



Shareholders Committee

Committee

Thu 18 Feb
2021
6.30 pm

Virtual Meeting

REDDITCH BOROUGH COUNCIL

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difference*

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If you have any queries on this Agenda please contact
Jess Bayley

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GUIDANCE ON VIRTUAL MEETINGS

Due to the current Covid-19 pandemic Redditch Borough Council will be holding this meeting in accordance with the relevant legislative arrangements for remote meetings of a local authority. For more information please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police Crime Panels meetings) (England and Wales) Regulations 2020.

Please note that this is a public meeting conducted remotely via conferencing on Microsoft Teams between invited participants and live streamed for general access via the Council's YouTube channel.

You are able to access the livestream of the meeting from the Committee Pages of the website, alongside the agenda for the meeting.

If you have any questions regarding the agenda or attached papers please do not hesitate to contact the officer named above.

Notes:

As referred to above, the virtual Microsoft Teams meeting will be streamed live and accessible to view. Although this is a public meeting, there are circumstances when the committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded and for any such items the live stream will be suspended and that part of the meeting will not be recorded.

Thursday, 18th February, 2021

6.30 pm

Microsoft Teams

Shareholders Committee

Agenda

Membership:

Cllrs:	David Thain (Chair)	Bill Hartnett
	Salman Akbar (Vice-Chair)	Ann Isherwood
	John Fisher	

1. Apologies for Absence and Named Substitutes
2. Declarations of Interest and Party Whip
3. Exclusion of the Press and Public

Should it be necessary, in the opinion of the Chief Executive, during the course of the meeting to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged, it may be necessary to move the following resolution:

“That, under S.100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (to be specified) of Part 1 of Schedule 12 (A) of the said Act”.

These paragraphs are as follows:

Subject to the “public interest” test, information relating to:

- Para 3 – financial or business affairs;
- Para 4 – labour relations matters;

4. Minutes of the Meeting held on 14th January 2021 (Pages 1 - 12)
5. Quarter 3 Performance Monitoring Report (Pages 13 - 30)
6. Quarter 3 Budget Monitoring Report (Pages 31 - 42)

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Shareholders Committee

Thursday, 14th January,
2021

MINUTES

Present:

Councillor David Thain (Chair), Councillor Salman Akbar (Vice-Chair) and Councillors Joanne Beecham, John Fisher and Bill Hartnett

Also Present:

Mr D Cove (FMG Consulting)
Mr S Ingyon (Managing Director, Rubicon Leisure Limited)

Officers:

Kevin Dicks, Claire Felton, Chris Forrester, Julie Heyes and Sarah Sellers

Democratic Services Officers:

Jess Bayley

18. APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES

An apology for absence was received on behalf of Councillor Ann Isherwood and it was confirmed that Councillor Joanne Beecham was attending as her substitute.

19. DECLARATIONS OF INTEREST AND PARTY WHIP

Councillor Joanne Beecham declared an other disclosable interest in all of the items on the agenda as she hired the Palace Theatre, which was managed by Rubicon Leisure Limited, from time to time.

20. MINUTES OF THE PREVIOUS MEETING

RESOLVED that

the minutes of the meeting of the Shareholders Committee that was held on 1st October 2020 be approved as a true and correct record and signed by the Chair.

Chair

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21. FORGE MILL - EXTENDED CLOSURE

The Managing Director of Rubicon Leisure Limited presented a report which detailed proposals to extend the closure of Forge Mill Needle Museum until 30th April 2021.

Members were advised that the museum had previously been closed in November 2020, with the agreement of the Shareholders Committee. The museum closed in December and January in most years, with a view to reopening in February. However, following the announcement of the third national lockdown, Rubicon Leisure Limited had concluded that it would not be possible to reopen the venue that month. Instead, It was suggested that an opening date of 1st May 2021 would be more realistic, particularly as the museum had been unable to reopen safely in the summer of 2020 when previous lockdown restrictions had been eased.

There would be the potential for Rubicon Leisure Limited to secure a small level of financial savings as a consequence of extending the closure of Forge Mill Needle Museum. Staff would remain on furlough and there would be a need to continue to undertake compliance checks, in accordance with health and safety requirements, but this would be less costly than opening the museum at this time.

RESOLVED that

- 1) due to the operational and financial constraints of re-opening the Museum in February 2021, the Shareholder Committee agree as a variation to the Service Specification, that from 1st February 2021 and up until the 30th April 2021 the Museum remains closed and re-opens on the 1st May 2021 subject to Government Advice on the re-opening of Museums; and**
- 2) the legal changes to the operating contract are delegated to the Head of Legal, Democratic and Property Services and the Executive Director of Finance and Resources to implement.**

22. EXCLUSION OF THE PRESS AND PUBLIC

Under S100 A (4) of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matters on the grounds that they

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involve the likely disclosure of exempt information as defined in paragraphs 3 and 4 of Part 1 of Schedule 12 of the said act, as amended.

Minute Item No. 23 – Business Continuity Report

Minute Item No. 24 – Quarter 2 Performance Monitoring Report

Minute Item No. 25 – Quarter 2 Budget Monitoring Report

Minute Item No. 26 – Rubicon Board – Director

Minute Item No. 27 – Rubicon – Future Operating Model

23. BUSINESS CONTINUITY (REPORT TO FOLLOW)

The Managing Director of Rubicon Leisure Limited presented a report focusing on business continuity arrangements.

(During consideration of this item Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to exclude the press and public prior to any debate on the grounds that information would be revealed relating to the financial and business affairs of any particular person (including the authority holding that information)).

24. QUARTER 2 PERFORMANCE MONITORING REPORT

The Managing Director of Rubicon Leisure Limited presented the Quarter 2 Performance Monitoring Report for Members' consideration.

Members were advised that the report had been considered and approved by the Rubicon Board in September 2020. Due to the timing of meetings of the Shareholders Committee it had not been possible to present the report for Members' consideration until January 2021. However, to ensure that the report could be presented in a more timely manner in future, extra meeting dates had been identified for the Shareholders Committee which would follow meetings of the Board.

RESOLVED that

the report be noted.

(During consideration of this item Members discussed matters that necessitated the disclosure of exempt information. It was therefore

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agreed to exclude the press and public prior to any debate on the grounds that information would be revealed relating to the financial and business affairs of any particular person (including the authority holding that information)).

25. QUARTER 2 BUDGET MONITORING REPORT

The Managing Director of Rubicon Leisure Limited presented the Quarter 2 Budget Monitoring Report for Members' consideration.

RESOLVED that

the report be noted.

(During consideration of this item Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to exclude the press and public prior to any debate on the grounds that information would be revealed relating to the financial and business affairs of any particular person (including the authority holding that information)).

26. RUBICON BOARD - DIRECTOR

The Head of Legal, Democratic and Property Services presented a report in respect of membership of the Rubicon Board.

(During consideration of this item Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to exclude the press and public prior to any debate on the grounds that information would be revealed relating to any consultations or negotiations, including contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority).

27. RUBICON - FUTURE OPERATING MODEL (REPORT TO FOLLOW)

The Committee considered a report focusing on the future operating model for Rubicon Leisure Limited.

(During consideration of this item Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to exclude the press and public prior to any debate on the grounds that information would be revealed relating to the financial and business affairs of any particular person (including the authority holding that information)).

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The Meeting commenced at 6.30 pm
and closed at 8.02 pm

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By virtue of paragraph(s) 3, 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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REDDITCH BOROUGH COUNCILRUBICON SHAREHOLDERS COMMITTEE18th February 2021QUARTER 3 2020-21 PERFORMANCE RUBICON LEISURE

Relevant Portfolio Holder	Councillor Mike Rouse
Portfolio Holder Consulted	-
Relevant Head of Service	Claire Felton, Head of Legal, Democratic and Property Services
Ward(s) Affected	N/A
Ward Councillor(s) Consulted	N/A
This report contains exempt information as defined in Paragraph(s) 3 and 4 of Part I of Schedule 12A to the Local Government Act 1972, as amended	

1. SUMMARY OF PROPOSALS

To update Shareholders on the operational performance for Rubicon Leisure for the period October - December 2020.

2. RECOMMENDATIONS

The Committee is asked to note the Report.

3. KEY ISSUES

- 3.1 As Members are aware the leisure and cultural facilities were forced to close on 20th March 2020 with some facilities re-opening from mid-May 2020 with social distancing requirements and Covid-19 secure measures in place. The third quarter report is attached at Appendix 1 and details the work that has been undertaken by the company during this challenging period, including the second 'National Lockdown', from 5th November – 3rd December 2020 which involved further closure of Rubicon facilities.

4. Financial Implications

- 4.1 The financial report and estimates of the future end of financial year position is also to be reported to this meeting.

5. Legal Implications

- 5.1 The Council must retain control over the company to ensure that the Company continues to benefit from the Teckal exemption. This allows the Council to contract with it for the delivery of leisure services without conducting an open procurement exercise.
- 5.2 The contractual documentation in place between the Council and the Company contains the necessary mechanisms, checks and balances to incentivise good performance and also to ensure compliance with the Teckal exemption.

6. Customer / Equalities and Diversity Implications

REDDITCH BOROUGH COUNCIL**RUBICON SHAREHOLDERS COMMITTEE****18th February 2021**

- 6.1 As can be seen in the report attached Rubicon will aim to attract customers back to the leisure facilities highlighting the cleaning and safety measures in place and will continue the work to identify customer need and demand, alongside the key components required to achieve high satisfaction ratings. Through the use of the measures dashboard the Council will ensure that the community and local partners are supported by the leisure offer, and that Rubicon continues to deliver on the Council's Strategic Objectives.

7. RISK MANAGEMENT

- 7.1 Rubicon maintains risk registers in relation to both service delivery and Health and Safety compliance which have been updated to respond to the pandemic. This is reported to the Board at each meeting.

8. APPENDICES

- 8.1 Appendix 1 - Quarter 3 2020-21 performance report.

9. BACKGROUND PAPERS

- 9.1 Service Specification as reported to Executive and Council in September 2018.

AUTHOR OF REPORT

Name: Claire Felton, Head of Legal, Democratic and Property Services
Email: c.felton@bromsgroveandredditch.gov.uk
Tel: (01527) 881400

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