

MINUTES of the meeting of Children's Services Scrutiny Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday, 29th September, 2008 at 10.00 a.m.

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| Present: | Councillor | SJ Robertson (Chairman) |
| | Councillor | WU Attfield (Vice Chairman) |
| | Councillors | ME Cooper, BA Durkin, P Jones CBE, G Lucas, JE Pemberton, RV Stockton, AM Toon, WJ Walling and JD Woodward |
| | Church Members | J.D. Griffin (Roman Catholic Church) |
| | Parent Governor Members | Mr A Wood (Special School Governors) |
| | Headteacher Representatives | Mrs D Strutt (Secondary School Headteachers) |
| | Community Representatives | Ms H Tank |

Councillors In attendance: Councillors: WLS Bowen, PJ Edwards, TM James, MD Lloyd-Hayes, RI Matthews, PD Price (Cabinet Member ICT, Education and Achievement) and PJ Watts

Also in attendance Mr Jon Argent & Mr S Rolfe– Halo Leisure
Mr Bradley – Dolphin Swimming Club
Mr C Kerfoot – Triathlon Club
Mr M Puddy – City of Herefords Swimming Club
Mr J Moynihan – Headteacher Credenhill Primary School
Mrs JS Powell – Chair of Herefordshire Schools Forum
Mr Sascha Kindred and Miss Nyree Lewis – Swimming medal winners at the 2008 Paralympics.

16. APOLOGIES FOR ABSENCE

Apologies were received from Ms K Berry; Mr N Parker; Mr RI Stevenson.

17. NAMED SUBSTITUTES

There were no named substitutes.

18. DECLARATIONS OF INTEREST

The following declarations were made in relation to Item 6 - Swimming Provision in Hereford City and Surrounding Area:

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| Councillor SJ Robertson | Personal - Primary School Governor. |
| Councillor W U Attfield | Personal - High School Governor. |
| Councillor R V Stockton | Personal - Council representative on HALO |

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| | Board. |
| Councillor JD Woodward | Personal - Primary School Governor. |
| Mr A Wood | Personal – Primary School Governor. |

19. MINUTES

RESOLVED: That the minutes of the meeting held on 7 July 2008, be approved as a correct record and signed by the Chairman.

20. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY

No suggestions were made by Members of the Public.

A Councillor in attendance suggested that Special Educational Need (SEN) and Banded Funding should be considered for closer scrutiny.

21. CALL-IN OF CABINET DECISION ON SWIMMING PROVISION FOR PRIMARY SCHOOLS IN HEREFORD CITY

The Committee considered the Cabinet Decision to approve the decision not to reopen the St Martin's Swimming Pool (the LEA Pool), to evaluate the use of other pools for school swimming, particularly the Hereford Leisure Pool, and to report back by Easter 2009 with proposals for the future use of pools, which had been called in by three Members of the Committee.

The agenda report detailed the stated reasons for the call-in. Appended to the report was the decision notice of Cabinet setting out the decision and the report to Cabinet on 31 July 2008 on which that decision had been based. Also attached to the report at appendix 3 was an extract from the minutes of Cabinet and appendix 4 was a response to the questions raised by the call-in. Members received at the meeting copies of financial and usage statistics submitted by Councillor AT Oliver.

In the course of discussion the following principal points were noted:

- In response to various questions concerning why the pool had needed to close and the levels of maintenance, the Property Services Manager reported that the pool had been closed on Health and Safety grounds, principally due to the failure of the heating system and lack of emergency lighting. The maintenance of the LEA Pool had to be seen in the context of a £17m backlog of Council-wide maintenance. The £72,500 estimated capital investment required to enable the pool to reopen had been based on professional estimates rather than on competitive quotations.
- Responding to whether the Section 106 funding from the Bradbury Lines, Hereford, development had been allocated to the LEA pool, as specifically suggested at Central Area Planning Sub-Committee, the Committee were referred to paragraph 12 of the Cabinet report. The Director of Children's Services commented that 106 funding was to be invested in education for locality and amenity purposes.
- Concern was expressed over the capacity of the HALO Pool to accommodate the number of people wishing to swim, particularly in relation to future government proposals to introduce free swimming for the over 60s and under 16s. In this context the Councils 'duty of care' towards the child under 'Every Child Matters' was also raised. Further concern was raised regarding the

potential for complaints that the paying public were unable to make use of the whole of the main pool. In response Mr Argent, Chief Executive, HALO Leisure, commented that HALO was part of the solution and not the problem in that they had reorganised the swimming programmes at the HALO pool at short notice to accommodate the schools. While there may be some minor disruption between 9am – 3pm during term times, mixed use by schools and public already occurred satisfactorily at other pools in the County and at the Hereford Leisure pool.

- Responding to questions over the use of the leisure pool for teaching Mr Argent acknowledged that while the floor of the leisure pool sloped to a beach, he was confident this was acceptable for teaching on the clear understanding that the wave machine was not used.
- The Committee acknowledged the financial and usage statistics submitted by Councillor AT Oliver. The Head of Performance, Planning and Development reported that many of the figures had been supplied by officers and were therefore known to them; however, in accordance with the decision of Cabinet, further financial and statistical work would be undertaken and would include the wider context of pool use throughout the County and this would inform the report to Cabinet at Easter 2009.
- Comment was made that public perception was that the decision to finally close the LEA Pool had already been made.
- Doubt was expressed whether the identified maintenance of the of the LEA Pool had been included in the Council's Capital Investment Plan. It was suggested that a robust feasibility / financial business case needed to be formulated.
- While claims of universal opposition to the closure by some school heads and public had been made, the Committee recognised that there was a wide range of opinion on the issue, including to the contra, which may be less vocal.
- It was suggested that the sums involved to re-open the pool were insignificant when compared to other projects e.g. the Masters House, Ledbury, the Council's overall budget and financial reserves. It was further suggested that the facility should receive annual levels of subsidy, as in the case of school transport.
- The Chairman of the Herefordshire Schools Forum reported that the Forum had considered the centrally retained element of funding from the Dedicated Schools Grant and, while sympathetic to the cause, were unable to offer further support due to the low level of central government funding to education in the County.
- Questioned on the current status of the pool the Property Services Manager reported that in effect it was decommissioned but could be re-commissioned, in that the water had been drained to avoid legionella. Responding to why the sand filters needed replacing, as listed in the £72,500 of initial investment, he reported that once the sand had dried out it had to be replaced for it to work.
- Asked why the building needed emergency lighting now rather than earlier the Director of Children's Services commented that the building had not been built to current day Health and Safety standards. The Council had a rolling programme to update and replace such equipment and this was undertaken in accordance with the priority to comply with fire risk assessments.
- Responding to questions concerning whether efforts had been made to balance the running costs of the pool the Committees attention was drawn to appendix 4 and the response to question C. The Committee were also informed that Council properties were inspected every 5 years in accordance with the Asset Management policy.
- Questioned on the position concerning the management agreement of the

LEA pool with HALO, the Committee were informed that this was still in place. Mr Argent informed the Committee that HALO had reviewed the additional user groups in accordance with the agreement to increase the use of the pool by all sections of the community.

- Questioned whether external funding was available e.g. from the Amateur Swimming Association, the Committee were informed that, so far as the Council was aware, no external funding was available for the necessary work.
- While the swimming pool assessment in 2003 had indicated there was an over provision of pool space in the County, it was suggested that with 20,000 new homes expected to be built in the coming years, the number of visiting migrant workers, and the possibility to capitalise on the new enthusiasm for swimming following the Olympics, greater use of the swimming pools should be anticipated
- A Committee member questioned if the £72,500 of works were undertaken then which budget in particular would it be financed from, and hoped that the school budgets would not be effected. An alternative comment was made that not all the finance need come from the Council as in the case of public fundraising for the replacement of the Sydonia swimming pool, Leominster.
- Mr Moynihan, Headteacher, Credenhill Primary School, commented that to the best of his knowledge the majority of the schools effected were using the HALO pool, however, 5 had not made alternative arrangements. There was a strong desire for the pool to be reopened and if that were the case then many, if not all, would return there.
- It was commented that no revenue was being generated by having the pool closed.

During the course of the meeting the Chairman invited the following to address the meeting: Mr Bradley, Dolphins Swimming Club; Mr C Kerfoot, Hereford Triathlon Club; Mr M Puddy, City of Herefords Swimming Club, and Mr Sascha Kindred, Paralympic swimming medal winner. While supporting the retention of the LEA pool, the principal points made centred on the need to provide adequate pool time for training (18-20 hours per week); that greater use of the pool could have been made by clubs had they known that sessions were available and how the expected increase in swimming (over 60s and under 16s) was to be supported.

The Cabinet Member (ICT, Education & Achievement) commented that both the LEA and HALO pools had a natural life span and unfortunately the LEA pool was now beyond its designed life expectancy. The future of the pool was an emotive issue and while he would have liked to have kept the pool open, decisions had to be taken and capital expenditure had to be prioritised. In addition there was the longer term issue regarding balancing the pools revenue accounts. He had requested at Cabinet that the options of divorcing the pool from the Education system or the transfer of the property under Community Asset Transfer (CAT) be looked at. Cabinet had agreed that a report be brought back by Easter 2009 at the latest and if, as part of that report, there was an evidence based business case to keep the pool open then it would be considered, if not then it should close.

RESOLVED: That the Committee recommend to Cabinet that:

- a) the Council invests £72,500 to enable the pool to reopen as soon as possible;**
- b) there should be no additional costs to schools;**
- c) the existing charge to schools be maintained; and**

d) a thorough feasibility/business case for the next 2 years (to include LEA pool, HALO and users/voluntary sector) be formulated on the future of the pool in the context of the whole of Herefordshire swimming provision.

(Councillor RV Stockton requested that his abstention be recorded)

At the conclusion of the meeting a petition organised by Sarah Carr (Liberal Democrats), Hereford House, 20 East Street, Hereford, was handed to the Cabinet Member (ICT, Education & Achievement) and in summary those documents were:

- A 118 signature petition headed "Petition to reopen the LEA Swimming Pool – I/We the undersigned call upon Roger Phillips and Herefordshire Council to listen to local parents and reopen the LEA Pool. Life-saving skills, not money saving cuts."
- 99 individual leaflets, containing a total of 144 names/signatories, each saying, "I/We the undersigned call upon Roger Phillips and Herefordshire Council to listen to local parents and reopen the LEA Pool. Life-saving skills, not money saving cuts."

The meeting ended at 12.10 p.m.

CHAIRMAN