



Shareholders Committee Committee

Thu 9 Sep
2021
6.30 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

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**If you have any queries on this Agenda please contact
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GUIDANCE ON FACE-TO-FACE MEETINGS

Due to the current Covid-19 pandemic Redditch Borough Council will be holding this meeting in accordance with the relevant social distancing arrangements for holding face-to-face meetings at a local authority.

GUIDANCE FOR ELECTED MEMBERS ATTENDING MEETINGS IN PERSON

In advance of the Committee meeting, Members are encouraged to consider taking a lateral flow test, which can be obtained for free from the NHS website. Should the test be positive for Covid-19 then the Member should not attend the Committee meeting, should provide their apologies to the Democratic Services team and should self-isolate in accordance with national rules.

Members and officers are encouraged to wear face masks during the Council meeting, unless exempt. Face masks should only be removed temporarily if the Councillor requires a sip of water and should be reapplied as soon as possible. Refreshments will not be provided by the venue. Hand sanitiser will be provided for Members to use throughout the meeting.

The meeting venue will be fully ventilated and Members may need to consider wearing appropriate clothing in order to remain comfortable during proceedings.

PUBLIC ATTENDANCE

Whilst the meeting is open to the public, due to the need to comply with rules on social distancing the amount of seating in the public gallery will be very limited.

Members of the public in attendance are encouraged to wear face-masks, to use the hand sanitiser that will be provided and will be required to sit in a socially distanced manner at the meeting. It should be noted that members of the public who choose to attend in person do so at their own risk.

In line with Government guidelines, any member of the public who has received a positive result in a Covid-19 test on the day of a meeting should not attend in person and should self isolate in accordance with the national rules.

Notes:

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 will be excluded from the meeting room.

Shareholders Committee

Thursday, 9th September, 2021

6.30 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	David Thain (Chair)	Andrew Fry
	Joanne Beecham	Lucy Harrison
	(Vice-Chair)	
	Imran Altaf	

1. Apologies for Absence and Named Substitutes
2. Declarations of Interest
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 Previous Meeting (Pages 1 - 12)
5. Quarter 1 Performance Monitoring Report (Pages 13 - 34)
6. To consider any urgent business, details of which have been notified to the Head of Legal, Democratic and Property Services prior to the commencement of the meeting and which the Chair, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

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Shareholders Committee

Monday, 5th July, 2021

MINUTES

Present:

Councillor David Thain (Chair), and Councillors Imran Altaf, Andrew Fry and Lucy Harrison

Also Present:

Mr Simon Ingyon, Managing Director, Rubicon Leisure Limited

Officers:

Claire Felton and James Howse

Senior Democratic Services Officer:

Jess Bayley-Hill

1. APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES

An apology for absence was received on behalf of Councillor Joanne Beecham.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF THE PREVIOUS MEETING

RESOLVED that

the minutes of the meeting of the Shareholders Committee held on 18th February 2021 be approved as a true and correct record and signed by the Chair.

4. 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

.....
Chair

Shareholders Committee Committee

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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. 5 – Quarter 4 Performance Monitoring Report

Minute Item No. 6 – Award of Contract for new Outdoor Gym at Abbey Stadium Sports Centre

Minute Item No. 7 – Rubicon Business Plan 2021/22

Minute Item No. 8 – Urgent Business: Appointment of Non-Executive Director to Rubicon Board

5. QUARTER 4 PERFORMANCE MONITORING REPORT

The Managing Director presented the performance monitoring report for the period 1st January to 31st March 2021.

Members were advised that this had been a challenging period, as the majority of venues and services operated by Rubicon Leisure Limited had had to close during the third national lockdown, due to Covid-19.

RESOLVED that

the report be noted.

(During the consideration of this item, Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to move to exclude the press and public prior to any debate on the grounds that information would be revealed which related to the financial and business affairs of any particular person (including the authority holding that information). There is nothing exempt, however, in this record of proceedings.)

6. AWARD OF CONTRACT FOR NEW OUTDOOR GYM AT ABBEY STADIUM SPORTS CENTRE

The Managing Director presented a report in respect of the award of a contract for the operation of a new outdoor gym at the Abbey Stadium Sports Centre. Members were advised that the Council had previously agreed to allocate funding to support an outdoor gym at the Abbey Stadium Sports Centre. Further action could be taken in respect of this matter, subject to securing planning permission.

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As part of the debate in respect of this item, Councillor Andrew Fry questioned the implications of voting on this proposal for Members of the Planning Committee. The Monitoring Officer explained that Members could vote on the proposals at the Shareholders Committee. Further advice would be provided to Members prior to consideration of the relevant application by the Planning Committee.

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

7. RUBICON BUSINESS PLAN 2021 2022

The Managing Director presented the Rubicon Business Plan 2021 to 2022 for Members' consideration.

Reference was made to a number of operational and service delivery changes that had been identified in preparing the business plan, which covered a single year. Members were advised that the Managing Director was aiming to present a business plan later in the calendar year which would cover a three to five year period.

RESOLVED that

- 1) Members approve the one-year Rubicon Business Plan and note the subsequent operational and service delivery changes required to achieve a balanced position in 2021/2022; and**
- 2) members note the progress to date in preparing the longer term business plan, and the on-going dialogue between officers and the Rubicon Board to enable this to be finalised and presented to the Shareholder Committee for approval in due course.**

(During the consideration of this item, Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to move to exclude the press and public prior to any debate on the grounds that information would be revealed which related to the financial and business affairs of any particular person (including the authority holding that information) and which related to consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour

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relations matters arising between the authority or Minister of the Crown and employees of, or office holders under, the authority.)

8. URGENT BUSINESS: APPOINTMENT OF AN EXECUTIVE DIRECTOR TO RUBICON BOARD

The Shareholders Committee considered a nomination for the position of Executive Director on the Rubicon Board. This matter was referred to the Shareholders Committee for consideration in line with 8.1.13 of the articles of association of Rubicon Leisure Limited, as a reserved matter for the Committee to determine.

Members were advised that Mr Guy Revans, Head of Environmental and Housing Property Services at Redditch Borough Council, had been nominated to serve as an Executive Director on the Rubicon Board.

RESOLVED that

Mr Guy Revans be appointed as an Executive Director on the Rubicon Board.

(This report had been accepted as a matter of Urgent Business, with the approval of the Chair, and in accordance with the Council's constitutional rules and powers vested in the Chair by virtue of Section 100 (B) (4) (b) of the Local Government Act 1972 to agree matters of urgency being discussed by reason of special circumstances.

In this case the special circumstances were that a debate and decision on this item was required to be considered at the present meeting, rather than the following meeting, in order for forthcoming meetings of the Rubicon Board to be quorate. This requirement had arisen following the resignation of a previous Executive Director from the Board, creating a vacancy that needed to be filled.

During the consideration of this item, Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to move to exclude the press and public prior to any debate on the grounds that information would be revealed which related to consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or Minister of the Crown and employees of, or office holders under, the authority. There is nothing exempt, however, in this record of proceedings.)

Shareholders
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Committee

Monday, 5th July, 2021

The Meeting commenced at 6.30 pm
and closed at 7.02 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 COUNCIL**SHAREHOLDERS COMMITTEE****9th September 2021****RUBICON LEISURE QUARTER 1 2021-22 PERFORMANCE REPORT**

Relevant Portfolio Holder	Councillor David Thain
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 of Rubicon Leisure for the period April - June 2021.

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 5th January 2021 for the third 'National Lockdown', until 11th April 2021 which involved further closure of the main Rubicon facilities, including the Abbey Stadium Sports centre. The Governments 'RoadMap' had a phased approach to reopening facilities and reducing pandemic restrictions. All Rubicon facilities were open by the end of June except for the Palace Theatre, although the majority of restrictions weren't fully removed until after the end of the quarter on 19th July 2021.
- 3.2 The first quarter report is attached at Appendix 1 and details the work that has been undertaken by the company during this continuing challenging period, whilst it has been positive to open the majority of facilities, this has been against the background of reducing social distancing requirements with many Covid-19 secure measures remaining in place to provide customer confidence, such as reduced class sizes at the Abbey Stadium and reduced capacity in the café at Pitcheroak Golf Course. We do not anticipate being back to pre-pandemic 'normal' operations until the end of quarter 2.
- 3.3 The Approved Business Plan for 2021-22 has been rolled out to all staff and individual site-specific annual plans are being developed under the key themes to help managers and their staff teams meet the company's corporate objectives for the remainder of the recovery year. The Board of Directors are making progress on bringing forward additional measures to support the Company's recovery and resetting it to provide a sustainable business model going forward. Further details will be reported to Shareholders at their next meeting.

REDDITCH BOROUGH COUNCIL**SHAREHOLDERS COMMITTEE****9th September 2021**

4. Financial Implications

- 4.1 The financial report for the first quarter of 2021-22 and the final outturn position for 2020-21 last financial year will be presented to Shareholders at the next Committee meeting.
- 4.2 To provide Members with some comfort the performance report in section 1 details the company's success with external grant schemes which continue to support the company as we emerge from the pandemic restrictions. In addition, we continue to monitor income across the sites and most of the facilities income has recovered well against the increased revised income targets for the first quarter. Similarly, the Senior Management Team continues to keep a close review of expenditure, in particular not recruiting to vacant posts, keeping staff levels to the minimum, and therefore maximising the 'Furlough' Job Retention grant scheme and monitoring utility and maintenance costs.

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 to ensure compliance with the Teckal exemption.

6. Customer / Equalities and Diversity Implications

- 6.1 As can be seen in the performance report attached Rubicon Leisure aims to attract customers back to the leisure facilities highlighting the cleaning and safety measures in place and will continue the work to identify and meet customer needs and demand, alongside the key components required to achieve high satisfaction ratings. Using 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 as highlighted in section 2 of the attached performance report. These are regularly monitored and any updates reported to the Board at each meeting.

8. APPENDICES

- 8.1 Appendix 1 - Quarter 1 2021-22 Performance Report.

SHAREHOLDERS COMMITTEE**9th September 2021**

9. BACKGROUND PAPERS

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

AUTHOR OF REPORT

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