the top three most frequent free text themes from those responding to indicate a positive impact are:-</p> <ul style="list-style-type: none"> <li>• Better/other facilities elsewhere (11 comments);</li> <li>• Building is unfit for use (9 comments) and</li> <li>• Money is better prioritised elsewhere/cost concerns of refurbishing (4 comments).</li> </ul>
19. A number of negative comments received early in the Consultation were from groups who use SMLC for regular activities and therefore are directly affected by the potential closure. Throughout the Consultation period, Council officers have been working closely with SU and other leisure providers to mitigate the effect of the potential closure by identifying alternative leisure venues for these groups. This has been largely successful with SU now able to accommodate a number of groups at their new Sports Complex in addition to providing a competitive gym offering to the public with discounted rates for holders of Smartcities cards.
20. Appendix 2 to this paper summarises the affected groups which have made contact and where the Council has been able to secure alternative arrangements. It should

<p>be noted that Appendix 2 is based on the Council's understanding of the position at the point at which the Cabinet Report was drafted.</p>
<p>21. Whilst the consultation does not directly concern the possible disposal of SMLC, a number of the consultation responses referred to its future.</p>
<p><b>Property considerations</b></p>
<p>22. SMLC was built in 1889 and is an ex-drill hall and is Grade II listed. It is captured by Class E and F of Schedule 2, Part A of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which restricts its usage without further planning permissions to those set out in Appendix 3.</p>
<p>23. A building condition survey dated 27 September 2021 identifies a cost of £382,309 to undertake repairs to maintain the building and includes £232,172 relating to partial replacement and repair of the roofing. This amount represents the sum of repairs to maintain the building and does not take into account any statutory building compliance-related maintenance and/or improvements to the building. Furthermore, it does not contain any costs for any upgrade or improvement of the interior of the building and its services.</p>
<p>24. The building contains asbestos which is currently being managed by the Council in situ based on the condition of the material. The roof of the building is considered to have reached the end of its life. If the Council were to retain the building, its standard asset management approach would be to continue to repair the roof in sections based on its building condition surveys, but an alternative approach would be to make a capital investment in order to replace the roof.</p>
<p>25. SMLC is located within the defined local centre of St Mary's Road, where flexibility is afforded by the Council's adopted Development Plan for a wide range of commercial and community uses. Otherwise the site is not allocated for development. As the existing use falls within Class E and F of the national classes system, the building can be used for a wide range of similar non-residential purposes without the need for planning permission. If a material change of use is proposed and a planning application is then triggered, the current Development Plan confirms that proposals that result in the loss of a community facility will not be supported if it is viable for the commercial, public or community sector to operate it and if there is no similar or replacement facility in the same neighbourhood. In these circumstances a robust submission would be required to justify the loss of the community use. Any physical works to the building would require Listed Building Consent, and whilst no fee is required the target for this process is eight weeks for an application to be determined. Any application for a change of use will be expected to work with the existing building envelope and form with minimal interventions. This will be a constraint to finding successful alternative uses.</p>
<p>26. It may be possible to restrict the disposal of the building to a residential wholly affordable housing or mixed use with affordable housing, although the current Development Plan seeks to protect active, community ground floor uses within the City's defined local centres. It is recommended that alternative uses, including a residential scheme, are explored to establish whether or not there is a viable long-</p>

term use for the site that gives longevity for this Grade II listed building whilst respecting its historic integrity, form and fabric.

27. The process to establish the viability of the approach described in paragraph 26 will include a Best Value assessment and a test in accordance s123 of the Local Government Act 1972. This process will include, but not be limited to, a range of considerations including community engagement, social and environmental impact, financial impact, any procurement implications, the commercial benefits, valuations, local outcomes and benefits, heritage considerations as a result of the listed status of the building, planning constraints and legal advice.

**RESOURCE/POLICY/FINANCIAL/LEGAL IMPLICATIONS:**

28. The recommendations of this report to dispose of the site on the open market are consistent with and not contrary to the Council's policy framework. The Council will however investigate, in respect of recommendation (ii), whether or not the principle of an affordable housing scheme, possibly as part of a wider mixed-use scheme, could be supported under the Council's Local Development Framework (planning Policy) given the benefits that meeting an acute housing need may bring when balanced against the constraints outlined above at paragraph 25. In the event any proposal may require a departure from the approved Local Plan policies, a further decision of Council may be required.

29. Under the delegated decision process the Head of Property has the delegated authority to approve terms of sale of property exceeding £500,000 in value providing the consideration does not exceed £1.5 million, following consultation with the relevant portfolio Cabinet Member and the Cabinet Member for Finance.

30. The Council has the necessary statutory powers to dispose of land pursuant to s123 Local Government Act 1972. The Council is required by s123 to dispose of land for the best consideration reasonably obtainable except where the disposal is a short tenancy (grant of a term not exceeding 7 years) or with the consent of the Secretary of State. The 2003 General Disposal Consent (England) permits local authorities to dispose of land at an undervalue if (a) the purpose of doing is to promote the economic, social and/or environmental wellbeing of their area and (b) the difference between the consideration obtained and the unrestricted value of the land does not exceed £2m. The Council intends to achieve best value in any disposal of land. In the event that any option brought forward results in achieving less than best consideration, the matter will be brought back to Cabinet or Council for a further decision to include a detailed and comprehensive best value assessment of any options to be considered.

31. It is not believed that there are any Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") implications for the Council arising from the cessation of services at SMLC.

32. Any decision must be made having regard to the Human Rights Act 1998 and the Equality Act 2010, in particular the Public Sector Equality Duty. An Equality and Safety Impact Assessment (contained as Appendix 4) has been completed in order to inform the recommendations, setting out the implications and mitigations for those with protected characteristics.



The Council also has a legal duty to consider the impact of its decision on crime and disorder in its local area.

33. Under the delegated decision process the Head of Property has the delegated authority to approve terms of sale of property exceeding £500,000 in value providing the consideration does not exceed £1.5 million, following consultation with the relevant portfolio Cabinet Member and the Cabinet Member for Finance.

34. The current annualised budgeted cost of operating the facility including staffing costs, repairs, utilities and Business Rates is £208,000 and the budgeted income from the facility is £60k per annum. There is therefore a budgeted net saving of £148,000 to General Fund revenue by discontinuing leisure services at SMLC.

It should be noted that that actual expenditure and income figures in financial year 2020/21 and those estimated for financial year 2021/22 are less than budgeted as set out in more detail in the table in paragraph 4 of this report.

35. The capital receipt arising from disposal on the open market without restriction is estimated to be £810k. The building's listed status, condition, restrictive covenants on the title and the lack of comparable evidence, give rise to material valuation uncertainty and consequently, this valuation is indicative and should be treated with a high degree of caution. If disposal is restricted to development for the disposal of the building to wholly affordable housing or mixed use with affordable housing, the capital receipt is likely to be reduced and the indicative reduction would be considered as part of the future further Cabinet decision.

36. The proceeds from disposal may depend on the subsequent use of the land and planning considerations in accordance with the Council's Constitution, therefore the capital receipt is uncertain. A sum equal to a maximum of any residual net capital receipt realised will be considered for re-investment within the capital programme. This will be to ensure enhanced, improved or supplemented facilities and places for people (especially young people) to use within the community for leisure and recreation and to promote these activities.

37. A delay in the disposal of the building may result in the Council incurring additional mothballing, maintenance and security costs.

#### **RISK MANAGEMENT IMPLICATIONS**

38. Whilst user numbers at SMLC were relatively modest in the period up until which leisure services ceased, a range of expressed concerns have been expressed as part of the Consultation and through separate representations to the Council and Ward Members. This included a deputation to the Cabinet meeting on 20 December where the potential disposal of SMLC was included as a proposed saving for 2022/23 onwards.

39. These responses include concerns about and risks relating to a lack of local community leisure facilities, places for people (especially young people) to use and the impact on health and well-being. The impacts associated with the proposals have, and continue to be, mitigated through directing users to a variety of

alternative sports and leisure venues in the city. The Council has worked collaboratively with SU to maximise the level of public use available from their new Solent Complex. Recommendation (iii) of this report describes the approach the Council will take to enhance, improve or supplement facilities available within the community for leisure and recreation in order to address the concerns raised in the consultation and create and support places for people (especially young people) to use.

40. The SMLC building has a number of maintenance needs and further investment would be needed if the Council wished to improve the building to make it a reasonably modern leisure facility which is fit-for-purpose. The disposal of the building will eliminate the known and unknown financial and operational risks associated with providing leisure services from SMLC.

41. The time taken to explore the options associated with recommendation (ii) along with the time required to take any associated decision may result in the building remaining unoccupied for a significant period of time, resulting in additional costs to the Council of mothballing and maintenance of the building.

42. There is a risk that restricting disposal conditions will reduce the overall Capital Receipt available for investing in the enhancement, improvement or supplementation of facilities available within the community for leisure and recreation as considered by recommendation (iii).

43. There is a risk that a potential closure may be seen to undermine City of Culture strategy objectives. This is being mitigated by aligning with and supporting City of Culture communications and the bidding process.

44. The Council has previously undertaken a bidding process to identify an alternative operator on a community hub basis. This process failed to appoint an operator. It is, therefore, a risk that the Council would be unable to identify and appoint an alternative operator without continuing to subsidise the facility or potentially increasing the subsidy. Discontinuation of the leisure services eliminates this risk.

#### **OPTIONS and TIMESCALES**

45. The following options were considered:-

- Continue to use the building as a leisure centre or other publicly accessible facility - with services provided directly by the Council or by selecting an alternative provider through a competitive process.
- Community Asset Transfer - to a not for profit organisation.
- Close the building - and "mothball" it to minimise future costs to the Council.
- Make the building available for rent.

Each of these options was rejected as they are inconsistent with paragraph 3 of this report.

<b>Supporting Information:</b>	
1.	Consultation – Full results summary
2.	Alternative arrangements
3.	Class E and F of Schedule 2
4.	Equality and Impact Assessment

<b>Further Information Available From:</b>	<b>Name:</b>	Paul Paskins
	<b>Tel:</b>	023 8083 4353
	<b>E-mail:</b>	<a href="mailto:paul.paskins@southampton.gov.uk">paul.paskins@southampton.gov.uk</a>

# St Mary's Leisure Centre Consultation

## Full results summary

Data, Intelligence & Insight Team – January 2022.



# Introduction and Methodology



- Southampton City Council undertook public consultation on the proposed discontinuation of leisure services at St Mary's Leisure Centre (SMLC).
- The consultation took place between **30 November 2021** and **24 January 2022**.
- The aim of this consultation was to:
  - Communicate clearly to residents and stakeholders the proposed discontinuation of leisure services at 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.
  - Allow participants to propose alternative suggestions for consideration which they feel could achieve the objectives in a different way.
- This report summarises the aims, principles, methodology and results of the public consultation. It provides a summary of the consultation responses both for the consideration of decision makers and any interested individuals and stakeholders.
- It is important to be mindful that a consultation is not a vote, it is an opportunity for stakeholders to express their views, concerns and alternatives to a proposal. Equally, responses from the consultation should be considered in full before any final decisions are made. This report outlines in detail the representations made during the consultation period so that decision makers can consider what has been said alongside other information.



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,<sup>1</sup> 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 Coughlan<sup>2</sup>), 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 Haringey<sup>3</sup>), 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.<sup>4</sup>

<sup>1</sup> 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

<sup>2</sup> BAILII, [England and Wales Court of Appeal \(Civil Decision\) Decisions](#), Accessed: 13 December 2016.

<sup>3</sup> BAILII, [United Kingdom Supreme Court](#), Accessed: 13 December 2016

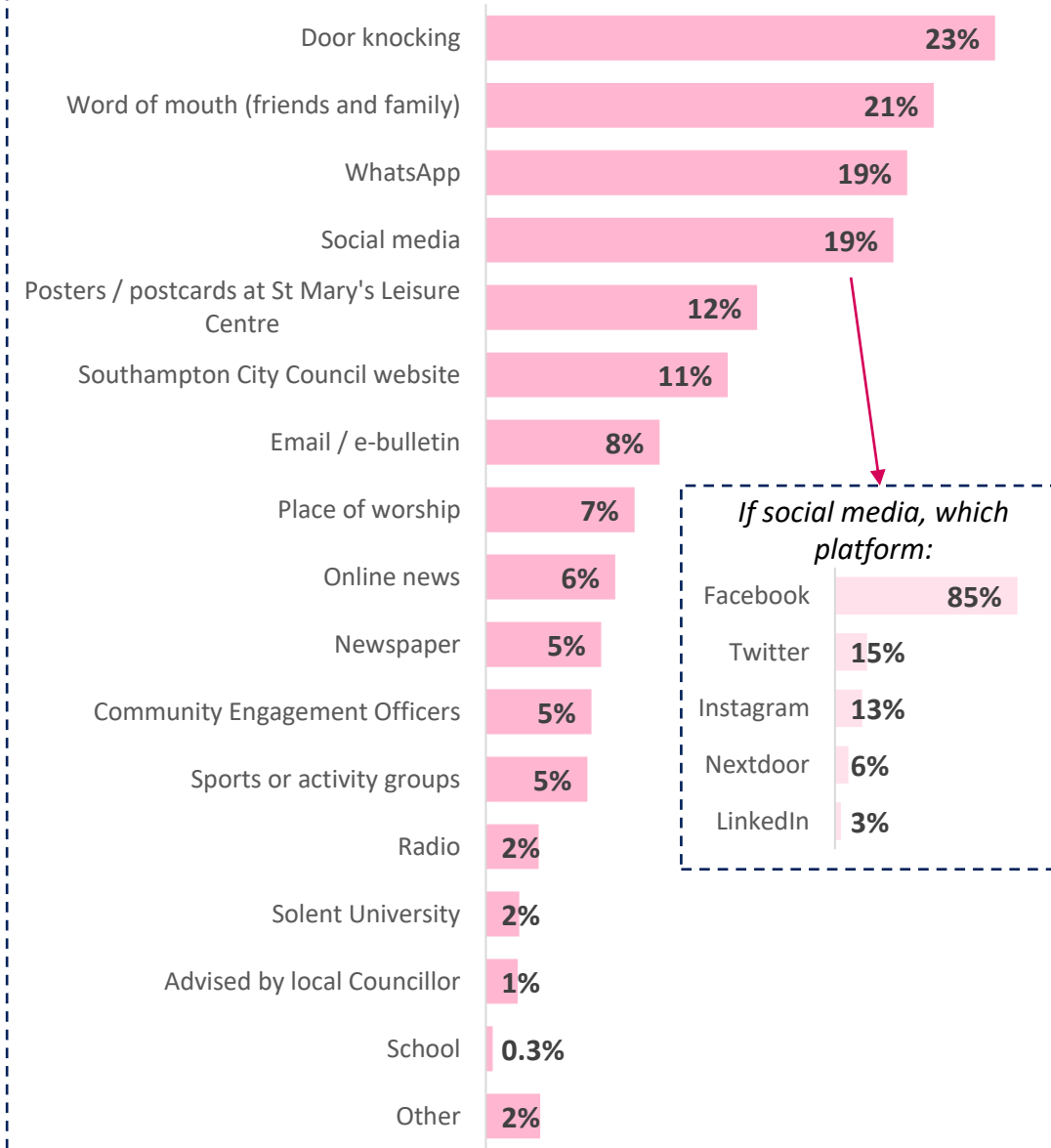
<sup>4</sup> The information used to produce this document has been taken from the Law of Consultation training course provided by The Consultation Institute



- The agreed approach for this consultation was to use a questionnaire as the main route for feedback. Questionnaires enable an appropriate amount of explanatory and supporting information to be included in a structured questionnaire, helping to ensure respondents are aware of the background and detail of the proposals. Translated copies of the questionnaires were made available in Farsi and Polish.
- 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.
- The consultation was promoted in the following ways:
  - Press release
  - SCC website news story
  - Social media (Facebook, Twitter and Nextdoor)
  - City News e-bulletin
  - Your City, Your Say e-bulletin
  - Posters and Postcards at the venue
  - Community engagement team promoted the consultation through community contacts
- All questionnaire results have been analysed and presented in graphs within this report. Respondents were given opportunities throughout the questionnaire to provide written feedback on the proposals. In addition anyone could provide feedback in letters and emails. All written responses and questionnaire comments have been read and then assigned to categories based upon similar sentiment or theme.

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## Where the consultation was heard:





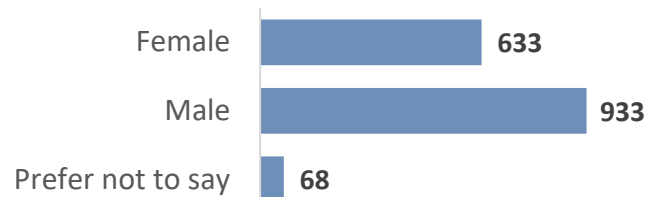


# Who were the respondents?

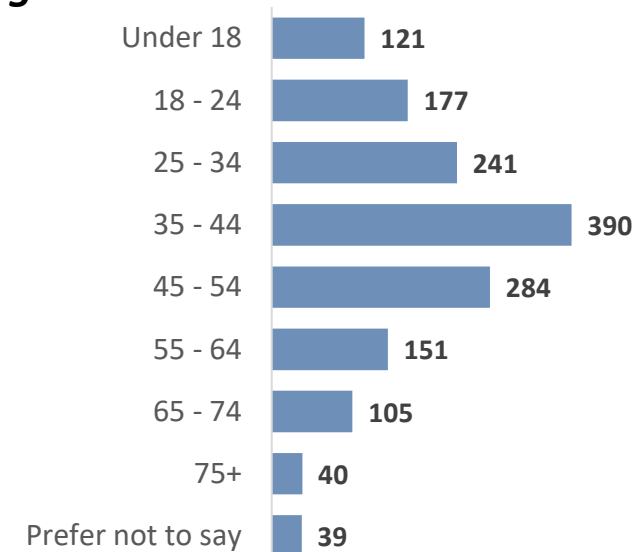
**Total respondents: 1758**

	Total number of responses
Questionnaire	1749
Emails / letters	9
<b>Total</b>	<b>1758</b>

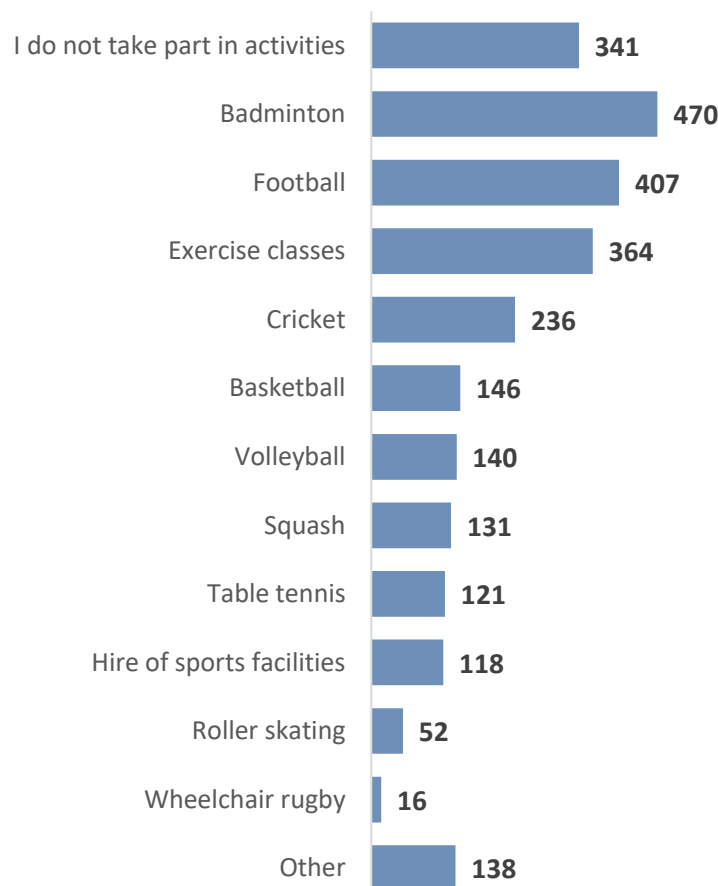
## Sex:



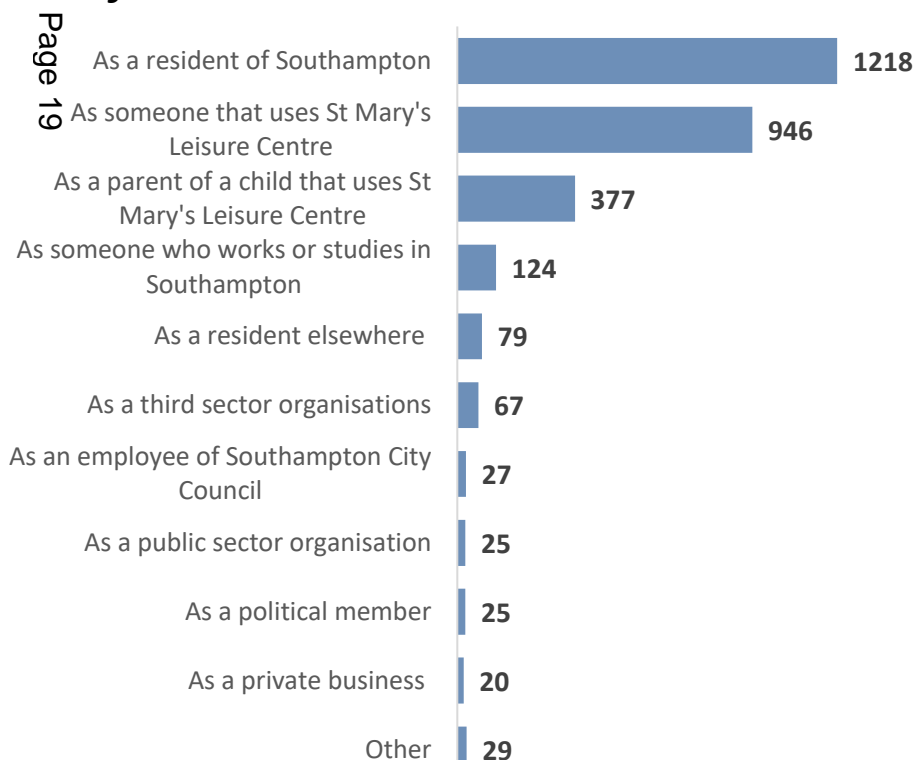
## Age:



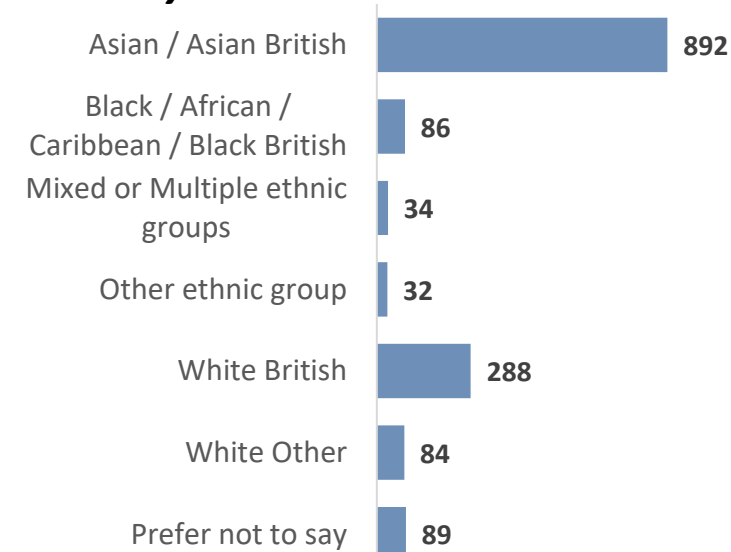
## Use of St Mary's Leisure Centre:



## Reason for interest in consultation:



## Ethnicity:





# Consultation feedback



## The questionnaire outlined the following background information:

Southampton City Council is consulting on the proposed discontinuation of leisure services at St Mary's Leisure Centre. This means that the current leisure service would end. No final decision has been made on this yet. We would like to hear your views and understand what impact this might have on you.

St Mary's Leisure Centre, on St Mary's Road, is currently used for indoor exercise classes, racket sports and indoor team sports. The building also houses a gymnasium, but this is not in current use.

Solent University have managed St Mary's Leisure Centre since 2010. This current contract ends on 31 December 2021.

From 23 December 2021, St Mary's Leisure Centre will close for the Christmas period as usual. It will remain closed until a final decision is made about whether to end leisure services at St Mary's Leisure Centre.

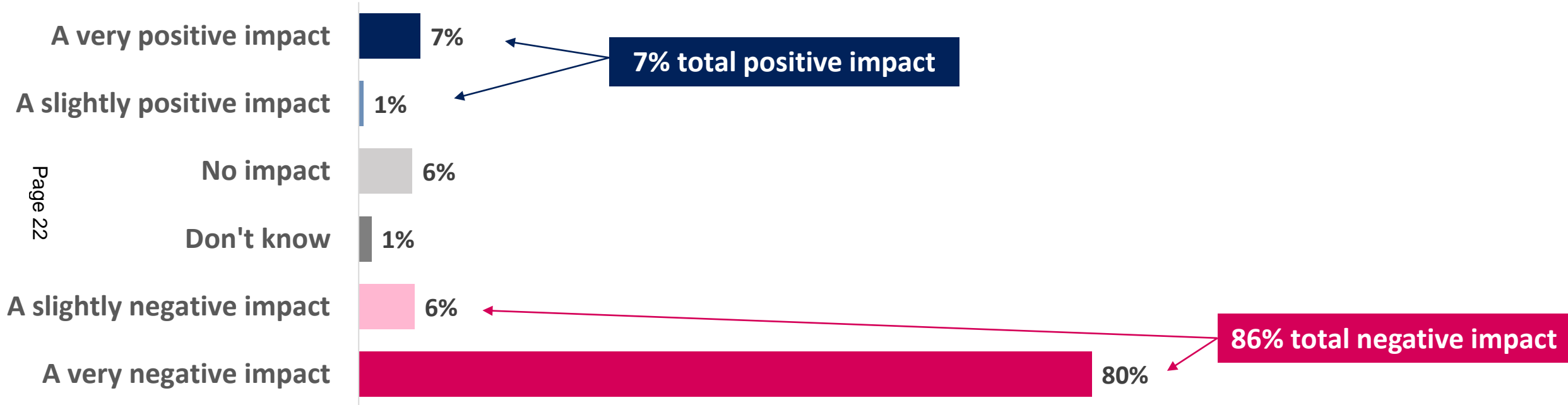
Due to the structural condition of the building and a decrease in user numbers over recent years, St Mary's Leisure Centre does not fit with the council's aspiration for modern, accessible leisure facilities which helps to improve health and care for people in Southampton.

The leisure services and activities that are proposed to end at St Mary's Leisure Centre can be accessed at other indoor locations across Southampton. See the table below for more information on what indoor facilities are available and where:

	Approx. travel distance from SMLC (miles)	Activities <i>(this is an indication of services available but is not a comprehensive list)</i>														
		Gym	Squash courts	Sports hall, including:	Basketball	Netball	Volleyball	Football	Cricket	Badminton	Tennis	Table Tennis	Wheelchair rugby	Fitness studio	Climbing wall	Outdoor sports pitches
St Mary's Leisure Centre	SO14 OBL	0.0	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Solent Sports Complex (Solent University)	SO14 OYN	0.2	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Fit4Less	SO15 2AD	0.3	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Boulder Shack	SO14 OJW	0.5	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Cherry's Fitness Suite	SO14 6QX	0.5	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Mayflower Gym (University of Southampton)	SO15 1DQ	0.5	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Pound for Pound	SO14 OPF	0.7	●	●	●	●	●	●	●	●	●	●	●	●	●	●
The Gym	SO14 2BY	0.8	●	●	●	●	●	●	●	●	●	●	●	●	●	●
PureGym	SO15 1OJ	0.9	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Spartans Gym	SO14 5QN	1.0	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Next Generation Martial Arts	SO14 3HG	1.1	●	●	●	●	●	●	●	●	●	●	●	●	●	●
The Quays Leisure complex	SO15 1BA	1.4	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Curves Ladies only fitness centre	SO18 1BH	2.0	●	●	●	●	●	●	●	●	●	●	●	●	●	●
King Edward VI School	SO15 5UQ	2.2	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Richard Taunton College	SO15 5RL	2.5	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Bitterne Park School	SO18 1BU	2.6	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Bitterne Leisure Centre	SO18 6AQ	2.7	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Jubilee Sports Centre (University of Southampton)	SO17 1BJ	2.7	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Itchen College Sports	SO19 7TB	2.9	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Chamberlayne Leisure Centre	SO19 9SJ	3.0	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Oasis Academy Sholing	SO19 8PH	3.1	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Oasis Academy Mayfield	SO19 9NA	3.4	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Cantell School	SO16 3GJ	3.5	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Woodlands Community College	SO18 5FX	3.6	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Redbridge Community School	SO16 9AW	4.2	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Testlands Hub	SO16 9FQ	4.9	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Oasis Academy Lordshill (Upper School)	SO16 8FA	5.5	●	●	●	●	●	●	●	●	●	●	●	●	●	●
David Lloyd Club (Southampton)	SO16 0XS	5.9	●	●	●	●	●	●	●	●	●	●	●	●	●	●



**Question:** What impact would ending leisure services at St Mary's Leisure Centre have on you, your family or business?



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Total respondents to question: 1688

## Key findings:

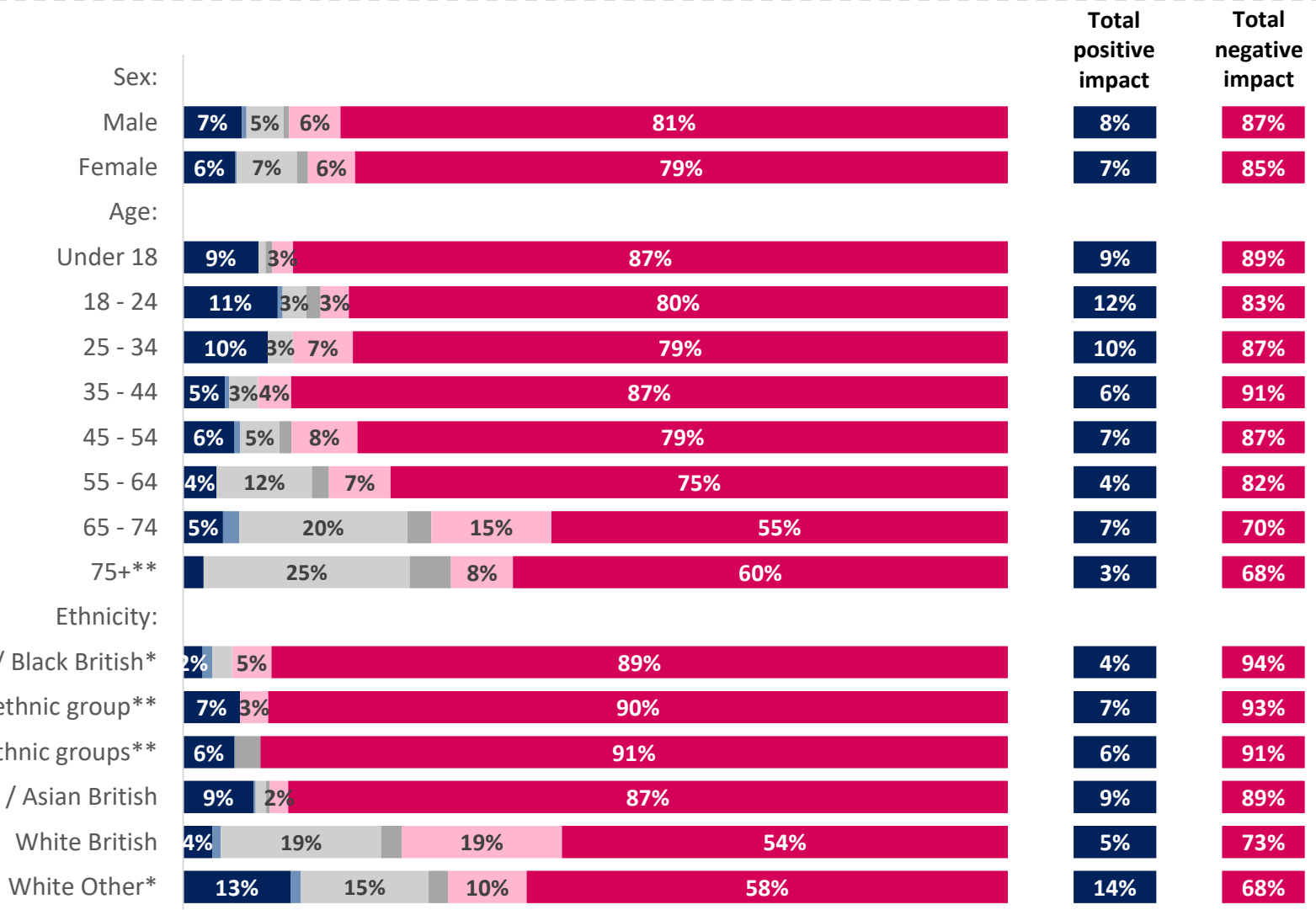
- The majority of respondents felt that the impact of the proposals would be negative (86% total negative impact) compared to 7% of respondents that thought the impact would be positive.
- A small proportion felt there would be no impact (6%) or didn't know what the impact would be (1%).



# Impact of the proposal – by demographics

**Question:** What impact would ending leisure services at St Mary’s Leisure Centre have on you, your family or business?

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## Key findings:

- Across all demographics, more respondents felt the impact would be negative rather than positive.
- There was little observed difference between males and females.
- There was an indication that younger age groups felt the impact would be slightly more positive when compared to older age groups.
- White British and Other White ethnicities reported higher levels of ‘no impact’ and lower levels of negative impact than average.

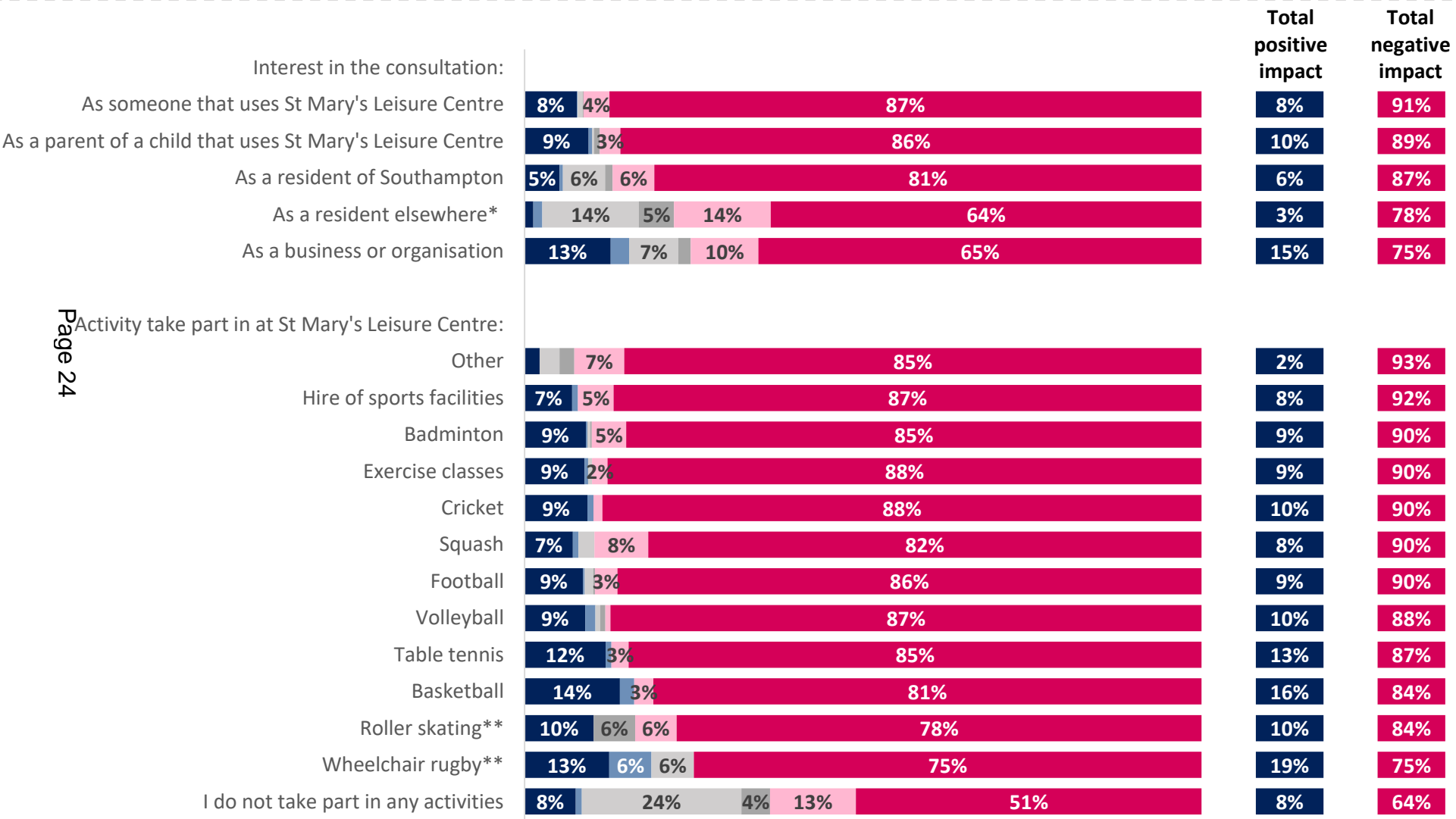
■ A very positive impact ■ A slightly positive impact ■ No impact ■ Don't know ■ A slightly negative impact ■ A very negative impact

\* Fewer than 100 responses \*\* Fewer than 50 responses



# Impact of the proposal – by characteristics and activities

**Question:** What impact would ending leisure services at St Mary’s Leisure Centre have on you, your family or business?



## Key findings:

- Across all characteristics and activities, more respondents felt the impact would be negative rather than positive.
- Those that use St Mary’s Leisure Centre reported higher negative impacts than those that do not use the Centre.
- Businesses and organisations reported a lower negative impact than average.
- Those that take part in Table tennis, Basketball and Wheelchair Rugby reported still higher levels of positive impacts than other activities.

■ A very positive impact ■ A slightly positive impact ■ No impact ■ Don't know ■ A slightly negative impact ■ A very negative impact

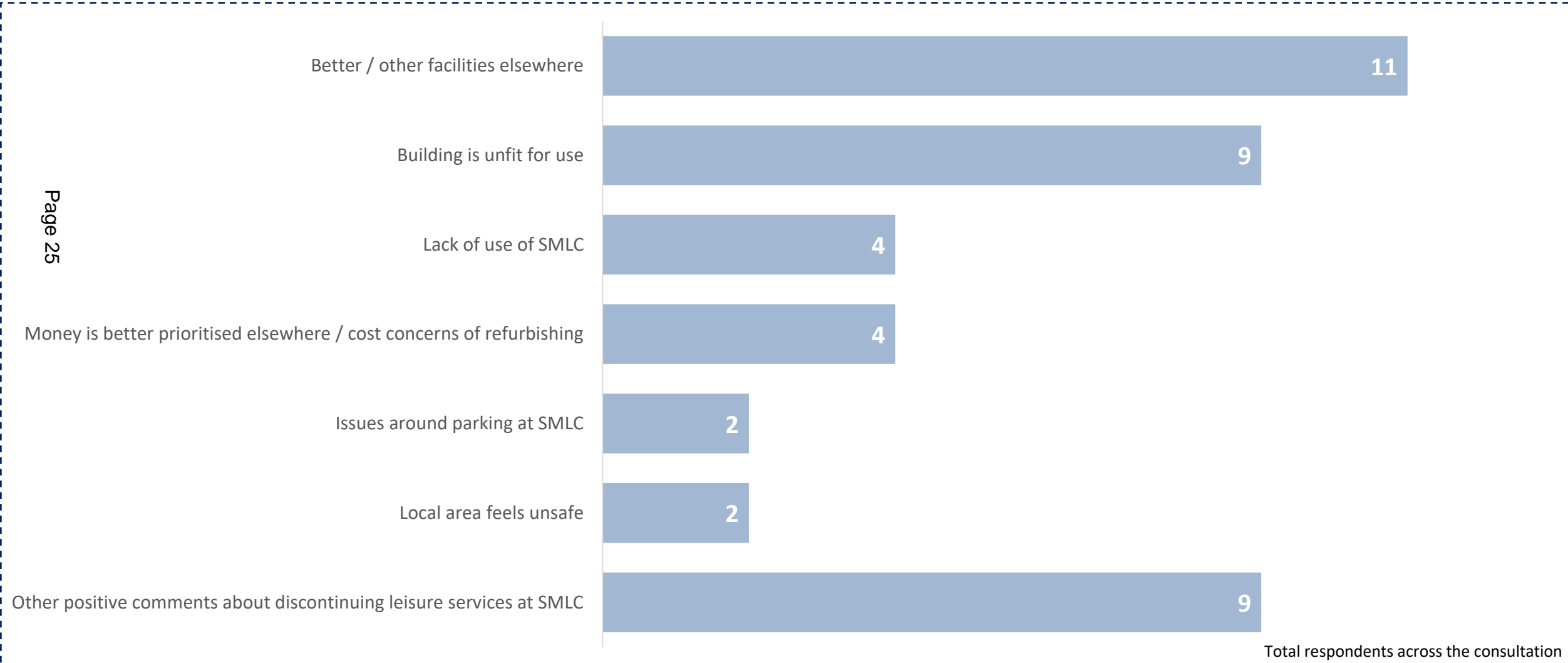
\* Fewer than 100 responses \*\* Fewer than 50 responses



## Free text responses in favour of discontinuing leisure services at SMLC.

A total of **29** respondents provided a comment in favour of discontinuing leisure services at SMLC.

The following graph shows the total number of respondents by each theme of comment.

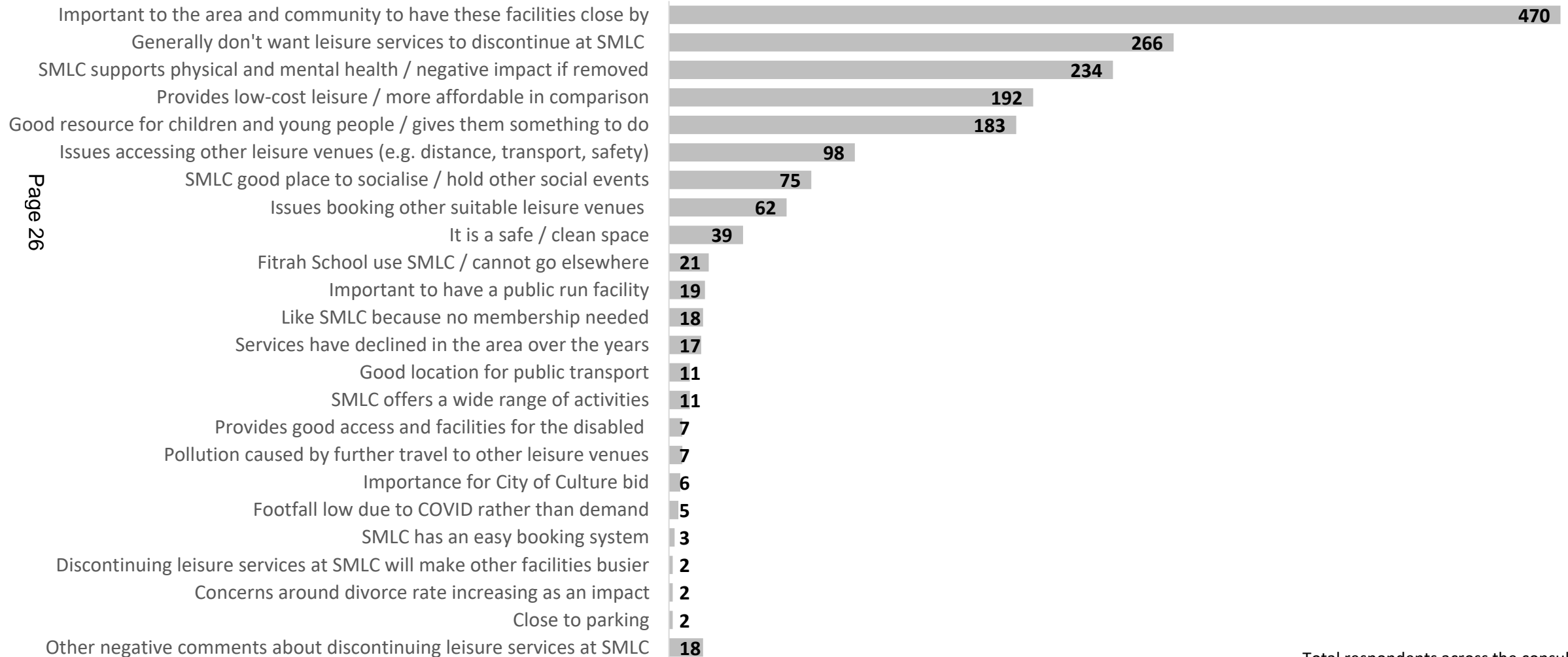




## Free text responses not in favour of discontinuing leisure services at SMLC.

A total of **1071** respondents provided a comment not in favour of discontinuing leisure services at SMLC.

The following graph shows the total number of respondents by each theme of comment.



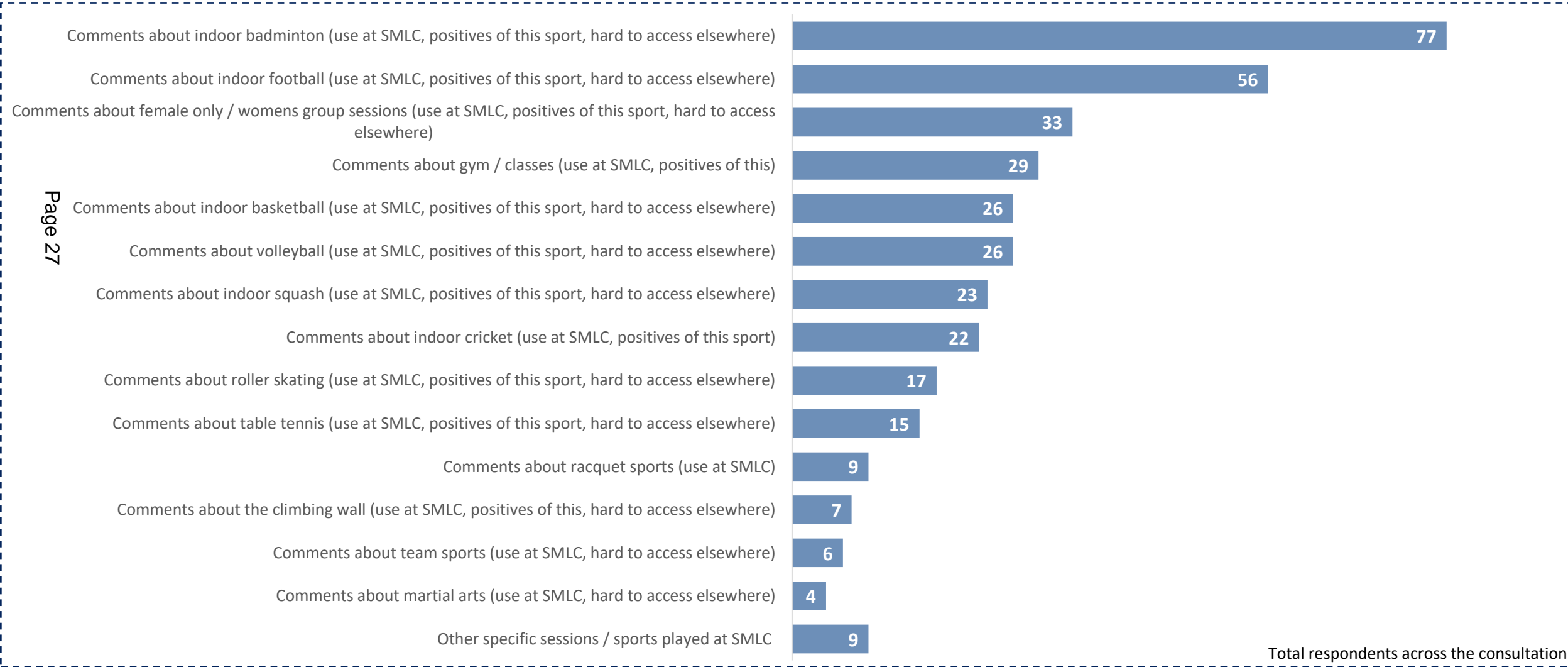




## Free text responses on specific sessions / sports played.

A total of **289** respondents provided a comment on specific sessions / sports played .

The following graph shows the total number of respondents by each theme of comment.

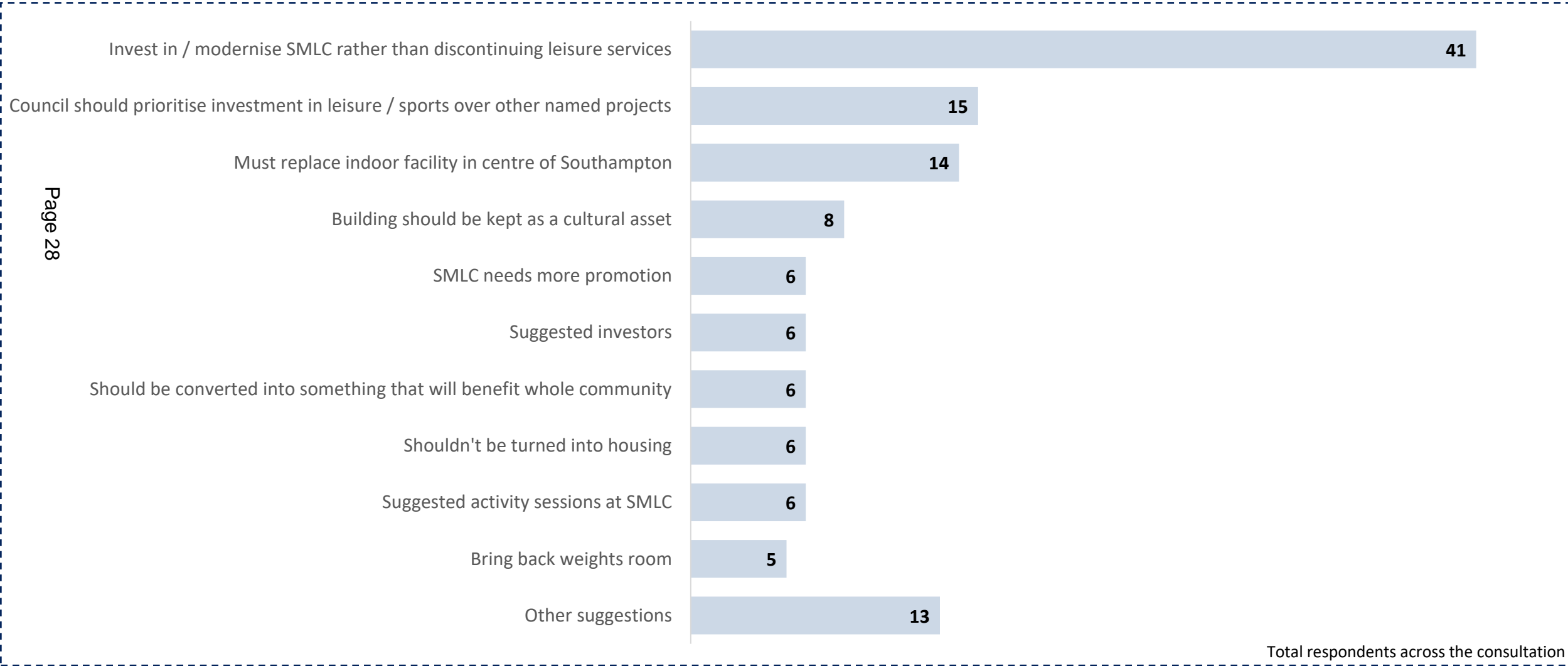




## Free text responses on suggestions.

A total of **114** respondents provided a comment on suggestions.

The following graph shows the total number of respondents by each theme of comment.





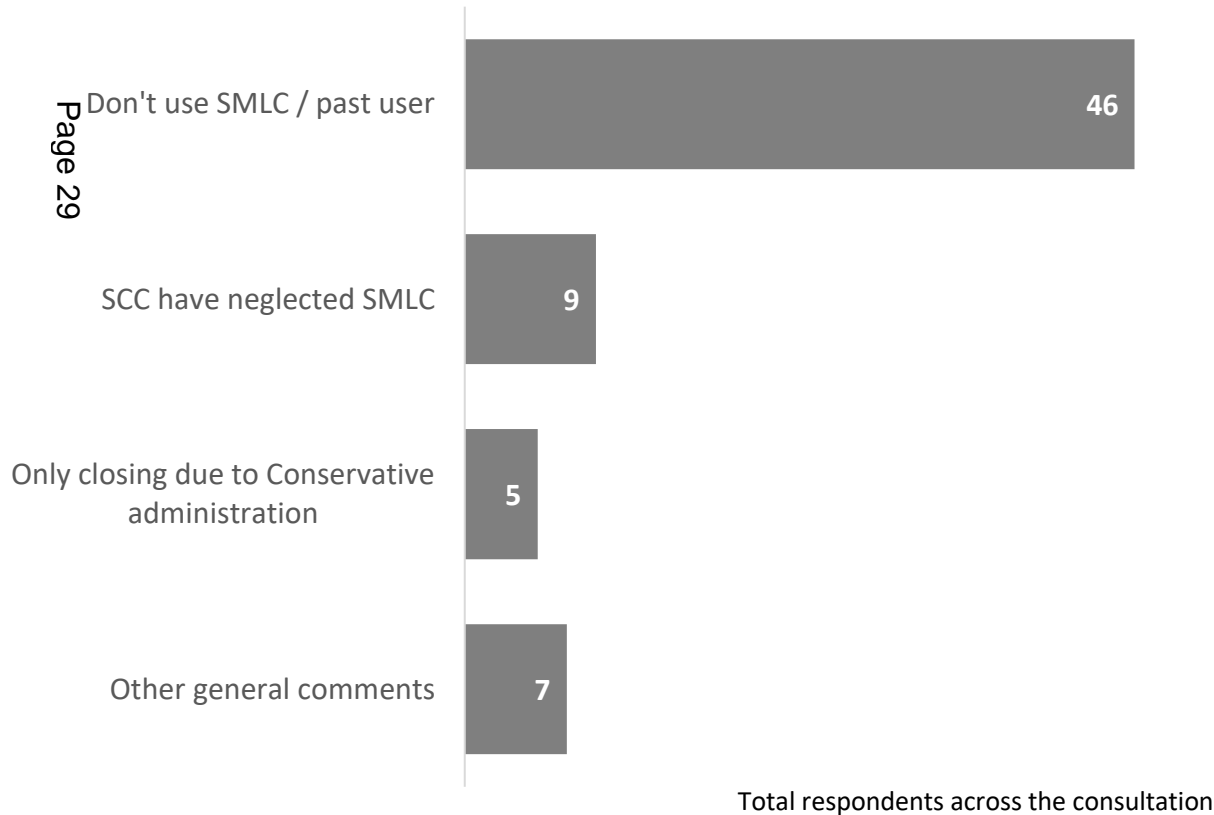
## Free text responses on general comments and consultation process.

A total of **67** respondents provided a comment on general comments.

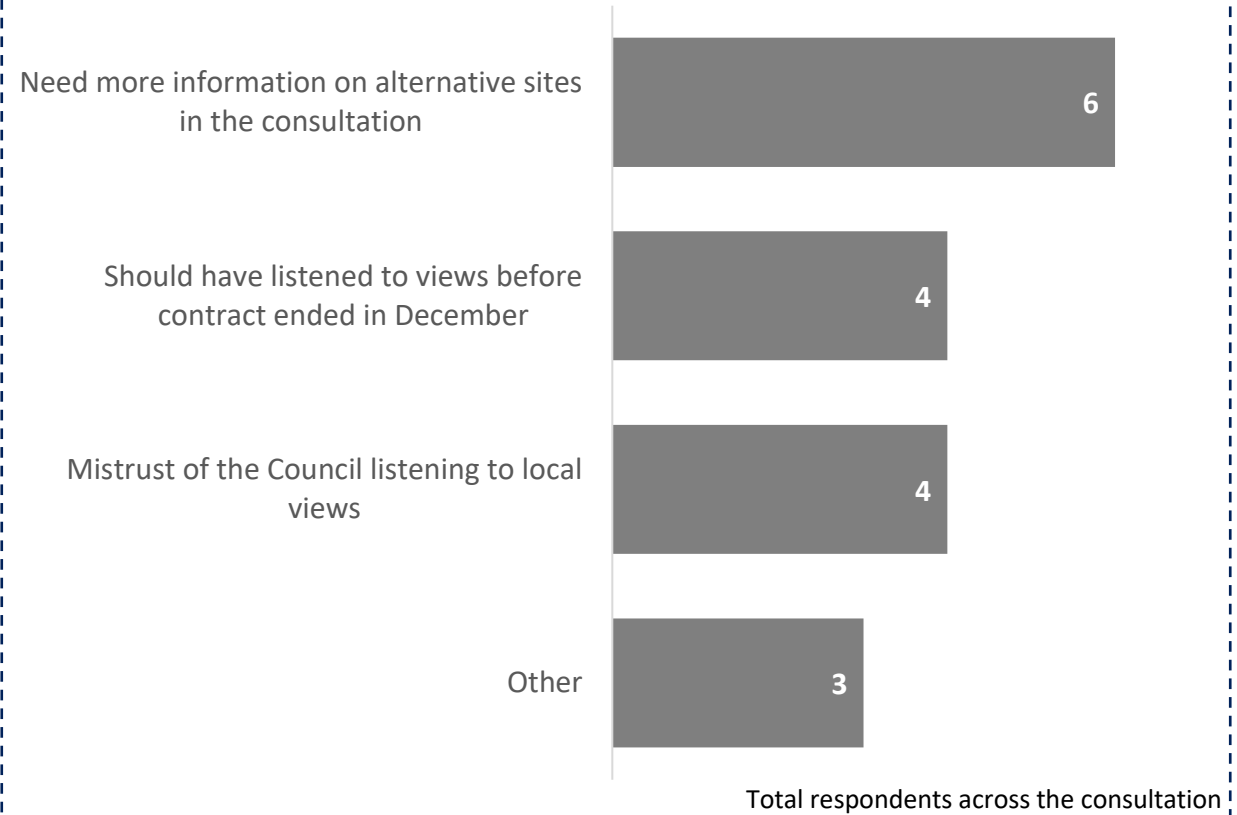
A total of **17** respondents provided a comment on the consultation process.

The following graphs shows the total number of respondents by each theme of comment.

### General comments



### Consultation process



## Annex 2 - Alternative arrangements

Existing activity/group at SMLC	Available at Solent Complex (East Park Terrace)	Other venues arranged
Muslim women only sessions	Available at Solent complex on Wednesday and Friday mornings (additional Saturday morning session is being trialled to assess uptake)	
All age groups gym access	Discounted gym member rate of £10.99 per month for holders of Smartcities card and other public members pay £13.99.  Opening hours to public: 12 Noon - 8.30pm weekdays and 9.30 - 5pm weekends	
Squash players	No contact made with SU or SCC officers	
*Fitrah School - multi-sports	1pm-2 on Tuesdays slot. Running (with some mutual exceptions) until 19 <sup>th</sup> July with ambition to continue in September	
Sharks wheelchair rugby	Already in place at Solent Complex	
**Volleyball groups	Some Wednesday morning time possible from March as well as casual 7 day in advance booking	Active Nation advised they could facilitate at Bitterne leisure centre. Contact details provided to Volleyball groups
**Kestrel basketball	Already in place at Solent Complex	
*City Centre Football	City Centre football booked in Sat morning slot	
Other football groups	No contact made with SU	
*Cricket groups	Cricket Wicketz group booked in 4 - 5pm Tuesday/Thursday and Friday. Other group has not made contact with SU or SCC.	

## Annex 2 - Alternative arrangements

**Other basketball groups	No fixed basketball sessions available but public access to "shoot the hoops" available on pay and play basis via the adhoc booking option	
Table tennis		Officers have reached out to assist but group has identified an alternative
*50 + Badminton**	Booked in on Thursdays 11-1pm	
Roller Derby skating		Booked at Chamberlayne Leisure Centre until 1st June 2022. SCC officers are looking into a longer term solution
Dance	Potentially scope within fitness rooms but not immediately available. No contact made with SU	
Monthly Racket memberships	No contact made with SU or SCC officers	
*Boccia group (Paralympic sport similar to bowls)	Booked at SU Monday 1-2 and Friday 10-1 starting late February. Will be provided by SU free of charge.	

*\* As part of SU's activity to support the community, SU has committed to provide facilities to these groups at Solent Complex until at least 1<sup>st</sup> May 2022 (with the likelihood of this being extending further around SU's academic provision).*

*\*\*In addition to the set activities/services set out above, SU review availability of the multi-sports hall on a weekly basis and where it exists, payable adhoc slots are available to the community on a casual basis by booking directly with SU.*

In addition to the above, SU are in discussion with the Saints Foundation - Active Through Football programme (designed to boost activity levels in those who face issues/inequalities with being physically active) around holding a weekly session at Solent Complex to maximise access for those within the city who may otherwise be unable to participate.

## **Annex 3 – Class E and F of Schedule 2**

### **SCHEDULE 2**

#### **PART A Commercial, Business and Service**

##### **Class E. Commercial, Business and Service**

Use, or part use, for all or any of the following purposes—

- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
- (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
- (c) for the provision of the following kinds of services principally to visiting members of the public—
  - (i) financial services,
  - (ii) professional services (other than health or medical services), or
  - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- (e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- (f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- (g) for—
  - (i) an office to carry out any operational or administrative functions,
  - (ii) the research and development of products or processes, or
  - (iii) any industrial process,being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

#### **PART B Local Community and Learning**

##### **Class F.1 Learning and non-residential institutions**

Any use not including residential use—

- (a) for the provision of education,
- (b) for the display of works of art (otherwise than for sale or hire),
- (c) as a museum,
- (d) as a public library or public reading room,
- (e) as a public hall or exhibition hall,
- (f) for, or in connection with, public worship or religious instruction,
- (g) as a law court.

##### **Class F.2 Local community**

Use as—

- (a) a shop mostly selling essential goods, including food, to visiting members of the public in circumstances where—
  - (i) the shop's premises cover an area not more than 280 metres square,
  - and

- (ii) there is no other such facility within 1000 metre radius of the shop's location,
- (b) a hall or meeting place for the principal use of the local community,
- (c) an area or place for outdoor sport or recreation, not involving motorised vehicles or firearms,
- (d) an indoor or outdoor swimming pool or skating rink.”

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.

<b>Name or Brief Description of Proposal</b>	<b>Discontinuation of indoor sports and recreation services at St Mary’s Leisure Centre (SMLC)</b>
<b>Brief Service Profile (including number of customers)</b>	
<p>It is proposed that sports and recreation services are discontinued at SMLC based on the content of this ESIA and the Council’s emerging citywide strategy in respect of leisure.</p> <p>SMLC, which is situated in the inner-city Bevois Ward (in St Mary’s Road) is currently used for exercise classes, racket sports (including squash) and indoor team sports. The building also houses a gymnasium, but this is not in current use. SMLC also contains a variety of other rooms, some of which are not useable for health and safety or other reasons.</p> <p>Access to SMLC is available on a pay as you go basis to people of all abilities and fitness levels irrespective of their age.</p> <p><b>Background</b></p> <p>Solent University (“SU”) initially managed SMLC as a leisure facility under a Service Concession from 01/08/10 to 31/06/19. SU used the facility to deliver a sports-related academic programme. The local community were encouraged to access the facilities, although this access was restricted around the priorities associated with SU’s academic provision.</p> <p>Since July 2019, SMLC has continued to be operated by SU on behalf of the Council with the Council paying SU’s costs and taking the risk on the income. This new arrangement with SU ends on 31/12/2021 meaning that SMLC shall close with effect</p>	



from 01/01/2022. Allowing for the usual Christmas period closure, the final date of operational activities at SMLC shall be 22nd December 2021.

Alongside its primary purpose as an academic sports facility, since 2010, SMLC has provided indoor sports and recreation opportunities for the local community who may not be willing to travel outside of their very immediate surroundings in order to access leisure facilities. It has also provided classes for particular community groups who may not feel comfortable undertaking such activity in a group with 'open' access, such as Muslim women-only exercise sessions, although these sessions have not been provided at SMLC since July 2019.

### User figures

During certain periods of 2020 and 2021, SMLC was closed in accordance with the Health Protection (Coronavirus) Regulations 2021 and Government guidance. As a result, the usage of SMLC was affected.

Usage in calendar year 2021 to date is as follows:

Month	Users
January (closed in accordance with Coronavirus regulations)	0
February (closed in accordance with Coronavirus regulations)	0
March (closed in accordance with Coronavirus regulations)	0
April (closed in accordance with Coronavirus regulations)	0
May (re-opened on 17 <sup>th</sup> May in accordance with Coronavirus regulations)	195
June	707
July	1,091
August	1,037
September	1,603

Historical annual usage levels per calendar year were:

Calendar year	Users
2020	16,599
2019	19,660 (Note: user data is estimated for January to May 2019 as a result of the exit of the original agreement with SU affecting reporting during this period).
2018	66,875

Notwithstanding the impact of the COVID pandemic during 2020 and 2021, the data demonstrates that usage of SMLC has decreased over recent years. This is due largely to the ceasing of the original contract between the Council and SU which aligned with SU opening their new academic leisure facility at East Park Terrace and transfer of the academic users from SMLC to this facility.

East Park Terrace is situated approximately 0.2 miles from SMLC and caters for SU's sports-related programme and associated users, which have historically made up the majority of SMLC users.

### **Summary of Impact and Issues**

Southampton Data Observatory data shows that within the Bevois Ward of Southampton, the population is circa 25,300 based on the most recent data available, which is from 2018.

Data for where users and visitors to SMLC live is not collected by SU and therefore it is difficult to assess what percentage of current users and visitors are from local communities and how many people travel over 1.5 miles.

In 2018 the user profile included 7% children and young people, 1% people with long term conditions/disabilities and 65% people from Minority Ethnic communities.

Data shows that within the Bevois Ward there are higher than average levels of crime, anti-social behaviour, crime affected by alcohol, drug related crime, and violent crime. Statistically there are a disproportionately high number of citizens from minority ethnic communities compared to the city average. The data also shows life expectancy is lower than the city average. The profile confirms the numbers of children from low-income households is higher than the city average.

A consultation was carried out in August 2019 for 12 weeks, regarding a proposal to create a community hub in the building. When asked how to use the space in the future the highest two responses propose usage for sports and wellbeing and for community-driven use. The highest percentage of people completing the survey were from the Bevois area of the City. This consultation informed the Council's approach to service delivery between its completion and the current date.

There are also a limited number of squash courts available within the city, two public pay and play squash courts at SMLC, three squash courts pay and play at University of Southampton Jubilee Sports Centre and three courts at David Lloyd that are offered on a registered membership basis. The Indoor Built Sports Facilities Strategy (IBSFS) commissioned by the Council indicated that the existing squash provision in the city should be retained so the removal of squash provision at SMLC will need to be considered in this context. Increasingly, squash courts are provided through squash clubs/multi-sport clubs, as opposed to local authority facilities. This reflects the fact that participation in the sport has considerably reduced from its significant growth in the 1970's, and there is less demand for community access squash courts.

Impacts may be offset through the usage of a variety of alternative leisure venues in the area as listed in Alternative Sports Facilities contained as Appendix A ("Appendix A").

In addition to the Alternative Sports Facilities, SU currently provide the following community classes at the East Park Terrace academic leisure facility (which is situated approximately 0.2 miles from SMLC) which are open to public use:

- Health4her on Wednesday and Friday mornings (This is a weight loss programme for females only and caters for cultural and religious restrictions, enabling women to experience and enjoy a variety of sports and physical activity).
- Exercise referral diabetic clinic on Monday mornings and evenings and Wednesday evening
- Sports therapy and personal training daily
- Community use of sports hall by Kestrels basketball and Sharks wheelchair rugby
- Discounted gym member rate of £10.99 per month for holders of Smartcities card with other public members paying £13.99. Opening hours to public: 1pm - 8.30pm weekdays and 9.30 - 5pm weekends.

As part of SU's activity to support the community, SU has committed to provide access to facilities at East Park Terrace from 4<sup>th</sup> January 2022 until at least 1<sup>st</sup> May 2022 (with the likelihood of this being extending further around SU's academic provision) for the following groups:

- Cricket Wicketz have slots booked for use of sports hall
- 50+ badminton group booked for use of facilities
- Boccia group booked for use of facilities
- City centre football
- Fitrah School has a slot for multi-sports lessons

Additional support has been given to users to access alternative venues as follows:

- Roller Derby group have access to facilities at Chamberlayne Leisure Centre
- Table tennis group have found alternative facilities
- Volleyball groups have been provided with details of alternative provision from Bitterne Leisure Centre.

#### **Potential Positive Impacts**

There is an ongoing revenue saving of £147,000 per annum associated with the closure of SMLC.

A conditions survey has indicated £382,309 of investment would be required to maintain the building due to its poor condition. Day-to-day repairs and maintenance costs (depending on the level of investment made) are estimated to be £60,000 per annum. These costs would be avoided.

Due to health and safety considerations certain areas of the building are unusable. There is also limited access to certain areas of the building for disabled users.

The facility is not currently well used and the building continues to deteriorate, disposing of the building may result in a more appropriate use.

Users of St Mary's Leisure Centre will be able to access a variety of alternative leisure venues in the area including Solent University's new Solent Sports Complex, the Quays Leisure Centre and Bitterne Leisure Centre. Further information can be found in the consultation document and in Appendix A to this document.

<b>Responsible Service Manager</b>	Katie Renouard
<b>Date</b>	24/11/2021
<b>Approved by Senior Manager</b>	Paul Paskins
<b>Date</b>	24/11/2021

### Potential Impact

<b>Impact Assessment</b>	<b>Details of Impact</b>	<b>Possible Solutions &amp; Mitigating Actions</b>
<b>Age</b>	<p>Impact on children and young people.</p> <p>Fitrah Southampton Islamic Primary and Secondary (Sips) school uses SMLC for PE classes one afternoon per week as they do not have facilities on the school site.</p> <p>Data suggests 24.3% of children live in houses of low income and 22.4% of households are in fuel poverty. Loss of this leisure facility could impact on childhood obesity and anti-social behaviour due to limited facilities in the local area.</p>	<p>Alternative facilities are listed in Appendix A.</p> <p>Fitrah School have been offered a slot at East Park Terrace which it has accepted.</p>
<b>Disability</b>	No impact as the wheelchair rugby teams are already using the sports hall at the East Park Terrace academic leisure facility.	.N/A
<b>Gender Reassignment</b>	No significant impact	N/A
<b>Marriage and Civil Partnership</b>	No significant impact	N/A

<b>Impact Assessment</b>	<b>Details of Impact</b>	<b>Possible Solutions &amp; Mitigating Actions</b>
<b>Pregnancy and Maternity</b>	No significant impact	N/A
<b>Race</b>	No impact as Health4her sessions are already being provided at the East Park Terrace academic leisure facility.	N/A
<b>Religion or Belief</b>	No impact as Health4her sessions are already being provided at the East Park Terrace academic leisure facility.	N/A
<b>Sex</b>	No impact as Health4her sessions are already being provided at the East Park Terrace academic leisure facility.	N/A
<b>Sexual Orientation</b>	No significant impact.	N/A
<b>Community Safety</b>	Lack of facilities in the local area could have an impact on anti-social behaviour which is above city-wide average figures.	Signpost and promote other youth activities in the local area.
<b>Poverty</b>	Families in low-income households may not have the means to travel to other sites.	Review travel policies and options for reduced travel costs.
<b>Health &amp; Wellbeing</b>	Negative impact on all age groups within the community who will need to travel to access similar facilities.  Specifically, could impact on obesity rates, especially among school age children that attend the site for PE lessons.	Alternative facilities are listed in Appendix A.  Provide signposts to pay as you go gyms within the city centre.  Fitrah School have been offered a slot at East Park Terrace which it has accepted
<b>Other Significant Impacts</b>	Reducing the number of squash facilities within the city.	Alternative facilities are listed in Appendix A.  Provide signposts to pay as you go squash facilities within the city centre.

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### Appendix A: Alternative Indoor Sports Facilities

Name of Site	Distance from SMLC	No of courts	Ownership	Facilities provided	Participation
Bitterne Leisure Centre	2.7 miles	4	Local Authority but operated by a third party.	Gym, Pools, Sports hall for football*, basketball*, badminton*, netball*, cricket*, table tennis*, gymnastics**.	*Pay and Play and also block bookings **Block booking only
Bitterne Park School	2.6 miles	4	Community School	Sports hall, outdoor hard courts-evening and weekends	Sport Club
Boulder Shack	0.5 miles		Private facility	Climbing wall, yoga	Pay and play
Cantell School	3.5 miles	4	Community School	Sports hall, badminton, gym outdoor hard courts	Sports Club
Chamberlayne Leisure Centre	3.0 miles	4	Local Authority but operated by a third party.	Gym, Sports hall for football, basketball, badminton, netball, cricket, table tennis, gymnastics.	*Pay and Play and also block bookings **Block booking only
Cherry's Fitness Suite	0.5 miles		Private facility	Pilates and Barre training	
Curves Ladies only fitness centre	2 miles		Private facility	Ladies only gym and dieting advice	Club membership
David Lloyd Club (Southampton)	5.9 miles	4	Private Club	Gym, swimming pool, exercise classes, tennis courts	Registered Membership

Name of Site	Distance from SMLC	No of courts	Ownership	Facilities provided	Participation
Fit 4 Less	0.3 miles		Private facility	Gym, fitness classes, personal trainers	Pay as you go
Itchen College Sports Centre	2.9 miles	4	Further Education	Sports hall- aerobics studio, gym	Sports Club
King Edward Vi School	2.2 miles	5	Independent School	Swimming pool, sports field	Private Use
Mayflower Gym	0.5 miles		Southampton University	Gym, fitness classes	Membership
Next Generation Martial Arts	1.1 miles		Private facility	Martial arts training	
Oasis Academy Lords Hill (Upper School)	5.5 miles	4	Education Academy	- Sports hall, gym, dance studio	Sports Club
Oasis Academy Mayfield	3.4 miles	4	Education Academy	- Sports hall, badminton courts, outdoor hard courts, Gym	Sports Club
Oasis Academy Sholing	3.1 miles	4	Community School	Gym, outdoor astro turf football pitches	Sports Club
Pound for Pound	0.7 miles		Private facility	Boxing, personal trainers, sauna	



Name of Site	Distance from SMLC	No of courts	Ownership	Facilities provided	Participation
Pure Gym	0.9 miles		Private facility	Gym, fitness classes, personal trainers	Membership
Redbridge Community School	4.2 miles	4	Community School	Sports hall, outdoor astro turf and grass pitches	Sports Club
Richard Taunton College	2.5 miles	4	Further Education	Sports hall, hard courts, grass pitches	Sports Club
Southampton Solent University (East Park Terrace)	0.2 miles	4	Higher Education	Sports hall, gym, exercise studios	Registered Membership and pay and Play
Spartans Gym	1 mile		Private facility- includes pay as you go	Gym, fitness classes, personal trainers, nutrition programmes	Membership
Testlands Hub	4.9 miles	4	Community School	Sports hall, badminton court, studio, gym, outdoor grass and hard courts	Sports Club
The Gym	0.8 miles		Private facility	Gym, fitness classes, personal trainers	Membership
University of Southampton (Jubilee Sports Centre)	2.7 miles	8	Higher Education	Gym, swimming pool, sports hall, squash courts, exercise studios, bouldering wall	Sports Club-membership and Pay and Play

Name of Site		Distance from SMLC	No of courts	Ownership	Facilities provided	Participation
Woodlands College	Community	3.6 miles	4	Community School	Gym for badminton and basketball, sports hall, outdoor hard courts and grass football pitches	Sports Club

*\*Sport England identifies sports halls as 3 court badminton halls and above and provide facilities for team sports such as netball, volleyball, basketball etc. Activity halls are smaller halls, normally of 1 badminton court size but may not be marked out for badminton but can cater for some sports and physical activity.*

# Agenda Item 7

<b>DECISION-MAKER:</b>	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
<b>SUBJECT:</b>	MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE		
<b>DATE OF DECISION:</b>	17 FEBRUARY 2022		
<b>REPORT OF:</b>	SERVICE DIRECTOR - LEGAL AND BUSINESS OPERATIONS		
<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	<b>Deputy Chief Executive</b>	
	<b>Name:</b>	<b>Mike Harris</b>	<b>Tel: 023 8083 2882</b>
	<b>E-mail</b>	<b>Mike.harris@southampton.gov.uk</b>	
<b>Author:</b>	<b>Title</b>	<b>Scrutiny Manager</b>	
	<b>Name:</b>	<b>Mark Pirnie</b>	<b>Tel: 023 8083 3886</b>
	<b>E-mail</b>	<b>Mark.pirnie@southampton.gov.uk</b>	
<b>STATEMENT OF CONFIDENTIALITY</b>			
N/A			
<b>BRIEF SUMMARY</b>			
This item enables the Overview and Scrutiny Management Committee to monitor and track progress on recommendations made to the Executive at previous meetings.			
<b>RECOMMENDATIONS:</b>			
	(i)	That the Committee considers the responses from the Executive to recommendations from previous meetings and provides feedback.	
<b>REASONS FOR REPORT RECOMMENDATIONS</b>			
1.	To assist the Committee in assessing the impact and consequence of recommendations made at previous meetings.		
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>			
2.	None.		
<b>DETAIL (Including consultation carried out)</b>			
3.	Appendix 1 of the report sets out the recommendations made to the Executive at previous meetings of the Overview and Scrutiny Management Committee (OSMC). It also contains a summary of action taken by the Executive in response to the recommendations.		
4.	The progress status for each recommendation is indicated and if the OSMC confirms acceptance of the items marked as completed they will be removed from the list. In cases where action on the recommendation is outstanding or the Committee does not accept the matter has been adequately completed, it will be kept on the list and reported back to the next meeting. It will remain on the list until such time as the Committee accepts the recommendation as		

	completed. Rejected recommendations will only be removed from the list after being reported to the OSMC.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
5.	None.
<b><u>Property/Other</u></b>	
6.	None.
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
7.	The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.
<b><u>Other Legal Implications:</u></b>	
8.	None
<b>RISK MANAGEMENT IMPLICATIONS</b>	
9.	None.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
10.	None
<b>KEY DECISION</b>	No
<b>WARDS/COMMUNITIES AFFECTED:</b>	None directly as a result of this report
<b><u>SUPPORTING DOCUMENTATION</u></b>	
<b>Appendices</b>	
1.	Monitoring Scrutiny Recommendations – 17 February 2022
<b>Documents In Members' Rooms</b>	
1.	None
<b>Equality Impact Assessment</b>	
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out?	No
<b>Data Protection Impact Assessment</b>	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out?	No
<b>Other Background Documents</b>	
<b>Equality Impact Assessment and Other Background documents available for inspection at:</b>	
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.	None

# Overview and Scrutiny Management Committee: Holding the Executive to Account

Scrutiny Monitoring – 17 February 2022

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
16/12/21	Communities, Culture & Heritage	Strategy for the Provision of Support in Safe Accommodation	1) That the dashboard of performance indicators that are being developed to support the strategy is circulated to the Committee when it is finalised.	To be provided when available	Ongoing
13/01/22	Communities, Culture & Heritage	Safe City Partnership Annual Review	1) That the work of the Safe City Partnership aligns with the work of the Domestic Abuse Strategic Partnership and that their associated key strategies are effectively co-ordinated.	The DA/VAWG strategy is being co-created in the coming weeks and this will be taken into account as the work is progressed for completion and approval at Cabinet in the Autumn of 2022.	Ongoing
			2) That consideration is given to identifying how communications can be improved to increase public confidence in the Safe City partners and in reporting crimes.	A communications plan is being developed for the partnership; this includes exploring the potential for Stronger Communities to operate its own social media channels on behalf of the SCP; material relating to crime prevention already shared with the Neighbourhoods App that is active across the city; Police Bulletins are cascaded widely.	Meeting scheduled with Head of Communications to discuss options and resources
			3) That the Council supports lobbying being undertaken to increase the number of police officers serving Southampton.	The Cabinet Member and colleagues have actively engaged with the OPCC on this matter and welcome any further input from all Councillors.	
			4) That consideration is given by the Partnership to creating reliable feedback mechanisms to enable various issues related to feeling safe, such as street lighting levels, to be reported and responded to.	The Community Cohesion and Community Engagement Team's will be working the Police Neighbourhood Teams to reset a programme of Police and Communities Together Meetings (PACT) where residents and councillors can raise issues for feedback to the necessary teams; this is further supported by a programme of	First two PACT (East) meetings scheduled for February 2021; working with NPT's to

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
				Police/Schools meetings where children and young people's concerns about safety can be shared. We will be exploring how/whether the existing communities inbox can be promoted to the public to allow non-crime/ASB safety issues to be reported.	expand further.
13/01/22	Communities, Culture & Heritage	Cultural Strategy	1) That the Cabinet Member commits to ongoing engagement with stakeholders, including the Southampton Cultural Development Trust, to develop the city-wide approach to culture.	This will form part of the ongoing work to develop the action plan and deliver the strategy	
Page 48			2) That, to maximise investment opportunities, the Cabinet Member looks to involve key partners, including the Southampton Cultural Development Trust, in the delivery of the Destination Management Plan and Partnership.	The Culture Trust and other stakeholders will be involved in maximising the investment opportunities identified in the Cultural Strategy and the Destination Management Plan and Partnership.	
			3) That the Administration commits to resourcing the objectives outlined within the Cultural Strategy, irrespective of the outcome of the City of Culture bid.	The action plan will be developed in the coming months and any specific resourcing issues will be addressed as part of that process.	
			4) That, reflecting the experience of the Cultural Strategy, the Council considers its approach to consultation to increase feedback from communities across the city.	The monitoring of total responses and characteristics of respondents will continue throughout consultation periods to understand those that have responded so far.  The consultation team and relevant service area will work closely with the community engagement team and communications colleagues to target promotion to increase feedback from communities across the city.	

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
			5) That the Year 1 Cultural Strategy Action Plan is scrutinised by the Committee when it is drafted.	To be provided when available	Ongoing
			6) That the approach to risk is reviewed by the Administration as it relates to the partner led projects in the Cultural Strategy.	Recommendation not accepted by Cabinet at its meeting on the 17th January 2022	Not accepted
13/01/22	Communities, Culture & Heritage	Starboard Way – Tenure mix	1) That the Administration outlines its ambitions with regards to how many of the proposed 27,000 new homes in the city by 2040 will be affordable homes.	The Administration will be bringing forward proposals for plans to take forward enabling the delivery of affordable homes later this year.	

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