



Shareholders Committee

Wed 17 Nov
2021
6.30 pm

Council Chamber,
Redditch Town Hall

REDDITCH BOROUGH COUNCIL

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

**Town Hall, Walter Stranz Square, Redditch, B98 8AH
Tel: (01527) 64252 (Ext. 3072)
e.mail: jess.bayley-hill@bromsgroveandredditch.gov.uk**

GUIDANCE ON FACE-TO-FACE MEETINGS

Due to the current Covid-19 pandemic Redditch Borough Council will be applying social distancing arrangements for holding face-to-face meetings.

Please note that this is a public meeting and is open to the public to attend

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

GUIDANCE FOR ELECTED MEMBERS ATTENDING MEETINGS IN PERSON

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

Members and officers are strongly encouraged to wear face coverings during the meeting, unless exempt. Face coverings should only be removed temporarily if the Councillor or officer is speaking or if s/he requires a sip of water and should be reapplied as soon as possible. As Councillors may remove their face coverings from time to time during the meeting, seating will be placed two metres apart, in line with social distancing measures to protect meeting participants.

Hand sanitiser will be provided for Members to use throughout the meeting.

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

PUBLIC ATTENDANCE

Members of the public can attend the meeting to observe the proceedings if they wish to do so. However, due to social distancing requirements to ensure the safety of participants during the Covid-19 pandemic, there will be limited capacity and members of the public will be allowed access on a first come, first served basis. Members of the public in attendance are strongly encouraged to wear face coverings, to use the hand sanitiser that will be provided and will be required to sit in a socially distance manner at the meetings. 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 must not attend in person and must self-

isolate in accordance with the national rules.

Notes:

Although this is a public meeting, there are circumstances when the Shareholders Committee will have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded.



Shareholders Committee

Wednesday, 17th November,
2021

6.30 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	David Thain (Chair)	Andrew Fry
	Joanne Beecham (Vice-Chair)	Lucy Harrison
	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 1 – any individual;
- Para 2 – the identity of any individual;
- Para 3 – financial or business affairs;
- Para 4 – labour relations matters;
- Para 5 – legal professional privilege;
- Para 6 – a notice, order or direction;
- Para 7 – the prevention, investigation or prosecution of crime;
and may need to be considered as ‘exempt’.

4. Minutes of the Previous Meeting (Pages 1 - 10)

5. Quarter 2 Performance Monitoring Report (Pages 11 - 34)

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- 6. 2020-21 Financial Outturn report (Pages 35 - 42)**
- 7. 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

Thursday, 9th September,
2021

MINUTES

Present:

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

Also Present:

Simon Ingyon (Managing Director, Rubicon Leisure Limited)

Officers:

Claire Felton and James Howse

Senior Democratic Services Officer:

Jess Bayley-Hill

9. APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES

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

10. DECLARATIONS OF INTEREST

There were no declarations of interest.

11. MINUTES OF THE PREVIOUS MEETING

RESOLVED that

the minutes of the meeting of the Shareholders Committee held on 5th July 2021 be approved as a true and correct record and signed by the Chair.

12. 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

Thursday, 9th September, 2021

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 1 Performance Monitoring Report

Minute Item No. 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:

- **Rubicon Board Members' Terms of Office**

13. QUARTER 1 PERFORMANCE MONITORING REPORT

The Managing Director of Rubicon Leisure Limited presented the Performance Monitoring Report for Quarter 1 of the 2021/22 municipal year.

A lot had happened during this period, including the reopening of many leisure facilities at the end of the third national lockdown. As with many leisure service providers, Rubicon Leisure Limited opened leisure facilities in accordance with national guidance in respect of social distancing and other measures designed to reduce the risk of Covid-19 transmission. The postponement of the end of the roadmap out of lockdown had meant that the reopening of the Palace Theatre had been delayed to July 2021.

There was due to be a meeting of the Committee on 17th November 2021, when the quarter 2 performance monitoring report would be discussed and a subsequent meeting of the Committee on 14th December 2021 when the company's accounts would be considered.

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)).

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14. **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**

The Head of Legal, Democratic and Property Services presented a report proposing that the terms of office for non-Executive and Executive Directors on Rubicon Board should be extended where appropriate. Members were advised that the extension to the terms of office for members of the Board would help to minimise the potential for disruption at a challenging time during the Covid-19 pandemic.

During consideration of this item, Members expressed disappointment that the report for this item had been issued after the publication of the main agenda and that the report had had to be considered as urgent business. Members commented that greater notice would be appreciated in future years on items for discussion, wherever possible.

RESOLVED that

the terms of office for both Executive and Non-Executive Directors be extended, where appropriate, by a further 36 months.

(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, to ensure that all of the Non-Executive and Executive Directors could continue to serve on the Rubicon Board without any interruption as a result of the expiration of their terms of office.

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

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

The Meeting commenced at 6.30 pm
and closed at 6.58 pm

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

17th November 2021RUBICON LEISURE QUARTER 2 PERFORMANCE MONITORING REPORT 2021-22

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 3 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 Limited for the period July - September 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 managed on behalf of the Council by Rubicon Leisure were allowed to start to re-open from 12 April 2021 following the pandemic's third 'National Lockdown'. The final facility to re-open following the Governments 'RoadMap' was the Palace Theatre on 19 July 2021 although social distancing and other mitigation measures such as booking number restrictions largely stayed in place across most facilities until early September 2021.
- 3.2 The second quarter report is attached at Appendix 1 and details the work that has been undertaken by the company during this continuing challenging period, although mitigation methods to deliver social distancing and support customer confidence reduced over the quarter. We anticipate being back to pre-pandemic 'normal' operations during the third quarter when we open the Arrow Valley Visitor Centre indoors.
- 3.3 The approved company Business Plan for 2021-22 is currently being reviewed by all managers and sites as part of a mid-year review of progress being made against the company's corporate objectives for the remainder of the recovery year. Some of the progress on back-office systems and support processes has been slower than anticipated and this will have a knock-on effect on the Company's recovery and resetting it to provide a sustainable business model going forward.

4. Financial Implications

- 4.1 The financial report for the first two quarters of 2021-22 will be presented to Shareholders at the next Committee meeting whilst the final outturn position for

REDDITCH BOROUGH COUNCIL**SHAREHOLDERS COMMITTEE****17th November 2021**

2020-21 last financial year has now been completed and can be found elsewhere on the agenda.

- 4.2 To provide Members with some comfort section 1 of the Quarter 2 Performance Monitoring report details the company's success with external grant schemes which continue to support the company as it emerges from the pandemic restrictions. In addition, the report details the income achieved across the services and most of the facilities income levels have recovered well against the increased revised income targets for the second quarter. The management team continues to keep a close review on expenditure, in particular not recruiting to vacant posts, keeping staff levels to the minimum, and therefore maximising the Job Retention 'Furlough' Scheme until it ended in September 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 monitoring report attached Rubicon Leisure Limited aims to attract customers back to the leisure and culture 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 and cultural offer, and that Rubicon Leisure continues to deliver on the Council's Strategic Objectives.

7. RISK MANAGEMENT

- 7.1 Rubicon Leisure 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 Quarter 2 Performance Monitoring Report. These are regularly monitored, and any updates reported to the Board at each quarterly meeting.

8. APPENDICES

- 8.1 Appendix 1 - Quarter 2 Performance Monitoring Report (2021-22)

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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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
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