

Key Decision Required:	No	In the Forward Plan:	No
-------------------------------	-----------	-----------------------------	-----------

CABINET

10 JUNE 2016

REPORT OF ENFORCEMENT & COMMUNITY SAFETY PORTFOLIO HOLDER

A.6 BRIGHTLINGSEA SWIMMING POOL

(Report prepared by Mike Carran)

PART 1 – KEY INFORMATION

1.1 PURPOSE OF THE REPORT

To update Cabinet on the outcome of investigatory works undertaken at Brightlingsea Swimming Pool (BSP) in relation to a minor leak experienced during the 2015 season; and to determine how to proceed given the financial implications.

1.2 EXECUTIVE SUMMARY

The tidal surge in December 2013 caused significant flooding at BSP and resulted in substantial remediation works being required, funded almost entirely from the ensuing insurance claim. These works were undertaken in advance of the 2014 season due to residual damage to the pool plant. Following these works the pool has operated effectively and with excellent water clarity in subsequent years.

Despite this, a gradual loss of water was noted by the operational team in 2015 and investigatory works were commissioned to be undertaken by a specialist contractor prior to the 2016 season. Although it was initially considered likely that the leak was due to pipework becoming detached from strainer baskets, investigations identified that sections of the pipe run have 'collapsed' and these pipes will require replacing. As the pipe run is buried beneath concrete slabs around the perimeter of the pool, it is a significant undertaking to gain access to the areas identified and then to effect the remediation works.

The budget cost provided by a specialist contractor to address this matter is approximately £36,000 but given the nature of the works and potential for further issues being identified a budget of £40,000 should be allocated. There is at present insufficient capital in the service area budget to cover this work but there are other matters which need to be considered alongside any budget allocation.

The current revenue budget for BSP is £63,000 per annum, partially offset by a £10,000 annual contribution from Brightlingsea Town Council. This is the net operating cost for the pool and includes staffing, chemicals, NNDR etc. Based on the 2015/16 budget and attendance figures of 8,331, the most up to date cost per head calculation is £7.80 per visitor.

Given the current review of budgets across all service areas, including all Leisure facilities, the capital expenditure required to repair the existing infrastructure for the pool brings into sharp focus the ongoing revenue costs.

Cabinet will need to consider all options before a decision is made on whether to commission the repair works to enable BSP to open to the public and continue subsidising the facility, taking into account the significant cost savings required to balance the corporate budget. A presentation authored by Brightlingsea Town Council is appended to this report.

Should Cabinet decide to negotiate disposal to Brightlingsea Town Council, the provisions of the General Disposal Consent Order (England) 2003 are to be relied upon to agree terms directly with the Town Council due to the social, economic and environmental benefits of the leisure facility to the town of Brightlingsea.

1.3 RECOMMENDATION(S)

That Cabinet agrees:

- 1. with Option 4, to explore disposing of the Brightlingsea Swimming Pool to Brightlingsea Town Council at a cost of £1.00, subject to the following principles;**
- 2. to rely on the provisions of the General Disposal Consent Order due to the social, economic, and environmental benefits of the leisure facility to the town of Brightlingsea;**
- 3. the Heads of Terms for disposal to be negotiated on the basis that the land remains accessible to the public as a Swimming Pool and contained within the Contract for Sale to be exchanged;**
- 4. Tendring District Council will undertake the repair works to the existing structure at their own cost between exchange of contracts and completion of the sale;**
- 5. if Brightlingsea Town Council is unable to agree or commit to the acquisition of the pool , within 28 days, not to undertake the repairs and proceed to decommission the pool following an equalities impact assessment; and**
- 6. .to delegate authority to the Portfolio Holders for Enforcement & Community Safety and Leisure, Health and Wellbeing having responsibility for Asset Management and Leisure Facilities respectively to agree terms as set out and such other terms that may be considered necessary in consultation with the Corporate Director (Operational Services) and Head of Governance and Legal Services.**

PART 2 – IMPLICATIONS OF THE DECISION

2.1 DELIVERING PRIORITIES

Due to the requirement to make significant savings, this decision impacts on the Council's key priority to balance the budget.

The service provided by the sports facilities positively assists the Council to promote healthier lifestyles and wellbeing and the pool is a tourist destination contributing to the tourist economy.

2.2 FINANCE, OTHER RESOURCES AND RISK

Finance

In order to undertake the maintenance works required to open the facility, it will cost approximately £36,000. This sum includes £20,000 to replace the pipework and £16,000 for the accompanying groundworks. The BSP revenue budget for 2016/17 is £61,900.

In 2015 it cost approximately £55,000 to subsidise BSP, after the annual £10,000 contribution from Brightlingsea Town Council (BTC) towards the running costs of the pool. BTC have also contributed additional funds over recent years for pool improvements, such as artificial grass and new tarmac.

Based on last year's attendance figures of 8,331, the subsidy per head from Tendring District Council in 2015 was £6.62. If the £10,000 contribution from BTC is removed, this increases the subsidy per head to £7.80 to the public purse. This compares with Clacton Leisure Centre which is around £0.40 per head and Frinton and Walton Swimming Pool (as the best like for like comparison) at £1.90 per head.

Risk

If Cabinet agree to commence with repair works, there is a risk that further problems could be identified leading to increased costs.

Due to the nature of outdoor swimming pools and the age and condition of the facility, there is a risk that the ongoing subsidy will fluctuate year on year. The cost of running BSP over the last 5 years has ranged from £46,000 to £78,000 due to a variety of issues such as income generated and maintenance work required.

The pool is an integral feature of the promenade area of Brightlingsea and the pool closure will have an impact on the area as a tourist and economic area, given the local café. If the pool were to close works would need to be undertaken quickly to remediate the area so as to not create a blight on the area.

2.3 LEGAL

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the district.

'For the benefit of the district' includes economic, environmental and social considerations and is balanced against and must also take in account the Council's fiduciary duty and primary obligation to manage the Council's resources, its priorities and effect budget reductions for the sustainable future of the Council.

The General Disposal Consent Order (England) 2003 gives consent for disposal at below best consideration reasonably obtainable provided that the undervalue is less than £2m and the proposal enhances the environmental economic and social wellbeing of the area.

2.4 OTHER IMPLICATIONS

Ward

BSP is in Brightlingsea ward, although the swimming pool does have a much wider catchment which extends beyond the District.

Public Engagement

The Brightlingsea ward members have been consulted and Brightlingsea Town Council has been given an opportunity to provide any information it wishes Cabinet to consider as part of this report. An addendum report authored by BSP, is appended to this report at Appendix A.

PART 3 – SUPPORTING INFORMATION

3.1 BACKGROUND

Much of the history of the pool is set out within the report at appendix A.

Historically BSP opens to the public on the first weekend of the May Half Term week, which this year would be 28 May 2016. As a lead in period is required to prepare the facility for opening, if it is determined to commission the repair work, it will not be possible to open BSP until later in the season. It has been suggested by Brightlingsea residents that opening later in the year and staying open later may actually be of benefit as the pool water temperature is likely to be higher later in the year and over the last few years the temperature in September has been much higher than in June.

In a random visitor survey undertaken in 2016, 39% of customers polled had travelled over 25 miles to visit the pool. Furthermore, out of the sample of 54 customers, 9% had travelled less than 5 miles. This echoes comments which have been made by residents that whilst they would not want the pool to close few residents actually use it.

Attendances at BSP fluctuate significantly from one season to another, as there is a direct correlation with weather conditions, particularly in relation to school holiday periods. This coupled with irregular annual repair and maintenance costs lead to wide variations in the net cost which creates difficulties with financial planning.

BSP opens to the public on a seasonal basis and there are no permanent members of staff employed at the facility.

There is no doubt that the pool is a popular attraction but given the age and seasonal nature of the facility it is difficult to accurately estimate ongoing operating costs and there appear to be few opportunities to look at options to defray costs. Cabinet will be aware that significant investment has been made at both Dovercourt and Walton swimming pools where the addition of new or expanded modern gyms will reduce operating costs for the pool going forward. It is important to note that industry information indicates that no pool in the country makes a profit or breaks even and all rely upon other facilities to reduce the subsidy and so it is very unlikely that any other operator would want to take over the pool without a substantial contribution from Tendring District Council.

Previous attempts have been made to consider alternative management models for the pool including the option, approximately five years ago, of the pool transferring to the ownership of the Brightlingsea Town Council (“BTC”). Unfortunately, it is understood that due to the operating costs at that time BTC decided not to proceed with the plan to take over the running of the pool. However, this is an area that the Council could explore if BTC were of a mind to reconsider this option.

Initial discussions suggest that BTC would be willing to part fund the capital costs to reopen the pool for the 2016 season whilst they explore alternative options but they would not be in

a position to meet the cost of the subsidy for 2016 and initial discussions suggest that the additional income which would have to be raised at a local level would be above that which BTC would be comfortable with.

On the one hand providing an opportunity for BTC to explore alternative options would appear to be a reasonable way forward, Tendring District Council would still be facing a cost of £20k capital works and around £55k revenue costs in 2016 with no guarantee that the investment would have been wisely spent as the facility may close next year and the pipework replacement would have only been for one year's use.

The site has limited potential for other uses without significant capital input and whilst detailed calculations have not yet been undertaken it has been estimated that decommissioning costs could be recovered in less than one year and would certainly be less than the capital costs required to reopen the pool when added to the annual subsidy.

3.3 FURTHER HEADINGS RELEVANT TO THE REPORT

Options

Cabinet will need to determine whether to:

1. Undertake repairs to the damaged pipework at a cost of c£40,000, and continue to subsidise the pool at a cost of around £62k per annum;
2. Undertake repairs to the damaged pipework at a cost of c£40,000, accepting BTC's offer of £16k to £18k and continue to subsidise the pool at a cost of around £62k per annum, (BTC's offer is contingent on the pool remaining open for at least the 2016 season);
3. Determine not to undertake the repairs and proceed to decommission BSP following an equalities impact assessment;
4. Following reaching a prior agreement with BTC to purchase the pool from TDC at a cost of £1, such an agreement to be reached within 28 days from the Cabinet decision, undertake the repairs to the pool, within a target of 28 days, at a capital cost of C£40k, with a view to handing over the pool to BTC in perpetuity to maintain and operate the pool with no overhanging commitment on TDC.

3.4 BACKGROUND PAPERS FOR THE DECISION

None.

APPENDICES

- Appendix A – Report from Brightlingsea Town Council

BRIGHTLINGSEA OPEN AIR SWIMMING POOL

“A Community Facility”



The Story so Far

Brightlingsea open air swimming pool was built in 1933 and is one of the few remaining lidos (open air swimming pools built mainly in the art-deco period) still in use in the UK. Brightlingsea Lido was originally a salt water pool, but is now a two-level, non-heated freshwater facility. The pool comprises a 15m children's pool and a 50m main swimming pool, with a 2.0m diving pit located in the deep end. The facility is always popular and regularly used by residents and visitors to the town.

The pool is an integral part of the Western Promenade and as such is not just an important part of the town's offering of leisure facilities, but of Tendring's as well. We know from surveys that users come from far and wide, therefore helping to support the local economy. Fenwick, a national chain of department stores names it in its advertising as one of the ten best places to swim outdoors. Positive comments are left on Trip Advisor.

“83 YEARS OF HERITAGE”

REVIEWS FROM TRIP ADVISOR

- Visited this summer, water can be cold. Changing rooms. Open play areas nearby. Easy parking. Small cafe adjacent. Reasonable prices. Usually open late May till the end of the summer holidays.
- Visited three times this summer, water in pool too cold on two occasions. Fortunately plenty of time for beach play and ball games on green for young children. Pool Café excellent value, extremely clean, good food and friendly Staff. No rip-off prices and good portions. First time tasted cheesy chips. Wide variety of drinks and ice cream, soft ice cream with flake particularly delicious.
- First ever visit to this part of the world. The lido is great value for money at £10 for a family of four for the day. Nice and clean, polite staff and no rip off drink/snack prices. A great council run attraction.
- One of the few places left in England with an outdoor pool - not in town but right next to the beach, with good access all-round, a good amount of space for a picnic etc', and for stretching the legs or a quick dip in the sea just go out and walk a few paces - bingo - the seaside, what more could you want, plus and this is the big plus parking is free on the road, brilliant.
- Lovely place to visit. Very clean and tidy. Only £10 for a family ticket.if weather is hot its a great place to cool off. Kids loved the floats.
- I took my grandson here while he was on holiday with us. It was exceptionally clean the life guards were lovely they played with the children when not on swimming duty. Highly recommended.
- Fab fun clean and much better than expected brilliant value cafe was great too defiantly like to come here again we spent all day here it wasn't over crowded once. A must for any holidaymakers in the area.

- Ideal family pool. Shallow pool for little ones and a larger one for more experienced swimmers. Very safe, lifeguards on duty. Shop selling teas, coffees, light meals and ice creams. Grassed area for spectators to sunbathe on. Just a tad too cold but ok when you get going. Great for families!
- We love coming here in the summer. We've already had our first of many visits this year. They've given it a bit of a revamp, and it does look cleaner/fresher. The kiosk is fab, and well priced, and the fact they no longer shut at lunch times is a bonus. I also like the fact you can hire sun loungers for the day. My only complaint, it's not a heated pool, and it is flipping freezing (ice cold freezing!) I spoke to the lifeguards, and they say the council won't pay to heat it. I personally don't go in the water because it is that cold, and I see others screaming when they try and get in. However, it's a cheap day out, and since they restricted the capacity, it's not so crowded, which is great. We'll hopefully be using this for many years to come.
- Visited here while staying in Clacton, what a great little find. The pools and surrounding area are all well worth seeing.
- The day we visited the weather was a mix of sunny/cloudy so the pool wasn't at all busy which was good for us. The pools are quite cold, the equivalent of a dip in the sea to best describe the temperature. Entrance fee for swimmers and spectators is very reasonable, snacks and drinks are again very reasonable and available at the pool side. A great afternoon out, pools aside lots to do and see, recommended!
- Had a lovely afternoon here. The schools had not yet broken up so was relatively quiet and very pleasant surroundings with astro turf to sit on and a little cafe. The water is of course quite cold as you would expect from a lido but lovely once you're in. Place was very clean and the pools (one normal one shallow paddling) were enormous! The changing facilities were a little more basic than I was expecting but adequate and for £3 odd who cares! All in all great day out and we will be back.
- We had fun, the weather was a tad chilly so this reflected with the pool temperature but the kids didn't care! cheap and a nice afternoon. Staff were good too.

- This is a little gem a beautiful clean pool with lots more close by . Staff are helpful and friendly Such a shame we can't enjoy during the day when school is still open would be nice for locals.
- Outdoor pool, lovely in this very hot weather, kids really enjoyed it. Cannot remember going to an outdoor pool in this country for years. I think years ago we went to one at Great Yarmouth. Great that the Council has kept this one going.
- A bright, sunny and warm day in July makes any review a bit biased, but for a review of an outdoor pool the weather is going to be a huge factor. We went on a bright sunny warm day in July where temps were around 27C (80F) so on a winner right from the start.

Good points:

- Cheap (9:70 for family ticket)
- 2 pools, 1 of which is great for children
- Lifeguards on duty
- Sunbeds available if you get there early
- Changing and shower facilities
- Onsite cafe that serves food
- Free parking on roads within few minutes walk

Not so good:

- Decor and 'ambiance' are quite basic
- Restricted numbers - late comers on sunny days will be queuing
- Onsite food is limited (although cheap)
- Grass areas are actually astro turf and there isn't that much of them anyway

For a few hours on a sunny day this is good value and we'll be going back again.

- One of the few remaining public open air swimming pools left in the country! Tendring District Council and Brightlingsea Town Council have worked hard in upgrading this wonderful facility for families. Worth a visit if sea swimming is not your thing!
- So nice to find an open pool. Its really lovely and for me quite special. its right on the side of the estuary so you can swim and look out to sea. Obviously its not the med but on a hot day its good enough - finished off by fish and chips down the road - what could be better!!!
- Brightlingsea open air swimming pool was built in 1933 and consists of a 50m. main swimming pool and a separate 15m. children's pool. Although the pool is right on the promenade, by the sea, it is a fresh water pool. The pools are large enough to have room for those who just want to swim but there is also enough space for those who prefer to have fun with inflatable toys or balls. Around the edge there is room to sunbathe or have a picnic or maybe a snack from the snack bar. On a warm summer's day it can be a very pleasant and economical way to spend time outdoors. It is open from late May to early September. Like all pools that are open to the elements the water will never be as clean as one would get in an indoor pool; however, Brightlingsea fared pretty well in the pool cleanliness stakes on the day I visited. It is certainly cleaner and more hygienic than the other outdoor alternative of swimming in the sea. It is also probably safer as there are lifeguards on duty. As the pool is nearly 80 years old one won't find all the modern conveniences of a new indoor pool. For example, the changing rooms are very basic indeed, just one shower in each - it was however clean and the water was a good temperature and at a suitable pressure. There are a few lockers -you need a 20p returnable deposit to lock these, although there weren't many lockers I actually had a choice of which one to use. There are no hairdryers. As I said -all very basic, however it was adequate. Car parking is available almost next door on the promenade - a charge is made for this but I believe the car park was free after three oclock. On a hot day I would consider returning to this pool again.

REVIEW FROM FENWICK – THE TEN BEST PLACES TO SWIM OUTDOORS

For Fenwick Colchester shoppers: a 1930s lido that has stood the test of time, the Brightlingsea Open Air Pool includes a 50 metre main pool as well as a smaller paddling pool for children. The upside is that it's a freshwater lido; the downside is that it's not heated, but on a glorious summer's day it is just the place to cool off.

Open May to September. 10am-6pm on weekends and during school holidays. 3:30-6pm at all other times. Children £2.85; adults £3.80.



ISSUES

- Repairs – capital expense
- Running costs – revenue stream
- Management – lack of planning, despite representation from Brightlingsea Town Council, maintenance and refurbishment has always been left to the last minute, therefore leaving little time to react
- Media reporting – portfolio holders, comments in press release not helpful as it intimates a decision has already been made
- Perception of under-funding – compare the Brightlingsea spend to Harwich, Frinton and Clacton facilities
- If pool is closed negative impact on the Western Promenade
- What becomes of the site? What are the decommissioning costs?

ACTION PLAN

OBJECTIVES

METHOD

ACHIEVEMENTS

To raise capital for repairs

Review quotes received and Brightlingsea Town Council to share costs with Tendring

To be proactive in generating income thereby cutting overhead deficit

Explore forming a Trust to take on management in conjunction with Tendring District Council and Brightlingsea Town Council

To ensure that management structure is robust

Implement a co-ordinated maintenance and improvement plan

To raise awareness

Using all advertising avenues

To view all Tendring Leisure Facilities as a whole

Business plan to be specific so budgets can be used to greatest effect

SUMMARY

- A proven heritage
- Unique facility
- Part of Tendring's diverse leisure offering
- Recognised nationally
- Partnership with Town Council
- Ownership with local community
- Measurable maintenance and improvements plant
- Positive awareness
- A different way of funding facilities
- What services do Tendring provide in Brightlingsea which the Town Council could do, thereby releasing funds to go to pools upkeep?