

REPORT OF CLISSOLD SCRUTINY REVIEW PANEL

	Classification Public	Enclosures
	Ward(s) affected All	Appendix 1 – Summary of Actions

1. FOREWORD BY THE CHAIR OF THE CLISSOLD SCRUTINY REVIEW PANEL: COUNCILLOR DANIEL KEMP

- 1.1 One of the most encouraging features of this Scrutiny Panel's investigation has been the demonstrated desire for open government exhibited by the open day at CLC and the three public meetings which were challenging yet resulted in a dialogue with the public and a grasp of the processes set in train by the closure of the CLC. The meetings enabled the refutation of wild and inaccurate press stories about demolition and the patience of those members of the public who were involved shows that the legal processes ongoing were understood. There was also evidence of cross party working in the spirit of the work on overview and scrutiny. However it is frustrating that blame cannot be apportioned. Not that blame is in itself an objective but that in order to learn from what went wrong and to use this experience in informing future procurement strategies, for example details of the mediation and out of court settlements would be helpful. It is understood that business enterprises value their reputations and no allegations of a white wash can be merited by the confidential nature of the resolution of litigation. After all what is really important is that the CLC is re-opened as this is what the people of Hackney want, and that the cost of re-opening is minimized. Moreover the reopening of the CLC can be envisaged within a definite length of time.

2. INTRODUCTION

- 2.1 Following significant local discussion the Stoke Newington Neighbourhood Forum sent a reference to Overview and Scrutiny Board (OSB) meeting in March 2004, asking that it look in more detail at the closure of the Clissold Leisure Centre.
- 2.2 As a result of this reference being sent OSB invited Kim Wright and Cllr Guy Nicholson to clarify the current position, and to explain what the Council were doing to make sure that the Centre was re-opened as soon as possible. Following this meeting OSB agreed to establish a small group of Councillors to look at the issue in more detail. The Clissold Scrutiny Review Panel has to date held three public meetings, all in the Stoke Newington area.
- 2.3 An Open Day at Clissold Leisure Centre was held in April, which was attended by the Councillors sitting on the Panel and allowed for the inspection of problems that had contributed towards the closure of the Centre.

2.4 In addition to the scheduling of a number of public meetings members of the public have had their views canvassed through a number of means including the creation of a clissold@hackney email address and through the distribution of a number questionnaires to local interested parties and community groups.

2.5 It has always been this panel's intention to produce a report detailing its findings at the conclusion of its investigation. However it must also be stated that this Panel does not have any decision making powers, but can make recommendations to the Council's Cabinet if it feels that such a course of action is appropriate.

2.6 This review was undertaken within the confines of both existing and pending legal action being pursued by the Council. This situation meant that some of the questions the Panel wished to ask could not be answered. Lawyers were in attendance throughout the series of public meetings and advised the Panel when it was entering into areas that could not be discussed.

2.7 **The Terms of reference for the Commission's investigation were:**

Stage 1 – What is the Council doing now?

1. To review communications plans in consultation with end users of the Centre and residents to ensure that both parties are kept fully and regularly informed about progress to resolve the problems and reopen the Centre, identifying areas where improvements can be made.
2. To review the impact of the closure of the Centre with end users, examine the actions taken to mitigate the effects of this, and identify additional actions that can be taken.
3. Produce a report to be sent to Cabinet making recommendations based on the findings of points 1 and 2.

Stage 2 – Identifying what went wrong and how this will be put right

1. Review the plans currently in place which are intended to:
 - I. Identify the extent of the problems and defects and prepare costed solutions for them.
 - II. Apportion responsibility for those problems and defects in order to pursue legal action
 - III. Prepare specifications to rectify the defects and problems in order to reopen the building and make it fit for purpose.
2. Review arrangements for future management of Capital Projects.
3. Produce a report to be sent to Cabinet making recommendations as appropriate based on the findings of points 1 and 2, and any other matters relating to lessons to be learned on the management of Capital Projects.

2.8 Preparation for this scrutiny exercise showed how complex an investigation of this topic would be in the main because of ongoing legal processes and investigative building specialist works.

3. SUMMARY

During this Scrutiny investigation the Clissold Scrutiny Review Panel has discovered much about the way the Clissold Leisure Centre came to be closed, what is being done to re-open the Centre as quickly as possible and alternatives being provided by the Council.

4. COMMENTS OF THE FINANCIAL CONTROLLER

4.1 The Financial Controller has no comments to add

5. COMMENTS OF THE MONITORING OFFICER

5.1 The Monitoring Officer has no comments to add

6. COMMENTS OF THE HEAD OF PAID SERVICE

6.1 The Head of Paid Service has no comments to add

7. FINDINGS

7.1 This Panel received evidence from a variety of sources throughout the course of its investigation. The findings, as documented below, are not intended to match fully every piece of evidence received by the Panel. Extensive information can be found recorded and documented in the minutes of this Panel's meetings.

7.2 Communications plans

It was evident that many people who used the Centre were not aware of the reasons behind the closure of the Centre. The Panel were advised that updates are now being produced on a monthly basis, and are put onto the Council's website and sent out to a mailing list co-ordinated by Policy and Communications. Posters are also being put up across the borough to update people on what the current position is.

7.3 Centre's closure and steps to re-open

At the Panel's first meeting an update with regards to the closure of the Centre and processes set in place to bring the Centre back into use were set out by LBH's Director of Community and Leisure.

- Project management specialist appointed. Cyril Sweet Ltd will be acting on behalf of LBH.
- A six to eight week period of invasive investigative works is to start at the end of May,
- Forensic architects, structural & mechanical/electrical specialists have been appointed. This work aims to establish five things;
 - i. *What is the extent and scope of the problems/defects wrong with the Centre*
 - ii. *What needs to be done in order to rectify any faults*
 - iii. *How long it will take to rectify such faults as are identified*
 - iv. *The cost of re-opening the centre*
 - v. *Who is at fault for these defects*
- Counsel's advice has been sought in relation to evidence likely to be needed for any potential future litigation. The full forensic architects report has been commissioned with this advice in mind.
- It is expected that the Council will have a full forensic architect's report presented to it by the end of summer 2004.
- A report culminating all such findings is expected to be presented to Cabinet in the autumn of 2004 and will include options available to Members. The production of this report should coincide with the commencement of procurement for remedial works associated with Clissold (using accelerated processes where appropriate).

The list of suspected problems with the Clissold Leisure Centre was disclosed as;

- Missing waterproof membrane to ground floor construction under wet areas
- Leakages through the upper floor changing area
- Cracking of Squash Court walls
- Cracking of internal and external wall render finish
- No waterproof finish to plant area within Health Suite
- Gap at curved roof eaves
- Defective installation of Vapour Control Layer
- Failed double glazed units
- Water slide structure prevents safe use of the spa pool at its base
- Introduction to water area has falls too steep for toddlers
- Gutter movement restraint leading to splitting
- Failed sealant junction
- Blocked syphonic drainage outlets
- No stop ends to gutters
- Defects to main roof perimeter flashings
- Condensation on steelwork to vertical roof glazing
- Condensation on curved steelwork and inclined roof glazing
- Cuts in Vapour Control Layer
- Open junction internally at side of flat roofs
- Fixing holes through Vapour Control Layer
- Failed sealant to head of inclined curved roof glazing

- Backfall to membrane covered flat roof
- Loose and inadequate fixing of plant room roof parapets
- Possible inadequate drainage of plant room roof
- Defective plant room gutter bolts
- Condensation to underside of the Plant Room roof
- Inadequate access to Plant Room sub-floor void
- Condensation within the Plant Room sub-floor void
- Inadequate waterproofing of perimeter pool water drainage channels
- Water leakage through inclined roof level ventilation grilles to Sports Hall
- Water damage to storeroom doors
- Water damage to Sports Hall floor
- Leakage into Sports Hall by North West Fire Escape
- Missing infill panels to handrails along glazed wall to Sports Hall
- Ground floor broken Double Glazed units
- Inadequate privacy to female changing rooms
- Inadequate cleaning regime and plant leakage
- Low staircase casting to the basement
- Panels to underside of roof canopy

Through the course of its investigation the Panel was made aware that a number of problems relating to Clissold Leisure Centre had been known about for some time. Despite intensive testing having taken place prior to the Centre's opening such problems only came to light once it was operating at full capacity. Because the problems did not pose any risk to users it was decided that the Centre was safe to remain open providing any arising issues were actively managed. The Panel was informed that this situation changed when water and/or condensation problems began to significantly impact the electrical and mechanical plant equipment in the Centre thus causing a health and safety risk.

In order to rectify the identified faults within the Centre and thus bring it back into use the Panel established that the cause of the faults must first be identified - something which the appointment of building specialists was expected to clarify. Once such causes have been identified it is understood that LBH could then set about rectifying the problems and re-open the Centre. The Panel received evidence from Cllr Nicholson (previously the Cabinet Member with responsibilities for Leisure) who informed them that the Mayor had made it quite clear that the outcome of any litigation relating to Clissold Leisure Centre remained totally independent from pursuing the steps required to re-open the Centre.

At such time as the necessary steps and actions to re-open the Centre have been identified the Panel understands that LBH has an obligation to carry out a robust procurement process in order to ensure that the local authority properly discharges its duties. This process started in March 2004 when a project manager was appointed. It is also necessary to follow due legal process to the letter in order to avoid causing prejudice to any future litigation. The Panel is also aware that each step taken to rectify any problems needed to be correct in order to ensure that a re-opened Centre is a building fit for purpose.

Contrary to media reports surrounding this scrutiny investigation the Panel established that the expected lifespan of the Centre's main structure was over 100 years, whereas as the economic lifespan of the building which related to things like, pumps, boilers and other equipment, was closer to thirty years.

7.4 *Alternative facilities*

The Panel recognised that in order to understand the full effect the closure of Clissold Leisure Centre has had on the community it would need to understand what alternatives had been made available to local people.

At the Panel's first meeting it was informed about the steps being put in place to provide alternatives facilities by LBH's Director of Community and Leisure.

- Paddling pools re-opened. The Panel was advised that the Clissold Park and London Fields paddling pools had both been re-opened
- A number of tennis courts within the Borough have been subject to a refurbishment & 'refresh'. This process included ancillary facilities such as benches. A further enhanced refurbishment of some tennis courts is also being planned
- The Council have offered to underwrite transport costs to alternative facilities for schools previously using the Clissold Leisure Centre. By the end of June seven schools had taken advantage of this offer and others were known to be considering it and may start in the September term. (the Panel has been provided with a full list of participating schools)
- West Reservoir – business plan for gym being assessed by Leisure Connection's Board. (Later in the Panel investigation Leisure Connection stated that they would not be taking this option forward)
- Temporary pool proposal for Clissold Park - £600,000 capital costs plus ongoing running costs – The Panel was informed that this option is not currently being pursued as it does not represent value for money although options will be kept under regular review
- Mabley Green artificial turf pitch due to be laid in September 2004

7.5 *Legal situation*

The Panel was also provided with a number of legal updates over the course of its investigation;

- Mediation being pursued in respect of current litigation. The litigation then presently being pursued by LBH was explained to be against Hodder Associates (the architects) and Davis Langton Everest (original cost consultants) for delays and cost overruns.
- Litigation now being dealt with in-house, however, external Counsel has been retained.
- Potential future litigation is dependent upon findings from building expert's investigations

The Panel was informed that the legal case then being brought by LBH had been heard in the High Court in April 2004. Mediation was recommended and as a

result legal proceedings had been adjourned. The case subject to mediation related to cost over-runs and delays in the construction of the Centre.

The Panel found that LBH expected the results of its current investigation (building specialists) to be received by September 2004. Once these reports have been received the Council must follow a complex process before any additional legal proceedings can be brought should this be the outcome of the reports. Following these protocols and processes, it is expected that the earliest LBH would issue further legal proceedings (if these are deemed to be appropriate) is December 2004.

The London Borough of Hackney has spent £615,000 on the current legal proceedings. Such costs included the procurement of required experts (forensic architects, structural engineers, quantity surveyors, Counsel etc) and the then externally sourced legal advice in the form of external solicitors. It is anticipated that the cost of proceeding from now on will be reduced as much of the work has returned 'in-house'. However as it presently remains unclear what form the current legal proceedings will take and what future legal action may be sought, an estimated end figure or cost could not be provided.

The Panel heard that £1.4 million had been set aside for action related to the Clissold Leisure Centre. This figure related to cost estimates and a contingency fund based upon a possible two years of legal action. The amount set aside for the contingency fund is reviewed regularly in order to demonstrate diligent and prudent financial forecasting

7.6 *Build costs*

Over the course of its scrutiny investigation the Panel established that the total cost associated with the Clissold Leisure Centre project was £31 million. Some of the reasons behind the delay in opening the Centre were subject to legal proceedings and could thus not be further explored as part of its scrutiny investigation.

It was clarified that the £615,000 already spent in relation to the Centre was drawn from the contingency fund and did not solely represent fees paid to lawyers but also to various other professionals associated with the Centre including forensic architects and cost consultants. This figure also included costs for providing security to the Centre and that of transporting schools to alternative facilities.

The Panel was informed that the expenditure already identified did not include monies paid to Leisure Connection Ltd as part of the contract to provide leisure facilities for and on behalf of the London Borough of Hackney. It was stated that Leisure Connection Ltd receive £1.2 million per annum in order to fulfil their contract with the Borough. This figure covered all leisure facilities within the Borough and not just Clissold Leisure Centre, meaning funds paid to Leisure Connection Ltd are on a non-apportioned basis for the whole Borough and could not be attributed to one centre or another.

7.7 *Centre membership*

The Panel established at the scoping stage of its investigation that 50 regular users of the Clissold Leisure Centre members had not been appropriately reimbursed. It was for this purpose that a desk was set up at the Centre during the open day to provide for refunds of any outstanding amounts in respect of membership fees. As a result of such exercises the number of outstanding refunds is now estimated to be twenty, thought principally to be as a result of incorrect contact details being held.

The Panel confirmed that Leisure Connection Ltd were responsible for providing the refunds for monthly membership and the costs of this were to be included in the ongoing mediation as a legitimate part of the overall costs of the closure.

7.8 *The Council's draft sports and physical activities strategy*

The Panel believed that it was important that it established how the closure of the Clissold Leisure Centre would affect the borough-wide sports and physical activities strategy for this reason it requested evidence from the officer responsible for this area of policy.

The Panel was advised by the Assistant Director for Culture and Leisure that the Sports and Physical Activities Strategy had been commissioned in early 2003. The process began with the appointment of external consultants who were tasked with providing a strategy which took into account the local context, regional planning and the national strategy 'Game Plan'. In addition it was stated that the Borough was taking into account other activities within the north-east London area, thus including both a regional and sub-regional context to its strategy.

The Panel was informed that an integral part of developing the strategy was an extensive consultation exercise which began in July (2003) and included two public meetings which had been held at the then open Clissold Leisure Centre and the Queensbridge Centre. The Panel was also informed that dialogue between the Council and the community had also been facilitated through the Council's website and Hackney Today, as well as discussing such issues at local Neighbourhood Meetings.

The aim of the strategy is to encourage and provide for increased public involvement in sport. A need exists to improve the range of options available, something which could be delivered through a re-focused list of sports priorities, targeting young people and improving health. The Council hopes to improve;

- Participation levels – Through improved links with the community, schools, clubs and young people
- Facilities – Improvements resulting in better access, investment and a more healthy community linked to more physical activities.

The existing sports infrastructure needed to be developed; something which it is felt could be achieved through improved co-operation, support and co-ordination with sports clubs in the borough. Five 'focus sports' for the borough have been identified and include;

- Swimming
- Basketball
- Football
- Cricket
- Tennis

It was acknowledged that the closure of Clissold Leisure Centre had had an impact on sports and physical activity within the borough but it was stated that the strategy Members had been briefed on was developed to be non-dependent upon any one Leisure Centre.

7.9 *Sport England*

As a major contributor to the construction costs of the Clissold Leisure Centre the Panel decided that it was appropriate to hear the views of Sport England both with regards to the history of the Centre and the current situation.

The Panel was advised that Sport England's procedures and practices were available on their website for those who wished to review such information. The design and build of a project, whether or not Sport England funding is involved, is up to the applicant to determine.

Sport England review a project's proposals at the time a bid is submitted to them, reviewing the procurement process and costings and determining whether or not such data meets with national trends and expectations.

The sign-off procedure for release of funds by Sport England is constituted by a three-stage process. Applicants are asked to submit LP1, 2 and 3 forms in order to fully complete a Sport England bid, LBH was acknowledged to remain at the LP2 stage.

The applicant will claim monies and have funds released at certain points along a project's construction. Sport England always 'keep back' 10 per cent of an award until such time as a project had been fully signed, sealed and delivered. This was explained to mean the time at which a fully functioning and signed off project had been reached.

Sport England makes around 2000 awards each year. This means that since Lottery funding came into being approximately 20,000 awards have been made for capital build projects.

In respect of the Clissold Leisure Centre project Sport England retains £1million from a total project spend of £27m. As a result of the money invested in the Centre and the funds presently retained Sport England holds regular monthly meetings with LBH, where it is updated on issues relating to Clissold and advised of issues associated with what it currently believed to be a third party dispute between the borough and its contractors.

The Panel was informed that Sport England had a number of standard terms and conditions which applied for the lifetime of an award. These terms and conditions were normally regularly assessed and included as milestones on the projects –

such standard terms were explained to be dependent upon the Centre remaining open, viable, providing community access as well being used for sports etc (the ethos of the sports award). If such standard terms and conditions were found to not be being applied then Sport England could choose to operate its 'clawback' clause, which would allow it to obtain the return of the awarded funds. At present, Sport England are not seeking exercise their right to 'clawback'.

7.10 *Leisure Connection Ltd*

When providing evidence to the Clissold Scrutiny Review Panel Leisure Connection Ltd advised that they were attending with the intention of being helpful, however they faced certain difficulties which they wished to place on record;

- Leisure Connection agreed to participate in this review within the Terms of Reference and not beyond them.
- Leisure Connection expressed concern that a number issues addressed by the review went beyond the Terms of Reference e.g. the frequency and regularity of phones being answered.
- An additional constraint upon Leisure Connection's engagement with this process was explained to extend to the fact that during the course of the Panel's investigation they had received a letter from LBH placing them on notice of a possible claim being made against them. In addition Leisure Connection stated that they remained absolutely satisfied that their obligations had been fully satisfied.

Leisure Connection informed the Panel that indicative figures for the increase in the number of users witnessed by the remaining and alternate facilities within the borough, since the closure of Clissold Leisure Centre, would be a five to ten percent rise across the board.

The Panel was advised that regular monitoring visits were made to the Centres throughout the borough operated by Leisure Connection on behalf of the authority. Such visits help the Council's Sport Development staff to record performance against the contract held by the Council. Reports are then used as the basis for discussions between LBH and Leisure Connection. Targets are set in a framework project management context for Leisure Connection to perform against under headings including; the number of sports development sessions, target sports, sale of leisure cards, availability of facilities, open days, session for those with disabilities etc. Regular meetings are held between Leisure Connection and LBH in order to monitor contractual performance.

Leisure Connection advised the Panel that they remained contractually obliged to continue all existing bookings (at the same cost with the same time allocations) attached to the Leisure Centres within the Borough. Such an arrangement can from time to time cause problems as remaining facilities are now operating at almost full capacity. In order to revise such user allocation it is necessary to enter into long term negotiations with incumbent groups. An example was provided of where a relatively small Muslim swimming group was moved from Kings Hall to Britannia Leisure Centre.

In relation to the mooted further development of the West Reservoir site the Panel was advised that in order for this to take place capital investment would have to be assigned. Leisure Connection remained unhappy to consider such levels of investment whilst contractual issues between LBH continued.

7.11 *Clissold Leisure Centre User's views*

The general perception canvassed during this scrutiny investigation reflected the view that insufficient swimming facilities existed within the Borough even when the Clissold Leisure Centre was open (specific views relating to questionnaire responses can be located in this report's appendices where a summary has been made available) .

Representatives of Clissold Swimming Club

Even before the Centre was opened and the current problems emerged, the fact that the design of the Centre was not fit for its intended purpose was evident to members of this club. Identified faults were suggested to include;

- The fact that the swimming pool was accepted without any fixtures or fittings or lane ropes, making it ineffective as a facility for swimming competitions, in addition no timing system was made available.
- No adequate and secure changing facilities existed. As a swimming coach it was impossible to know who would be in the changing rooms once a child left the care of the swimming instructor to get changed. It was suggested that this problem came about because of the open plan design of the Centre which meant that no way to control access existed.
- The existence of misty windows in the training pool was suggested as inadequate because individuals diving in the main pool could see over the glass intended to provide privacy.

The Panel was informed that the Haggerston Swimming Club had changed its name to the Clissold Swimming Club in order to support the Council's bid for lottery funds for a new Clissold Leisure Centre in the expectation that such a project would exist to support the whole borough. The club used Clissold Leisure Centre 12-15 hours a week.

The Club now continues to operate from Waltham Forest and Islington, after unsuccessful experiences with Kings Hall pool in Hackney. After using Kings Hall on three occasions the Panel was informed that the water was felt to be so dirty as to rule it unsuitable for use. Facilities in Waltham Forest are used on Sundays and the club pays a pool on Iron Mongers Road £54 per hour, per lane, for use of their facilities.

Representatives from Haggerston Pool Users Trust and associated groups

The former Chair of the Haggerston Pool Users Group and Swimming Club introduced himself to the Panel and stated that Haggerston Baths had been closed in February 2000, on health and safety grounds. It was speculated that the real reason behind closure of Haggerston Baths related to overspend on the Clissold Leisure Centre.

The Panel was advised that following the closure of Haggerston the club had moved to Kings Hall, a facility which he found to be in a worse state than Haggerston. He understood that at the time of its closure Haggerston could have been refurbished for the cost of £6-7m, it was suggested that such an investment would have delivered a pool that remained suitable for use for longer than an 18 month period.

The Panel learnt from the evidence submitted that former users of Haggerston Pool had not readily accepted Clissold Leisure Centre as a replacement facility; car ownership in the area was acknowledged as being low and bus services between the two areas of the borough minimal.

The Panel was advised that Haggerston affiliated clubs had used the pool for approximately 8-10 hours a week. The Panel was also informed that the Clissold Swimming Club had been using a pool for roughly 1½ -2 hours a night as well as morning sessions (in total approximately 12-15 hours a week). The Panel was advised that no additional and suitable facilities had been offered to either of these clubs following the closure Clissold Leisure Centre.

Ken Worpole, Chair of the Clissold Park User Group

The Panel was advised that a keen interest had been taken in the Clissold Leisure Centre Project from its outset. As a result of this interest the presenter still possessed evidence of research undertaken by a market research company (LBH appointed), which suggested that 97% of the local population said they would use Clissold Leisure Centre. It was suggested that this work was not of a high standard, based upon the fact that national statistics showed, on average, thirty per cent of the adult population swam on a regular basis. In his opinion this implied that insufficient consultation had taken place between the community and the local authority prior to the construction of Clissold Leisure Centre.

Those present were informed that he had had discussions with the then Director of Community and Leisure at the time of the original consultation period. It was suggested that any strategy for Clissold Leisure Centre should include Clissold Park, which is used by roughly 200/300 joggers, cricketers and footballers and provides a home to a junior tennis club. The Panel was advised that facilities in the park were and remained poor and included no changing rooms for sports clubs.

Simon Lissner - a user of Clissold Leisure Centre

It was suggested that Clissold Leisure Centre was mismanaged from the very beginning. Faults he determined the Centre had; included

- Changing rooms too small to use.
- Domestic Showers fitted in a building for commercial use.
- Despite reports of broken showers none were fixed until not one was left working.
- Identified structural faults were not acknowledged by Leisure Connection
- That Leisure Connection were paid by the Council to run its Council Tax funded facilities but proved unresponsive to public enquiries
- That the Centre was temporarily shut due to faults with equipment prior to its full closure.

- That the appointed architects had no experience in designing sports centres.

Simon Lissner stated that he understood Leisure Connection were obliged to have a User Group at each of the leisure centres it operated within the Borough, he also understood that one did not operate at Clissold.

The Assistant Director for Culture and Leisure stated that under the terms set out in their contract Leisure Connection were obliged to operate users forums. She understood that the forum attached to Clissold Leisure Centre had experienced some difficulties in attracting sufficient user interest.

Leisure Connection informed the Panel that they ran user's forums at other Centres operated within the Borough and elsewhere. At such surgeries customer comment cards are collated and fed into a monthly analysis process. The analysis reports include randomly selected individual comments, comments from club representatives, as well as monitoring of performance trends both positive and negative. From this analysis an agenda for a surgery will be created and invites dispatched. The Clissold Leisure Centre process was acknowledged to not have reached this stage. However as such schemes were run at other Centres operated by Leisure Connection it was fair to presume that they would wish to establish a similar scheme at a re-opened Clissold.

7.12 *Disabled facilities*

The Panel heard from a number of users of the Clissold Leisure Centre throughout its series of public meetings in the Stoke Newington area, a proportion of these comments were supplied by people with disabilities. In the main comments related to a perception that for such a modern building the facilities available for disabled swimmers were poor, including an absence of any chairs in the showers. All of those expressing their views at such public meetings were invited to submit written evidence to the panel detailing their concerns. Such concerns could then be taken into account during discussions relating to the re-opening and possible re-design of the Centre.

8 **CONCLUSION**

The Clissold Scrutiny Review Panel has produced this report as a summary of evidence received during its three public meetings, held in the Stoke Newington area, over the summer months of 2004. The report aims to capture and record the evidence provided to the Panel and thus conclude the evidence gathering section of its investigation

Whilst acknowledging that at times during its investigation enquires have been subject to and limited by a number of external factors, namely legal constraint and a lack of clarity around design and building defects, the Panel now recognises that the situation has moved forward and what is more in a distinctly positive direction.

Cabinet has approved a report setting forth the processes required to re-open the Centre, a detailed forensic investigation of the Centre has been completed and a public consultation exercise is planned.

In conducting its review into the closure of the Clissold Leisure Centre the Panel has sought to and believes it has succeeded in;

- Reviewing communications plans in consultation with end users of the Centre and residents to ensure that both parties are kept fully and regularly informed about progress to resolve the problems and reopen the Centre.
- Reviewing the impact of the closure of the Centre with end users, examining the actions taken to mitigate the effects of this, and investigating any additional actions that could be taken.
- Producing an interim Reference to Cabinet based on the findings of points 1 and 2 and providing them with an update of the evidence collated at that stage.

At its final meeting, scheduled on 14/12/04, and following the publication and adoption of a Cabinet Report (Clissold Leisure Centre: Future Plans - 22/11/04) the Clissold Scrutiny Review Panel expects to reach public conclusions or be advised as to how work is ongoing in the following areas;

- Identification of the extent of problems and defects with the Centre and preparation of costed solutions.
- Apportioning of responsibility for those problems and defects in order to pursue legal action
- Prepare specifications to rectify the defects and problems in order to re-open the building and make it fit for purpose.
- Review arrangements made for the management of this capital project (i.e remedial work leading to the re-opening of the Centre) and the procurement process to be set in place.
- Communication and consultation proposals during the repairs and re-opening programme

In concluding its review the Clissold Scrutiny Review Panel intends to make a further Reference to Cabinet outlining any recommendations for action and the ongoing monitoring of this situation as it deems appropriate. It is envisaged that this report will act as a background paper to such a reference.

Lead Councillors: **Cllrs Kemp, Cannon, Alcock and Ollerenshaw**

Scrutiny Officers: Roger Dunlop ☎ 020-8356 3284
Ben Vinter, ☎ 020-8356 3441

9 CONTRIBUTORS

The following attended the Panel's meetings and gave evidence. Informal contributions were made by others present including members of the community.

All the contributions were of value and the Panel is grateful to all participants.

- Cllr. Guy Nicholson
- Cllr Nargis Khan
- Claer Lloyd-Jones (Director of Law and Democratic Services LBH)
- Kim Wright (Director of Community and Leisure LBH)
- Colin Tucker (Principal Lawyer LBH)
- Andrew McSmythurs (Advisor LBH)
- Leisure Connection Ltd
- Perry Crimmins (Sport England)
- Greg McNeil (Clissold Swimming Club)
- Mike Coysh & John O'Callaghan (Representatives of Haggerston Pool Users Group)
- Ken Worpole (Clissold Park Users Group)
- Simon Lissner (Clissold User)

10. Membership of the Scrutiny Review Panel

10.1 Elected Members

- Councillor Daniel Kemp(Chair)
- Councillor Eric Ollerenshaw
- Councillor James Cannon
- Councillor Karen Alcock

10.2 Council Officers

- Scrutiny Officer; Roger Dunlop
- Scrutiny Officer; Ben Vinter

Background papers

Please review meeting Minutes of the Clissold Scrutiny Review Panel.

Area Reviewed	Action Taken	Future Actions
1. Communication	<ul style="list-style-type: none"> i. Open Day held at Clissold Leisure Centre ii. Clissold Scrutiny Review section established on the LBH website iii. Monthly Clissold Information Update established at Members request iv. Chair's letter sent to local residents informing them of scrutiny process 	Future Open Day to be scheduled following receipt of building specialists report
2. Refunds	<ul style="list-style-type: none"> i. Monitored position, at last count approximately twenty refunds remained outstanding due to incorrect details on the database. 	
3. User's views	<ul style="list-style-type: none"> i. Three public meetings held in the Stoke Newington area ii. Questionnaires distributed to establish users views of the Centre iii. Clissold email account established for public submissions iv. Oral evidence received from a variety of users groups 	<ul style="list-style-type: none"> i. Responses to be fed into potential discussions of revised design and build of Centre in preparation for reopening
4. Ensuring Clissold Leisure Centre is reopened expediently	<ul style="list-style-type: none"> i. Evidence presented by Director of Community and Leisure outlining processes put in place to identify faults and steps needed for resolution. ii. Sport England provided an overview of their role, past and continuing, in the design and build of the Centre iii. Sport England provided information relating to the Award made to Hackney, 'claw back' clause in the contract and reviewed case managers files informing the Panel that no record of concerns were found. 	<ul style="list-style-type: none"> i. The Panel will review the report produced at the conclusion of the building specialist's investigation, including options, prior to its submission to Cabinet ii. That Sport England be provided with the opportunity to further contribute to the Panel's evidence when it next meets

Area Reviewed	Action Taken	Future Actions
5. Clarification of legal situation	<ul style="list-style-type: none"> i. Update provided by the Directorate of Law and Democratic Services relating to present legal situation ii. Reviewed position and size of LBH contingency fund 	<ul style="list-style-type: none"> i. Further updates will be supplied to any future meetings of the Panel
6. Alternative facilities	<ul style="list-style-type: none"> i. Evidence received from Directorate of Community and Leisure on actions taken to redress loss of CLC; ii. Transport costs met for schools using alternatives iii. Tennis courts refurbished and 'refreshed' iv. Paddling pools re-opened v. Artificial pitch to be laid at Mabely Green vi. Leisure Connection Ltd requested to provide evidence to the Panel. Evidence provided at Meeting three - 24/6/04. vii. Challenged position of West Reservoir gym proposal viii. Cllrs site visits to Kings Hall and Britannia Leisure Centres ix. Provided with information relating £300k upgrade to Kings Hall x. Sought clarification of potential expansion of Kings Hall gym facilities xi. Reviewed usage data for leisure facilities across the borough xii. Received evidence relating to efforts made to increase leisure use by minority groups. The panel heard that a review of pricing policy for leisure facilities had been commissioned by the Cabinet Member for Leisure so as to increase social inclusion xiii. Presentation detailing the Council's draft Sports and physical activities strategy was delivered. 	<ul style="list-style-type: none"> i. The Director for Community and Leisure is to deliver a report detailing the number and location of pools within the borough, including pools located within schools. This report will include indicative data of their state of repair and viability for returning such facilities to use.

Area Reviewed	Action Taken	Future Actions
7. Costs of the Centre	i. The Panel reviewed information relating to the costs of the Centre	i. The Panel intends to recommend that at a future meeting of the Overview and Scrutiny Board it receives evidence from Corporate Procurement and the District Auditor relating to capital projects, procurement and project management processes now in place at LBH.