



The Local Authorities (Executive Arrangements) (Meetings and Access to Information)
(England) Regulations 2012

Decision of the Leader of the Council, Councillor Paul Follows – 20 December 2023

The Edge Sports Hall

Record of Decision: Pursue Option No 3, as referred in the report at paragraph 4.3 on the following basis:

- a) Waverley Borough Council go back into possession of that part of The Edge Leisure Centre (if not the whole) in order that the community use referred to in this Report be provided; and
- b) the expenditure required as part of entering into the above arrangement, as more particularly set out in Paragraph 7 of this Report, be authorised; and
- c) Waverley Borough Council agree the related cost and income sharing arrangement, the terms of which are also set out in Paragraph 7 of this Report; and
- d) The Executive Head for Commercial Services in consultation with the Executive Head for Legal and Democratic Services be delegated authority to settle the terms of and then enter into all the legal documents required and take any other necessary steps required in order to implement Option No 3.

Decision made by: Councillor Paul Follows, Leader of the Council

Summary: This would be a 12-month arrangement whereby WBC would take back possession of [some or all] of the facility to assist in the reopening of the Sports Hall and would also agree a to share the costs and income of doing so as detailed in Paragraph 7 of the Report. This has the advantage of securing the future of the clubs responsible for supporting wheelchair sporting facilities and cerebral palsy football time slots. Failure to enter such an arrangement means we risk losing the associated health and wellbeing benefits that these clubs provide. If we do not facilitate this interim arrangement these specific disadvantaged groups will not have equality of opportunity moving forward as the clubs will have to close in the New Year. On the other hand, this option could involve risk and expenditure for WBC that it does not have to incur.

Declaration of Disclosable Pecuniary Interests: None.

Key Decision?: Yes – value is £100,000

Reason For Decision:

In 2021/22 through our initial discussions with SCC, WBC made it clear that it could not afford to retain a fifth Leisure Centre (in Waverley) at The Edge but would be open to discussing some change to the model of the operation of that facility.

It should be noted also that SCC own the building and neither WBC nor SCC have a statutory requirement to provide leisure facilities. We also operate in a wider context of a local government funding crisis, perpetuated by the Government, and not eased in any way with the most recent local government finance settlement (or indeed through direct appeals to the local MP, who is also Chancellor of the Exchequer).

This decision must weigh up the value for money and potential legal risks of undertaking any course of action with the value provided to the community in other forms. It is a key position of this administration more generally that while maintaining a sound financial position overall is fundamental, we have a duty to maximise other forms of non-financial value where we can.

I will now consider each of the options as presented in the report.

Option 1 (*Do nothing*). Unacceptable given the clear equality and diversity implications highlighted in part 13 of the report. Doing nothing will achieve nothing, **REJECTED**.

Option 2 (*Press SCC, as owner of the building, to bring it back into use*). This is of course what should be happening in this position. However, up to this point WBC have had to facilitate almost every stage of these discussions and I have no faith that a positive outcome would occur if left for SCC to arrange. Commitments from the Leader of the Council at SCC have been welcome to break the deadlock in getting SCC officers into the room to discuss the issues, but significant resistance and unhelpful interventions from the relevant SCC cabinet member (and others, such as the MP) have increased my overall concern for a positive outcome if left solely to SCC. SCC could have also chosen to contract directly with the WHSA and have seemingly chosen not to. **REJECTED**.

Option 3 (*WBC enter into an interim agreement with SCC to reopen the facilities now and seek a longer-term arrangement*). Given the equality and diversity implications in part 13, our commitment to our community as outlined in my opening paragraph, and my lack of faith that anything positive would happen otherwise, it is my judgement that this is the only course of action that will deliver for those residents most in need of it. Balancing the risks outlined in part 9 with the statements in part 13 (and my other meetings with the local community and its representatives from local clubs, its users and local government) I believe this is the only realistic course of action. **APPROVED**.

Option 4 (*WBC look for alternative facilities*). This would just simply not be possible and supported by the fact that many local sports clubs have been trying. Even if this were possible, the costs would be prohibitive and would bring us back to the reasons for needing to change the model at The Edge in the first place. **REJECTED**.

I therefore resolve to approve OPTION 3.

Consultation with:

Executive Members: All Executive members have been consulted with (Cllrs Clark, Fairclough, Kiehl, Merryweather, Mirylees Palmer, Rivers, Townsend. Williams)

I have also discussed the matter in depth with Cllr John Robini (One of the local ward members).

Chair of Overview and Scrutiny: Cllr Carole Cockburn, Chair of the Overview and Scrutiny Committee – Services, was informed of this decision, thus satisfying Regulation 10, General Exception. A notice of General Exception was published on 11 December 2023. [The Edge - Sports Hall - Waverley Borough Council](#)

Officers: Strategic Director Transformation and Governance, Head of Commercial Services

Others: WBC Legal Services

Alternative Options Considered:

As set out in the Report:

1. Do nothing
2. Continue to press SCC, as owner, to facilitate the use required.
3. WBC enter into an interim arrangement with SCC to enable the facilities to reopen for community use whilst SCC agree an arrangement regarding long term use for community benefit
4. WBC look for alternative facilities

Other Matters Considered:			
Legal Implications: <i>External Legal Advice was provided on 14/12/23</i>	✓	Financial Implications	✓
Climate Change /Sustainability Implications	✓	Equality and Diversity Implications	✓
Community Safety Issues	✓	Human Resource Implications	✓
Key Risks	✓	Other	✓
Background Papers:			
<ul style="list-style-type: none"> • None 			
Contact Officer: Ian Doyle, Joint Strategic Director – Transformation and Governance ian.doyle@waverley.gov.uk			
Call-in	Expiry 29 December 2023		



Signed:

Date: 20th December 2023

Name: Cllr Paul Follows

Role: Leader of the Council

If you have any questions about this decision please email committees@waverley.gov.uk