

Sport England Swimming Pool Support Fund Agreement

Date: 17th April 2024

Report of: Head of Active Leeds

Report to: Chief Officer – Operations and Active Leeds

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief Summary

Active Leeds has been successful in gaining a Capital Grant of £207,200 from Sport England as part of their phase 2 Support for Swimming Pool Fund. This is to deliver on the following energy improvement works:

FACILITY NAME	ACTIVE PLACES ID	FACILITY OWNER	FACILITY OPERATOR	SUBSIDY RECIPIENT	CAPITAL INTERVENTION 1	CAPITAL INTERVENTION 2	TOTAL CAPITAL GRANT AMOUNT	FUNDING SOURCE	DURATION OF FACILITY TERM
PUDSEY LEISURE CENTRE	1004420	Leeds City Council	Leeds City Council	Leeds City Council	Plant room insulation	Install additional metering and monitoring software	£125,000	Exchequer	3 Years
BRAMLEY BATHS	1004369	Leeds City Council	Bramley Baths and Community Ltd	Leeds City Council	Photo Voltaic (PV) panels	Install additional metering and monitoring software	£82,200	Lottery	3 Years

This funding enables Active Leeds and Bramley Baths Community Ltd the opportunity to invest the funding to improve energy efficiency of the two facilities Pudsey Leisure Centre and Bramley Baths.

Bramley Baths is currently operated by Bramley Baths Community Ltd with a longterm lease, however the building is still owned by Leeds City Council. Pudsey is operated and owned by Leeds City Council. Leeds City Council will be responsible for administering the funding to Bramley Baths as part of the agreement.

Pudsey Leisure Centre is currently undergoing energy improvement works through the Council decarbonisation scheme and these additional works will enhance the works further which weren't able to receive funding through the Decarbonisation scheme.

This report is asking for approval to accept the grant from Sport England in order to complete the above works by the end of March 2025 as set out in the conditions of the grant.

Recommendations

The Chief Officer for Operations and Active Leeds approves the following;

- a) Active Leeds can accept the grant of £207,200 from Sport England as part of their phase 2 Support for Swimming Pool Fund to deliver energy efficiency works at Pudsey Leisure Centre and on Behalf of Bramley Baths.

What is this report about?

- 1.1 Active Leeds has been successful with the application for a grant to delivery energy improvement works as part of Sport England and the Department for Culture Media and Sport Swimming Pool Support Fund Phase 2 and this report is seeking approval to accept the grant to carry out the improvement works which need to be completed by the end of March 2025.
- 1.2 In total Active Leeds applied for improvement works across 6 leisure centres including an application on behalf of Bramley Baths Community Ltd. However only two sites have been given a grant to the value of £207,200. These sites are Pudsey Leisure Centre and Bramley Baths to deliver the following works:

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- 1.3 Bramley Baths is operated by Bramley Baths Community Ltd with a longterm lease, however the building is still owned by Leeds City Council. Pudsey is operated and owned by Leeds City Council. Leeds City Council will be responsible for administering the funding to Bramley Baths as part of the agreement.
- 1.4 Pudsey Leisure Centre is currently already undertaking substantial energy efficiency works as part of the Council's Decarbonisation programme where a heat pump and solar panels are being installed at the leisure centre to lower its carbon emissions. The additional insultation works will further enhance and complement the efficiency of the building to give greater energy saving and carbon reduction.
- 1.5 Bramley Baths has also undertaken energy improvement works utlising other funding avenues and again the installation of the Solar Panels will further enhance and complement this work to improvement energy efficiency of the building and reduce carbon helping the Council achieve its City Ambition of achieving Zero Carbon.
- 1.6 Conditions of the grant include the works being completed this financial year and grant being drawn down by the end of March 2025. Other conditions of the grant include monitoring and data collection which includes the following as set out in Schedule 2 of the agreement.

Schedule 2: Conditions of the agreement

Payment of the grant monies is conditional upon evidence or information provided to Sports England unless at its discretion, it agrees to waive the requirement for any condition:

1. Ownership of the title to the property is to be with the Facility Owner – Confirmed, I have copies of the title to the property for Bramley Baths and Pudsey LC
2. If required for the works: Obtain and supply copies of the full planning permission to allow construction for the works to be undertaken
3. If applicable, secure binding commitments from funding partners in amounts that are sufficient, when combined with the grant to enable the Council to undertake the works
4. Enter into and be legally bound by a contract with a contractor for the design and construction of the Facility (the "Contractor") on terms satisfactory to Sport England (the "Project Agreement"). To provide a copy of the Project Agreement with the specification of works & cost plan.
5. Obtain and supply approval of the Project Agreement, specification of works and cost plan. Including the final design proposed to the Applicant pursuant to the Project Agreement.
6. Submit any additional information required for the works ('Capital Interventions') in line with Appendix A
7. Evidence that the Contractor was appointed in accordance with all applicable procurement rules.
8. If applicable, the Council as Facility Owner, shall have registered, (if required) the legal charge and the Grant Adherence Agreement at Companies House (21 days) and the Land Registry ('15 Business Days') within the strict timescales. Not applicable as the Council is the Facility Owner of both Bramley Baths and Pudsey LC.
9. If applicable, the Council as Facility Owner have to register a restriction on title of the freehold and leasehold titles of the properties. Yes, this is to be registered on the titles post completion of the agreement
10. Sports England can withhold 10% of the grant unless the Council
 - a. complete data returns on Sport England's Moving Communities platform.
 - b. if required booked and/or completed its Quest Environmental Management Awareness Audit and/or Review; and
 - c. Complete the Quest online Environmental Management Awareness training course; and
 - d. Submit a copy of its local strategic plan for physical activity

1.7 These conditions are standard items for this type of grant and can all be complied with. Bramley Baths Community Ltd are also bound by these conditions for which that have also approved they are able to comply with them.

1.8 The grant is for the period of 3 years for which there are clawback and termination clauses within the agreement which can also be complied which but include:

1. **Clawback & Termination:** The Council has to repay the grant (all or part of it) on certain events such as
 - a. materially breaches any of the terms of this Agreement
 - b. committed an offence under the Bribery Act 2010
 - c. The Council is unable to pay debts and is insolvent etc...
 - d. The grant has been used for a purpose other than towards Eligible Expenditure.
 - e. Sale, transfer, assignment, creates or disposes of any freehold or leasehold interest in all or any part of the Facilities without consent
 - f. any change in ownership or control of the Council
 - g. provides any information that is materially misleading.
 - h. Uses the grant monies for another purpose

Termination of the agreement:

- a. in the event of a clawback event (see above)
- b. either party is legally prevented from performing the agreement.
- c. Sport England reasonably believes that the future operation of the Facilities is unviable; or

- d. Sports England terminates at the direction of central government for changes to the terms e.g. Withdrawal of the funding.
- e. Following termination or the end of the agreement – it may require repayment of any unspent grant
- f. Any grant that is not claimed (all or any part of it) within the timescales, Sport England will be entitled to retain the grant or reduce the amount

1.9 No material risks are foreseen at this stage as part of the grant agreement and therefore the improvement works are seen as a positive to lower energy consumption, cost and carbon reduction which will be of great benefit to the council. If the grant is not accepted there isn't currently any other funding streams to carry out the improvement works at either sites and they won't be able to help contribute towards Leeds City Council Ambition Zero Carbon target.

What impact will this proposal have?

- 2.1 The impact of accepting the grant from Sport England will help to improve energy efficiency at both Pudsey Leisure Centre and Bramley Baths to help reduce energy consumption of the building and in particular the swimming pools which are the main drain on energy use at the sites. Reducing the consumption of utilities namely through gas and electricity in heating the pools will help to lower the operation cost of the buildings and importantly help towards the council Net Zero Carbon target.
- 2.2 The installation of the metering and monitoring software will also enable to service to monitor exact energy use of the pools as well, will enable the data to analyse further to look at other ways to lower energy consumption to further reduce the carbon footprint of the buildings and improvements to the environment.

How does this proposal impact the three pillars of the Best City Ambition?

- Health and Wellbeing
 Inclusive Growth
 Zero Carbon

- 3 The installing of the energy improvement works will allow Active Leeds and Bramley Baths Community Ltd to lower its impact on the environment contributing to utilising more clean energy and less carbon intensive power sources which in turn contribute to a cleaner environment and less impact on the health of people in the City.
- 4 Similarly the proposal will help to contribute to the Council Zero Carbon ambition through lowering energy consumption and use cleaner power sources to lower the buildings carbon footprint.

Wards affected: Bramley and Pudsey

Have ward members been consulted? Yes No

What consultation and engagement has taken place?

3.1 Consultation has taken place Active Leeds, Legal Services, Finance, Corporate Property Maintenance and Bramley Baths Community Ltd in order for confirmation of the proposal to be deliverable and terms and conditions of the grant to be acceptable by all.

What are the resource implications?

4 The grant to the value of £207,200 to deliver the improvement works spilt across the two sites as set out below:

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What are the key risks and how are they being managed?

5 The key risks have been identified as part of the conditions for the agreement, which includes the data sharing and works completed timescales in under to draw down the grant from Sport England.

What are the legal implications?

6 There are no legal implications within this report after consultation with the Legal team.

Options, timescales and measuring success

What other options were considered?

7 The only other option available would be not to accept the grant and therefore improvement works to the value of £207,200 wouldn't be able to be completed. This will then mean energy efficiencies of the buildings wouldn't be improved and impact on the carbon footprint of the buildings for which the 2 buildings currently are a high energy users due to having to heat the swimming pools.

How will success be measured?

8 The improvement works will be monitored through energy consumption levels of the buildings. This will be obtained through the new software being installed as part of the works. The baseline energy usage has been obtain to monitor the impact once the works have been completed. This information also needs to be share with Sport England to highlight the impact of improvement works.

What is the timetable and who will be responsible for implementation?

11. The works need to be completed by the end of March 2025 in order to draw down the grant to pay for the works. The Head of Active Leeds is overall responsible for grant agreement which will be signed by the Legal Service Team once approval has been given to accept the grant.

Appendices

APPENDIX A – Grant Agreement



Cardiac%20Rehab%
20Funding%20Temp

Background papers

- none