

**FORM 2**

**NOTICE OF DECISION OF CABINET MEMBER**

Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1<sup>st</sup> December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me, I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
Sports Partnership Herefordshire & Worcestershire - Legal Independence	i) The Sports Partnership Herefordshire & Worcestershire intention to move to an independent legal entity with charitable status is noted; and  ii) The Chief Financial Officer and the Director of Community Well Being and Environment are authorised to conclude the funding of any retained pensions deficit.	Moving from a local authority host control to an independent legal structure provides numerous benefits and opportunities for Partnership and further opportunities to gain additional external funding for Wyre Forest.	17 <sup>th</sup> February 2015

**I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.**

*17<sup>th</sup> February, 2015.*

Dated:

*M. J. Hart*

Signed: .....

Councillor Marcus Hart, Leader of the Council

**WYRE FOREST DISTRICT COUNCIL**

**CABINET DECISION FOR STRONG LEADER APPROVAL**

**February 2015**

**Sports Partnership Herefordshire & Worcestershire - Legal Independence**

<b>Open</b>	
<b>CABINET MEMBER:</b>	Cllr Anne Hingley
<b>DIRECTOR:</b>	Director of Community Well being and Environment
<b>CONTACT OFFICER:</b>	Tracey Southall ext 2100 or Kay Higman ext 2902
<b>APPENDICES:</b>	<b>Appendix 1</b> – Partner Financial Contributions: 2014/2015  <b>Appendix 2</b> – Sports Partnership Herefordshire & Worcestershire Delivery Plan

**1. PURPOSE OF REPORT**

- 1.1 To provide a report on the Sports Partnership Herefordshire & Worcestershire intention to move to an independent legal entity: Company Limited by Guarantee (CLG), with charitable status.
- 1.2 To agree the Council's funding of its share of any retained pension liability

**2. RECOMMENDATION**

**2.1 The Cabinet is asked to DECIDE that:**

- i) **The Sports Partnership Herefordshire & Worcestershire intention to move to an independent legal entity with charitable status is noted; and**
- ii) **The Chief Financial Officer and the Director of Community Well Being and Environment are authorised to conclude the funding of any retained pensions deficit.**

**3. BACKGROUND**

- 3.1 The Sports Partnership Herefordshire & Worcestershire is one of 49 County Sports Partnerships (CSPs) in England. They are a network of local agencies committed to working together to increase the number of people taking part in sport and physical activity. They deliver Sport England programmes, through local authorities, such as 'Sportivate' on a local level.

- 3.2 Sport England invests core funding into CSPs to provide a consistent set of services for National Governing Bodies of Sport and for Sport England. This investment seeks to increase the number of people aged 14 plus playing sport each week across England.
- 3.3 Originally formed in 1999, and later modified in 2004 to include Herefordshire, the Sports Partnership Herefordshire & Worcestershire (SPH&W) is an alliance of the eight local authorities, Sport England, University of Worcester and National Governing Bodies of Sport.
- 3.4 In order to meet the financial conditions issued under the National Lottery Act (1993) a Memorandum of Understanding was developed and adopted by partners, which sets out how the Partnership will structure itself to achieve its mission, aims and objectives including programmes developed by Sport England.
- 3.5 The Cultural Services Manager is currently the Council's representative on the Board.
- 3.6 The 2014/15 financial contribution of each partner is outlined in **Appendix 1**.
- 3.7 The SPH&W employs staff as part of its core team. As the host body, all staff are employed by Worcester City Council. The staff offices are located in University of Worcester premises at its St. Johns campus.
- 3.8 The Delivery Plan for the SPH&W is outlined in **Appendix 2**.

#### **4. KEY ISSUES**

- 4.1 The rationale for the SPH&W to move from a local authority hosted body to an independent legal structure was fourfold:
  - i. The Sport England audit completed in January 2013 highlighted that the current board was dominated by local authorities and recommended a move towards a more independent governance arrangement.
  - ii. The desire to become less reliant on Sport England funding and move beyond the Sport England contracts. As a local authority hosted CSP it is deemed a 'statutory body' by most external funders and thus ineligible to apply for or receive many grants.
  - iii. To drive efficiencies: moving away from local authority terms and conditions, closing the current pension arrangements to new employees and procuring its own financial, HR and other logistical support.
  - iv. Recognising the current and on-going local authority efficiency agenda and new ways of working.
- 4.2 It is hoped that the SPH&W will be registered as a CLG by 1<sup>st</sup> April 2015.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 Wyre Forest District Council currently provides a fixed annual contribution of £6,660 towards the SPH&W.

5.2 The return on investment on the Council's annual contribution is significant for the district. For example, in 2014/15, Wyre Forest secured £16,637 of revenue and £139,232 capital investment from the SPH&W, which included:

<b>Project / Scheme</b>	<b>Amount (£)</b>
<u>Revenue</u>	
Bursaries	£1,541
Courses	£1,293
Sportivate	£8,820 plus £4,683 into WF
Community Games	£300
<u>Capital</u>	
Small Grants	£0
Flood Relief	£19,232
Protecting playing fields	£65,000
Inspired facilities	£25,000
Primary Spaces	£30,000

**Total**

- 5.3 In 2013/2014, Wyre Forest district secured £16,873 revenue and £99,043 capital. In 2012/2013 £10,071 revenue and £191,133 capital, and 2011/2012 £12,587 revenue and £353,802 capital.
- 5.4 Worcester City Council, as host body, is currently leading on discussions to ensure that a 'clear break' is secured, thus leaving no liabilities with either the host or wider stakeholders, which includes this Council.
- 5.5 To form a CLG a minimum of 3 directors need to be identified. Clearly local authorities remain key stakeholders, with the shared aspiration to get more people active. The proposal, subject to permissions from current employers, is for the current chair (Wychavon DC officer), vice chair (Worcestershire CC officer with responsibility for public health) and one other. As South Worcestershire is represented by the chair it is proposed that a North Worcestershire or Herefordshire representative is identified.
- 5.6 As part of this 'clear break' the SPH&W staff will TUPE transfer to the new charitable company but this will leave an historic pensions deficit of around £450,000 to be funded equally between the eight partner Councils. The annual revenue cost of this pension back funding is forecast to be around £31,100 in total or around £4,000 pa for each council member from 2015/16. This will be added to this Council's existing pension deficit budget payable to Worcestershire County Council the pension fund administrators. This small additional cost can be met from within the base budget.
- 5.7 This report proposes that the Chief Financial Officer and the Director of Community Well Being and Environment agree this Council's share of any back funded pension costs and negotiate any further ongoing support for the partnership within the current resource envelope. The small additional annual cost is unavoidable if the Council is to continue benefitting from the additional fund the partnership facilitates. All member authorities are seeking similar approvals to ensure the continuity of the Sports Partnership in its new form.

## **6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 There will be a service level agreement in place between the Sports Partnership and WFDC which will detail what programmes the funding to Wyre Forest will be allocated towards. The Cultural Services manager will attend the Leisure Officers Forum which will be a steering group for the Board.

## **7. RISK MANAGEMENT**

- 7.1 The strategic risks identified in the implementation of the recommendations made are as follows:
- 7.2 Failure to agree on transfer to charitable status will reduce the potential scope and funding opportunities of the partnership in the future. This in turn will leave it over reliant on local government funding to deliver its program, placing future workstreams at greater risk.

## **8. EQUALITY IMPACT ASSESSMENT**

- 8.1 There are no equality issues

## **9. CONCLUSION**

- 9.1 Moving from a local authority host control to an independent legal structure provides numerous benefits and opportunities for Partnership and further opportunities to gain additional external funding for Wyre Forest.

## **10. CONSULTEES**

The Sports Partnership Herefordshire & Worcestershire Board  
Sport England  
District Council Treasurers  
Corporate Leadership Team  
Cabinet

## **11. BACKGROUND PAPERS**

Memorandum of Understanding

## Appendix 1 – Sports Partnership Herefordshire & Worcestershire Partner Financial Contributions for 2014/2015

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<b>Partner Name</b>	<b>Annual Contribution (£)</b>	<b>Comments</b>
Bromsgrove DC	6,660	
Malvern Hills DC	6,660	
Redditch BC	6,660	
Sport England	656,487	
University of Worcester	6,500	Office accommodation provided in kind
Worcester CC	6,660	Host body
Worcestershire CC	0	Public Health transfer to Local Government – commissioning body i.e. postural stability
Wychavon DC	6,660	
Wyre Forest DC	6,660	
Herefordshire Council	6,660	
<b>Total</b>	<b>709,607</b>	

# “WORKING TOGETHER TO MAKE SPORT AND ACTIVE RECREATION AN EVERYDAY CHOICE”

## Mission Statement:

### Key work areas:

Adult participation in Sport and Active Recreation

Children and young people

Robust and skilled workforce

Better and more accessible facilities

Safe, effective and friendly Clubs

### Aims:

“Provide opportunities for adults to engage in High quality Sport and Active Recreation”

“Meet the coaching needs of NGBs, Local Authorities and SPHW in delivering adult participation programmes”

“Support an improvement in the quality and quality of sporting facilities “

“Ensure clear and effective pathways exist from school to ‘community environments”

“Meeting the volunteer needs of all partners in engaging adults in sport”

“Work with facility providers to develop and promote partnerships to maximise site usage”

“engage regularly with clubs to broaden their understanding of the Partnership and its support offer”

### Services:

- National Governing Body engagement and interventions
- Get Back Into
- Connecting partners and developing the network
- Local Authority engagement
- Disability Sport
- Community Games
- Sportivate
- Satellite Clubs
- NGB Interventions
- Primary Link networking
- School Games
- Local Authority engagement
- Disability Sport
- Community Games

### Revenue (access):

- Satellite Clubs
  - Sportivate
  - Protecting Playing fields
- Capital (Improvement):**
- Improvement
  - Inspired facilities
  - Local Authority engagement

### Clubmark (or equivalent) accreditation

- Funding support
- Club development evenings
- Social Media guidance
- Ensure clubs benefit from a range of services underpinning the other four Delivery Outcome areas

### Marketing & Communications

- Provide positive messages to inspire people to become more active
- Maintain a credible image that positively promotes the partnership and its work
- Celebrating progress, successes, achievements and impact of the partnership and its work
- Providing marcomms advice and guidance for partners and stakeholders
- Effectively promote NGB activity and specific programmes
- Ensure a fit for purpose website that provides a one stop shop of information

### Business & Strategic Development

- Attracting investment and resources through identified funding sources
- Encouraging partners to work collaboratively to actively pursue funding opportunities
- Continually appraise performance in order to identify improvements and further business opportunities
- Ensure the partnership has strong, inclusive, equitable and safe practises
- Provide intelligence management , mapping and support
- Maintain and develop strong links with existing and new partners and stakeholders
- Ensure a well managed and empowered core team with strong leadership and an effective management board