



Shareholders Committee

Mon 28 Mar
2022
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: democratic@bromsgroveandredditch.gov.uk

GUIDANCE ON FACE-TO-FACE MEETINGS

At the current time, seating at the meeting will be placed in such a way as to achieve as much space as possible for social distancing to help protect meeting participants.

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 take a lateral flow test on the day of the meeting, which can be obtained from the NHS website. Should the Member test positive for Covid-19 on the day of the meeting or up to 5 full days before the meeting then the Member is expected not to attend the Committee meeting and should provide their apologies to the Democratic Services team.

Whilst the Council acknowledges that it is no longer a legal requirement to wear face masks, we would really appreciate if the Members who attend a meeting in person would consider wearing a face covering throughout the meeting unless they are exempt or speaking.

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 will be able to access the meeting if they wish to do so. However, due to social distancing arrangements to ensure the safety of participants there may be limited capacity and members of the public will be allowed access on a first come, first served basis. Whilst the Council acknowledges that it is no longer a legal requirement to wear face masks, we would really appreciate if members of the public who attend a meeting in person would consider wearing a face covering throughout the meeting unless they are exempt or speaking. It should be noted that members of the public who choose to attend in person do so at their own risk.

Members of the public are strongly encouraged not to attend a Committee meeting if they test positive for Covid on the day of a meeting or up to 5 full days before a meeting. Should the member of the public test positive for Covid-19 on the day of the meeting or up to 5 full days before the meeting then they are expected not to attend the meeting.

Notes:

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



Shareholders Committee

Monday, 28th March, 2022

6.30 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	David Thain (Chair)	Andrew Fry
	Alex Fogg (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 3 – financial or business affairs;
- Para 4 – labour relations matters;

and may need to be considered as ‘exempt’.

4. Minutes (Pages 1 - 16)

To consider and approve the minutes of the meetings of the Shareholders Committee held on:

- 17th November 2021
- 14th December 2021

5. Rubicon Leisure Limited Quarter 3 - Performance Monitoring Report (Pages 17 - 32)

Shareholders Committee

Monday, 28th March, 2022

- 6. Rubicon Leisure Limited - Financial Plan 2022/23 (Pages 33 - 36)**
- 7. Rubicon Leisure Progress Report - Verbal Update from the Interim Managing Director**
- 8. Rubicon Leisure Limited - Annual Audited Accounts (to follow)**
- 9. 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

Wednesday, 17th
November, 2021

MINUTES

Present:

Councillor David Thain (Chair), Councillor Alex Fogg (Vice-Chair) and Councillors Imran Altaf, Andrew Fry and Lucy Harrison

Also Present:

Simon Ingyon (Managing Director, Rubicon Leisure Limited)

Officers:

Claire Felton

Senior Democratic Services Officer:

Jess Bayley-Hill

15. APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES

The Chair welcomed all Members present to the meeting and advised that Councillor Alex Fogg was attending the meeting as Vice Chair of the Committee. Members were informed that the agenda for the meeting had been published prior to Councillor Fogg's appointment at a recent meeting of Council to this position, replacing Councillor Joanne Beecham, who was no longer a Member of the Committee.

16. DECLARATIONS OF INTEREST

There were no declarations of interest.

17. MINUTES OF THE PREVIOUS MEETING

RESOLVED that

the minutes of the meeting of the Shareholders Committee held on 9th September 2021 be approved as a true and correct record and signed by the Chair.

18. EXCLUSION OF THE PRESS AND PUBLIC

Chair

Shareholders Committee

Wednesday, 17th November, 2021

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

Minute Item No. 19 – Quarter 2 Performance Monitoring Report

Minute Item No. 20 – 2020-21 Financial Outturn Report.

19. QUARTER 2 PERFORMANCE MONITORING REPORT

The Managing Director of Rubicon Leisure Limited presented the performance monitoring report for the second quarter of 2021/22.

The Committee was informed that during the period many of the facilities operated by Rubicon Leisure Limited had reopened, following a period of closure during the national lockdowns. The Palace Theatre had been the last venue to reopen. Social distancing and other mitigating measures designed to reduce the risk of Covid-19 transmission had subsequently remained in place throughout much of the summer and into September.

A financial monitoring report for the first two quarters of the 2021/22 financial year would be available for Members' consideration in January 2022. The company had received some additional grant funding during the period which would be useful.

Communications remained an important factor in promoting the services provided by Rubicon Leisure Limited. Regular communications were issued on social media to customers and the company worked closely with the Council's Communications team to inform residents about the reopening of facilities.

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 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)).

Shareholders Committee

Wednesday, 17th November, 2021

20. 2020-21 FINANCIAL OUTTURN REPORT

The Managing Director presented the Financial Outturn 2020/21 report for Members' consideration.

Members were advised that the lockdowns that had occurred during the Covid-19 pandemic had impacted on the financial position of Rubicon Leisure Limited. Leisure facilities had had to close or significantly reduce services during this time, which had impacted on income. Many leisure companies were in a similar situation due to the restrictions that had been in place during the pandemic.

As a consequence of this situation, additional financial support had been requested from the Council for Rubicon Leisure Limited. Members were asked to note that Rubicon Leisure Limited would be requesting additional financial support of £119,000 from the Council to help balance the budget. This funding could be granted by the Section 151 Officer under delegated authority, although would be reported to all Members in the Council's Financial Outturn 2020/21 report..

RESOLVED that

the Committee note the report and the additional financial subsidy that will be reported to the Executive Committee.

(During 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)).

The Meeting commenced at 6.30 pm
and closed at 7.09 pm

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

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Shareholders Committee

Committee

Tuesday, 14th December,
2021

MINUTES

Present:

Councillor David Thain (Chair), Councillor Alex Fogg (Vice-Chair) and Councillors Imran Altaf, Andrew Fry and Julian Grubb

Also Present:

Simon Ingyon – Managing Director of Rubicon Leisure Limited

Officers:

Claire Felton

Democratic Services Officers:

Sarah Sellers

21. APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES

Apologies for absence were received from Councillor Lucy Harrison. Councillor Julian Grubb attended as substitute for Councillor Harrison.

22. DECLARATIONS OF INTEREST

There were no declarations of interest.

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

Minute Item No. 4 – Review of Service Specification

.....
Chair

Shareholders Committee Committee

Tuesday, 14th December, 2021

Minute Item No. 5 – Recruitment of Managing Director including interim arrangements

24. REVIEW OF SERVICE SPECIFICATION

The Managing Director of Rubicon Leisure Limited presented a report requesting a change in the service provision under the Leisure Operating Contract.

(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 in relation to labour relations matters.)

25. RECRUITMENT OF MANAGING DIRECTOR INCLUDING INTERIM ARRANGEMENTS

The Head of Legal, Democratic and Property Services presented a report in respect of the Recruitment of a new Managing Director for Rubicon Leisure Limited including interim arrangements.

(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 particular individuals, the financial and business affairs of any particular person (including the authority holding that information) and labour relations matters).

The Meeting commenced at 6.30 pm
and closed at 6.59 pm

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REDDITCH BOROUGH COUNCIL**SHAREHOLDERS COMMITTEE****28th March 2022****RUBICON LEISURE QUARTER 3 PERFORMANCE MONITORING REPORT 2021-22**

Relevant Portfolio Holder	Councillor Jo Beecham
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 September – December 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 third quarter report is attached at Appendix 1 and details the work that has been undertaken by the company during this period.

4. Financial Implications

- 4.1 An update on the financial plan for the company has been drafted and can be found elsewhere on the agenda.

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, Rubicon Leisure Limited aims to attract customers back to the leisure and culture facilities. 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 3 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 3 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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of the Local Government Act 1972.

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REDDITCH BOROUGH COUNCIL**SHAREHOLDERS COMMITTEE****28th March 2022****RUBICON LEISURE – FINANCIAL PLAN 2022/2023**

Relevant Portfolio Holder	Councillor Jo Beecham
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 financial plan for Rubicon Leisure Limited for the 2022/2023 financial year.

2. RECOMMENDATIONS

The Committee is asked to note the Report.

3. KEY ISSUES

- 3.1 Rubicon Leisure Limited has developed a financial plan for the 2022/2023 financial year.
- 3.2 The content of the plan can be viewed at Appendix 1 to this report.

4. Financial Implications

- 4.1 Further information about the financial plan can be viewed at Appendix 1 to this report.

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.

6. Customer / Equalities and Diversity Implications

- 6.1 The implications for the customer are set out in Appendix 1 to the report.
- 6.2 There are no specific equalities or diversity implications.

7. RISK MANAGEMENT

- 7.1 Further information regarding any risks are details in Appendix 1 to this report.

8. APPENDICES

8.1 Appendix 1 – Financial Plan 2022/23 financial year

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
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