

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

WEST LOTHIAN LEISURE REQUEST FOR COUNCIL CONSENT – FURTHER UPDATES

REPORT BY DEPUTE CHIEF EXECUTIVE (EDUCATION, PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION SERVICES)

A. PURPOSE OF REPORT

This report provides updates on the work undertaken by officers since the decisions taken by the Council Executive at its meeting on 23 May 2023 in relation to the request by West Lothian Leisure (WLL) for council consent to implement the closure of Xcite Livingston, Xcite Broxburn Swimming Pool, Xcite Armadale and Howden Park Centre (HPC). It also makes recommendations which seek to facilitate continued provision of HPC, to dispose of WLL's consent request, and seeks decisions on a number of related matters.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Notes the updates and further information on the work undertaken by officers since the decisions taken by the Council Executive at its meeting on 23 May 2023, provided at Section D of this report.
2. Notes that, having reviewed all expressions of interest for continued provision submitted by 26 May 2023 and undertaken further engagement with a grouping of interested parties spanning all venues, as set out in Appendix 1 to this report, officers have concluded that:
 - a) A proposal considered to be viable has been received from Reconnect SCIO for the continued operation of Howden Park Centre as a theatre and arts venue, and as the permanent base for Firefly Arts, up to 31 March 2024.
 - b) No proposals considered to be viable have been received for the continued operation of Xcite Livingston, Xcite Broxburn Swimming Pool or Xcite Armadale.
3. Notes the summary of key workstreams, actions and activities considered necessary to facilitate the implementation of the above proposal from Reconnect SCIO, as set out in section D.3.
4. Agrees that officers to work to facilitate the continued operation of Howden Park Centre, by supporting as smooth as possible a transition between WLL and Reconnect SCIO, including seeking Creative Scotland consent to the change.
5. Agrees to delegate authority to the Depute Chief Executive (Education, Planning, Economic Development and Regeneration Services) to progress and conclude appropriate actions to support continued provision of services Howden Park Centre in as timely a manner as possible, and that a report be brought back to a future meeting of the Council Executive with an update on these matters.

6. Agrees that officers continue to explore longer term options for continued provision of Howden Park Centre beyond 31 March 2024, as a theatre and arts venue, and as the permanent base for Firefly Arts.
7. Subject to the agreement of recommendations 4, 5 and 6 above, agrees to refuse WLL's request for consent to implement the closure of Howden Park Centre from 31 August 2023, in the context of securing appropriate negotiated and agreed lease terms with, and WLL's transfer of business to, Reconnect SCIO.
8. Notes the work by officers to review access arrangements and utilisation information for secondary school pools, and the scope to facilitate increased levels of non-curricular use, on a demand-led, full cost recovery basis, at Deans Community High School, Inveralmond Community High School, James Young High School, Broxburn Academy and Armadale Academy.
9. Agrees to WLL's request for council consent to implement the closure of Xcite Livingston, Xcite Broxburn Swimming Pool and Xcite Armadale from 31 August 2023, and that the Head of Finance & Property Services reports back to a future Council Executive meeting with further recommendations in terms of the council's procedures for surplus properties.
10. Subject to the agreement of recommendation 9 above, agrees to delegate authority to the Head of Finance & Property Services to consider and approve a business case from WLL to access the council's modernisation fund for one-off grant funding, up to a maximum of £500,000, to support its implementation of the proposed changes, including statutory severance costs.
11. Notes the Integrated Impact Assessment (IIA) relating to WLL's proposed closure of Xcite Livingston, Xcite Broxburn Swimming Pool and Xcite Armadale, featured as Appendix 4 to this report, and that officers will keep the IIA under review as the proposals progress.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	West Lothian Leisure operates within the context of a Services Agreement, Funding Agreements, Lease Agreements and individual Service Specifications. Integrated Impact Assessment (IIA) - The equality impact of the closures proposed by WLL has been assessed in compliance with the public sector duty requirements, as set out in the Equality Act 2010, the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 and Fairer Scotland Duty, Part 1 of the Equality Act 2010.
III Implications for Scheme of Delegations to Officers	The scheme of delegation would be amended in the event that the recommendation seeking delegated authority is agreed.
IV Impact on performance and performance indicators	There is potential for the proposed changes to directly impact on associated Local Government Benchmarking Framework (LGBF) indicators.

V	Relevance to Local Outcome Improvement Plan	We live longer, healthier lives and have reduced health inequalities. We live in resilient, cohesive and safe communities.
VI	Resources - (Financial, Staffing and Property)	<p>Scottish Government grant funding is insufficient to meet increasing costs and demand for services. As such, the council was required to address a budget gap of £16.5 million in 2023/24. It is also forecast that the council will have a revenue budget gap of £39.388 million over the five years 2023/24 to 2027/28 and a gap of £28.046 million over the three years 2023/24 to 2025/26. This means that significant changes to budgets and service provision has been, and will continue to be, necessary over the period.</p> <p>As part of the approved five-year revenue budget strategy to 2027/28 and detailed three-year revenue budget to 2025/26, council agreed to support WLL to become fully self-funded, with no requirement for a management fee by the end of the revenue budget strategy period. The measure requires the delivery of a total reduction of £1.746 million in management fee to WLL across the five-year period to 2027/28. £750,000 of the reduction is phased across 2024/25 and 2025/26 with the remaining £996,000 of the reduction phased across 2026/27 and 2027/28. There is no reduction in management fee for 2023/24 as part of the agreed measure.</p> <p>The council is providing WLL with base funding of £2.166 million in 2023/24. WLL Board has agreed a £1.185 million budget deficit for 2023/24, subject to a programme of mitigating actions being developed, approved and implemented to address its total budget pressure of £2.95 million over the period 2023/24 to 2027/28.</p> <p>On 23 May 2023 Council Executive agreed that £140,000 of one-off revenue funding until 31 March 2024 be provided to support the operation of Howden Park Centre.</p>
VII	Consultation at PDSP	Not applicable.
VIII	Other consultations	<p>Education Services. Finance & Property Services. Chief Executive Office. Legal Services. Corporate Transformation Team. Economic Development and Regeneration. West Lothian Leisure. WL2028 Your Council Your Say consultation. Public Information Meeting.</p>

D. TERMS OF REPORT

D.1 Introduction

On 9 May 2023, Council Executive considered a request by WLL for council consent to implement the closure of Xcite Livingston, Xcite Broxburn Swimming Pool, Xcite Armadale and Howden Park Centre (HPC) from 31 August 2023. The report presented by officers provided a summary of WLL's reasons for the proposed change, the likely impact of the change and its assessment of the impact of the change not being implemented. The report also highlighted two associated requests for one-off grant funding and future capital investment. These matters were detailed in a letter and Proposed Change Paper from WLL, which features as Appendix 2 to this report.

Council Executive agreed that the Chief Executive write to the relevant Scottish Government Minister to request funding to support the retention of swimming pools and other venues, and contact all West Lothian constituency MSPs and MPs to request that they also write to the Minister to demand such funding. Whilst responses to these letters have been received, no funding for pools and other venues has been forthcoming. It was also agreed that officers explore alternative commercial and community options for continued provision of services with other interested parties including key community user groups.

A report was considered by Council Executive on 23 May 2023 which provided updates on work undertaken by officers to explore alternative commercial and community options for continued provision, including inviting expressions of interest and other related matters. Council Executive agreed that £140,000 of one-off revenue funding shall be provided until 31 March 2024 to support the operation of HPC, having noted that a future programme of events was required to secure the viability of the venue and that that many events could not be suitably accommodated elsewhere. In addition, a further update report was to be brought to this meeting of Council Executive.

D.2 Alternative commercial and community options

As reported to the Council Executive on 23 May 2023, council officers have undertaken a process to identify credible alternative commercial and community options for continued provision of services with other interested parties. The process has enabled fair comparison of such interests and the early identification of non-credible ones. Further details about this process are set out in Appendix 1 to this report.

Having reviewed all expressions of interest for continued provision submitted to the council by 26 May 2023 and undertaken further engagement with a grouping of interests spanning all venues, officers conclude that a proposal considered to be viable has been received from Reconnect SCIO for the continued operation of Howden Park Centre as a theatre and arts venue, and as the permanent base for Firefly Arts, up to 31 March 2024.

Setting aside those expressions of interest which were withdrawn after the deadline, the other interests in continued provision of Xcite Livingston, Xcite Broxburn Swimming Pool, Xcite Armadale and Howden Park Centre, which were received, reviewed, and, for an identified grouping, explored through further engagement with further insight/information being submitted, are not considered by officers to be viable.

Appendix 1 includes a list of the types of factors and reasons which, either singularly or in multiples, support the conclusions from officers on the interests considered not to be viable. All parties which have submitted an expression of interest will be contacted to advise of the decisions taken by the Council Executive and, where appropriate, will be provided with insight into the aforementioned reasons and factors, along with confirmation that no further exploration of their registered interest will be undertaken.

D.3 Implementation considerations – Howden Park Centre

In the event that Council Executive agrees that officers work to facilitate the continued operation of HPC, this will require development of the proposal made by Reconnect SCIO to lease HPC from the council (i.e. following WLL's cessation of operations). It would be necessary for appropriate officers to undertake work relative to securing appropriate negotiated and agreed lease terms. Consent from Creative Scotland will also be required prior to formalisation of lease proposals.

A significant number of matters will require to be undertaken by WLL in relation to the transfer of business to Reconnect SCIO. These are matters which will be subject to negotiation between those parties directly, however, council officers will support WLL where appropriate and will maintain an overview of the progress across key transition workstreams. The key actions and activities considered necessary for implementation under those workstreams would include:

- Establishment of a cross-service project team of council officers to oversee and drive implementation, with ongoing engagement with WLL as appropriate.
- WLL reporting on progress of due diligence and employee related matters critical to the transfer of business operations.
- Development of a business plan for the period defining financial/operational objectives and associated actions.
- Development of any necessary property, service, management and/or funding agreements, and ongoing monitoring/reporting arrangements relating to each.
- Identification of potential business/venue critical capital expenditure requirements, alongside potential resourcing options.
- Development/delivery of a customer and stakeholder engagement plan, to ensure, for example, that the necessary consent is obtained from Creative Scotland to the change, that there is ongoing engagement with Firefly Arts, and that customers and venue users are updated on progress.

D.4 WLL's request for council consent

WLL's request for council consent to implement the closure of Xcite Livingston, Xcite Broxburn Swimming Pool, Xcite Armadale, and Howden Park Centre, is yet to be determined by the Council Executive. This is also the case for the two associated requests of the council from WLL Board, in the event that consent to the proposed changes is provided. These requests are for up to a maximum of £500,000 one-off grant funding from the council to support the implementation of the proposed changes and for future capital investment to support the maintenance of the sports and leisure estate.

As highlighted at Section D.2 and set out in Appendix 1, the process undertaken by council officers to explore alternative options for continued provision of HPC has resulted in a proposal being received for such which is considered to be viable. Officers have hence made recommendations 4, 5 and 6 at Section B above, which are focussed on supporting a transition to secure the ongoing operation of the venue. Subject to the agreement of these recommendations by the Council Executive, it is further recommended that the consent request from WLL to close HPC be refused.

The process undertaken by council officers to explore alternative options for continued provision of Xcite Livingston, Xcite Broxburn Swimming Pool and Xcite Armadale, has led officers to conclude that no viable proposals for such have been received. Council

Executive has also previously noted that WLL considers there are no other feasible alternative options for it continue to operate these facilities under the terms of the Services Agreement.

Furthermore, officers have also reported to Council Executive on the financial implications of the council directly managing the facilities currently provided by WLL under the services agreement. In summary, this would result in a significant additional recurring revenue cost per annum, as the council would be required to pay non-domestic rates on these properties, as well as significant operational deficits which would be accrued by the council. Such revenue costs would also substantially increase if the pay and pension arrangements for related staff were to be equalised with that of the council, as a result of the necessary TUPE transfer of WLL staff to the council. There would also be a significant capital expenditure requirement over the next 10-years for the facilities for which the council has no available resources.

In view of the above noted, it is recommended that Council Executive agree to WLL's request for council consent to implement the closure of Xcite Livingston, Xcite Broxburn Swimming Pool and Xcite Armadale from 31 August 2023, and that the Head of Finance & Property Services reports back to a future Council Executive meeting with further recommendations in terms of the council's procedures for surplus properties.

On the matter of the first associated request from WLL Board highlighted above, WLL has previously accessed the council's modernisation fund to offset the costs associated with significant organisational change, given that it did not have the budget required to support implementation. This position has not changed and officers consider that it would be reasonable for a detailed business case to be made to access the fund in the event that consent to implement closures is provided. As such, officers have made a recommendation at Section B above which, if agreed, would allow such a business case to be submitted, considered and approved by the Head of Finance & Property Services.

On the second associated request from WLL Board highlighted above, the council has committed to provide £180,000 per annum to WLL as a contribution to its facilities repairs and maintenance programme. In terms of future capital investment, there are currently no unallocated resources in the council's agreed capital programme. The funding for the agreed capital programme does not assume any capital receipts from the disposal of any assets currently forming part of the sports and leisure estate which is leased to WLL. Officers are therefore unable to propose any additional capital investment to support the maintenance of the sports and leisure estate.

D.5 Non-curricular use of school swimming pools

As reported to Council Executive on 23 May 2023, officers have undertaken a review of the public/community access arrangements at, and non-curricular utilisation data for, the swimming pools in the following secondary schools:

- Deans Community High School
- Inveralmond Community High School
- James Young High School
- Broxburn Academy
- Armadale Academy

Non-curricular use covers activity such as public swimming, group fitness sessions, swimming lessons, community swimming club sessions and a range of other coaching/training activity. In order to scope the extent to which the swimming pools at these schools could be made available for increased levels of non-curricular use, on the basis of demand and on a full cost recovery basis, officers have:

- Analysed the current programme of non-curricular activity at each site across key usage types.
- Established the current capacity in the programme to accommodate increased levels of non-curricular use.
- Considered any developments which may be required to operational, staffing, access and security arrangements, and associated resource implications.
- Considered the potential to better align certain activity types to particular pools.

In summary, having undertaken the above work, officers consider that increased levels of non-curricular use could be accommodated across these school pools. Furthermore, whilst there are no revenue or capital budgets available to support an increase in non-curricular use across school pools, there would still be scope to increase such use to meet sustained demand. Officers will continue to engage in discussions with WLL and school management to ensure a collaborative approach to optimise the future programming of non-curricular use at these schools, in view of available capacity and related considerations.

D.6 Public Information Meeting

On 7 June 2023, a large-scale public meeting was held in order to provide information on a range of matters relating to WLL's request for council consent, allow an opportunity for questions to be asked and answered, and for related feedback to be captured, considered and reported. The slides presented to the meeting and a note of the questions, answers and other points raised features as Appendix 3 to the report.

D.7 Integrated Impact Assessment

Council officers and WLL management have jointly progressed a review of the Integrated Impact Assessment (IIA) which was previously undertaken to support the revenue budget strategy decision making process. A revised IIA has been prepared relating to WLL's consent request for the closure of Xcite Livingston, Xcite Broxburn Swimming Pool and Xcite Armadale, in accordance with the council's established process for such assessments, and features as Appendix 4a to the report. Officers will monitor the implementation of identified mitigating actions, support WLL management on its ongoing engagement with customers, and keep the IIA under review as the proposals progress.

Officers have also prepared an Integrated Relevance Assessment (IRA) relating to the proposal for the continued operation of Howden Park Centre, as per recommendations 4, 5, 6 and 7 at Section B of this report. If the proposal is agreed and implemented as set out in Section D.3 of this report, this will provide continuity for both staff and customers in the immediate term. Officers will continue to explore longer term options for continued provision of Howden Park Centre beyond 31 March 2024 and full equality impact implications will be considered as part of that process. The IRA features as Appendix 4b to the report.

E. CONCLUSION

This report provides updates on a number of matters following Council Executive consideration of WLL's request for council consent to implement the closure of four facilities and its decision for officers to explore alternative options for the retention or continued provision of the facilities. Council Executive is asked to consider the recommendations detailed in Section B above.

Alongside its proposed changes, as set out in its Proposed Change Paper, WLL has highlighted the significant financial risks that it is currently exposed to and those which would likely stem from the proposed changes not being implemented. In the event that

WLL is unable to address its 2023/24 budget deficit and future financial challenges, there is also a significant risk of the council being unable to meet its agreed revenue budget reduction measure relating to WLL.

There could also be potential risks to the council and WLL associated with seeking to implement continued provision of Howden Park Centre by a third party, however officers consider that these could be substantially mitigated through dialogue and negotiation amongst the parties, early agreement of a robust transition plan, and further exploration of the options for continued provision of the venue beyond 31 March 2024.

Furthermore, although the proposed changes relate to the closure of facilities, officers consider that West Lothian would still retain a diverse and extensive range of places which support continued participation in sport, leisure, recreation and culture by individuals and communities, and the wide range of associated benefits which that brings.

F. BACKGROUND REFERENCES

Revenue Budget Strategy 2023/23 to 2027/28 - report to Economy, Community Empowerment and Wealth Building PDSP meeting on 31 January 2023 by Lead Officer for the Panel and related minute:

<https://coins.westlothian.gov.uk/submissiondocuments.asp?submissionid=54197>

Revenue Budget Strategy 2023/23 to 2027/28 – report to West Lothian Council meeting on 21 February 2023 by Head of Finance and Property Services and related minute:

<https://coins.westlothian.gov.uk/submissiondocuments.asp?submissionid=54367>

West Lothian Leisure Request for Council Consent to Proposed Change - report to Council Executive meeting on 9 May 2023 by Depute Chief Executive (Education, Planning, Economic Development and Regeneration Services) and related minute::

<https://coins.westlothian.gov.uk/submissiondocuments.asp?submissionid=55173>

West Lothian Leisure Request for Council Consent – Updates - report to Council Executive meeting on 23 May 2023 by Depute Chief Executive (Education, Planning, Economic Development and Regeneration Services):

<https://coins.westlothian.gov.uk/submissiondocuments.asp?submissionid=55302>

Appendices:

- Appendix 1 – Expressions of Interest Process and Related Proposals
- Appendix 2 – Letter on Change to Services Agreement Request and Proposed Change Paper from WLL Chief Executive (CONFIDENTIAL)
- Appendix 3 – Public Information Meeting – a) Presentation Slides and b) Note of Meeting
- Appendix 4 – a) Integrated Impact Assessment b) Integrated Relevance Assessment (HPC)

Contact Person: Alan Colquhoun, Strategic Partnerships Manager
alan.colquhoun@westlothian.gov.uk

Elaine Cook

Depute Chief Executive (Education, Planning, Economic Development and Regeneration Services)

20 June 2023

DATA LABEL: PUBLIC**Appendix 1 – Expressions of Interest Process and Related Proposals**1. Process for exploring options for future provision

As reported to Council Executive on 23 May 2023, council officers have undertaken a process to identify credible alternative commercial and community options for continued provision of services with other interested parties. The process has enabled fair comparison of such interests and the early identification of non-credible ones.

Interested parties were invited to register their interest by 26 May 2023 using an online form which sought confirmation of the facility/facilities of interest, information on the type/status of their organisation, and insight on any partners and key stakeholders who are associated with the interest.

Parties were also asked to provide a summary of their intention in terms of the future purpose of the facility/facilities of interest, the timescales within which the party considered it could commence operations, information on their experience in operating community venues and/or related services, and any further information considered relevant to their interest at this stage.

18 expressions of interests were received by the deadline and a group of officers with a wide range of expertise across strategic planning, finance, property/asset management, community asset transfer, business performance, advice and support, the third-sector, staffing and the operation of sports, leisure and culture facilities, reviewed all submissions received.

Having considered the following principles through the initial review stage, a grouping of interests which spanned all of the facilities covered by WLL's consent request was identified for further engagement:

- Purpose - stated intentions indicated continued provision of services – for the pools this needed to include public/community access and for HPC, provision as a theatre and arts venue and a permanent base for Firefly.
- Timescales - stated timescale indicated that implementation could be from around 1 September 2023.
- Experience - stated experience indicated prior provision of service(s) and/or venue(s) - a theatre and arts venue for HPC and a facility including a swimming pool for the pools.

Further information about the financial and operational performance of the facilities, and their condition and estimated levels of related capital investment, was made available to those organisations in this grouping, subject to agreement of non-disclosure provisions given its commercially sensitive nature.

Set questions covering the following areas for further exploration were used by officers to structure the engagement with these organisations in a consistent manner, in order to get further insight into the proposal which formed the basis of their expression of interest:

- Type of services, activities and programmes proposed to be provided in the venue.
- Staffing of venue operations and management.
- Type, status and governance arrangements for the organisation that would operate the venue.
- Type of agreement(s) considered necessary to facilitate implementation of the proposal, including proposed property arrangements.
- The council's ongoing funding obligations to a third party (Howden Park Centre only).

- Council Executive's decision to allocate one-off revenue funding to support the operation of the venue (Howden Park Centre only).
- The council's agreed five-year revenue budget and ten-year capital investment strategies, and proposed approach to addressing projected revenue deficit and capital expenditure requirements for the venue.
- The experience, skills and capacity within, or available to, the organisation, to effectively deliver services, manage the asset and comply with statutory obligations.
- Timescales for implementation.

In addition to providing responses to the questions above, these organisations were asked to re-confirm their interest and provide further details on their proposals and related plans, to allow for further officer consideration, and for conclusions on the viability of the interests explored to be reached, prior to reporting to this meeting of Council Executive.

2. Howden Park Centre

13 expressions of interest were received in relation to Howden Park Centre. The submission made by Reconnect SCIO is recommended for taking forward.

Reconnect SCIO is a constituted single tier SCIO, registered with the Scottish Charity Regulator (OSCR). Formed in 2017, its main purpose to which its key activities contribute is to advance arts, heritage, and culture by:

- Utilising and if required restoring existing historically significant buildings and landscapes to preserve the heritage of Scotland and give the public access to the reconnective arts and activities.
- Preserving and celebrating the culture and heritage that built these landscapes, buildings and culture.
- Giving the public access to facilities that will allow them to reconnect to their culture and heritage while at the same time being given the opportunity to engage in reconnective arts activities.

Since 2018, Reconnect SCIO has operated the Regal Theatre, Bathgate.

Reconnect SCIO has submitted a proposal for continued provision of Howden Park Centre as a theatre and arts venue, and as the permanent base for Firefly Arts, until 31 March 2024.

Reconnect SCIO is also keen to develop a longer-term business plan for the venue for beyond this period, subject to the provision of further detailed financial, operational, staffing and property information, and progressing other matters, including discussions with partners about funding opportunities.

Key elements of Reconnect SCIO's proposal include:

- Taking over operational management of the venue from as close to 1 September 2023 as possible, to 31 March 2024.
- A short-term leasing arrangement and management contract, covering the council's existing obligations to Creative Scotland and Firefly Arts.
- Transfer of all existing staff on permanent contracts to its payroll.
- Review of existing casual staffing provision, taking those regularly used in the venue onto its payroll.
- Honouring all existing hires and agreements for shows.
- Ensuring the ongoing development of artistic and community programmes.
- Retention of the arts classrooms (studios).

- Continued development of partnerships with key stakeholders and organisations using the venue.
- Development of the bistro into a destination restaurant.
- Expansion of the range and type of events in the venue.
- Production and performance of a pantomime for the 2023 season.
- Direct experience within the organisation including venue/events management, operations and development, and project development, delivery and fund-raising.
- Taking bookings for new shows beyond the dates expressed, albeit retaining an option to review charges, if it, or a subsidiary, does not take over operations beyond 31 March 2024.
- Partnership working with the council to provide access, support and consultation on any property investment proposed during the period.

A number of related questions, requests for information and matters highlighted for further consideration, were raised as part of the proposal, and officers would wish to address these through dialogue and negotiation with Reconnect SCIO in the event that Council Executive agrees to this proposal and the necessary delegation of authority thereafter.

Setting aside those which were withdrawn after the deadline, the other interests in continued provision of Howden Park Centre which were received, reviewed, and, for an identified grouping, explored through further engagement with further insight/information being submitted, are not considered by officers to be viable. Section 4 below lists the types of factors and reasons which, either singularly or in multiples, support this conclusion.

3. Xcite Livingston, Xcite Broxburn Swimming Pool or Xcite Armadale

Setting aside those which were withdrawn after the deadline, a number of expressions of interest in continued provision of the above noted swimming pool facilities were received, reviewed, and, for an identified grouping, explored through further engagement with further insight/information being submitted, however these are not considered to be viable. Section 4 below lists the types of factors and reasons which, either singularly or in multiples, support this conclusion.

4. Factors and reasons supporting non-viable conclusions

- The proposal was predicated on changing the use of the venue and/or the types of services, activities and programmes delivered therein, not continued provision.
- The timescale for implementing the commencement of continued provision was either unknown or far beyond WLL's proposed date of closure.
- The organisation proposed for operating the venue had either not been established or the timescales for its establishment were unknown.
- The stated experience, skills and capacity within, or available to, the organisation(s) involved in the proposal, presents an increased level of risk to the effective delivery of services, asset management and/or compliance with statutory obligations.
- The proposal was predicated on securing external grant funding or other income/investment, for which the sources and level of funding could not be confirmed, or applications for which were yet to be made, or the timescales for securing such funding were unknown, notwithstanding the level of risk to continued operation of the venue which could be associated with failure to secure such funding in the short term.
- Further detailed information would require to be provided by the council to support the further development of the proposal and/or related financial and operational plans,

however timescales for securing the required agreement to related non-disclosure provisions were unknown.

- The proposal was predicated on requiring a significant level of further development work, analysis/research, options appraisals, assessments, surveys and/or studies for which the timescales and results were unknown.
- The proposal was predicated on revenue income generation assumptions considered to be unachievable.
- The proposal did not address current and future capital expenditure requirements or the proposed approach to addressing ongoing asset management requirements was unknown.
- The expressions of interest process was primarily being used to object to the closure of one or more of the venues in question.




Public Information Meeting
7 June 2023

WLL Request for Council Consent



Meeting format

1. Welcome and introductions
2. Presentation
 - Background and key challenges
 - Your Council, Your Say consultation
 - Decision making to date
 - WLL consent request and reasons
 - Exploring alternative options
 - Next steps
3. Questions



Welcome and introductions

- Purpose of the meeting
- Council and WLL officers
- Housekeeping



Background and key challenges

- £150 million of savings necessary since 2007/08
- For next three years, cash freeze in council funding
- Not enough to cover increasing costs and demand for services
- Demographic pressures, higher energy costs and pay awards
- Five year revenue budget gap of almost £40 million
- £16.5 million needs to be addressed in 2023/24
- Insufficient budget means reduced spending on local services
- Significantly reduced resources in 10 year capital programme



Your Council, Your Say public consultation

- Clarity about challenges and implications:
 - Balanced budgets
 - Legal obligations to provide certain services
 - Significant changes to budgets and service provision
 - Insufficient resources to deliver everything currently provided
 - Difficult decisions about local services
- 7,605 responses (35,000 comments) gathered to inform decisions
- Included measure that WLL should be self-funded
- Slight majority of responses supported this measure



Council budget

- February 2023 - council approved five year revenue budget strategy and detailed three year revenue budget
- Included measure to support WLL to become fully self-funded by 2027/28
- Requires total reduction of £1.746 million management fee to WLL
- Phased basis starting next financial year (2024/25)
- WLL would develop plans taking account of reduced funding
- WLL base management fee of £2.166 million in 2023/24



WLL planning and budget

- WLL receive funding from the council to provide the services
- 82% of budget from earned income
- WLL needs to address a £2.95 million budget gap over the period 2023/24 to 2027/28
- £1.185 million budget deficit to be addressed this financial year
- Plus £1.746 million reduction in management fee from 2024/25
- As a result, change in WLL's provision of leisure, health and wellbeing services is unavoidable



WLL future planning

- Longer term business plan workstreams progressing to improve budget position by:
 - Scoping revenue maximisation
 - Repurposing existing space
 - Developing new business
 - Driving further operational efficiency
 - Exploring property rationalisation
- Enormity of financial challenge cannot be met by new revenues or operational efficiency alone
- Given significant short-term budget pressure, WLL Board agreed to pursue property rationalisation as measure of last resort



WLL property rationalisation proposals

- 1 May - WLL seek council consent to close Xcite Livingston, Xcite Broxburn Swimming Pool, Xcite Armadale, and Howden Park Centre, from 31 August 2023
- Reasons summarised in next slide
- If implemented, savings of £1.4 million
- Improving WLL cash flow position and likelihood of addressing remaining budget pressures
- Customer migration and re-programming of space opportunities



Summary of WLL reasons

- Most likely to need significant ongoing subsidy and significant immediate/ongoing capital investment - no resources available.
- Continued operation deemed unsustainable and transition to self-funded model not viable with current level and type of facility provision.
- Not implementing would increase risk of WLL insolvency, jeopardise future viability of all facilities and services, and increase personal risk of wrongful trading liabilities to WLL Board Directors under insolvency legislation.
- Also, if WLL couldn't address 2023/24 budget deficit and future financial challenges, significant risk to delivery of council budget measure relating to WLL.



Council Executive - 9 May

Consideration of WLL proposals and agreement that:

- Alternative options needed to be explored before final decisions were made on the future of these facilities.
- Request go to Scottish Government Minister for funding support to retain venues and for relevant area MSPs and MPs to demand same.
- Officers engage with WLL to explore alternative options for retention of facilities.
- Officers explore alternative commercial and community options for continued provision of services with other interested parties including key community user groups.



Council Executive - 23 May

Decisions to:

- Note updates and information on work undertaken by officers to explore alternative commercial and community options for continued provision, including inviting expressions of interest for this.
- Note that WLL considers there are no other feasible alternative options for it to continue to operate these facilities in the circumstances.
- Agree one-off revenue funding of £140,000 until 31 March 2024 to support operation of HPC
- Note intention to provide short-term continuity of theatre and events programme as this couldn't be suitably accommodated elsewhere.



Exploring alternative options

- Process to identify credible alternative commercial and community options for continued provision of services with other interested parties.
- Fair comparison of interests and early identification of non-credible options.
- Window for registering expressions of interest closed on 26 May.
- Parties asked for information on:
 - Type/status of their organisation
 - Associated partners/stakeholders
 - Intentions for the venue(s)
 - Timescales for starting operations
 - Experience of operating venues and services
- Officers continuing to review interests received - reporting update to 20 June Council Executive.



Questions?



Closing remarks and thanks

interest@westlothian.gov.uk



DATA LABEL: PUBLIC**Appendix 3b – Note of Public Information Meeting on 7 June 2023****Presentation Slides**

1. Attendees were welcomed to the meeting and were provided with an overview of the meeting format. Both speakers introduced themselves.
2. Alan Colquhoun, Strategic Partnerships Manager, spoke to WLC slides and confirmed that two phases of the Your Council, Your Say public consultation had now been undertaken to inform decision making to address the budget gap.
3. Ben Lamb, WLL Chief Executive, noted the public response to the proposed closures emphasises how important accessible leisure facilities are to the health and wellbeing of communities. All surplus money generated by WLL is reinvested for the benefit of the community (i.e. through subsidised concessionary memberships, warm welcome hubs supporting with the cost of living, refurbishment of gyms). WLL are delivering the same sport and leisure provision today as in 2020, but with 33% less management fee. As a trust/charity, WLL must always seek efficiencies and revenue income maximisation. Suggestions received from the community in recent weeks were welcome however many are already in place. Recent examples of steps taken include moving to the Scottish Government energy procurement framework ensuring the best utility prices available, membership/pay-as-you-go prices have increased, a golf simulator is being added to better utilise space at Xcite Bathgate, new events are being delivered including a colour run and they are ensuring staffing efficiency. WLL Board decided, as a last resort, and in order to protect future delivery of services, to submit the consent request to WLC, as the decision-makers. WLL are left with no choice but to tailor services accordingly, they are being paid less, they need to deliver less.
4. The four sites in question require significant ongoing subsidy with a combined annual saving of £1.4 million (£117,000 per month) associated with the proposed closures after income and expenditure has been taken into account.
5. All four sites also have significant capital investment (ie repairs and maintenance) requirements. For example, Xcite Broxburn Swimming Pool requires urgent roof repairs, new plantroom equipment and replacement boilers and water tanks.
6. It was noted that fewer buildings doesn't necessarily mean reduced service provision, noting that West Lothian has more swimming pools than any other local authority in Scotland and that WLL will be looking to minimise the impacts of any closures by using other facilities (ie school pools) where feasible.

Questions and Answers

7. **■■■■ Hands Off Howden Park and Livingston Players**
The council's consultation was only completed by 4% of the West Lothian population, likely because it was too long, complicated and had too many questions. West Lothian Council and West Lothian Leisure have social media accounts but almost never promote Howden Park Centre – why is this?
Ben Lamb
Noted social media comments in particular, advising that WLL try to ensure fair and equal promotion and do invest in monthly promotion of Howden Park Centre. I will look into this further to better understand what is done.
8. **■■■■ President of Livingston Art Association**

Our organisation has been involved with Howden Park Centre since 1972. I understand the cost of living problems and that decisions require to be taken, by why are cuts always targeted towards arts and leisure? There have been similar cuts to libraries elsewhere in recent years with campaigns launched to save them. For Howden Park Centre, if a tendering process is to be launched the contract cannot be given to any old profit-making company, it needs to have community involvement and consultation with all user groups. The employment of Howden Park Centre Staff needs to be guaranteed.

Alan Colquhoun

Unable to comment specifically on staffing at this time. In relation to the areas facing cuts it was noted that, unless services are statutory requirements or receive ring-fenced funding, all areas are subject to cuts and efficiencies.

9. Unknown

In relation to Broxburn pool – why aren't you providing more information on the maintenance and operational issues? What maintenance has been done so far to keep the facility running?

Ben Lamb

In terms of the capital investment required at this site, WLC have conducted condition surveys which have identified that the roof requires repairs, the plantroom needs replaced, large parts still in situ from when the pool opened in 1970s and boilers, water tanks and filtration systems need to be replaced. There are also day to day challenges. All of the older buildings require significant investment, and this is particularly true of swimming pools. These challenges at Broxburn are immediate and require to be addressed in the next 12-24 months, but neither WLL or WLC have the capital resource to progress the work.

10. [REDACTED]

Tim Dent spoke of the benefits of regular physical activity, but now it seems that WLL are pushing problems down the line for the NHS to deal with. Where is the long-term planning in all of this?

Ben Lamb

WLL do not have the funds to continue with the current provision. Taking these steps now will protect WLL's future. WLL works with NHS Lothian, for example through the GP referrals service, and this will not be stopping while funding from NHS Lothian remains in place. WLL strategic planning is significantly impacted by funding issues, but we remain passionate about sport and leisure and the impact it has on people's lives.

[REDACTED] What about Xcite Armadale – what are the capital costs?

Alan Colquhoun

Highlighted the commercial sensitivities in terms of the future operation of all four venues, but confirmed the multi-million capital investment costs across all four venues. West Lothian is a mixed economy, and WLL is not the only leisure provider in the area. There has also been significant investment by the council and other partners to provide a wide range of places which support people's participation in sport, leisure, physical activity and recreation, beyond swimming pools.

11. [REDACTED] works in West Lothian

Has an equality impact assessment (EIA) been completed? Has the council asked for capital investment from the Scottish Government? Will the council open its private committee meetings on WLL to the public?

Ben Lamb

WLC is currently progressing an Integrated Impact Assessment and an update will be provided to Council Executive on 20 June.

Alan Colquhoun

Impact assessments were undertaken at the time of the revenue budget being set earlier this year, and these are now being reviewed. If any decision to close a venue is taken

then a full assessment will be conducted to consider impacts in relation to socio-economic factors and those with protected characteristics. The assessment will be reported to WLC elected members. WLC and WLL are aware there will be an impact if these decisions are taken – this is not being denied.

The reports to Council Executive on the WLL consent request on 9 and 23 May contained commercially sensitive information which, due to a legal obligation on WLC, meant that the item had to be considered in private and Council Executive agreed to this approach. WLC did however share as much of the reports publicly as appropriate, and clear statements were issued immediately after each meeting to advise of all decisions taken.

WLC Chief Executive wrote to the relevant Scottish Government Minister last month to request additional funding but, to date, I am not aware that any substantive response has been received.

12. [REDACTED] Broxburn community group to save the pool

WLL (Xcite) provide the gold standard of leisure facilities hence why we're so upset at the prospect of losing this provision. WLL state a £1.2 million deficit overall but this is not a huge figure, and as such I would argue it is a cost rather than a deficit. WLL also state a 33% loss in the management fee received from WLC but this is actually closer to 25%. A response from WLL to Fiona Hyslop cited the following five criteria which were used in identifying the four venues proposed for closure: funding, demographics, staffing, alternative provision and accessibility. The WLL venues are not comparable. For example, Whitburn pool benefits from Polkemmet driving range revenue, and each area of West Lothian is different with different needs. Surely the capital costs of the venues are for WLC to deal with as the owners. School access is not viable during the daytime and the location of the pools within the building which would lead to safeguarding issues. Winchburgh is not an accessible alternative for Broxburn users.

Ben Lamb

WLL have been honest and transparent through this process. The £1.2 million figure is the budget deficit for the current financial year – it is not a cost, it is a projected loss. The management fee which WLL receive from WLC was reduced from circa £3 million to £2 million which is a 33% reduction, and this is in addition to further reductions made in the past. West Lothian Leisure do not operate all school pools. If WLC were in a position to facilitate more access then WLL would consider options to provide services. WLL receives landlord maintenance funding from WLC but this is insufficient to cover the costs. It is acknowledged that the distance to Winchburgh swimming pool means it is not a suitable alternative for everyone. WLL don't have solutions to suit all users.

Alan Colquhoun

The type of maintenance required dictates whether it is a capital or revenue cost. It is correct that WLC own the assets, but they are leased to WLL on a long-term full insurance and repair basis which means that all such liability sits with WLL.

13. Unknown

In relation to accessing school pools, have you discussed this with Head Teachers / other stakeholders?

Alan Colquhoun

WLC officers, including Education Services, are progressing a full review across the school estate. This process is being taken forward on a priority basis, but it will eventually include all schools with pools. It is being driven by demand for access and the type of demand. As there are no available resources, increasing some types of use would need to be on a full cost recovery basis.

14. Unknown

Whitburn Community Council recently received a response from WLC Chief Executive which admitted that a number of responses to the WL2028 were incorrectly categorised, meaning that an incorrect outcome was reached.

Alan Colquhoun

Unaware of the email referenced, but confirmed that the management fee from WLC will not be removed until 2024/25, meaning that it is not the cause of WLL's current 2023/24 budget deficit position. The scale of the financial challenges facing both WLC and WLL was re-articulated.

15.

What is the WLC management position in relation to closing these venues down? Look at Howden House which was sold by private contract, left to fall into ruin, then sold for housing and is no longer part of the community.

Alan Colquhoun

No decisions have been made and council officers are actively exploring options to maintain the current service provision. It would not be appropriate to discuss hypotheticals.

16.

I agree that the standard of leisure provision by WLL is fantastic. The proposal to move the pool provision to schools raises significant safety concerns. Why is the option of closing school pools and moving the provision to community pools not being considered? Learning to swim is more important at primary school age than secondary anyway. Why not consider introducing a voucher system for secondary school pupils for a free swim to promote Xcite venues? This could be funded from the Covid monies and would encourage families etc to use the facilities. Note that one third of pupils leave school unable to swim.

Alan Colquhoun

This is a helpful suggestion and will be discussed with relevant officers. Noted, however, that there is no such thing as a free swim – costs have to be met by someone and such an initiative would require funding. WLC officers are looking to better utilise the school estate. Learn 2 Swim (L2S) is a core service of WLL. Although the management fee paid to WLL is reducing, WLC have ensured continued investment to WLL to provide L2S+ which means that over P4-5 every child undertakes a swimming assessment and, where required, a free lessons block is provided.

Ben Lamb

Reinforced the scale of L2S service which has approx. 5,500 children attending lessons each week and still has significant waiting lists. L2S teaches an essential life skill which WLL are determined to maintain provision of, and are keen to explore the estate further to review available options.

17.

user of Xcite and Howden Park Centre

While I sympathise with the case being made for the pools, my main focus is on Howden Park Centre which seems like an alien in amongst these other proposals. It's always been the case that Howden Park Centre does not receive the same level of expertise from WLL for culture and arts as it gives to sports and leisure. Would it make more sense if Howden Park Centre was operated by someone else? What have you looked at to consider the long-term future of the venue?

Ben Lamb

Prior to Howden Park Centre transferring to WLL in 2017 WLL's core business was historically sport and leisure. WLL is confident that the team at Howden Park Centre are skilled and capable. The operating deficit of the venue has greatly reduced from the 2017 transfer despite challenges such as the pandemic, however it requires significant ongoing capital investment, for example to address the obsolete theatre lighting, for which WLL does not have the funding.

Should decision-making be separate for Howden Park Centre and the pools?

Alan Colquhoun

WLC officers are in the process of exploring alternative options for future provision at the venues to identify any credible options.

18.

Concerned in relation to Broxburn pool as a standalone facility. In relation to the expressions of interest (EOI) process I had been assured that if a number of consortiums and skilled people came together to form a social enterprise then this would be supported by WLC, but I am hearing that some parties are being excluded from the process.

Alan Colquhoun

It would not be appropriate to go into detail on this ongoing process as officers are still reviewing the submissions received before the 26 May deadline. An update will be provided to Council Executive on 20 June.

19.

From WLC's consultation in relation to WLL becoming self-funding there were no potential consequences outlined. Similarly, when WLC were taking the decision on this measure questions were asked but no detail of potential consequences was provided. This shows the process was flawed and not informed. Why are officers having to front the decisions made by councillors? The responsible councillors should be here on stage today or at least in attendance.

Alan Colquhoun

No comment.

20.

Xcite Livingston employee

When WLC leased the venues to WLL this was to avoid paying tax – where have these savings gone? WLL have previously undertaken to review staffing structure but it remains top-heavy and now they are cutting from the bottom.

Alan Colquhoun

This relates to non-domestic rates and it is correct that the WLC assets leased to WLL benefit from exemptions due to charity status.

Ben Lamb

During recent reductions to the management fee from WLC, WLL had to reduce staffing and a number of people left through early retirement or voluntary severance options. This included four directors as well as changes at site level to maintain a lean and efficient organisation in order to stay solvent. The organisation is not top-heavy.

WLL agreed that the management structure does not work but nothing has changed.

Ben Lamb

WLL will investigate this comment.

21.

Unknown

A town the size of Livingston surely needs a standalone swimming pool, especially if trying to attract people to visit, live or work here.

Alan Colquhoun

WLC and WLL trying to ensure appropriate provision for Livingston and the wider West Lothian area, hence why work is progressing to review options for public access to school pools. This would be demand-led and any viable options would need to wash their own face.

22.

Unknown

Earlier you mentioned there were five criteria considered when identifying these four venues, one of which was alternative provision – but there is no alternative theatre provision beyond Howden Park Centre. The Regal is not the same. There are

approximately 56,000 people living in Livingston – what is the alternative theatre provision for them?

Ben Lamb

It is acknowledged that the services available at The Regal in Bathgate are not the same.

Alan Colquhoun

WLC Council Executive noted this point and agreed to allocate £140,000 revenue funding for the remainder of this financial year to ensure the continuity of services which could not be accommodated elsewhere.

23.

██████████

I feel like there is not full transparency in relation to energy costs. Why have solar panels or other renewable energies not been considered?

Ben Lamb

In recent years WLL has moved from open market to the Scottish Government public sector framework for utilities to ensure they receive the best price. Despite this, prices are still significantly higher than they were a few years ago. Other steps have been taken to reduce costs such as reviewing pool temperatures and installing plantroom speed drives. Recently at Linlithgow new air handling units and fans were installed to save heat and the difference is already being noticed although savings have not yet been quantified. Solar panel options were considered a few years ago but the payback period was around 24 years and so this was not considered an appropriate investment. WLL continue to explore green investment opportunities but without funding this is difficult.

Alan Colquhoun

WLC's capital programme has been fully allocated, so there is no available funding to assist with this.

24.

Unknown

Why was Livingston swimming pool chosen to close? It is the only fun pool with flumes etc and it attracts visitors from all over Scotland. Why is the facility not better advertised? There is a lack of this type of venue, with the only others being Time Capsule or Perth. There are various green energy options being offered for free and some are already being implemented in England – why are WLL not looking into this? I handed information in.

Ben Lamb

WLL will look into the initiatives mentioned. WLL do not want to be in the position of closing any venues. The footfall at Xcite Livingston is consistently high, especially at weekends, with over 200,000 visitors each year. It is true that people travel from all over to visit the town centre attraction but the costs are too high for WLL to continue operating.

25.

Unknown

West Lothian is the first local authority in Scotland progressing with a zero management fee to its leisure trust. There is too much focus on commercialising health and wellbeing. What has WLL done to operate more like a commercial health and leisure company? I never see any sales or marketing activities at the sites. If WLL have known how bad the situation is why has nothing been done before now?

Ben Lamb

For WLL to move to a more commercial model this would require changes to the current model in terms of the service agreement with WLC and it would look very different. We need to balance what can be done against what we are asked to do within the service level agreement. WLL refurbished the gym facilities last year and this investment is on track to be paid back by the end of this year. It is critical that WLL can ensure investments will pay back. WLL operate with a central sales and marketing team and membership numbers are almost 100% of pre-pandemic levels. WLL still subsidise some memberships at present but this may require to be reviewed.

Unknown

Perhaps non-subsidised members would be willing to pay more if you asked and provided a sliding scale if it meant venues would not close. I don't see the marketing activities mentioned – have you tried a price point survey?

Alan Colquhoun

There are varying relationship styles across Scottish local authorities in terms of arrangements with leisure organisations with different funding, property and service agreements. There are further examples in England of an effective arrangement with a zero management fee.

Unknown

But these arrangements are probably covering multiple local authorities so underperforming sites can cross-subsidise.

Alan Colquhoun

This is likely the case for some but not all.

26.

Across the whole situation of leisure, care homes, etc the problem is that there is not enough funding – but we are paying for this. The West Lothian community wants more funding for these areas. WLC has a strategic responsibility for leisure, yet it taking away money from WLL. Have you engaged external consultants to review the leisure arrangements in West Lothian? Will there be an online public consultation to consider the proposed closure of these four venues? WLL are not helping by not providing key information – what is the commercial sensitivity being cited? These are public buildings and this is public money so why are the public not getting the full picture?

Alan Colquhoun

To engage external consultants would require a decision by elected members. There are no plans to launch an online consultation. The data which is not being shared publicly belongs to WLL (ie a third party) and, as such, it is not for WLC to release. WLC receive regular updates to undertake appropriate monitoring and scrutiny of WLL operations via the West Lothian Leisure Advisory Committee and the business of this committee is private under legislative provisions.

Ben Lamb

WLL have provided the information to WLC and it has been provided to interested parties who have come forward under the bidding process.

Alan Colquhoun

It is not a bidding process. Expressions of interest were sought from interested parties in terms of providing continuity of services and WLC officers are currently reviewing the submissions received.

27.

You mentioned there has been recent capital investment at Linlithgow pool, but why has Broxburn pool been allowed to fall into a state of disrepair while other sites are being maintained to a different standard? It seems Broxburn has been a site of disinvestment to the point of fait-accompli.

Alan Colquhoun

The examples given are not in isolation. WLC provides a budget to WLL for landlord maintenance, and it is for WLL to determine how this is spent. These are matters of regular reporting to, and monitoring by, WLC (financial and management operational reporting but also property).

Why has it been allowed to get to this point?

Alan Colquhoun

This is a question of managing risk. WLC Property Managers are in support of the approach taken.

Access to school pools is being suggested as a potential alternative but the condition of schools such as Broxburn Academy is just as bad as the pools. It is not well-maintained so cannot be considered a viable option. In terms of the costs of running the school pools I hope this will be publicly available information, as I am concerned these will be worse condition than WLL pools.

28. Rep from Broxburn Amateur Swimming Club

This is a heartfelt plea on behalf of the 1,200-1,300 children on L2S programmes at Broxburn pool as I'm concerned we will lose all these young swimmers. Broxburn pool is ideal for learning as it is shallow at both ends. Please consider uniting clans to support and invest in young people – they will make you proud. Every year our club progresses swimmers to national clubs.

Closing Remarks

- 29.** Alan Colquhoun thanked audience for attending. It was advised that any further questions should be emailed to interest@westlothian.gov.uk. Reassurance was given that thorough impact assessments were underway and will be published along with any committee reports if a decision is sought which would result in any closures.

DATA LABEL: PUBLIC

Appendix 4a - Full Integrated Impact Assessment Form



1. Details of proposal	
Policy Title (include budget reference number if applicable)	West Lothian Leisure – Request for Council Consent – Swimming Pools
Details of Others Involved	Depute Chief Executive (Education, Planning and Economic Development), Head of Finance & Property Services, West Lothian Leisure Management Team, and Managers/Officers from Education Services, Finance & Property Services, Corporate Services and Corporate Transformation Team.
Date Assessment Conducted	June 2023

2. Set out a clear understanding of the purpose of the policy being developed or reviewed (what are the aims, objectives and intended outcomes including the context within which it will operate)
<p>On 9 May 2023, the Council Executive considered a request by West Lothian Leisure (WLL) for council consent to implement the closure of Xcite Livingston, Xcite Broxburn Swimming Pool, Xcite Armadale and Howden Park Centre (HPC) from 31 August 2023. This Integrated Impact Assessment focuses on the swimming pool element of the request.</p> <p>West Lothian has one of the highest numbers of swimming pools per head of population across Scotland with 19 pools, of which 15 are operated by WLL (including nine school pools). Total swimming pool provision equates to roughly one pool per 10,000 people.</p> <p>In order to achieve financial sustainability across the remainder of their sports and leisure venues, WLL propose to rationalise the number of swimming pool sites it operates with the closure of Xcite Livingston, Xcite Broxburn Swimming Pool and Xcite Armadale, and cessation of all provision therein, subject to the council's consent.</p> <p>The three pools currently operate at a significant annual operating loss. In addition, condition survey reports indicate that significant capital investment is required to maintain these facilities.</p> <p>Following consideration of a report by Council Executive on 23 May 2023, council officers have progressed a process to identify credible alternative commercial and community options for continued provision of services with other interested parties. A number of expressions of interest across the three pools were received by the deadline of 26 May 2023, and officers reviewed all submissions using the following principles:</p> <ul style="list-style-type: none"> • Purpose – stated intentions regarding continued provision of services, including provision for public/community access • Timescales for implementation • Experience – previous experience of operating services and/or swimming pool venues <p>Having received, reviewed, and, for an identified grouping, explored through further engagement with further insight/information being submitted, no proposals received for the continued operation of Xcite Livingston, Broxburn Swimming Pool or Xcite Armadale were considered viable. Further details about the</p>

expressions of interest process and officer conclusions is appended to the 20 June Council Executive report.

Officers have undertaken a review of the public/community access arrangements at, and non-curricular utilisation data for, the secondary school swimming pools in the areas where WLL has proposed a pool closure. Non-curricular use covers activity such as public swimming, group fitness sessions, swimming lessons, community swimming club sessions and a range of other coaching/training activity.

Officers consider that increased levels of non-curricular use could be accommodated across these school pools. Furthermore, whilst there are no revenue or capital budgets available to support an increase in non-curricular use across school pools, there would still be scope to increase such use to meet sustained demand. Officers will continue to work with WLL and school management to ensure a collaborative approach to optimise the future programming of non-curricular use at these schools, in view of available capacity and related considerations.

School swimming pools are used approximately 185.3 hours per week for curricular and extra-curricular use and 260 hours per week for non-curricular (commercial lets, public swimming etc).

Across the secondary school estate and other Xcite facilities, there are potential alternative locations for users, including swimming clubs, however time and day of use may require to be altered depending on availability at alternative locations. Further discussion and engagement with pool users will help to ensure that alternative solutions for pool users with a range of needs is considered.

3. Please outline any needs and/or barriers which equality groups (people with protected characteristics) may have in relation to this policy	
Age	<p>What effect/difference will the policy have on people? Impact on elderly and young people: Travel to alternative locations may be financially and logistically challenging. Travel to alternative locations may be practically challenging – public transport routes/timetables may impact how and when people of all ages can use the facilities at an alternative location.</p>
	<p>How do you know that? A customer usage analysis of the age groups regularly utilising the pool. Further engagement will be required with the pool users to determine the impact.</p>
Disability	<p>What effect/difference will the policy have on people? Impact on people with disabilities: Travel to alternative locations may be practically challenging – modes of public transport, routes and timetables may impact how and when people with specific disabilities can use the facilities at an alternative location.</p>
	<p>How do you know that? A customer usage analysis of the age groups regularly utilising the pool. Ongoing engagement will be required with the pool users to help mitigate any impact.</p>
Gender Reassignment – Trans/Transgender Identity	<p>What effect/difference will the policy have on people? The measure as a whole is applicable to all equality groups irrespective of this protected characteristic.</p>
	<p>How do you know that? There are no indications that there may be hidden needs relating to this protected characteristic. Ongoing data monitoring will help to keep under review any significant equality considerations for particular people within the protected characteristics that results in disproportionate impact on any specific groups as a result of closing the pools.</p>

Marriage or Civil Partnership	What effect/difference will the policy have on people? The measure as a whole is applicable to all equality groups irrespective of this protected characteristic.
	How do you know that? There are no indications that there may be hidden needs relating to this protected characteristic. Ongoing data monitoring will help to keep under review if there are any significant equality considerations for particular people within the protected characteristics that results in disproportionate impact on any specific groups as a result of closing the pools.
Pregnancy and Maternity	What effect/difference will the policy have on people? The measure as a whole is applicable to all equality groups irrespective of this protected characteristic.
	How do you know that? There are no indications that there may be hidden needs relating to this protected characteristic. Ongoing data monitoring will help to keep under review if there are any significant equality considerations for particular people within the protected characteristics that results in disproportionate impact on any specific groups as a result of closing the pools.
Race	What effect/difference will the policy have on people? The measure as a whole is applicable to all equality groups irrespective of this protected characteristic.
	How do you know that? There are no indications that there may be hidden needs relating to this protected characteristic. Ongoing data monitoring will help to keep under review if there are any significant equality considerations for particular people within the protected characteristics that results in disproportionate impact on any specific groups as a result of closing the pools.
Religion or Belief	What effect/difference will the policy have on people? The measure as a whole is applicable to all equality groups irrespective of this protected characteristic.
	How do you know that? There are no indications that there may be hidden needs relating to this protected characteristic. Ongoing data monitoring will help to keep under review if there are any significant equality considerations for particular people within the protected characteristics that results in disproportionate impact on any specific groups as a result of closing the pools.
Sex	What effect/difference will the policy have on people? The measure as a whole is applicable to all equality groups irrespective of this protected characteristic.
	How do you know that? There are no indications that there may be hidden needs relating to this protected characteristic. Ongoing data monitoring will help to keep under review if there are any significant equality considerations for particular people within the protected characteristics that results in disproportionate impact on any specific groups as a result of closing the pools.
Sexual Orientation	What effect/difference will the policy have on people? The measure as a whole is applicable to all equality groups irrespective of this protected characteristic.
	How do you know that? There are no indications that there may be hidden needs relating to this protected characteristic. Ongoing data monitoring will help to keep under review if there are any significant equality considerations for particular people within the protected characteristics that results in disproportionate impact on any specific groups as a result of closing the pools.

4. Please outline any needs and/or barriers which may affect vulnerable groups falling into poverty and disadvantage in relation to this policy.

Vulnerable groups may include the following:

- Unemployed
- Single parents and vulnerable families
- People on benefits
- Those involved in the criminal justice system
- People in the most deprived communities (bottom 20 SIMD areas)
- People who live in rural areas
- Pensioners
- Looked After Children
- Carers including young carers
- People misusing services
- Others e.g. veterans, students
- Single adult households
- People who have experienced the asylum system
- Those leaving the care setting including children and young people and those with illness
- Homeless people
- People with low literacy/ numeracy
- People with lower educational qualifications
- People in low paid work
- People with one or more protected characteristics

What effect/difference will the policy have on people?

The combined total users of the three swimming pools facing potential closure in 2022/23 was 439,850.

Users by age group were as follows:

Under 5s	19,685
5-17 years	183,776
18-64 years	190,214
65+	46,175
Total	439,850

Concession users across the three sites were 23,049 in 2022/23.

GP referral usage across the three sites was 5,619 in 2022/23.

Number of members across the three sites in SIMD1 was 380

Currently, 172,000 (98%) of the West Lothian population can access one of the 19 WLL/WLC pools within a 15-minute drive time. 27,000 (15%) are within SIMD1, the most deprived areas according to the Scottish Index of Multiple Deprivation. The closure of the three pools does not have any negative impact on that statistic.

Pool users will need to seek alternative facilities if they wish to continue using WLL services. It is assumed that a number of pool users will be prepared to transition to other WLL Xcite or secondary school venues.

A number of issues have been raised by customers and identified across the age groups:

- General concern over reduction in facilities
- Concern over public transport links, particularly from Broxburn to Winchburgh
- Concerns around price increases when reducing facilities
- Concerns around access to alternative facilities at peak times
- Health and wellbeing concerns
- Concerns around Learn 2 Swim programme.

There will be structured communication and engagement with customers who may and or will be impacted by the proposal. Potential increase in travel costs, time and modes of transport (public or private) as well as alternative availability and suitability may be a factor for users. Ongoing data monitoring will help to identify if there are any significant equality considerations for particular people within the protected characteristics that results in disproportionate impact on any specific groups as a result of closing the pools.

If this position changes during implementation, and it becomes apparent that services to specific groups with protected characteristics will change, the impact assessment will be reviewed, updated as required, and further mitigating actions considered.

How do you know that?

WLL data monitoring of usage by age group
Feedback received from customers

5. Action Plan

What action/s will be taken, by whom and what is the timescale for completion?

Actioner Name: WLL and WLC Education

Action Date: June 2023

What is the issue?

Potential closure of three WLL managed swimming pool facilities by 31 August 2023

What action will be taken?

Work is being undertaken so that school swimming pools at locations where WLL has a proposed pool closure could be made available for increased public / community use.

WLL will continue to develop their customer migration plan using customer insight to establish any needs and/or barriers which equality groups may have in relation to the proposal to close three pools and transition to alternative locations.

Discussions with WLL employees and Trade unions will be required to consider the impact of the proposal.

Progress against action

Customer feedback received will continue to be reviewed and considered by WLL to support the implementation of its customer migration plan. The closure of any public facility has the potential to impact on all users, and monitoring will be undertaken to enable ongoing assurance that this is not discriminatory and does not result in disproportionate impact on any group from within the protected characteristics to a greater level than any other group or individuals using the facility.

6. Details of consultation and involvement

Who will be or has been involved in the consultation process?

- a) State which service users and groups are involved in this process and describe their involvement.
- b) Describe any planned involvement saying when this will take place and who is responsible for managing the involvement process.
- c) Describe the results of the involvement and how you have taken this into account.

Feedback from users has been gathered, for example through the council's Your Council, Your Say consultation and from meetings with the public and elected representatives, including a public information meeting held on 7 June 2023, where WLC and WLL officers addressed questions from the attendee's present. The slides presented to the meeting and a full record of the questions, answers and other points raised by members of the public at the meeting are in Appendix 3 of the committee report.

As outlined in section D.2 of the committee report, engagement has taken place with a number of interested parties who submitted expressions of interest for continued provision of the pool and/ or Howden Park facilities. The process of assessing these expressions of interest is set out in Appendix 1 of the committee report.

WLL has confirmed that the approach to any implementation would seek to maximise the opportunity to retain staff and minimise disruption to essential services.

WLL would also meet the statutory requirements regarding formal consultation with staff and relevant Trade Unions would be notified accordingly.

Any roles considered to be at risk would be considered by WLL for any potential redeployment opportunities, which can be maximised by controlling those vacancies which are publicly advertised.

Further structured engagement with customers will be undertaken by WLL going forward, in the event that a facility is to close.

As well as raising awareness of why the closures are required and communicating details of the removal of the provision to customers and stakeholders, WLL will engage with its customer base to provide information and potential options for alternative days, times, locations, letting arrangements and/or other suitable activity types, considering factors such as travel and financial impact.

7. Data and Information

What equality data, poverty data, research, information or other evidence has been used to inform this assessment?

- a) What information or other evidence has been used in the development of the policy?
- b) What does research, consultation and other data or information tell you about the impact of the policy? (describe the information and conclusions, and state where the information can be found)
 - i. Quantitative (numbers, percentages, statistical analysis)
 - ii. Qualitative (written/spoken words, opinions, surveys)
- c) Describe any gaps in the available information, and record within section five (Action Plan), action you are taking in relation to this (e.g. new research, further analysis) and when this is planned.
- d) Give details of any existing local or national evidence which has been used to inform the development of your policy.

Detailed mapping has been undertaken by WLL to explore property rationalisation options, modelling sport and leisure provision across West Lothian.

The mapping exercise has provided a greater understanding of how accessible swimming pools are to the overall West Lothian population in terms of travel modes and times and accessibility for those in deprived and rural communities. Work has been undertaken to consider the following:

- The cost of operating pools now and in the future, including potential income/cost migration as a result of pool rationalisation.
- Geo-spatial analysis has been undertaken to identify how accessible pools are in terms of transport modes and travel times.
- The study analyses SIMD (Scottish Index of Multiple Deprivation) data, which is a relative measure of deprivation.
- Current and future demand levels have been considered.
- Alternative provision including school swimming pools and other private / community facilities has been considered.
- The number of staff employed within WLL venues, the impact of changes and opportunities to minimise impact.

It is estimated that 172,000 (98%) of the West Lothian population can currently access one of the 19 WLL/WLC swimming pools within a 15-minute drive time. 27,000 (15%) of the population are in SIMD1, the most deprived areas according to the Scottish Index of Multiple Deprivation.

Research shows that closure of the three pools will have little impact on overall accessibility when modelled against a 15-minute drive time, with 98% of the population still able to access a pool using this measurement.

The three pools for which WLL have requested a consent to close currently operate at a significant annual operating loss. In addition, condition survey reports indicate that significant capital investment is required to maintain these facilities.

Xcite Livingston

- 62,000 of the population can access Xcite Livingston within a 15-minute drive. Of this 62,000 the percentages who could access alternative venues within a 15-minute drive are:
 - 86% St Margaret's Academy
 - 80% James Young HS
 - 74% Inveralmond CHS
 - 56% Deans CHS
 - 77% Xcite Craigswood
- Deans CHS James Young HS and Inveralmond CHS has capacity for increased levels of non-curricular use (e.g. for LTS, group fitness, public swimming) with scope to increase day time access, subject to sufficient demand and programming considerations.

Xcite Broxburn Pool

- 22,000 of the population can access Xcite Broxburn Swimming Pool within a 15-minute drive. Of this 22,000 the percentages who could access alternative venues within a 15-minute drive are:
 - 42% Xcite Winchburgh
 - 90% Broxburn Academy (100% SIMD1)
- Gym members could continue at Xcite Broxburn Sports Centre
- Broxburn Academy has capacity for increased levels of non-curricular use (e.g. for LTS, group fitness, public swimming) with potential for day time access, subject to sufficient demand and related considerations.

Xcite Armadale

- 42,000 of the population can access Xcite Armadale within a 15-minute drive. Of this 42,000 the percentages who could access alternative venues within a 15-minute drive are:
 - 94% Xcite Whitburn or Xcite Bathgate (100% from SIMD1)
 - 68% Armadale Academy (50% SIMD1)
- Gym members and Learn 2 Swim could transfer to Xcite Whitburn or Xcite Bathgate
- Swimming Clubs could potentially access Armadale Academy.
- Armadale Academy has capacity for increased levels of non-curricular use (e.g. for LTS, group fitness, public swimming) with potential for day time access, subject to sufficient demand and related considerations.

8. Mitigating Actions

- If the policy has a negative/adverse impact on a particular group/s, but is still to be implemented, please provide justification for this.
- Note: If the policy is unlawfully discriminatory under the Equality Act 2010 and/or is having a negative impact on poverty and socioeconomic disadvantage under the Fairer Scotland Duty, you MUST identify, how the policy can be amended or justified so the Council acts lawfully.
- How could you modify the policy to eliminate discrimination or to reduce any identified negative impacts? If necessary, consider other ways in which you could meet the aims and objectives.
- How could you modify the policy to create or maximise the positive aspects of the proposals and to increase equality and reduce poverty and socioeconomic disadvantage.
- Describe any modifications which you can make without further delay (for example, easy, few resource implications).

- If you propose to make any of the modifications shown above, describe any potential new negative impacts on other groups in society or on the ability to achieve the aims and how you will minimise these.
- Please describe the resource implications of any proposed modifications taking into account financial, people and property issues.

The proposal to rationalise pools will result in the overall number of WLL/WLC swimming pools reducing from 19 to 16. Pool provision in West Lothian will remain amongst the highest in Scotland.

The level at which users choose to migrate to alternative premises is unknown at this stage, but in terms of pool capacity across the remaining estate:

- 99% of club bookings could be accommodated at alternative WLL managed pool sites
- 100% of learn2 swim could be accommodated at alternative venues
- There is capacity to accommodate public swimming from Xcite Armadale at Xcite Bathgate and Whitburn
- There is capacity to accommodate public swimming from Xcite Broxburn Swimming Pool at Xcite Winchburgh
- There is capacity to accommodate public swimming from Xcite Livingston at Deans and Inveralmond Community High Schools

In order to address concerns around peak demand and availability at other facility locations, further customer messaging and engagement will be undertaken.

9. Monitoring and Review

- a) How will the implementation and impact of the policy be monitored, including implementation of any amendments? For example, what type of monitoring will there be? How frequent?
- b) What are the practical arrangements for monitoring? For example, who will put this in place? When will it start?
- c) How will results of monitoring be used to develop future policies?
- d) When is the policy due to be reviewed?
- e) Who is responsible for ensuring this happens? Please detail below

The planning, implementation and reviewing of this measure will be managed along best practice in project management. Formal consultation with staff and mobilisation of plans will commence after approval of the proposals has been granted.

WLL will continue to collect data on pool usage across their managed facilities and report this to the council for monitoring, including where impacts on any group from within the protected characteristics are identified as being to a greater level than any other group or individuals using the facility. This will inform future strategic decision making.

The council's West Lothian Leisure Advisory Committee will continue to monitor West Lothians Leisure's implementation of its plans, in accordance with the terms of its remit.

10. Recommendation and Reasoning

✓ Implement proposal taking account of mitigating actions (as outlined above)

Reason for Recommendation

To allow progress towards making identified changes to WLL pool provision.

Signed by Lead Officer	Alan Colquhoun
Designation	Strategic Partnerships Manager
Date	20 June 2023
Counter Signature (Head of Service or Depute Chief Executive responsible for the policy)	Depute Chief Executive
Date	20 June 2023

DATA LABEL: PUBLIC

Appendix 4b - Integrated Relevance Assessment Form



1. Details of proposal	
Policy Title (include budget reference number if applicable)	West Lothian Leisure – Request for Council Consent – Howden Park Centre
Service Area (detail which service area and section this relates to)	Education Services / West Lothian Leisure
Lead Officer (Name and job title)	Depute Chief Executive (Education, Planning and Economic Development)
Other Officers/Partners Involved (list names, job titles and organisations if applicable)	Head of Finance & Property Services, West Lothian Leisure Management Team, and Managers/Officers from Education Services, Finance & Property Services, Corporate Services and Corporate Transformation Team.
Date relevance assessed	June 2023

2. Does the council have control over how this policy will be implemented?	
YES	<input checked="" type="checkbox"/>
NO	<input type="checkbox"/>

3. The General Duty of the Equality Act 2010 requires public authorities, in the exercise of their functions, to have due regard to the need to:	
<ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct • Advance equality of opportunity between those who share a protected characteristic and those who do not; and • Foster good relations between those who share a protected characteristic and those who do not <p>NB: In this section you must also consider the Human Rights Act and the key PANEL (Participation, Accountability, Non Discrimination, Empowerment and Legality) principles of Human Rights</p> <p>Which groups of people do you think will be, or potentially could be, impacted upon by the implementation of this policy? You should consider employees, clients, customers and service users (please tick below as appropriate).</p>	
Age – older people, young people and children	There are no indications that there may be an impact on this protected characteristic.
Disability – people with disabilities/long standing conditions	There are no indications that there may be an impact on this protected characteristic.
Gender reassignment – trans/transgender identity – anybody who's gender identity or gender expression is different to the sex assigned to them at birth	There are no indications that there may be an impact on this protected characteristic.
Marriage or civil partnership – people who are married or in a civil partnership	There are no indications that there may be an impact on this protected characteristic.
Pregnancy and maternity – woman who are pregnant and/or on maternity leave	There are no indications that there may be an impact on this protected characteristic.
Race – people from black, Asian and minority ethnic communities and different racial backgrounds	There are no indications that there may be an impact on this protected characteristic.
Religion or belief – people with different religions and beliefs including those with no beliefs	There are no indications that there may be an impact on this protected characteristic.

Sex – Gender Identify – women and men (boys and girls) and those who self-identify their gender	There are no indications that there may be an impact on this protected characteristic.
Sexual Orientation – lesbian, gay, bisexual, heterosexual/straight	There are no indications that there may be an impact on this protected characteristic.

4. Do you have evidence or reason to believe that this policy will or may impact on socio-economic inequalities?

Consideration must be given particularly to children and families

Socio-economic Disadvantage	Impact (Please Tick as Appropriate)
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	No – Based on the officer recommendations set out in the Council Executive Committee report, a proposal is considered to be viable that will allow for the continued operation of Howden Park Centre as a theatre and arts venue, and as the permanent bases for Firefly Arts, up to 31 March 2024. This will provide continuity for both staff and customers in the immediate term. Officers will continue to explore longer term options for continued provision of Howden Park Centre beyond 31 March 2024 and full equality impact implications will be considered as part of that process.
Low and/or No Wealth – enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	No – as above
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure and hobbies	No – as above
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	No – as above
Socio-economic Background – social class i.e. parents education, employment and income	No – as above

5. Integrated impact assessment required?

(Two ticks above = full assessment necessary)

YES		NO	✓
------------	--	-----------	---

6. Decision rationale

If you have ticked no above, use this section to evidence why a full IIA is not required

Signed by Lead Officer	Elaine Cook
Designation	Depute Chief Executive (Education, Planning, Economic Development and Regeneration Services)
Date	June 2023