
Report to Council

Date of Meeting: 18 December 2014

Subject: Alva Swimming Pool - Ochil Leisure Enterprises Limited

Report by: Head of Strategy & Customer Services

1.0 Purpose

- 1.1. This report seeks to update members on the current position following upon the fire and consequent closure of the Alva Swimming Pool and leisure facility and the outcome of discussions between Council Officers and representatives of Ochil Leisure Enterprises to determine the way forward.

2.0 Background

- 2.1 The Council decided on 03 November 2011 (Minute Reference Item CC.71) to transfer the Alva Pool Complex and associated car park as shown on the attached plan ("the Pool") to Ochil Leisure Enterprises ("OLE") for a sum of £1, along with a sum of not less than £100,000 (i.e. the sum identified for demolition costs) to operate the Pool as a community facility for the benefit of the people of Alva and Clackmannanshire. In the event that the Pool was no longer required by OLE, it was to be transferred back to the Council.
- 2.2 Ownership of the Pool was duly transferred to OLE in July 2012 subject to a Minute of Agreement between the Council and OLE which was secured over the Pool property by a Standard Security in favour of the Council.
- 2.3 The relevant clause of the Minute of Agreement provides that " Should OLE cease to operate the Subjects as a swimming pool and leisure facility for the community benefit of the inhabitants of Alva and Clackmannanshire otherwise than for routine or emergency repair, refurbishment and improvement or otherwise in the normal course of business, as soon as is practicable upon request from the Council OLE will transfer the Subjects back to the Council for no consideration."

3.0 Recommendation

It is recommended :-

- 3.1 that members note that OLE have confirmed to the Council that they are not in a position to continue to operate the Pool as a swimming pool and leisure facility;

- 3.2 that members note that OLE have agreed that as a consequence the Pool now falls to be transferred back to the Council without any payment being made to OLE and that officers are currently progressing this;
- 3.3 that members note that no further payments will be due to OLE under the Service Level Agreement between the Council and OLE, such payments being conditional upon the active operation of the swimming pool facility; and
- 3.4 that the Council declares the Pool surplus to operational requirements and that officers examine the options for the future redevelopment of the property including the demolition of the Pool buildings.

4.0 Considerations

- 4.1 Since acquiring the Pool, OLE had continued to operate it as a community facility in accordance with the Agreement and supported by a Service Level Agreement between the Council and OLE.
- 4.2 In September this year, a fire within the buildings resulted in the Pool being closed and the use of the Pool and leisure facility ceasing. OLE advised that the Pool would be closed for an indeterminate period of time. Detailed discussions with OLE following upon OLE considering its various options have resulted in OLE confirming that it would not be in a position to reopen the swimming pool facility and that it would therefore transfer the Pool back to the Council as provided by the Agreement. OLE held a public meeting in Alva to make the local community aware of its position regarding the Pool
- 4.3 Officers are now concluding the detailed arrangements for the transfer of the Pool back to the Council.
- 4.4 As a result of the transfer back of the Pool to the Council, the Council will resume responsibility, and any associated costs, for securing the buildings against unauthorised access pending further detailed consideration of the future of the site. Given the transfer was unanticipated, these costs are not provided for within the current year's budget but they may nevertheless be offset by the reduced payment to OLE mentioned at 3.2 above.

5.0 Resource Implications

- 5.1 Finance have been consulted and have agreed the financial implications as set out in the report. Yes
- 5.2 No additional staff resources would be required as a result of this report.

6.0 Exempt Reports

- 6.1 Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

The area has a positive image and attracts people and businesses

Our communities are more cohesive and inclusive

People are better skilled, trained and ready for learning and employment

Our communities are safer

Vulnerable people and families are supported

Substance misuse and its effects are reduced

Health is improving and health inequalities are reducing

The environment is protected and enhanced for all

The Council is effective, efficient and recognised for excellence

(2) **Council Policies** (Please detail)

Proposed Clackmannanshire Local Development Plan

8.0 Equalities Impact

Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

None

11.0 Background Papers


Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Author(s)

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Approved by

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