



# Guidance for community owned and managed swimming pools



# Foreword

The Amateur Swimming Association and the Asset Transfer Unit are pleased to introduce the Guidance for community owned and managed swimming pools, which highlights the key considerations for community management and ownership of swimming pools. We are also delighted to present, in detailed case studies, the achievements of a range of community enterprise organisations which have successfully developed pool projects for the benefit of the organisation and the communities they serve.

Swimming has a unique role in society today. It will be one of the main sports at the 2012 London Olympics and, at the same time, enjoys the highest level of participation outside of walking. In addition to helping to deliver the Government's health agenda, swimming as an activity can provide considerable enjoyment for all the family and the ability to swim helps to make family members safer near water. With swimming, there is literally something for everybody. None of this would be possible without a network of well run pools and community enterprises will have a big part to play in this network in the future.

Engagement and interest in asset based community development has been gathering pace for some years, however, practical instruction for less traditional assets such as swimming pools is scarce. We hope, therefore, that this guide, and the case studies and resources it includes, provides inspiration as well as useful signposting to relevant sources of advice and funding.

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# Executive summary

The ASA and the ATU recognise that the nature of pools and their operators are changing more rapidly than at any time over the last 200 years. Pool ownership and operations can be delivered by a range of different providers and community enterprises have a full part to play in delivering this agenda.

- All proposals need to be supported by a business plan that considers the long term. Financial viability is vital and this will only be achieved by sound planning for the future. For community enterprises this should include detailed revenue budgets for the first 5 years of operation, the establishment of a sinking fund, the development of a vibrant swimming programme and marketing plan and good staffing and volunteer structures supported by professional development opportunities

- Volunteers have an important role to play, particularly among office and non-poolside staff. They can contribute towards the reduction in overall operational costs and time should be taken to develop a volunteer base and to train volunteers to meet the needs of community enterprise run pools

- Community enterprise pools are likely to be much more viable if, at the time of disposal, the local authority or body disposing of the asset ensures that the pool plant is brought up to reasonable working order and fully serviced.

Repairing pool plant can be a major drain on resources in the first few years of the life of an enterprise, and, ideally, a financial contribution from the transferor should be committed for this purpose

- Equally importantly, the community enterprise should always ensure that a condition survey of the facility has been carried out by an appropriately qualified professional and that a comprehensive energy and environmental sustainability assessment is undertaken

- Design considerations should be given careful thought. Depending on the combination of skills within the group, professional design expertise early on would inevitably improve the quality of any refurbishment or building projects and increase their potential for success.

- A variety of good pool programming is vital. It will be important to create opportunities for all parts of the community to participate, and consideration should be given to timing within the programme to meet the ability of different customer groups to attend.

The pool programme should be planned early in the overall process and weight given to those programmes that are more likely to build long term sustainability for the enterprise, including those that attract external funding from bodies such as the PCT and the local authority

- All potential quality marks and standards should be obtained from the outset. These include kite marks for pool operations, swimming teaching, coaching and for swimming clubs. In a new enterprise the promotion of standards is essential for building customer support and confidence. Enterprises should also endeavour to encourage members of the community to play as big a part as possible in shaping both the programmes and the environment in which they participate

- Both the ASA and the ATU are here to provide further guidance and whereas neither body will be able to provide detailed day to day guidance, either will be able to provide prospective pool operators with the information needed as to where to find out more information

# Introduction

More and more community enterprises are becoming responsible for the ownership and delivery of swimming pool operations in England today. This Guidance by the Amateur Swimming Association (ASA) and the Asset Transfer Unit (ATU) is designed to help those bodies and groups of people who are either contemplating the running of a social enterprise pool or need help in finding information during the early stages.

The Guide will provide assistance on where to go to obtain further information at all stages during the process of bringing a pool and its programmes into operation. It is, therefore, concerned with the start up and emerging rather than established stages. The Guidance works in tandem with information provided on the ATU web site, [www.atu.org.uk](http://www.atu.org.uk)

# Who are we and what do we do?

### The ATU

The ATU is the leading provider of expert advice and guidance to support the transfer of underused land and buildings into community ownership and management - helping local authorities and third sector organisations to develop those assets for the long-term social, economic and environmental benefit of the community. The ATU is delivered by the Development Trusts Association, in association with Community Matters and the Local Government Association, and funded by Communities and Local Government.

The ATU website, [www.atu.org.uk](http://www.atu.org.uk) provides information on the various stages of the process that can be encountered in relation to an asset transfer. The web site should, therefore, be used in conjunction with this guidance.

The Development Trusts Association (DTA) is a network of community practitioners. The DTA helps people set up development trusts, and helps existing trusts learn from each other and to work effectively. They also influence government and others at

national and local level, to build support and investment for their movement.

There are now over 450 development trusts in membership. While many are still small, others are operating at scale: the combined income is over £260m and development trusts have £490m of assets in community ownership. Development trusts are community owned and led organisations. They use self-help, trading for social purpose, and ownership of buildings and land, to bring about long-term social, economic and environmental benefits in their community. They operate in both urban and rural areas, often in neighbourhoods which have experienced the worst economic decline. Development trusts are independent, but work with the public sector, private businesses, and with other community groups. They are community 'anchor' organisations, delivering services and facilities, finding solutions to local problems, and helping other organisations and initiatives succeed.

**Further information can be obtained by visiting the web site, [www.dta.org.uk](http://www.dta.org.uk)**

### The ASA

The ASA is the English national governing body for swimming, diving, water polo, open water, and synchronised swimming. It organises competitions throughout England, establishes the laws of the sport and operates comprehensive certification and education programmes for teachers, coach and officials as well as its renowned Learn to Swim Awards scheme.

The ASA supports 1,220 affiliated swimming clubs through a National/Regional/County structure. It has four key objectives- to ensure that everyone has the opportunity to learn to swim; to offer everyone the opportunity to enjoy swimming, or water based fitness activities for health and fun, throughout their lifetime; to ensure everyone achieves their different personal goals throughout their lifetime; and to ensure the nation achieves gold medal success on the world stage.

**Further information can be obtained by visiting the web site, [www.britishswimming.org](http://www.britishswimming.org)**

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# How we got to this point

Although community organisations have a long history of owning and managing assets, it is only relatively recently that the momentum behind community asset ownership and more specifically asset transfer, has increased with the publication of several significant reports and policy interventions.

- The Department for Trade and Industry (DTI) published the first Social Enterprise Strategy in July 2002 and, in recognition of the cross cutting nature of social enterprises, the Cabinet Office took ownership of the Strategy in 2006 under the direction of the Office of the Third Sector.
- In 2003, Government issued the General Disposal Consent circular. This facilitated the transfer of assets from local authorities and other public bodies to community organisations without the asset owner having to gain the permission of the Secretary of State, providing the 'under-value' (the difference between the unrestricted value of the asset to be disposed of and the consideration for disposal) does not exceed £2million.

- In 2006, Stephen Thake, an academic at London Metropolitan University was commissioned to explore the benefits and lessons of community-based organisations taking control of assets in the influential report, Community Assets - the benefits and costs of community ownership and management.

- Later that year the White Paper, 'Strong and Prosperous Communities' sought to deliver better public services through a rebalancing of the relationship between local government, local people and central government. Its implementation plan stated that Barry Quirk, Chief Executive of the London Borough of Lewisham, would lead a task force with the aim to 'bring forward proposals to facilitate, where appropriate, the community management and ownership of local assets'.

- The Office of the Third Sector published a National Social Enterprise Action Plan in November 2006. Among the actions in this plan were 'to ensure the right information is available to those running social enterprises'. As part of the Comprehensive Spending Review, the Office of the Third

Sector commissioned a fundamental review of the Roles of the Third Sector in social and economic regeneration.

- In May 2007, The Quirk Review, Making Assets Work, was published. The report was very positive. It found that 'The benefits of community management and ownership of public assets can outweigh the risks and often the opportunity costs in appropriate circumstances.' The Government's response document, 'Opening the transfer window', set out how the Quirk Review proposals would be implemented, and announced the intention to make available £30m through a Community Assets Programme. Later that year, Government announced a further commitment to work with the DTA on a first round of the Advancing Assets for Communities demonstration programme of 20 pilot partnerships, asset transfer workshops and the publication of asset and risk management guidance for local authorities.

- In 2008, Government's White Paper, Communities in Control, real people, real power, confirmed their ongoing support

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of the Quirk review's findings, and crucially, the establishment of the ATU, to provide a co-ordinated place for information, research and good practice on asset transfer.

## Background to community enterprises

A community enterprise is recognised as trading for social purposes, within a defined community of place or interest. They are part of the wider social enterprise sector. As community based, not for private profit organisations they work alongside the local voluntary sector and the local authority, sharing the values of public service and community benefit. Community enterprises form part of the wider 'Third Sector'. The 'Third Sector' operates in the space between public and private sectors and includes voluntary, community and social enterprise organisations. The legal framework of a community enterprise is often dependent on the aims and objectives of the body.

### **In a community enterprise:**

- All profits are re-invested in the enterprise and/or the community served by the enterprise
- Democratic and cooperative principles

are adopted and these are often reflected in the management and operational cultures identified in community enterprise pools

- Unlike other businesses, the focus can often be on financial and social (and sometimes environmental) outcomes

## ASA policy on community pools

The ASA recognises that the swimming pool market place is mature and rapidly diversifying. It understands that this market place will become increasingly complex and is likely to be both delivered and operated by a variety of providers. The building of pools will be carried out by a wide spectrum of businesses from the commercial sector in private health clubs, hotels and corporate social clubs through to the building of pools by schools, local authorities and community enterprises. At this stage, community enterprises are mostly involved with the refurbishment of a pool and/or additional building to a construction which already exists but we are already beginning to see the first pools wholly constructed as a community enterprise pool.

Similarly pools will, in the future, be owned and operated by different

organisations and often ownership will be by one type of organisation and the operation by an entirely different body. This could mean a mix of public and private ownership and operation. Community owned and managed pools will form part of this complex market place. Such is the pace and complexity of change, that quite soon we could witness a number of privately owned pools being operated by community enterprise organisations.

The ASA's role is to encourage the introduction of both new and refurbished pools that will meet the future needs of the community. Whilst it prefers public pools to be owned by local authorities because they can offer continued long term financial stability to a pool, the ASA recognises that community enterprise pools have an important role to play and that they often offer service cultures that many public pools would aspire to.

The ASA's policy is therefore to support the running of community enterprise pools where the community enterprise has first of all carried out a condition and structural survey and where an evidence and needs analysis, full business plan and financial viability have been independently verified and agreed with the local authority disposing of the asset.



## The local authority perspective

Local authority leisure and sport provision has experienced considerable reform over the past two decades, resulting in increasing numbers of pools that, to varying degrees, operate at an arm's length from local authorities (see Fig1 for an illustration of the recent shift).

However, it is acknowledged that many local authorities still do not have a good enough understanding of the supply options available in the market place, and in particular the potential of third sector models for delivery. In Improving strategic

commissioning in the culture and sport sector (2008) the Improvement and Development Agency (I&DeA) stated that 'In this context the third sector and social enterprises may be ideal providers for meeting community outcomes'. For more information go to, <http://www.idea.gov.uk/idk/aio/11684804>

The reasons for the transfer of a swimming pool can be wide ranging. Often the main reason is the cost of running the pool; sometimes it can be the condition of the facility and the investment needed to improve it for public use. In other instances it may be that the pool is small and lacks the

flexibility to programme for a wide range of uses; and, in other cases, the target consumer market will have moved or changed, ultimately affecting attendance figures. Therefore, understanding the local authority's motivations towards an asset transfer and their commitment to building capacity in the receiving organisation in this context is vital.

### General Disposal Consent

Local authorities were given powers under the Local Government Act 1972, to 'dispose of any land in any manner they wish, including sale of their freehold interest, granting a lease or assigning any unexpired term, on a lease and the

**Fig 1: The changing pattern of pool service provision**

	<b>Leisure centre</b>	<b>Swimming pools</b>	<b>Sauna, sun spa, steam</b>	<b>Outdoor sport</b>
<b>2007-8</b>	%	%	%	%
In-house	49.2	48.8	46.0	67.2
Contracted out	23.8	25.0	25.1	19.6
Trust & provident Society	27.1	26.3	28.9	13.2
<b>2002-3</b>				
In-house	58.6	57.3	55.9	70.6
Contracted out	25.7	27.4	28.5	19.4
Trust & provident Society	15.7	15.3	15.6	10.0

Source: CIPFA

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granting of easements.’ The General Disposal Consent (England) 2003 extended those powers so that authorities could divest themselves of public assets which would help to secure the promotion or improvement of the economic, social or environmental well-being of its area. The Act means that specific consent is not required for the disposal of any asset, provided that the ‘under value’ (the difference between the unrestricted value of the asset to be disposed of and the consideration for disposal) is not greater than £2million, (further information on the act can be obtained at, <http://communities.gov.uk/publications/planningandbuilding/circularlocalgovernment>)

Those organisations wishing to run a swimming pool should ensure that general disposal consent has been agreed by the local authority from whom the pool is being obtained prior to occupation of the facility. As part of the decision making process, a local authority considering asset transfer must assign a ‘value’ to the transfer. It appears that, in the past, this valuation has not always

been sufficiently rigorous. Community enterprises will need to show that they are providing added and quantifiable value that can be weighed up against alternative options, eg: the land in itself may well present alternative financial opportunities to a local authority. Social Return on Investment (SROI) is a framework for measuring and accounting for the value being created by an organisation’s activities, and would be an appropriate methodology to assess a potential swimming pool transfer, although there are other methods available as well. More information on SROI can be found at <http://www.sroi-uk.org/>

There is also a further requirement for local authorities to demonstrate that when the pool is disposed to the community enterprise that it complied with the European Commissions’ State Aid rules, although it is very unlikely that a local pool transfer will have any effect on trade between EU Member States. Further details on State Aid can be found at, [http://ec.europa.eu/competition/state\\_aid/overview/index\\_en.html](http://ec.europa.eu/competition/state_aid/overview/index_en.html)

## Government White Paper Communities in Control and Duty to Involve

In its White Paper, Communities in Control, Real people, Real power (July 2008), the Department for Communities and Local Government sought to extend the involvement of local people in democratic life, including the running of groups such as sports organisations, see, <http://www.communities.gov.uk/publications/communities/communitiesincontrol>

The White paper does underline several areas that have a relevance to organisations considering running their own pool, ie: ‘We want to see an increase in the number of people helping to run or own local services and assets, and to transfer more of these assets into community ownership’ (p10). Swimming pools are specifically mentioned as an example. It also states that the existing ‘Duty to Involve’, which is meant to embed a culture of engagement and empowerment in public bodies, will be extended to additional agencies (p.28). Among these Sport England, Regional

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Development Agencies and English Heritage are included, all who may have an involvement with a proposed asset transfer of a pool. The new Duty to Involve came into force in April 2009.

The White Paper considers that community based organisations are key to solving some of the most difficult neighbourhood issues. It is therefore important from the outset to understand that a pool is not just about place but about people, how it can help to bind communities, meet the challenges of building social inclusion within a community and how it can help to address the health issues of the community as well as national obesity and activity targets. The pool is more than just somewhere to swim; it is effectively a meeting place and a conduit for many activities.

With these social issues in mind, it will be easier to focus and access funds that support these issues and create the initial underpinning for a project.

## ASA aspirations for pools

The ASA has a set of aspirations that may impact on the need for a community enterprise pool in a local authority area, see From Policy to Pool, the ASA National Facility Strategy, 2009 at [www.britishswimming.org](http://www.britishswimming.org)

### These are:

- A community use pool within 10 minutes drive time of everyone
- Or a community use pool within 20 minutes walk time of everyone
- The provision of a minimum of 13m<sup>2</sup> of 'fit for purpose' water area per 1,000 population
- Pools with depths of 1 metre shallow to 1.8 metres deep to permit the widest range of usage
- A 25 metre pool in every sizeable town
- One 50 metre community pool in all four sectors or quadrants in London

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## Searching for the data

The transfer of a pool as a public asset into community enterprise hands should always follow a strategic asset review carried out by the local authority. The community enterprise organisation that takes over a pool may be involved in that asset review at any stage, but often this involvement will be after the review has taken place.

It is important that the community enterprise organisation studies the outcomes of that review and ensures that the continuation or refurbishment of a pool in community hands is strategically appropriate. There are two separate but related issues: first, whether there is a long term need for such a pool and whether members of the community will continue to use it, and secondly, whether such a venture would be financially viable in the long term.

### Active People and local surveys

To understand the likely future market place, data from the Active People Survey should be utilised. This survey, which is one of the largest surveys of sport ever undertaken, can be used for national, regional and local authority sport and active recreation comparisons and can be found on the Sport England website at, [http://www.sportengland.org/research/active\\_people\\_survey.aspx](http://www.sportengland.org/research/active_people_survey.aspx). This diagnostic tool offers the capacity to search by age, social class, household structure and demographic group. It is also useful to commission a wider survey of local people and user groups to support the results from the Active People Survey.

### Active Places and Active Places Power

The local authority should also have carried out an assessment of its swimming facilities as well as that of future likely pool users. The use of Active Places and Active Places Power should be used in this context. The tools can be

found at, [http://www.sportengland.org/facilities\\_\\_planning.aspx](http://www.sportengland.org/facilities__planning.aspx). In the case of potential community enterprise facilities, this analysis might help to support an application for funding, form part of a local aquatic strategy or might support a feasibility study in relation to the identified site of the community enterprise pool.

The Companion Guide to the Active Places web site sets out the following procedures for local authorities and other decision makers: Step 1- Identify local needs; Step 2- Audit of local provision; Step 3- Set provision standards; Step 4- Apply the provision standards and Step 5- Draft policies.

Active Places Power provides an interactive legend which offers options to search by types of sports facilities, boundary layers such as regional or county layers and different raster mapping areas which show maps at different levels of detail. Planning officers and those considering a new community enterprise facility can use Active Places Power to analyse the impact and viability of a proposal for any type of

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sports facility. A picture can be built up of a local authority's provision compared to that of other neighbouring or similar authorities. An advanced facility finder allows the user to determine the age of existing facilities, make comparisons and draw detailed conclusions.

## Sports Facility Calculator

Sport England's Sports Facility Calculator is used to determine whether a pool will cater for a given population. Using the 2001 Census, it allows users to create their own population profile. The population input can be changed by altering the 'adjust demand' tab. The output for swimming pools is expressed in size per square metre, number of lanes and number of pools. Once the area has been selected, the model also generates graphs of the age profile of the selected area. The results can then be compared to either the current total square metres of all pools in a given area or to the water space that swimming clubs, schools and low-income users can access.

A more detailed description of all these planning tools can be found on the ASA web site in From Policy to Pool, the ASA National Facility Strategy, 2009 at, [www.britishswimming.org](http://www.britishswimming.org).

## Condition Survey

A community enterprise should commission an independent condition survey of the proposed pool site. Uncertainty over a pool's future use is very likely to have resulted in a history of poor maintenance, and it is vital that a physical appraisal of the building is undertaken early on. This should be conducted by an appropriately qualified professional and should include a review of the pool plant and boilers and the tank, to include leaks. The energy efficiency and environmental impact of the pool should be given special attention (see Energy and Environmental Issues section below).

Other areas for consideration should include the state of the roof, the condition of air ventilation ducts, drainage, electrics including lighting, fire alarm facilities and PA systems, ductwork, toilets and changing rooms. This is far from an exhaustive list but indicates the sheer breadth of work that may need to be carried out. If possible, it is advisable for the local authority to commission a condition survey prior to the hand over of a pool.

Community enterprises should avoid too long a gap between a pool being used under local authority ownership and

transfer to its own ownership. Pools should not be drained unless it is necessary for repair. Boiler and filtration plants should be kept in use and running. Swimming pools are often situated in a corrosive atmosphere and buildings do deteriorate. Pools that have been built in the last 30 to 40 years have proved even more likely to deteriorate rapidly.

Further information on condition and dilapidation surveys can be found at the RCIS' Building Cost information Service at, <http://www.bcis.co.uk/construction>.

## Design considerations

Too often, a pool that is no longer considered viable by a local authority will suffer from inherent design issues which have led to, or have exacerbated, the decline of the facility in the first place. Any decisions around refurbishment will influence the use, management and maintenance of the pool, and, therefore, on its long term viability and that of the community enterprise that takes it on.

Being the client of a building project can be hugely exciting and creative. It can also be a shock when you see or have to run the finished facility and you are kicking yourself that you "did not think

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about that". A good design professional will see the constraints that such a project can bring, and their subsequent resolution, not as problems but as a creative opportunity to create an inspiring, imaginative and useful building.

The approach by any group towards a building project will be influenced by the

expertise that can be accessed via the local authority or through staff, voluntary contributions from within the group or access to free/pro bono support from outside professionals. For more details about how to engage design professionals and run a successful building project contact the following organisations:

- The Glass-House Community Led Design [www.theglasshouse.org.uk](http://www.theglasshouse.org.uk)
- Royal Institute of British Architects [www.architecture.com](http://www.architecture.com)
- Commission for Architecture and the Built Environment [www.cabe.org.uk](http://www.cabe.org.uk)



# First steps

## Defining the team

The first stage is to establish a steering group for the project. This group should contain a mix of people with experience in swimming and business. A good combination would be to have a representative from pool management or operations, a regular pool user, an accountant, someone with a legal background, and a person with a commercial sector business background. Whilst this is not the only combination, it is likely that the skill set from these will meet the initial needs of the proposed organisation.

## Defining the purpose

This steering group should establish the purpose of the organisation. At this stage, a goal will help to frame the work to be carried out. A goal, which can be qualitative in nature, provides a general aim such as whether the organisation is going to be a pool or a leisure operator; whether it is going to focus on a narrow or wide range of products such as providing other facilities for the community such as meeting rooms, catering and the like; or

whether the concentration will be on physical activities or learning or both. The group should also determine whether the future organisation will carry out a trading function, whether it will have a responsibility to preserve the architecture of a pool (particularly in the case of a listed building), whether it will provide community facilities and/or create social benefits.

## Defining a mission

Swimming is a competitive market place delivered through an ever increasing number of models of which a community enterprise is just one example. The challenges ahead will therefore be testing and a unity of purpose from the start is vital. The creation of a mission after 2 or 3 meetings will help to move the organisation in the right direction. A mission is a general statement of purpose for an organisation and is concerned with the scope and boundaries of the activities to be undertaken. It should be in line with the expectations of key people with an interest in the endeavour (stakeholders) and match the

values of these stakeholders as well as participants within the organisation itself.

More detailed information to support some of the common decisions to be undertaken at this 'Getting Started' stage can be found at, <http://atu.org.uk/Support/wiki/Definingpurpose>. Here there are sections on developing a capacity needs analysis, creating a performance baseline and monitoring impacts, defining your strategic fit, trying to encourage community involvement, building partnerships and securing finance for project feasibility.

## Some of the early pitfalls to avoid

There are some early pitfalls to avoid, some of which are specific to swimming pools; others which can occur in all community enterprise organisations.

These include:

- Ensuring that a condition survey has been carried out
- Negotiating with the local authority carrying out the disposal to ensure that

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the pool is transferred with a full maintenance schedule having been carried out on all pool plant and heating equipment

- Negotiating with the local authority to ensure that an annual contribution will be made over, for example, the next 3 years, so that the initial running costs are part covered
- Ensuring that the size of the management board is not too large so that it is easier to focus on key issues early on
- Carrying out local surveys of both pool and non-pool users to determine which customer groups will use the pool in the future
- Making sure that provision is in place to meet the needs of TUPE for staff that transfer from the public sector to a community enterprise (see Employment issues section below)
- Constantly cross check as business plans unfold to ensure that business targets are realistic given the core competencies and organisational purpose of the enterprise, i.e. it should be determined that the board, volunteers and intended members of staff have the skills to carry out the plan and, if not, how this will be addressed

- All the best community enterprise pools have a high volunteering element. Pools are expensive to operate and volunteers are vital to the cause. Likely volunteering levels therefore need to be determined at an early stage and wider community involvement in the facility will be key to creating volunteer commitment
- Recognise at the start that a pool on its own is unlikely to survive as an enterprise. Often a pool is not a destination on its own for the majority of users. It will work best as part of a mix of enterprises- a gym, library, specialist cafes, soft health centre, health related enterprises and shops. A pool on its own with a swim shop will not, in most cases, meet the needs of the local population and will not encourage people to make swimming part of their daily routine
- Above all, the community enterprise needs to be realistic about the project.

## When a community enterprise pool is likely to work

A community enterprise pool is more likely to work in circumstances where:

- A likely volunteer base is in existence and its commitment is shown in working towards handover, e.g. during the refurbishment phase
- There is an identified strategic need backed up by an evidence and needs analysis
- Schools and clubs have shown a previous commitment towards using the pool
- There has already been an identified willingness to translate words into action
- There is a neighbourhood area with a tradition for participation in local events and enterprises and where people live as opposed to visit
- There is an identified sense of place and passion for a pool within the community



# From steering group to community enterprise

The next steps are about establishing the organisation as a body appropriate to operate a pool and be able to create and run a business. This is then more likely to lead to a pool continuing to operate.

A useful organisation to contact during this phase is the Sports and Recreation Trust Association (Sporta). Sporta is a membership association which represents cultural and leisure trusts and social enterprises throughout the country. As well as acting as a lobbying group and promoting trusts as the best way of delivering swimming, Sporta;

- Acts as a forum for members and identifies common issues and proposed collective solutions
- Shares best practice between members
- Represents trusts and social enterprises to government and key decision makers

As far as new enterprises are concerned, a number of Sporta's members provide consultative services and will advise on a range of issues to a newly established body. Further details can be obtained from, <http://www.sporta.org>

## Establishing the organisation

Basically a swimming pool business can be set up on 3 structures (Fig 2 overleaf): Public sector, Private sector and Third sector, e.g. community enterprise. The first two are outside the scope of this guidance. It is, however, possible to work with some of the best practices from the first two within the community enterprise model.

Deciding on which type of incorporated legal form is the most appropriate is crucial, and should be given significant thought, (Fig 3). Each form has its own set of strengths and weaknesses. The following summaries give a basic outline of the main legal forms for a community enterprise pool. Further research and legal advice should be done before making a decision, and this should form part of the feasibility study.

### Company Limited by Guarantee

The majority of community enterprise pools are run by not for profit companies, i.e. those limited by guarantee. This legal structure limits the liability faced

by Directors in the case of insolvency, except in cases of negligence or recklessness. This is the most flexible legal arrangement. The major restriction is that shares cannot be issued. The governing document of companies is in two parts - the memorandum and articles of association. Registration is required with Companies House and company law must be abided by.

### Community Interest Company (CIC)

CIC's are a newer model, established in 2005. A CIC is a company limited by guarantee or share issue with several added features such as a community interest test, an asset lock and a cap on dividends. Each CIC must specify the community that is intended to benefit from any profits made by the company (this could be as wide as all the residents of a defined geographical area) and the CIC regulator must approve this. The asset lock ensures capital gains are directed to the specified community and the dividends cap limits the amount of profit private investors can take out of the business. Further details can be obtained by going to, <http://www.cicregulator.gov.uk>

# From steering group to community enterprise

Fig 2: Typical model for pools

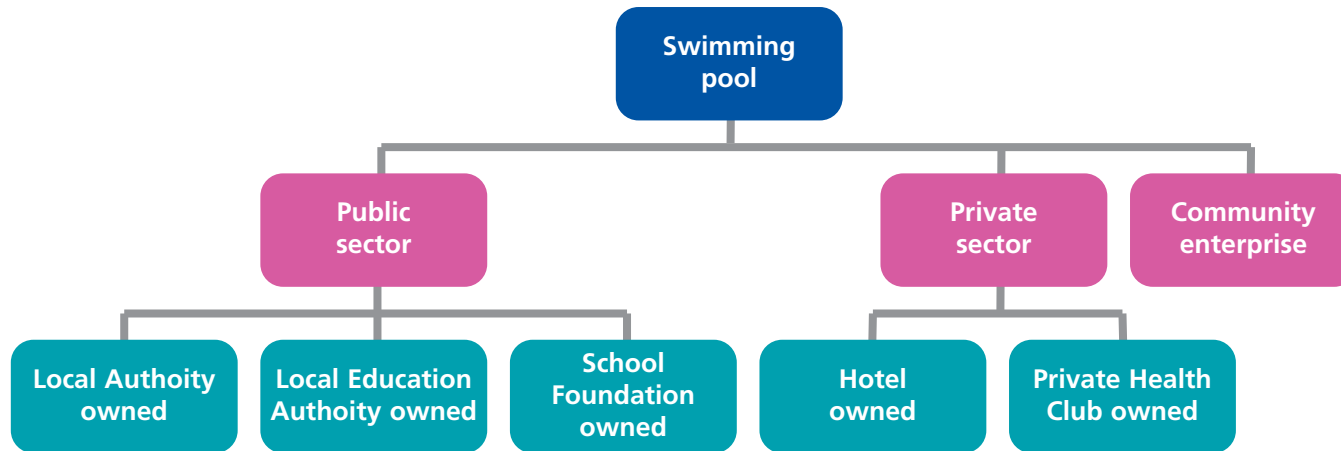
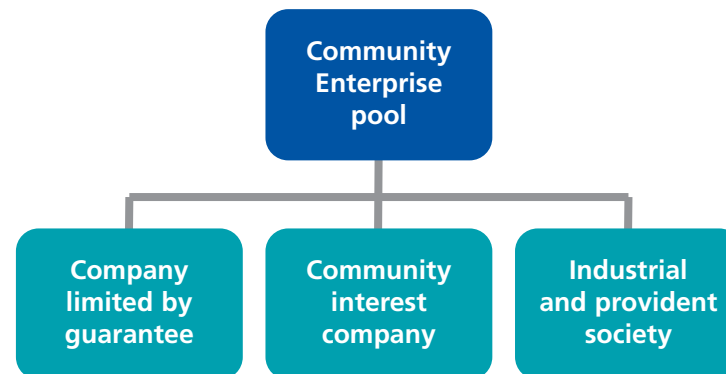


Fig 3: The main incorporated legal forms for a community enterprise pool



## Industrial and Provident Society (IPS)

An IPS is a trading organisation that operates as a co-operative either for the benefit of its members or the wider community. IPSs are currently exempt charities which means they do not have to register with the Charity Commission. An IPS is usually funded by share capital, but this takes a different form to limited companies. The value of the shares is fixed and does not go up and down with the value of the organisation. An IPS is the only vehicle that can issue shares on a low-cost basis.

Buying a share confirms membership and decisions are taken on a one-member-one-vote basis (regardless of number of shares owned). There is an upper limit on the cash value of shares that can be held by one individual (£20,000 currently). IPSs are regulated by the Financial Services Authority. This type of organisation has its roots in the co-operative movement of the early 1800's. Co-operatives UK is the national membership organisation for co-operative and mutual enterprises; details can be found at, <http://www.cooperatives-uk.coop>

# From steering group to community enterprise

This basic summary indicates the key differences between the different legal structures. Further research should be done before making a decision on which is most suitable.

Prospective new social enterprises should also be aware of community land trusts. These trusts are local community controlled organisations that own and manage land and other assets in perpetuity for the benefit of the community. The other assets can include community facilities such as pools. Further details on this can be found by downloading 'Community Land Trusts: A Consultation' from the Department for Communities and Local Government at, <http://www.communities.gov.uk/publications/housing/communitylandtrust>

A final option is to establish a charitable organisation. This can lead to further complications as charities face certain trading restrictions. In some cases a trading subsidiary must be formed. However, charitable status has certain benefits, such as some tax and VAT exemptions and options for funding. If you decide to follow this route seek professional advice. For more information about becoming a charity contact the

Charity Commission, [http://www.charitycommission.gov.uk/publications\\_and\\_guidance.asp](http://www.charitycommission.gov.uk/publications_and_guidance.asp) Tel: 0845 3000 218

## Funding Issues

The initial funding issues are inter-woven with the structure of the organisation. Even smaller pools can cost in the region of £100,000 per year to run. Faced with additional capital costs to bring the facility to a standard where it can meet the demands of the next ten years, the requirements can be considerable and the ownership of a pool should not be undertaken without a clear picture of what these costs are likely to be.

A comprehensive business plan will also be required in order to meet funding applications. Community enterprises do have the advantage of being able to apply for grants that may not be forthcoming to local authority owned pools. There are, however, other opportunities which are not available to community enterprises. For instance, free swimming funding for over 60s and under 16s is available for local authority owned pools, where the management is undertaken by a third party. It is hoped that the free swimming subsidy

will be made available to community owned pools in the future.

Possible capital funding sources:

- Part funded through the local authority as part of an asset release of other local authority properties
- Part of a wider Section 106 planning gain agreement which includes local authority and community enterprise provision-asset transfer, e.g. linked to a road or shopping centre development
- Grants from public sector bodies such as Regional Development Agencies or other sports foundations or from charitable trusts
- Part of a wider development or co-located facility paid by the private and/or public sector in which the local authority decide to release a swimming pool to concentrate on other areas of public provision
- Part of a wider contra arrangement or local authority owned land release scheme with the private sector
- The Capital Modernisation Programme run by Sport England and the ASA linked in to the Government's current Free Swimming programmes. Go to, <http://www.sportengland.org>

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- Community Development Finance Institutions, which provide finances for social, economic and physical renewal in under-invested communities, <http://www.cdfa.org.uk/cmframe.php?prmid=1200#whatis>
- Future builders offer loan financing, often combined with grants and professional support, to third sector organisations in England that need investment to help them bid for, win and deliver public service contracts, <http://www.futurebuilders-england.org.uk/>
- The Adventure Capital Fund is a new style of funder for community enterprise, providing financial support in the form of a mixture of grants and loans and guidance services, <http://www.adventurecapitalfund.org.uk/>
- Funding Central provides an invaluable source of funding information, giving access to thousands of funding and finance opportunities, <http://www.fundingcentral.org.uk/Default.aspx>
- Loans and professional support to community enterprises can also be provided through specialist lenders such as the Charity Bank, Co-operative Bank, Unity Trust Bank, Triodo Bank and Co-operative and Community Finance.
- In terms of capitalisation, the DTA is actively looking at community shares and bonds as a way of helping community enterprises raise capital directly from those communities who have a stake in benefiting most from the enterprise locally. Further information can be found at, <http://www.communityshares.org.uk/>
- Funding from local authorities because projects in a pool will meet the targets set down in their Local Area Agreement
- The many additional ideas that community enterprises generate, from running concerts to utilising their car parks for public use if the pool is close to the centre of a town. Cheltenham and Arundel Lidos generate thousands of pounds in this way

Operational funding streams can be wide ranging and may often come through programmes aimed specifically at pools. These could include the following:

- School top up swimming, funding to be accessed via local School Sport Partnerships and the ASA regional top up coordinator. Further information can be obtained through the PESSCL Coordinator at the ASA
- Regular school swimming programmes provided by local authorities or local education authorities for local schools
- Health related projects via local Primary Care Trusts that are looking to tailor specific swimming programmes to target groups that they want to reach. Examples of some of the thinking here can be found via the Everyday Swim programme at, [http://everydayswim.nemisys.uk.com/news\\_item.asp?section=0001000100010008&itemid=163](http://everydayswim.nemisys.uk.com/news_item.asp?section=0001000100010008&itemid=163)

## Ownership agreement

There are many forms of agreement that can be established including long, short and medium term leases or freehold ownership of the property. Legal advice should always be sought from the start. The key question to ask is whether the form of ownership or management agreement under discussion provides the opportunity to maximise opportunities in line with the mission of the organisation.

An unrestricted freehold of a swimming pool, rather than the leasehold may be a more attractive proposition for community enterprises because the pool and the land will appear on the balance sheet as an asset and may, therefore, improve the prospects of obtaining a 'cocktail' of capital investment types that can achieve viability in the medium to long term.

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This issue is further expanded on at the ATU web site under, <http://atu.org.uk/Support/wiki/ManagementAgreement> and explores further linked issues, eg: restrictive covenants, the implications of the asset lock in CICs and terms of contracts.

Consideration also needs to be given to existing contracts which were undertaken by the previous owners. The length of existing contracts and the date of conclusion of those agreements as well as options for renewal undertaken by the previous owners should also be examined.

## Operating the pool

At the time of asset transfer, most local authorities will be seeking assurance that the new organisation is sustainable. The business plan needs to make a strong case for long term viability. In order to avoid the difficulties of a building lying empty and unused after a short period of occupation, some local authorities are now offering community enterprises the opportunity to run pools for an initial year in order for both signatories to determine whether the plans prove sustainable. The idea is that, in each case, the initial year will be converted to leasehold on a much longer term or freehold.

This next phase considers some of the early issues concerned with operating the pool and covers the period from the formation of the community enterprise to the first year of running the pool. Advice on pool operations can also be obtained by contacting the Institute of Sport and Recreation Management on 01509 226474 or by going to the ISRM web site, <http://www.isrm.co.uk/>. The ASA also has a facilities department which can help. They can be contacted on 01509 618700 or, <http://www.britishswimming.org/>. Each of the two organisations has a slightly different focus, but, on being contacted, will advise on which of the two is best placed to respond on matters, ranging from the type of computerised admission and membership system to be employed to the type of paint to be used or how disabled facilities should be tackled.

## Planning applications

A planning application may be necessary to improve or change existing pool facilities (see also Design considerations, above). Sport England, in conjunction with the Department for Communities and Local Government, has produced a guidance document which should be utilised. Making a planning application - a guide for sports clubs is a step by step guide including reviewing the options, preparing and submitting the application, the decision and implementing the decision. It can be found at, [www.sportengland.org](http://www.sportengland.org)

## Planning Obligations Kitbag

Sport England also provides a 'Planning Obligations Kitbag' which contains model Section 106 and Community Use agreements, a Facility Cost list, a supplementary guidance template and facility demand estimator. The agreements can be used as templates by local authorities, developers and stakeholders to aid the provision of community sports facilities associated with new residential developments.

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## Income drivers

Outside of loans, grants or community share issues, the main income sources for pools will be:

- Swimming lessons
- One to one, high profit margin personalised swimming lessons
- Adult fitness programme (and Masters swimming)
- Linked gym club facilities
- Fund raising events and activities

As far as fund raising is concerned, it is a good idea to become members of the Fund Raising Standards Board (FSB). The FSB champions good practice in fund raising and helps to instil confidence in people who are donors as well as advising fund raisers. The FSB have a web site, [www.givewithconfidence.org.uk](http://www.givewithconfidence.org.uk) which should be visited. For organisational advice, visit, <http://www.frsb.org.uk/> which can help guide with fund raising standards and approaches.

## Staff development

Community enterprises often need to recruit their own staff and volunteers to operate pools. In addition to a pool or duty manager, there are 3 key areas of

the operation to consider:

- Back office and front desk operating team members
- Life guards
- Plant and maintenance staff

Staff costs are the biggest element of the overall cost of running a pool and can amount to between 50% - 60% of the annual overheads. Most community enterprises find that there are savings to be made by utilising volunteers to carry out the tasks of the back office and front desk. Portishead Open Air pool offers volunteers the opportunity to go on line and fill in a sheet which states when they would be available to carry out these tasks. Crewkerne Pool, which was created as a trust with a completely new pool, operates with more than 50 volunteers doing 1 to 5 hours a week. The pool is, approximately, some 8 miles from its nearest competitive pools in Chard and Yeovil.

Life guards should, in all cases, be full or part time, professionally qualified staff or the pool is unlikely to meet key health and safety standards. The National Pool Lifeguard Qualification (NPLQ) is the benchmark qualification for professional lifeguards for overseeing regular swimming.

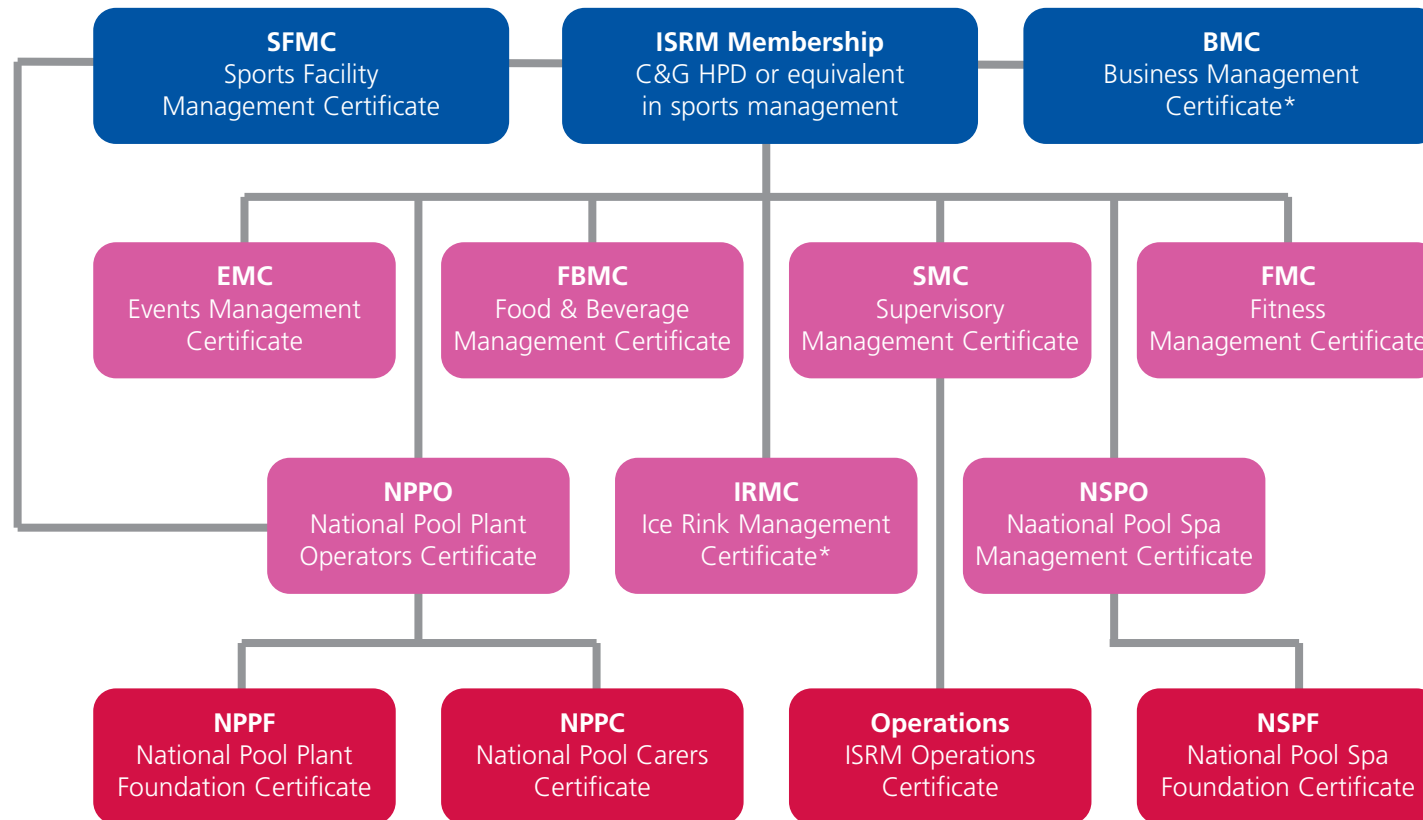
It is recognised by the Qualifications and Curriculum Authority. The NPLQ was created to meet the requirements of the Health & Safety approved guidance 'Managing Health & Safety in Swimming Pools (HSG 179)'. The training for this qualification is carried out by the Institute of Qualified Lifeguards (IQL) on behalf of the Royal Life Saving Society. Details of the Courses and Syllabus can be found at <http://www.iql.org.uk/>

As well as starting a lifeguard club at the pool, it is worth consideration to become an Approved Training Centre. The introduction of both of these is likely to drive staff recruitment in this area in the future. At an early stage, pool risk assessments should be carried out based on different bathing loads. Details on risk assessments can be found at the Institute of Sport and Recreation Management (ISRM) web site at, <http://www.isrm.co.uk/>

Recommendations for the number of people in the pool vary from 3 to 6 square metres per bather according to the type of activity. Whilst 3 square metres is a benchmark for the maximum number of swimmers in a pool during unprogrammed sessions, i.e. general bathing sessions, 6 square metres per

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## ISRM Qualifications Matrix



\* Proposed

person relates to peak bathing periods of unprogrammed swimming and is the comfort ratio above which public swimmers would consider the pool conditions to be overcrowded. ISRM and the Pool Water Treatment Advisory Group (see Managing Health and Safety in Swimming Pools, HSG 179, Health and Safety Executive) consider bather loading for water treatment purposes and state that 1 bather per 2.2 to 4 square metres of water is appropriate according to the depth of water.

The third area for staffing is that of plant and maintenance. Given the likely age and stage in the life cycle of an asset transferred pool, it is important that competent and experienced staff are employed in this area. Whilst there are Foundation and Carers Certificates, the key qualification required is that of the National Plant Operators Certificate which requires a 3 day course; details can be found at, [http://www.isrm.co.uk/education/?qualifications\\_id=8](http://www.isrm.co.uk/education/?qualifications_id=8). The matrix for all ISRM qualifications including the ISRM membership and Sports Facility Management Certificates is shown here.

# From steering group to community enterprise

## Health and Safety issues

Details of 'Managing Health and Safety in Swimming Pools (HSG 179)' can be found by visiting the ISRM web site. Sport England's Swimming Pool Guidance document which can be found at, <http://www.sportengland.org> is another important document that should always be to hand. The same web page provides a swimming pool check list.

## Swimming pool programmes

The aim of every pool manager is to first, 'own' as much of the lifetime value of a customer as possible, and secondly, to 'own' as much of that customer's experience as possible. Whilst the appearance of the pool and the condition of the water play a major part, the type of programme structure employed is a contributor to the success of these programmes.

The ASA helps to guide and structure swimming through a range of programmes which it organises nationally but which are delivered locally. 'Everyday Swim', a programme organised in conjunction with Sport England, was established to try new ideas in pool

programming and staff training. Many good ideas can be utilised through the Everyday Swim web site at, [http://www.everydayswim.org/news\\_item.asp?section=0001000100010008&itemid=170](http://www.everydayswim.org/news_item.asp?section=0001000100010008&itemid=170).

The web site contains quarterly newsletters which set out best practice in pool programming. The experience has been that many pools run the traditional learn-to-swim programmes but too few of these have run further programmes designed to meet the needs of customer groups. Everyday Swim looks at health related programmes bringing the culture of personal trainers in gyms to the pool, sessions for minority and disability groups which are likely to bring much needed funding into a pool and how to engage by tailoring swimming programmes to match distinct customer groups depending on local demand.

The regular learn to swim programmes are supported by the ASA's structured approaches to teaching, rewarding and training.

## Teaching and coaching

Swimming teaching is an important source of finance for any pool and many lesson programmes generate six figure

incomes. The National Plan for the Teaching of Swimming (NPTS) provides a framework for teaching programmes and is used by most local authority pools in the country. The NPTS is both a national syllabus and a delivery model for swimming lessons which takes children from their first experience with swimming through to full competence in 10 stages.

The scheme is underpinned throughout by the Long Term Athlete Development Model with a progression through each stage. It also incorporates the Royal Life Saving Society's Rookie Lifesaving. Rookie lifeguards should be encouraged as for many community enterprises they will become the volunteers of the future. Details on the Rookie programme can be found at, <http://www.lifesavers.org.uk/rookie/>

## Quality standards for teaching

Towards the end of the first year, when the pool has become established, community enterprises may wish to seek accreditation for Aquamark. Aquamark is the ASA's swimming programmes quality scheme. It is designed to assist in the provision of consistently effective service to customers by providing a Best



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Value framework whilst encouraging teachers and coaches to practice continuing professional development. Effectively, Aquamark provides an external validation service of performance by swimming teaching programmes.

In order to develop a continuous source of swimming teachers, it may also be of value for the pool to become an Approved Centre. Approved Centres are the national network for the delivery of qualifications to a UK Coaching Certificate (UKCC) for teaching and coaching. Prospective teachers of swimming obtain their qualifications via Approved Centres and this would therefore be an attractive proposition to a pool seeking to attract either new full time staff or volunteers. For further details, see, <http://www.britishswimming.org/vsite/vnavsite/page/directory/0,10853,5157-182307-199525-nav-list,00.html>

The ASA Licensing Scheme for Aquatic Professionals: Teachers and Coaches offers all qualified swimming teachers and coaches the opportunity to be licensed, this licensing being extended to volunteers as well as professional

practitioners. The Scheme calls for licensed professionals to meet a set of criteria and to commit themselves to continuous professional development. Details can be found at, <http://www.britishswimming.org/vsite/vnavsite/page/directory/0,10853,5157-182143-199361-nav-list,00.html>

## Rewarding swimmers

The ASA Award Scheme is designed to encourage children and young people to learn the core skills of each individual award stage, as well as ensure that they have fun in aquatics. The awards are designed to be a natural consequence of the swimming teaching programme being used. Detail can be found at, <http://www.awards.sportcentric.com/vsite/vnavsite/page/directory/0,10853,5061-156504-173720-nav-list,00.html>. The ASA Award Scheme therefore presents a nil cost way of incentivising swimming lessons and can be a way of generating income.

The Swimming Teachers Association also has an awards programme. Details of this can be found at, <http://www.sta.co.uk/index.php?page=22>

## Training teachers

ASA training courses for teachers and coaches are delivered by the Institute of Swimming (IOS). The IOS, a swimming teacher and coach member organisation, runs the latest UKCC Award courses and provides advice to members. In a community enterprise pool, staff and volunteer resources are limited and as many volunteers as possible should be qualified in both swimming teaching and life guarding. This will help to increase flexibility in staff programming.

The UKCC is a nationally recognised standard for coach and teacher education. Run by Sports Coach UK, the qualifications are centred on the needs of athletes and, in the case of swimming, customers. Coaching is delivered at four different levels - Levels 1 and 2 focus on teaching aquatics and Levels 3 and 4, on coaching swimming qualifications. The Swimming Teachers' Association also runs courses and accredits swimming teachers across a range of 10 awards and can be found at <http://www.sta.co.uk/index.php?page=91>.

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## Working with the PCT

Swimming is high on the health agenda and is seen by the Government as a way of combating obesity. PCTs are therefore taking 'prophylactic' (preventative) action to reduce the cost of treating patients. New swimming programmes offer new opportunities to work with a PCT. These might be as simple as targeting a local minority group that has health issues or attempting to engage with women's obesity by establishing ante-natal swimming classes. There are many opportunities and these should be discussed with a PCT at an early stage.

## Clubs

Swimming and social clubs can be regular customers. They offer a steady source of income and many clubs have a need to hire water time. Whilst the vast majority of swimming clubs are well run, some local authorities now require clubs to be accredited with Swim 21. Swim 21 is a swimming club accreditation or quality mark which recognises when a club is committed to providing safe, effective and quality services for the benefit of their members.

Clubs work steadily towards the attainment of a series of outcomes all of

which are seen as essential if the right level of support is to be provided at each stage of an athlete's development.

Swim 21 is based on the Long Term Athlete Development Model and enables clubs to help athletes, teachers, coaches and administrators to achieve their full potential. Swim 21 would therefore provide a community enterprise with a reassurance that their pool would be hired and utilised on appropriate lines. Details can be found on, <http://www.sportcentric.com/vsite/vnavsite/page/directory/0,10853,5157-182482-199700-nav-list,00.html>.

## Energy and Environmental issues

Pools require constant heat and the buildings have a tangible impact on the environment. Making a pool more environmentally and economically sustainable is a challenge. The Government is seeking to reduce carbon dioxide emissions by between 26-32% by 2020. The Government are also seeking higher standards on energy saving efficiency related products including reducing costs on stand-by power. Saving energy is one of the simplest ways to increase pool profits without the need to increase sales. Controlling energy use

should also make conditions for staff and customers more comfortable.

Energy costs can represent 25% of the overall costs of a typical pool. The Carbon Trust estimates that the average breakdown of energy use for pools is 50% space heating, 30% water heating, 10% fans and pumps, 5% lighting and 5% general power. There is the potential to integrate swimming pools into wider community heating schemes provided by low or zero carbon heat sources such as combined heat and power. There may also be opportunities to look at what is happening in the community in terms of heat and cooling infrastructure which would provide lower cost and lower environmental impact energy solutions.

The Energy Saving Trust is administering capital grants on behalf of Government under Low Carbon Buildings programmes, which provide grants for micro generation technologies to community organisations, public buildings and businesses. The Carbon Trust also works with organisations to reduce carbon emissions and to develop low carbon commercial technologies. It provides a full range of advice as well as interest free loans from £3,000 - £400,000 to purchase energy efficient equipment. Repayments

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are calculated to be offset by monthly energy savings. For more information contact, [www.carbontrust.co.uk](http://www.carbontrust.co.uk)  
Tel: 0800 085 2005.

British Gas has an Energy 360 Programme which consists of an audit and advice on energy management services. They have also started to work with pool owners and management to address capital funding issues around heating and plant. Find more information at [http://www.britishgas.co.uk/ouroffers?WT.srch=1&WT.mc\\_id=e100100](http://www.britishgas.co.uk/ouroffers?WT.srch=1&WT.mc_id=e100100).

There are varied ways of dealing with environmental issues. For community enterprise pools, these may be decisions on whether to retain outdoor and lido water during the winter and an analysis of the effect of pool chemicals and paintwork if a pool is retained throughout the winter as opposed to the process of re-filling. Other considerations are bringing about a reduction in pool water loss and leakage from the pool tank. Water is becoming scarcer and where leakage does occur, it should be addressed at an early stage. Also water fountains should be provided instead of the use of water bottles. Possible reductions in the release of chemicals, water and waste products from

operations should also be addressed. Where there needs to be building refurbishment, sustainability in construction materials should be sought.

The Development Trusts Association and the Environment Trust produced The Green Asset Guide in 2007. This guide offers a summary of approaches to reduce the environmental impact of community buildings, and covers themes such as climate change and building adaptability, waste and waste treatment, energy and energy consumption and management for improved environmental sustainability. Download the document at, <http://www.dta.org.uk/resources/publications/greenassetguide.htm>

Community enterprise pools should therefore aim to:

- Consider the effects that their operations may have on the local community and seek to work in partnership with the community by behaving in a considerate and socially responsible manner
- Prevent pollution, reduce waste and ensure, wherever practicable, that measures are implemented to protect and preserve natural habitats
- Ensure effective and expedient incident control, investigation and reporting.

Standards should be in line with the Approved Guidance as issued by the Environment Agency and to be compliant with environmental management standard, ISO 14001. Details of this can be found at, <http://www.iso14000-iso14001-environmental-management.com/>.

There is also a delicate balance to be struck with regard to old and listed buildings. On the one hand, the architecture and social contribution of an older pool, especially those that are listed and actively used, is a positive; on the other hand, the deployment of certain parts of the building at the expense of environmental consideration needs to be reviewed from time to time.

## Employment issues

### TUPE

Whilst local authority and community enterprises often enjoy different work cultures, some community enterprises will seek to employ staff that had previously been employed in the same pool by a local authority. The Transfer of Undertakings (Protection of Employment) Regulations 2006 or TUPE needs to be fully considered. TUPE is designed to protect the rights of

# From steering group to community enterprise

employees where an undertaking has been transferred or part of an undertaking is transferred. The legislation allows employees to enjoy the same terms and conditions with continuity of employment prior to the transfer of the undertaking. The original TUPE regulations were introduced to comply with the EC Acquired Rights Directive (77/187/EC and 98/50/EC) and the Acquired Rights Amendment Directive (2001/23/EC) and the current regulations have taken on board various amendments.

TUPE applies in two categories: either with business transfer (when an economic entity is transferred but retains its identity) or in a service provision change (for example, when a client engages a contractor). From the point of view of a community enterprise pool and, in particular, pool operating staff, the first of these two applies. Where TUPE does apply, all terms and conditions of work and continuity of employment should be retained on transfer. This extends to those who would have been so employed if they had not been unfairly dismissed for a reason connected to the transfer to community enterprise ownership.

There is also a requirement to consult fully and meaningfully with the employees

on the part of the transferor and transferee and an employee can be awarded compensation if this has not been carried out. If the previous employer provided a pension scheme then the community enterprise pool will be required to provide a form of pension, not necessarily the same pension arrangement, which is of a minimum standard to meet the Pensions Act 2004.

TUPE is a complicated area and further information can be obtained from 'Employment rights on the transfer of an undertaking: a guide to the 2006 TUPE Regulations for employees, employers and representatives, <http://www.berr.gov.uk/files/file20761.pdf> or The Transfer of Undertakings (Protection of Employment) Regulations 2006, <http://www.opsi.gov.uk/si/si200602.htm>.

## Other employment issues

For a new organisation inevitably there will be many other employment issues to consider which range from employment contracts to continuing professional development.

A number of these are covered on the Asset Transfer Unit web site under 'Property Development'. This section

covers Staff Recruitment, Appointing and Managing Professionals and Policy Development which can be found at, <http://www.atu.org.uk/Support/AssetMap> It is also worth one member of an organisation joining the Chartered Institute of Personnel and Development which specialises in the development and promotion of good practice in managing and developing people. The CIPD is a mine of useful information ranging from such subjects as codes of professional conduct when dealing with people to employment law. Details can be found at, <http://www.cipd.co.uk/default.cipd>.

A community enterprise pool can also present an opportunity to tackle the worklessness agenda. For those people who have not worked for a period, a volunteering opportunity at a pool can create a chance to develop skills. The outcome could be full time employment at the pool or employment in another full time occupation. Worklessness programmes work best when they provide skills and access to IT, integrated childcare and are linked to advice on employability from those people with specialist knowledge and an understanding of the multiple barriers to employment.

## Case studies

# Portishead Pool, North Somerset

An example of a community pool which uses its landscape and setting to create new funding streams



## The Background

First opened in 1961, Portishead Open Air Pool was re-opened in May 2009. Managed by the Portishead Pool Community Trust, the pool had previously been run by DC Leisure on behalf of North Somerset Council. Situated in the Lakegrounds in Portishead, the 33.3 x 12 metres pool enjoys panoramic views over the Bristol Channel and features sun terraces which offer perspectives over a wide expanse of water and countryside.

## Key Issues

The Trust has a 5 man board, all of whom have full time jobs in other fields. The day to day management is carried out by a full time pool manager, 5 full time professional and 9 casual lifeguards who are also all professionals.

The local authority initially transferred the pool to the Trust for one year with the option of a 99 year lease if the Trust could establish that the pool could be sustainable. Supporters of the pool are being encouraged to become members of the Trust. Two categories of membership

have been offered- annual membership of £10 and a founder membership of £250. The founder managed Swimming Pools membership also offers lifetime membership and is designed to encourage people to pay up-front thereby strengthening cash flow during the early stages under new management. Membership is open to all interested parties, whether residents or otherwise.

Each member has the right to vote, the right to stand for election to the committee and the right to have a say in the future direction of the pool.

## Evolution

In 2008 the weather was bad and attendances dropped to 8,000 for the whole season. The local authority also ran an indoor pool, Parish Wharf Leisure Centre, and was therefore faced with the difficult task of meeting the costs of 2 pools in one town. The pool was closed under local authority ownership in September 2008 and opened as a community trust in May 2009. In that time, the Trust was created from among

# Case studies: Portishead Pool, North Somerset

local residents. The pool had been used by local residents as well as by people from Bristol and following petitions by local residents, the local authority gave local residents the opportunity to run the pool for the community.

## Impact and outcomes

The goodwill created by the announcement that the pool would be re-opened created a ground swell of volunteering. A strong community spirit made it easier to obtain volunteers to help with painting and building work and enabled sufficient reception staff to be found to cover all the shifts.

Once the pool was re-opened it was recognised that the community had been empowered and was capable of running the pool. The Trust also realised that a strong volunteering element at the start was likely to be reflected in both individual financial support and the likelihood of making the Trust sustainable.

Two further factors had a big impact on the outcomes. First, the weather in the summer of 2009 was much better than the previous 2 years and, in the first 3 weeks of the pool opening, the pool

received more than 10,000 attendances. Secondly, Ty's Great British Adventure was filmed at the pool which gave the pool much needed publicity with many people simply coming to visit the pool as a response to the film. The film fronted by Ty Pennington, star of the US TV programme, Extreme Makeover Home Edition, galvanised volunteers into painting the sun terraces and the pool surrounds. Pennington's team spent a week in helping to renovate the pool and the programme will appear on UKTV Style.

In terms of impacts on decision making, the management feel that the staff culture is quite different to that of a local authority with staff members willing to invest personal time in what has effectively become a 'psychological contract' between them, the community and the pool.

## Key resources involved

In addition to manpower to help refurbish parts of the pool, the Trust has encouraged volunteering using the Internet. Individual volunteers can now go on line and enter their details stating what times they would be available to run the reception. This has reduced the necessity for back office

administration and has allowed volunteers to buy into the process. Volunteers can also agree to work on maintenance tasks and office administration by volunteering over the Internet.

## Barriers

The main initial barrier was the difficulty in establishing the Trust in a relatively short period of time. When it became known that the pool was closing in September 2008, the challenge from the local authority to the community was to demonstrate that they were serious about running it.

A group of regular pool users who knew one another got together and quickly formed a Trust in October but translating dreams into reality was a more difficult task. The real challenge was that the local authority asked the Trust to complete a business plan which needed to be completed in 18 days. This plan was ultimately approved by the local authority paving the way for the pool to be re-opened in May 2009. Money also needed to be spent on a new entrance and fire exit to the pool and planning permission was sought and agreed for this.

# Case studies: Portishead Pool, North Somerset

The next challenge will be sustaining the pool over the coming years. The target income from swimming related activities for 2009 was £45,000 and the business plan looks for 5% growth year on year over the next 5 years. Further ways of generating income need to be sought. This was immediately addressed in 2 ways- first, the Trust are looking at utilising the pool as an ice rink in the winter and using the sun terracing as an area for concerts in the spring/autumn; secondly, the Trust went to local food establishments and asked if they would



be interested in running a café. In June 2009, a tapas bar was opened, the Lockhouse Lounge, a private and separate enterprise, which utilises views across the Bristol Channel. A 5 year lease has been agreed and the two organisations plan to work together to generate common customers for the future.

## Key lessons

The lessons have been to set up a swimming lesson programme as early as possible because it can generate considerable income. The Trust had little time to do this in the first year to look for a range of potential customer groups and build a varied pool programme offering opportunities to customer groups not provided for by competitors. Two triathlon clubs have begun to use the pool; there have been enquiries for scuba diving and water polo; and pool parties in the right environment will always attract custom looking to the future, pools that stand on their own should always look at ways of delivering allied products. The Trust are in discussion with the local fire brigade about the possibility of working together to create a small gym

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### **Supporting resources:**

The Portishead open Air Pool web site <http://www.portisheadopenairpool.org.uk/> where a complete set of pool entry prices, pool hire rates, session times and user groups can be found.

## Case studies

# Jesmond Swimming Pool, Newcastle

A leading example of sustaining an urban social enterprise pool over many years



## The Background

Jesmond Swimming Pool, which was originally built in 1938 at a cost of £20,391 and is situated in an affluent area of Newcastle, was closed in 1991. The closure was followed by sit-ins at the pool by local residents. Prior to this, the City of Newcastle Council had carried out a strategic review of its facilities and, aided by Sport England's facility modelling, had arrived at the conclusion that there was an over provision of water space. At the time, Jesmond was the third best financially performing pool but it was felt that Jesmond users could readily transfer to other pools. In February 1991, the Council announced that the pool was to close and public protest led to a meeting taking place at St George's Church.

Although there had been a Friends of Jesmond Pool body formed in 1989, the Jesmond Swimming Project (JSP) formed 23 days before the closure of the pool now led the response from the community and 2 days later, it published an interim report proposing that the pool should be re-opened. Intense planning and preparation took place throughout

the rest of the year and in December, the Foundation for Sports and the Arts awarded a grant of £50,000. This led to the pool re-opening in April 1992 under community management. In 2002, Jesmond Swimming Pool was awarded the runner's up prize in the national Social Enterprise Awards and was quoted as an exemplar at the launch of the North East Social Enterprise Action Plan. In 2007, it was a finalist in the Tyne and Wear section of the North East Business Awards.

## Key Issues

In 1991, a residents' action group was formed and Glenn Armstrong, later to manage the pool, was employed as a consultant to review the overall position and to write a business plan for a new operation of the pool.

The main initial issue was managing the funding gap and how to establish an organisation to run the pool. The early steering group realised that it was vital to avoid the pool being drained down after its closure. The Council's contribution to pool maintenance was to



# Case studies: Jesmond Swimming Pool, Newcastle

repair broken and damaged windows. Credibility was a further concern. Local people were only likely to invest time and money in the pool if it were seen as having a future.

Initially the Trust was granted a 5 year lease on the building. The second lease was for 25 years. The length of this lease was mostly driven by banks who, before making any loans, wanted to see a longer future for the operation. The current lease is for 99 years. The Council own the site and the Trust own and operate all fixtures and fittings in the building. The Trust has never really been capitalised because, until the refurbishment, it always had enough money to pay for its needs based on existing funds and trading operations. As with many organisations of this nature, there was no initial sinking fund set aside to pay for any major building work but the Trust planned from the first day of its existence to generate one which they managed to achieve quickly.

These issues were all addressed at an early stage. In the first instance, a 12 person trust was established primarily comprised of local residents. At least half of these are still trustees to this

day. Funding was also considered at an early stage and the Trust created a scheme based on pledges, the pledge being that money would be donated to the Trust only if the pool re-opened. On this basis, a critical mass of 200 residents signed up with half price swimming admission in the future being part of the package.

## Evolution

Whereas in the last year of operation under the local authority, the pool had made a loss of approximately £60,000, the first year of operation as a social enterprise pool led to a £60,000 profit. This was mostly due to three factors- first, increased hours of use. The hours were almost double those hours previously offered. Secondly, it was also due to operational savings on energy use. Thirdly, it was due to committed staff effort. The Trust had very limited operational volunteer help in the first few years. The pool then ran at a profit for the next 12 years.

Staff culture has been another important strength. People enjoyed working in the environment. 5 members of staff have worked at the pool since 1992 and are

full time, 8 staff are part time employees and approximately 20 people volunteer their time to help. 80% of the staff has been at the pool for 10 years or more. In terms of finance, income each year is between £500,000 and £600,000 and leasehold building improvements depreciated over a 40 year period.

## Impact and outcomes

Increasingly the Trust has become confident in its long-term future and commitment from the community led to the pool being refurbished in 2002. This refurbishment was part funded by surpluses made over the previous years on trading which represented 1.2 million of the total. The Trust also spent 7 to 8 years working towards making a lottery application and £760,000 was obtained in lottery support. Since that time, the Trust has been breaking even for most years.

The Trust feels that its professional staff are now employed on better terms and conditions than if they had been employed in the public sector. They made a conscious decision not to employ former local authority staff as they wanted to build new staff cultures.

# Case studies: Jesmond Swimming Pool, Newcastle

The Trustee's Report for 2008 refers to the objective 'to provide a working environment that values and develops all of its people to ensure business success, whilst being inclusive and participative'. Full staff participation is encouraged in the running and success of the project.

The Trust is looking to increase activity and one area for this has been outreach work which involves running programmes in schools in summer holidays. Another area of outreach work has been in advising other Trusts which are just becoming established. To date, some 8 trusts including trusts as far away as Wales have been advised and this particular area of work has been supported by talks at conferences on social enterprises and social accounting. When Wolsingham School Pool, in nearby Durham, was being transferred to community enterprise, Jesmond advised them to train 6th formers from the school as lifeguards and to support their volunteering with regular CPD. This helped Wolsingham initially to keep its staffing costs to a reasonable level.

Over the last 2 years, the Trust has also looked at different ways of raising money. Funding has been attracted from local ward committees to encourage over 50's to use the gym and for a summer activity

scheme in South Jesmond. Business Link funding was also forthcoming to re-launch the web site. E-on and the Energy Savings Trust also funded the installation of solar panels.

A number of community social enterprise pools have not been afforded the opportunity of taking part in the Government's Free Swimming programme but Newcastle City Council has been working with Jesmond Pool which has offered both swimming for over 60's and under 16's. Prior to this, there were between 115,000 and 120,000 attendances per year and this is now set to increase. Among the users, four schools and Newcastle Dolphins, as part of the City of Newcastle Squad, utilise the pool.

Ultimately everything the pool does is customer driven. The building is open from 7 a.m. to 10p.m. The Trust have also tried to involve local people in the decision making process. At one stage, as a way of trying to explain why they had to charge higher entry fees, the Trust distributed a survey which contained the question 'how much are you prepared to pay for a swim?' The underlying point was that from time to time it is important to ask people 'do you want this pool?'

## Key resources involved

An application to the Foundation for Sport and the Arts required significant resources as did a bid to the National Lottery. Some six years effort went into the planning and obtaining of a lottery grant of £1.5 million in 2002. The main resources in terms of manpower came at the start of the project with the grant application, the extension of the lease and fund raising all taking place in the first few years.

## Barriers

The Trust introduced a gym but felt that one of the things they had to avoid was in making it too 'clubby' so that it was accessible to everyone. This was addressed by calling everyone subscribers rather than members and allowing people to become a subscriber for as short a period of time as a month.

One of the big barriers had been in convincing the Council that the new enterprise had a future but, almost immediately income started to outstrip expenditure. The Trust tightly controlled running costs and opened the pool for longer hours than before as well as on bank holidays. New activities were developed to meet customer requirements.

# Case studies: Jesmond Swimming Pool, Newcastle

## Key lessons

The Trust have found that in a social enterprise, financial accounts do not provide complete information simply because they are focused on finance and do not take into account the annual position as far as people are concerned. In view of the fact that the Trust is very much about people and the time and value that they add to the business, they have introduced social accounts. A detailed structure for setting out accounts of this nature can be found by visiting the last 4 years of Jesmond's social accounts at, [http://www.jesmondpool.co.uk/social\\_accounts.asp](http://www.jesmondpool.co.uk/social_accounts.asp)

The maintenance of a building, particularly a swimming pool, in line with the lease agreement is always a challenge. The lesson learnt is to make sure that maintenance is on-going and carried out on a regular basis.

## Contact information

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### **Supporting resources**

The Jesmond Pool web site, <http://www.jesmondpool.co.uk/> where a historic set of financial accounts, social accounts, mission and objectives, pool entry and other activity prices, pool hire rates and session times and user groups can be found. In addition, there is further information on the outreach work carried out by the Trust.

## Case studies

# Lenton Swimming Pool, Nottingham

A former baths and washhouse now offering a hub of vibrant community, health, well-being, social and educational activities and facilities



## The Background

The Lenton Centre originally opened in 1931 as a community washhouse to the south west of Nottingham city centre. Since that time it has evolved into a social enterprise. The pool, which is 18 x 7 metres (126 square metres) and comprised of 4 lanes, was originally paid for by the Old Trust and opened in 1966 as a training pool for school children and youth organisations. The Community Centre opened in 1979. A National Lottery Award of £64,000 in 1996 provided much needed finance towards the cost of expanding young people's activities and, in 1999, the Centre closed for six months for a major refurbishment.

The 25th anniversary celebrations in June 2004 were soon followed by an announcement that Nottingham City Council was to close the Centre at the end of August. The Council had carried out a strategic asset review and had decided that it had too much water space for its needs. This triggered a campaign, led by Lenton Community Association, to take over the entire building. Following a consultation exercise in the locality with local residents, business and voluntary

organisations as well as fund raising by the community, a viability study and a 5 year business plan were produced and an architect engaged.

The General Disposal Consent was made on 26th May 2006. The Association transferred all its assets to The Lenton Centre, a new social enterprise, which purchased the building, including the swimming pool, from the Council for £10. The gym was then re-opened within weeks. The pool was finally opened in September 2008 exactly 4 years after being closed.

## Key Issues

Established in 2005 from the former Lenton Community Association, The Lenton Centre is a company limited by guarantee and a registered charity. The Centre itself is positioned in a side street and not on a main thoroughfare. Parking difficulties were tight but not impossible. One of the early tasks was to merge two different interests. The Community and Leisure Centres were owned by the Council but the

# Case studies: Lenton Swimming Pool, Nottingham

Community Centre was run by the Community Association. In many respects, the Community Association, which was dissolved in 2005, provided a framework for the transfer of the pool to a community enterprise.

Another issue was to achieve sufficient level of buy-in from potential partners. The project attracted support from Nottingham University as well as agencies supporting social enterprise such as Social Enterprise East Midlands (SEEM), the Development Trust Association (DTA) and the Adventure Capital Fund (ACF).

## Evolution

Following the initial business plan, the Council asked for more detail. The Centre obtained an ACF/DTA grant to help with a revised business plan which took a phased approach starting with the dry side and then bringing the wet side back into commission. This approach helped to build Council support for the overall project and the view that the Third Sector delivery model was the way forward.

The Centre has now developed its hub approach and offers the pool and gym, the Quakers Swim School, which provides

swimming lesson income, a venue for training workshops and conferences, a youth club, massage facilities, the home of the Punjabi Centre in Nottingham and the home of Activ8Uth, a project which offers play, sport and educational opportunities for young people. In short, the maxim has been 'owned by the people, for the people'.

Having depended on grants to get started, the Centre now just breaks even. Initially ACF with £15,000 development grants, Esmee Fairburn Trust with £80,000 over 2 years, the Lankelly Chase Foundation, with £50,000 over 3 years, Lloyds TSB with £20,000 and Nottingham University, £20,000 donated to core operations. Capitalisation was built through the University, the City Council, local foundations, Awards for All and SEEM. The University was keen to invest in the local community. The initial business plan was that there would be a venture capital grant to get the gym started which would later fund the re-opening of the pool. Although attempts are made to cross subsidise the pool with the gym, ultimately it was felt that the gym was too small to drive sufficient income to achieve long term viability. The Centre contains a caretaker's flat

upstairs which was converted into offices, which are now let out. Further business opportunities come through gym membership, pool and room hire, therapy rooms, 'extra value services to office users', hot desk facilities and a shop. 8 schools now use the pool as well as Radford, Leander and Bramcote Swimming Clubs and Trent University Kayak Club. Over 300 pupils a week attend for private swimming lessons and over 3,000 pupils have been learning to swim at Lenton in 2009.

## Impact and outcomes

The main impact has been the swimming pool itself. In the first instance, it has increased confidence levels in that the community can see a tangible outcome now that the pool is open. The community were all asking when the pool would be open. The pool has had the effect of making the whole complex more viable because people using the pool have started to use other facilities and because core overheads can be spread more widely.

There is now greater political support for the Centre with the Council making a £21,000 grant each year. The core running cost for the pool had been

# Case studies: Lenton Swimming Pool, Nottingham

estimated at £60,000 (the whole centre was estimated at £150,000).

## Key resources involved

Lenton has a small staff and so volunteers are an important part of its offering. It therefore has a more extensive range of volunteers than the previous case studies with life guards, centre attendants and maintenance staff being voluntary. It also seeks volunteers for community leaders, leafleting, content writers for their web site and advertising, fundraisers and graphic and web designers.

The Board that runs the Centre now consist of 8 members although the number of members has been as high as 12 people. On the operations side, 1 full time member and 4 part time members o staff are employed. Of these, there are 3 duty managers and 2 part time attendants. These are supplemented by a team of volunteer attendants, duty managers and maintenance staff. At all times, there is one duty manager in attendance. Monthly CPD training takes place.

The Children and Young People's Team (CYPT) get their own grants and is a

self contained unit within the project. This team consists of 1 full and 2 part time members of staff plus a team of volunteers.

## Barriers

The biggest hurdle was getting the pool open. Once the pool was open, it helped to increase the sense of purpose for the project. The Centre has also had to marshal resources to meet a wide range of programmes to meet community needs. The pool has in a short space of time had to create, action and access a range of pool programmes which had not previously been run at the pool by a social enterprise. Given the size of the pool, this has led to the challenge of assessing and balancing what works for the community and what is financially viable.

## Key lessons

One of the biggest single issues has been the £450,000 in repairs that need to be carried out. On reflection, the Centre would advise others to encourage local authorities to make an initial contribution, particularly if buildings are in a poor state. This would avoid organisations being at a disadvantage at the start. The Lenton

Centre now has a master plan for operations which tries to account for the repairs that need to be carried out. A mixture of volunteers and contractors carry out the work.

All the funds have had to be found by the Company and one of the issues has been that they have had to find out how to raise money from within the team. New organisations should look to recruit someone with experience in this field to the organisation at an early stage.

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## Supporting resources

The Lenton Centre web site at <http://www.thelentoncentre.org.uk/> provides further information including pool prices, different programmes and the timetable.

## Case studies

# Zest Health Centre, Sheffield

Zest is a development trust working to promote regeneration in the Netherthorpe, Upperthorpe and Langsett areas of Sheffield



## The Background

Netherthorpe, Upperthorpe and Langsett, which have a combined population of 11,214 people, have large estates of social housing combined with Victorian and new housing developments. It also has a high number of single parent households and a large proportion of families from Black and Minority Ethnic communities. The area suffers from poor childcare provision and some key health issues.

The Netherthorpe and Upperthorpe Community Alliance (now trading as Zest) was established in 1997 as a community forum and between 2000 and 2006 delivered a Single Regeneration Budget (SRB) 6 programme bringing in £15 million of funding for the area.

This was designed to add value to an SRB 1 capital investment scheme by investing in people. The main areas addressed by the SRB 6 funding were community capacity, social inclusion, employment and training, community safety and health for the community. Projects such as the Upperthorpe

Healthy Living Centre, One Stop Shop, youth services and improvements to the public realm were established.

The Upperthorpe Healthy Living Centre scheme entailed a £5 million capital/revenue project to refurbish and re-model 3 linked Victorian buildings: a public swimming pool, library and community centre based in the Upperthorpe neighbourhood centre.

## Key Issues

At the time when the Centre was being developed, the local authority was generally moving towards a pool stock with bigger pools generally run by leisure trusts and, consequently, small neighbourhood pools were under threat of closure. Although there was no asset review, Sheffield City Council transferred the building to the newly established Upperthorpe Healthy Living Centre Trust in 2001 on a 30 year lease at a peppercorn rent. The Trust is tripartite with the City Council, the Primary Care Trust and Netherthorpe and Upperthorpe Community Alliance all forming a part.

# Case studies: Zest Health Centre, Sheffield

It is comprised of 3 nominees from the Primary Care Trust and the Alliance and 1 from the City Council. The Trust was able to pull together a £5 million capital and revenue funding package including the Lottery's Healthy Living Centre Fund, SRB and European Regional Development Fund.

In 2007, Uppertorpe Healthy Living Centre Trust transferred full operational management of its centre to the renamed Zest. Whilst the Trust leases the building, it has an operating agreement with Zest.

Zest currently employs approximately 80 people and, in addition to the Zest Centre, operates a portfolio of local and city wide services including a city wide children's weight management service, youth services and a one Stop Shop for Employment, Training and Enterprise. Both the pool and the gym employ full time staff and do not rely on volunteers for their operations. Zest operates a Community Healthy Champions volunteering scheme and provides opportunities for volunteers in its café, youth projects and other areas.

## Impact and outcomes

The healthy living centre has managed to engage with the local population in different ways and 38,000 people used the pool in 2008 while 18,000 used the gym. The pool caters for a wide range of clients and is very successful in attracting key target groups including the disabled, people on low incomes and people from BME communities. It operates the following programmes: cardiac/rehabilitation programmes, GP exercise referrals, disability sessions, intensive swimming classes, women only, aqua gym, men only and over 50s sessions.

However, Zest is not just about running a pool. Although the pool plays an important part, the offering is much wider. Zest seeks to raise skill levels, to provide access to employment, to promote enterprise, to create a culture of participation and progression and to promote awareness of, and access to, appropriate levels of service provision. In order to take these factors into account, a Local Economic Strategy for 2006-11 has been developed.

The programme is still at an early stage for measurement but attempts are being made to find solutions to this through the Centre.

## Key resources involved

The City Council and PCT both have recurrent contracts with the Zest Centre, contributing approximately 50% of its income. The remainder of the Centre's income is through till sales and generated income. In addition, there are a number of services paid for via contracts or funding, for example, the children's weight management service and community health champion's scheme. The Centre no longer receives lottery or grant funding and has moved to a position where it is sustainable and breaks even financially.

## Barriers

TUPE has had to be addressed with some facility employees. Transfer of employment has taken place twice- firstly, from the local authority to the Trust, and secondly, when the management contract was then transferred to Zest. When the first transfer took place, the costs were very high due to legal costs. The staff that transferred stayed within the South Yorkshire Pension Scheme and it was agreed that if the Trust were to come to an end, the Council would pay the pensions claimable under the scheme. This can pose difficulties for local authorities should future arrangements change.



## Case studies: Zest Health Centre, Sheffield

The important challenge has been ensuring the long term viability of the Centre. The Council and Sheffield PCT have recurrent service level agreements with the Trust which contribute approximately 50% of the Centre's income with the remainder being met through sales membership and admittances. The Trust has a service level agreement for the on-going running of the Centre with Sheffield City Council and a service level agreement with the PCT for running health related activities including a GP Exercise Referral programme, Phase III and IV Cardiac Rehabilitation Programme and Pulmonary Rehabilitation/Care. The tight financial management of the Centre, as with any other business operation, has been of equal importance.

### Key lessons

A key lesson for the Zest Centre has been the importance of a partnership approach. This importance is due to the multi-faceted nature of the Zest Centre. The commitment of the Council, the PCT and the community has been essential. A second key lesson is that of a need for a robust and achievable business plan. Swimming pools are generally subsidised from the public purse and the pre-transfer negotiations with the local authority and other partners regarding service level agreements are critical. Another key lesson concerns the transfer of Victorian buildings which have high maintenance and repair costs. The Trust is continuing to address issues over pool maintenance.

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#### **Supporting resources**

The Zest Centre Business Plan and Zest Local Economic Development Strategy can be found on, <http://www.zestcommunity.co.uk/downloads>. The overall Zest web site also contains a considerable amount of useful background information at, <http://www.zestcommunity.co.uk/about-us>

## Case studies

# Chipping Norton Lido

### The pool that grew out of a fire brigade fund



### The Background

Chipping Norton Lido, Winner of the ASA's Swimtastic Gold Award in 2007 as a community project as well as Oxfordshire Business Awards Winner in 2008, opened in 1970 following over 7 years of fundraising by local people. There was therefore a fair amount of 'emotional investment' in the pool. West Oxfordshire District Council took over the running of the pool in 1974 and subsequently engaged Wycombe Leisure to manage operations.

In July 2002, a new indoor heated pool was opened in the town and the Council decided to close the open air pool. An organisation, 'KOPO' or 'Keep Our Pool Open', was formed in 2003. The organisation was formed around a 'Use it or Lose It' campaign which collected 3,000 names on a petition. With the support of the town council, the group lobbied West Oxfordshire District Council which agreed to a one year reprieve.

In 2004, West Oxfordshire District Council stated that they were no longer willing to subsidise the pool and offered to pass the pool to the KOPO committee. The

following year, West Oxfordshire District Council provided a grant for half the money it had previously been providing and Chipping Norton Town Council provided a further £6,000 for 2 years to keep the pool running.

### Key Issues

The pool is now run by Chipping Norton Lido Ltd, a company limited by guarantee as well as a registered charity. The Board consists of 8 trustees. The staff consists of 20 casual and part time staff including a manager, life guards and front of office staff. In order to minimise risk, the Trust do not use volunteer life guards and duty managers are part time paid professionals.

Despite experiencing a reasonable level of political buy-in from the town council and West Oxfordshire District Council, in the absence of any core funding, the pool has yet to break even after 4 years. One of the reasons for this is the size and shape of the pool plus restrictions to the lease which limit some of the activities that can take place which would generate additional income.

# Case studies: Chipping Norton Lido

The start of each outdoor season tends to absorb more money in heating and bringing the pool into a ready-to-use state. The Trust, therefore, try to encourage people to buy season tickets as a way of guaranteeing money at the start of the year in April. It also helps to keep people swimming through to September as they like to ensure that they get value for money by swimming throughout the season.

## Evolution

The Trust has always argued that despite the two pools in the town serving 7,000 residents and a total catchment, including villages, of 28,000 people, they are serving two different customer

Within the programme, a certain amount of boisterous play and 'bombing' from the poolside are allowed and, in addition to music, the café is open. It offers an opportunity for teenagers to be noisy together without many adults being present. Much of the session is self-policed by fellow members of the group. The Trust also use the session as an opportunity to identify junior lifeguards and as a way of discouraging

vandalism of the pool by people in this age group during the winter months when it is unoccupied.

Sustainability is an issue in outdoor as well as indoor pools. The addressing of this tied in well with the pool's needs for more efficient heating. Funding was obtained from the Low Carbon Buildings Programme Phase 2, the Community Sustainable Energy Programme, the Trust for Oxfordshire's Environment and EDF's Green Energy Fund for a ground source heating system plus associated solar photovoltaic panels. £135,000 of the £140,000 needed has been raised.

## Key resources involved

During the course of the 288-9 winter, the plant room was re-built and new UV system installed using funds raised from applications to local trusts, a specific public showers' appeal and grant support from the District and Town Councils.

There has always been the risk of plant breaking down and contingency needs to be made to combat this eventuality. The potential closing of the pool due to disruption of plant and a subsequent loss

of income always need to be weighed against the financial and human resources required to meet this contingency. On a long term basis, the Trust plans to build a reserve of £50,000 to meet the replacement and maintenance of plant, effectively forming a sinking fund.

## Barriers

The Trust knows it needs to offer something else to make the pool more viable and is continuing its efforts to expand the range of services it can offer and to identify potential new ways of using the site during the closed season. One area that did cause concern was TUPE as it was felt that to undertake the transference of a pension scheme would be beyond the resources of the Trust. Ultimately there were no permanent members of staff transferred from the local authority.

## Key lessons

In a small town, it is often easier to mobilise a group of like minded people who are willing to work together for a common purpose. KOPO raised £16,939 which was transferred into the Trust's

## Case studies: Chipping Norton Lido

accounts. This aided cash flow in Year 2. With a turnover of £79,845 in 2005 and £85,288 in 2006 and expenses of £75,873 and £73,948 in these 2 years, it helped to ease the financial position.

Whilst the cost of utilities, repairs and maintenance in 2006 was 32% of overall costs, even with part time staff, wages and people linked expenses amounted to approximately 53% of costs. Volunteers at Chipping Norton will therefore remain vital to the future cause and this is common to all community trust enterprises.

In an open air pool, hedging against the weather is always an issue and can only truly be addressed by extending the product range beyond that of the swimming pool itself. For instance, in 2008 the summer weather was poor for a second summer running. Numbers increased from 12,249 to 13,612 and casual swimming income increased by some £2,000 but attendances were still down by 3,500 on 2006 when the summer was good.

### Contact information

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#### **Supporting resources**

The main resource is the Chipping Norton Lido web site which can be found at, <http://www.chippylido.co.uk/index.asp>

# Coin Street, London

### An example of a planned project to be built as part of a purpose-built development on the South Bank in London

The case study for the Coin Street project is very different, as at the moment it is yet to be built. It does, however, demonstrate how a community enterprise approach can help to provide a solution for an area. The plan is to have a swimming pool at the heart of a wider project on the South Bank in London. The project will transfer a 'brown field' site into a mixed use development. The overall project is being driven by Coin Street Community Builders (CSCB) a social enterprise and development trust, with the proposed leisure centre and indoor swimming pool to be managed by GLL (Greenwich Leisure Ltd), a not for profit social enterprise. GLL will also utilise volunteers.

The proposal for a new pool on Doon Street, close to Coin Street, includes a 25 metre 8 lane pool with a learner pool,

120 station gymnasium, 2 multi use studios, a 4 court sports hall, crèche, health suite, club room and café. The whole complex will cost £25 million to build and, in order to maintain it and make it affordable for local residents, will require approximately £410,000 annual revenue subsidy. The pool will support the growing needs of the residential and working population of that part of London. The idea is that the cost of building the sports complex will largely come from commercial housing sales and rental in other parts of the overall Doon Street project. It will form part of a Section 106 planning agreement.

It is anticipated that over 500,000 people will use the leisure facility and 210,000 of these will use the swimming pool each year.

The project differs from the five cases above in that it is an example of a new pool being built as a social enterprise rather than a swimming pool building being passed as an asset from the public to the Third Sector. Often when the public are asked about new local facilities, public swimming pools are the most

requested buildings. Coin Street is a typical example. In 1999, Mori conducted a survey of South Bank and Bankside residents and a swimming pool was among the most wanted facilities by the residents. 48% of all residents and 58% of children stated that they would like to see a swimming pool. A follow up survey in 2009 showed that only 11% of residents and 7% of employees were satisfied with swimming facilities in the area. The lack of these facilities was the greatest source of dissatisfaction amongst both groups.

Coin Street Community Builders bought the near derelict 13 acre Coin Street site in 1984 and since then has built the South Bank Riverside Walkway, Bernie Spain Gardens and Gabriel's Wharf. It has also refurbished Oxo Tower Wharf and created 220 new homes for people in housing need. Coin Street is a locally driven project. The result has been a business model in which Coin Street Community Builders and Coin Street Community Trust create value and then, working with a third social enterprise - GLL - invest it in the community.

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