

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Cabinet Member for Community Services, Martin Veal	
MEETING/ DECISION DATE:	On or after 18th February 2017	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2939
TITLE:	Warm Water Swimming Provision within the refurbishment plans for Bath Sports and Leisure Centre and Keynsham Leisure Centre	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 - Information supplied by the WWISE network on examples of the type of facilities they would like to see</p> <p>Appendix 2 - Warm Water Pools in the Bath and North East Somerset area</p> <p>Appendix 3 – Equality Impact Assessment</p>		

1 THE ISSUE

- 1.1 The Warm Water Inclusive Swimming and Exercise (WWISE) group have campaigned for a number of years for warm water pools (at least 32 degrees centigrade) at a depth of 1.2/1.3 metres deep to be included within B&NES leisure centres to provide exercise opportunities for those with disabilities that restrict their movement so that standard pool temperatures feel too cold.
- 1.2 The Council and its leisure partner Greenwich Leisure Limited (GLL) are in the process of undertaking significant improvements and refurbishments of both Bath and Keynsham Leisure Centres to modernise the facilities as part of the Fit for Life Strategy and the WWISE group would like to see a warm water pool included within the plans.
- 1.3 Proposals have been submitted by WWISE to provide an example of what they would like to see at Bath Leisure Centre. These have been considered by, amongst others, the Council, Sport England, the Amateur Swimming Association and GLL as part of developing this report.
- 1.4 The Council is committed to providing leisure facilities that support people to live healthy lifestyles. The current proposals include new teaching pools at both leisure centres. These will provide a facility with warmer water (30-32°C) than the main pool at a depth of approximately 0.9 – 1m which is the standard depth and temperature for a pool of this type.

- 1.5 The pools and changing facilities will be designed in partnership with Sport England to ensure they meet national guidance and best practice as far as possible given the constraints that a refurbishment of an existing building create. Officers are working with Sport England to ensure both centres follow industry guidance and best practice within the constraints that the existing sites provide as these are refurbishment projects.
- 1.6 The Council has never made a commitment to provide any other type of warm water facility – a number of which are available elsewhere in the area - and the provision of warm water facilities are not a key priority for the Council or the local Clinical Commissioning Group (CCG).
- 1.7 While this report references other warm water facilities in the local and surrounding area, its focus is on what provision should be made within the refurbishments of Bath Sports and Leisure Centre and Keynsham Leisure Centre.
- 1.8 It reviews the technical and practical considerations of including warm water pools with these leisure centre refurbishments and looks at what reasonable adjustments can be made to accommodate the needs identified by the WWISE group as part of these works.

2 RECOMMENDATIONS

- 2.1 Officers have conducted a thorough review and their strong advice is that a formal decision be taken as follows:
 - (1) That the Council provide teaching pools at both facilities with warmer water (30-32 °c) than the main pool at a depth of 0.9 – 1m which is the standard depth and temperature for a pool of this type. These pools to be designed in partnership with Sport England to ensure they meet the accessibility guidelines as far as reasonably practical within the constraints of a refurbishment.
 - (2) That the provision of these facilities constitutes a reasonable adjustment based upon the respective needs of the core user and the needs identified by the WWISE group while maximising the use for all users and minimising the risks to safety of users, capital and revenue impacts and deterioration of premises that operating a permanent dedicated warm water facility would entail.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The facilities recommended in paragraph 2.1 are deliverable within the available budget for the refurbishment of Bath and Keynsham Leisure Centres.
- 3.2 The provision of warm water pools as proposed by the WWISE group would have the following cost implications as assessed by Press and Starkey (cost consultants with significant leisure expertise):
 - (1) Division of main pool in Bath Sports Centre into 2 smaller pools one of which would be warm water with a movable floor – c.£970k. This would also mean the loss of £1.5m Sport England funding for the project as club swimming and competition would no longer be possible

- (2) Converting the leisure pool to 2 warm water pools, one of which is 1.5m (5ft) deep – c.£1.6m which includes the cost of a movable floor to allow for other uses within the pool.
 - (3) Adding an extension to the proposed teaching pool to create additional warm water space at a depth of 1.38m (4'6") – c.£1.9m including the cost of a movable floor to allow for other uses within the pool.
 - (4) Increasing the depth of the planned learner pool at Keynsham to 1.3m and including a movable floor to allow for other uses within the pool – c.£920k
 - (5) In addition to these capital costs there would be increased ongoing running costs for the pools to maintain the higher water and air temperatures. The Amateur Swimming Association state "Running such a pool could encounter problems and operationally such a pool would really struggle to get anywhere near to breaking even and being sustainable." Two other examples of warm water pools in England are Polkyth Leisure Centre in Cornwall and Eltham Leisure Centre in London. Whilst exact figures cannot be separated out for the cost of running these pools it is clear that they make a loss and are subsidised by other activities on the sites.
- 3.3 Current capital budgets are not sufficient to accommodate the additional costs referred to in paragraph 3.2. If a decision is taken to incorporate any of the adjustments referred to in paragraph 3.2 a capital budget uplift in the capital programme would be required.
- 3.4 Capital budget uplift would require funding through borrowing, which would add revenue cost to the Leisure service in addition to the running costs identified in Paragraph 3 3.2 (5). There are likely to be decreases in user numbers and therefore these options would reduce the ability of our Leisure partner to generate income, which would result in further increase to the revenue budgets. There is currently no budget to accommodate the additional costs / lost income and this would therefore represent a growth requirement.
- 3.5 The options outlined in 3.2 are not considered to be financially viable from a capital, revenue or cost per visit subsidy perspective.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 Public Health, inequalities considerations and to deliver the Fit for Life Strategy.
- 4.2 The Council has a Duty to reduce health inequalities and have regard to its Public Sector Equalities duties in reducing inequality for those with protected characteristics when considering options for delivering services to the Public. When considering the options in this report members are reminded that these duties are not absolute and are constrained by the need to maximise benefit from limited resources whilst promoting equality of opportunity

5 THE REPORT

- 5.1 The provision of leisure centres is not a statutory requirement for the Local Authority. There is no legal obligation and these facilities are provided at the discretion of each Local Authority.

- 5.2 Bath and North East Somerset Council has chosen not only to improve current facilities, but to invest in them to help deliver Council priorities and the Fit for Life Strategy.
- 5.3 To ensure these facilities have the maximum impact they need to reach a wide audience. In particular, the swimming facilities need to ensure that children learn the important life skill of swimming. Drowning is still one of the most common causes of accidental death in children, so being able to swim is an essential life-saving skill.
- 5.4 The Fit for Life Strategy recognises that there are no dedicated swimming teaching pools in the area and identifies this as an important area for improvement, hence the inclusion of teaching pools within both Bath and Keynsham Leisure Centre redevelopments.
- 5.5 Currently warm water swimming is provided by heating the main pool at Bath Sports and Leisure Centre to 30° on a Thursday between 9am and 4pm. Heating of the main pool is expensive and causes programming issues as the water takes up to 6 hours to heat up and then to cool down again afterwards meaning that a large number of sessions do not have the correct water temperature as recommended by Pool Water Treatment Advisory Group, see paragraph 5.8 for more details.
- 5.6 While this report references other warm water facilities in the local and surrounding area, its focus is on what provision should be made within the refurbishments of Keynsham Leisure Centre and Bath Sports and Leisure Centre.

Keynsham Leisure Centre

- 5.7 The inclusion of a 1.3 m deep warm water pool has been considered in place of a teaching pool at Keynsham but was rejected for the following reasons:
- (1) 1.3 metres is too deep to teach children to swim in, so a movable floor would be required to allow for a change in depth for the different uses, which would add additional cost, with no additional income to support these costs.
 - (2) The additional cost of digging out a deeper teaching pool and adding a movable floor to follow for other activities within the pool would be c. £920k.
 - (3) A deeper pool requires a larger volume of water which requires additional ongoing costs to heat and treat and a bigger plant to achieve the higher temperatures.
 - (4) It takes around 6 hours to heat the pool to a higher temperature than that used for swimming lessons which would limit the use of the pool during that time and longer than this to return the pool to the lower temperature which would limit the use and income that could be derived during this time.

5.8 There are a number of technical arguments against higher than necessary temperatures, as described by the Pool Water Treatment Advisory Group¹ (<http://pwtag.org/technicalnotes/pool-temperatures/>) namely:

- (1) Microorganisms multiply faster – up to twice as fast for a rise of 10 °C.
- (2) Bathers get hotter – limiting serious swimming and increasing sweat and grease in the water.
- (3) Increased perspiration will add to the levels of ammonia and urea in the pool producing more combined chlorine. Chlorine demand will increase simply to maintain free chlorine levels.
- (4) Increased urea levels will increase the production of irritant nitrogen trichloride. This will need to be dealt with.
- (5) Dissolved gases become less soluble – more bad smells (chloramines) and potentially harmful trihalomethanes; and pH value rises as carbon dioxide escapes.
- (6) Energy costs, direct and indirect, are higher – whatever efficiency or conservation methods are used.
- (7) Air temperatures, which are linked to those of the water, rise too – making the atmosphere less comfortable for staff and others (as can the higher moisture levels).
- (8) There is more moisture in the pool atmosphere, even when relative humidity is controlled at the same level – with a risk of condensation and possibly corrosion and deterioration of the building fabric, structure and equipment.

5.9 The following taken from “Managing health and safety in swimming pools” HSG 179 issued by the Health and Safety Executive (HSE) is also relevant:-

“Heating ventilation and air-conditioning systems

270 These systems need to be considered together. High temperature, poor humidity control and inadequate ventilation or air distribution can be major factors in any potential deterioration of the pool structure and finishes, and can increase risks associated with electrical fittings. The concentration and efficiency of pool staff, and users’ safety, can also be affected.

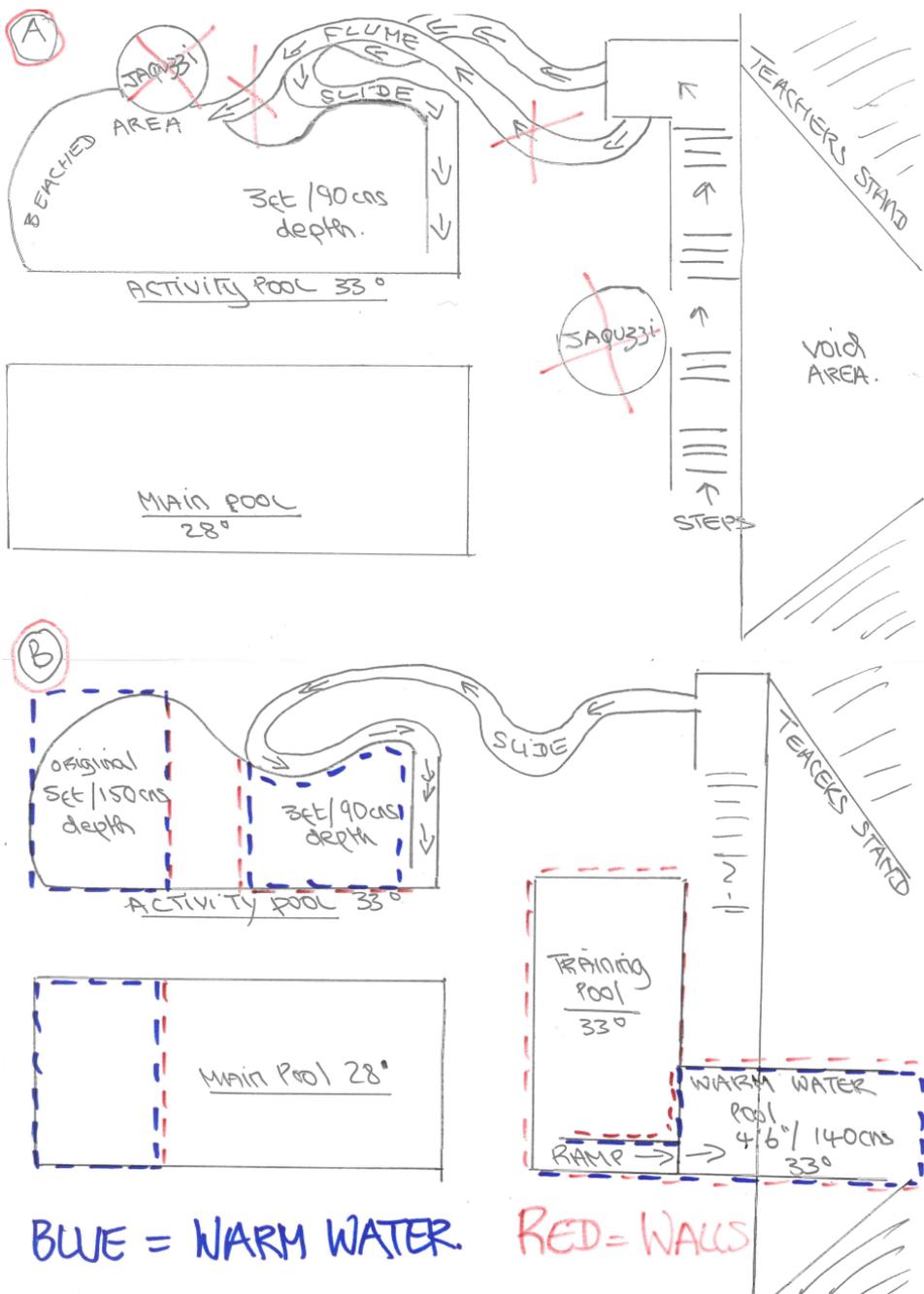
274 The swimming pool hall, changing rooms and other occupied areas should be maintained at a comfortable temperature and have an adequate number of air changes per hour. A temperature of around 27°C-29.5°C for the water, with the air temperature about 1°C higher, may be most suitable; this will help to avoid excess condensation. For example in some leisure or learner pools, possible adverse effects on lifeguards’ capacity to remain alert for long periods will need to be taken into account as part of the risk assessment and when deciding on maximum duty spells”.

¹ The [Pool Water Treatment Advisory Group \(PWTAG\)](http://pwtag.org/) produce detailed guidance on swimming pool water quality and treatment. HSE recognises their guidance as a useful resource for pool operators when drawing up their operating procedures. Enforcing authorities (HSE and local authorities) consider this guidance as the standard to be achieved in effectively managed swimming pools.

- 5.10 This type of pool falls outside of the scope of the requirement of accessible public leisure facilities. Sport England are a funding partner in the project and their standard guidance and cost models do not include a pool of this depth.
- 5.11 Including the deeper pool would adversely impact the construction and delivery programme for the site resulting in additional cost.
- 5.12 Given the increased size and cost of this project it would not be possible to generate sufficient income from the operation of this more specialist type of facility to cover the cost of the capital required to build it.
- 5.13 Based on these reasons it is not considered to be a reasonable adjustment to increase the depth of the pool to 1.3m and add a movable floor.

Bath Sports and Leisure Centre

- 5.14 The Council have received some proposals from WWISE for incorporating warm water pools into Bath Sports Centre:



5.15 This includes

- (1) building a wall in the main pool to create 2 separate pools, one of which would be warm water
- (2) Converting the leisure pool to 2 warm water pools, one of which is 5ft deep
- (3) Increasing the temperature of the proposed teaching pool and other warm water pools
- (4) Adding an extension to the proposed teaching pool to create additional warm water space at a depth of 4'6"

5.16 These proposals would incur significant cost to deliver, estimated to be in the region of £4.5 million. There are also operational and technical reasons why these proposals are not practical or a reasonable adjustment:

- (1) Separating the main pool into 2 areas would mean that it is no longer 25m and so could not host galas and would not be suitable for the swimming club to train in. The pool is the home of Bath Dolphin Swimming Club who have over 300 members and train on 4 days of the week in the pool. This option would cost in the region of £970k and would incur the loss of Sport England's £1.5 million funding. This is not considered to be a viable option or a reasonable adjustment.
- (2) The leisure pool, like the main pool, is not dug into the ground, but is a suspended tank. Changing the depth of the tank is not straightforward and breaking out of an existing tank of this nature would likely cost in the region of £1.6m including the cost of a movable floor to allow for other uses. This is not considered to be a viable option or a reasonable adjustment.
- (3) Both the ASA and the Pool Water Treatment Advisory Group do not recommend temperature of 33°C for swimming for pools other than for use by specific groups, see paragraph 5.8 for more detail. The pools would need to be lowered in temperature for other uses such as casual swimming, swimming lessons and swimming club use. It takes a considerable time and cost to heat or cool pool water by 2-3°C (up to 6 hours) and so the learner and general pool programme would be severely restricted either side of sessions where the pool was required to be at 3°C higher. This is not considered to be a viable option or a reasonable adjustment.
- (4) The proposed extension to the teaching pool is outside of the footprint of the current building. It is at first floor level and as such would be challenging to deliver. This would likely cost in the region of £1.9m including the cost of a movable floor to allow for other uses within the pool. It would require planning permission and landlord's permission from the Recreation Ground Trust and Bath Rugby as it would be on their land or leased land. This is not considered to be a viable solution or a reasonable adjustment.
- (5) Other materials provided by WWISE as examples of their request are included at Appendix 1.

5.17 Designs for the refurbishment of Bath Sports and Leisure Centre were completed and signed off through the process laid out in the contract. (No commitment has previously been made to provide this type of facility). Work is already progressing to deliver the works as part of the contract. Altering the design now would require the Council to enforce changes to the contract which would incur delays and significant additional cost, all of which the Council would be liable for. The project is already making use of the maximum available budget and so there is no funding available to make these changes.

5.18 The designs are rooted in the bid proposed by GLL through the procurement process for the leisure contract. The Council's position has always been that it is seeking to provide accessible public leisure facilities in line with Sport England guidance and, in addition to the extra cost of a change of specification at this stage, there would be a risk of a procurement challenge from unsuccessful bidders

Consultation with key partners

5.19 Sport England were asked to comment on the proposals and their response was:

“We have looked at these types of projects before, it has always been a challenge where the pools share the same pool hall due to the environmental conditions and the increase/control and managing the pool temperatures. That said it is not beyond the realms of possibility but would have a significant effect on the capital build cost for the pool hall and associated pool plant”.

5.20 The ASA were also asked to comment and their response was:

“Having reviewed the attached drawings I can categorically say that this is not something the ASA would support and would advise strongly against.

The feasibility of attempting such drastic structural changes will be the first problem that will be encountered, and looks at best optimistic to achieve.

However the most alarming request is the temperature, a training pool which is used for training of course, at 33°C would not be recommended. FINA rules stipulate competition temperatures must be at min and max between 25-28°C. You then have the costs of heating such water, along with that would then come the complications of air quality control. It is advised that air is heated to the same as or one degree above the water, this is to ensure that heat loss from the pool does not occur and to limit condensation within the building, hence also protecting your building. There is however a maximum recommended air temp at 31° due to lifeguards working within this environment therefore you could not work to the same as or 1 degree above rule.

The final point is bacteria, bacteria thrive in warm temperatures, for example Legionella is most prolific between 30-40°C. Running such a pool could encounter problems and operationally such a pool would really struggle to get anywhere near to breaking even and being sustainable”.

5.21 GLL have considered the proposals and have made the following comments:

- (1) We would strongly recommend operating within PWTAG guidance as outlined in paragraph 5.8.
- (2) In our experience warmer water limits the operational usage of a pool reducing the number of user groups the pool can be comfortably used by and thus impacting on pool programming. Replacing any of the existing or planned pools with deeper or warmer water would have a negative impact on the number of users of that pool and therefore on the income level for that pool.
- (3) The number of warm water pools would have a significant effect on the lifeguarding numbers as the air temperature would mean numerous staff rotations would be required.

- (4) It would also have a significant effect on the cyclical maintenance costs of all plant and machinery in the pool hall as the air temperature would severely reduce the life of these components.
- (5) This, coupled with the actual costs of heating the pool to these temperatures, would make the pools unsustainable without significant funding.

5.22 Warm Water Pool Provision Position Statement - Health and Social Care Services:

“Over the past four years the Council, along with partner organisations, including the Clinical Commissioning Group (CCG) has adapted well to significant change – population growth, new legislation, including the Care Act, and a reducing budget have all meant changes to the way we work and deliver services.

There is further change to come. Our population continues to grow. As the number of people aged over 65 increases, the rates and complexity of more acute conditions including heart disease and dementia also rises. This will mean that we will have to think differently about how we provide some services, especially adult health and social care.

In this context, adult social care resources are targeted on ensuring that the Council’s statutory responsibilities to those with care and support needs are met, with a focus on prevention, ensuring that the right support is available to people before they reach crisis point, require hospital admission or develop a long-term condition.

Similarly, funding decisions by the CCG require sound quantitative and qualitative evidence of benefits, including and most particularly, in when measured in outcomes for patients. Warm water pool provision is not a priority the CCG”.

In response to a statement made by WWISE in July 2016 to both CCG Board and Health and Wellbeing Select Committee about the benefits of warm water pools, the Select Committee’s response expressed strong support for the enhancement of access to warm water pools as part of the re-provision of Bath and Keynsham Leisure Centres. Cllr Vic Pritchard, Cabinet Member for Adult Social Care undertook to both convey the support of the Select Committee to Cabinet colleagues and, also, ask that Cabinet colleagues take account of the views of Select Committee in finalising plans for the re-provision.

At the Select Committee’s September meeting, Cllr Pritchard provided the following update:

“As agreed following the presentation by the WWISE Network to July’s meeting of the Health and Wellbeing Select Committee, I have sought further clarification, including from Cabinet colleagues on the potential to enhance access to warm water pools in Bath and North East Somerset as part of the re-provision of Bath and Keynsham Leisure Centres. Considerable engagement and consultation has been undertaken on leisure services provision in Bath and North East Somerset in order to identify the key priorities. This has informed agreement of detailed plans, including funding requirements for the re-provision of the leisure centres and it is, therefore, not possible for the Council to consider revised specifications for the

Leisure Centres at this late stage. The WWISE Network also made a presentation to the Clinical Commissioning Group's Board meeting in July and the CCG's response can be found on the CCG's website:

<http://www.bathandnortheastsomersetccg.nhs.uk/assets/uploads/2016/07/Question-to-the-21-July-2016-BaNES-CCG-Board-hydrotherapy-v3.pdf>

The CCG's statement was as follows:

"The CCG is committed to providing access to hydrotherapy for those that need it as this service can have a beneficial impact for patients with a range of conditions including orthopaedic, neurological and musculoskeletal.

There are plans for a brand new RNHRD and Therapies Centre at the RUH. This will include a state of art hydrotherapy pool and pool side changing area. The pool will include the facility to be partitioned."

Possible comparable facilities

- 5.23 Polkyth Leisure Centre in St. Austell Cornwall has a hydrotherapy pool. The pool is 5m x 5m and 0.8m-1.2m deep with a maximum capacity of 12 people at any one time. The pool is in a separate hall to the other pools and operates at 34°C with a separate pool plant just for this pool. While exact figures cannot be separated out for the cost of running the pool it is clear that the pool makes a loss and is subsidised by other activities on the site. Primarily people are referred to use the pool (the use of the term "referral" is very loose, a medical form only needs to be completed for a referral), so the range of users is from those using it for rehabilitation to people with mental/behavioural conditions. The pool runs Aquafit classes, Parent and Toddler sessions, and there is also a small amount of time it can be used by people who have not been referred.
- 5.24 Eltham Leisure Centre in Greenwich London has a spa pool. The pool is 8.5m x 4.5m and 1.2m deep. The pool is in a separate hall to the other pools and operates at 32°C with a separate pool plant just for this pool. The pool makes an annual operational loss and is subsidised by other activities on the site.
- 5.25 Flamingo Swimming Pool – Axminster. The pool is 6 x 6m and is 1.1 - 1.3m deep and is in a separate hall to the other pool. The Flamingo Pool, a self-funded charity, was brought to reality by a massive community effort to raise funds following a lottery reversal of decision to fund the project. A steering committee was formed to find funding for the 25m pool and the country's first 6m2 hydrotherapy pool open to the public. The 6m2 hydrotherapy pool with therapeutic pressure jets is open to the public & used by 3 local hospitals for physiotherapy & remedial use. Anyone can use the Flamingo Pool. The pool runs at an annual loss, but this is covered by fundraising that the Charity undertakes.

Other Hydrotherapy Facilities in the area

- 5.26 Appendix 2 shows the range of other pools available with the local area. There are a number of hydrotherapy pools that can be accessed by individuals or groups as well as the facilities available at Thermae Bath Spa which offer

discounts to local residents, disabled users and those referred from the Mineral Hospital. This information is being made available through the Council's website.

Reasonable Adjustments within the refurbishment projects

- 5.27 Warm water to be provided in the new teaching pools (30-32°C).
- 5.28 Continue to heat the main pool at Bath Sports and Leisure Centre to 30°C on Thursday mornings as per the current arrangements. Review afternoon usage in the light of the new provision of the teaching pools.
- 5.29 Explore the possibility of introducing heating of the pool at Culverhay to 30°C (for a specific time slot each week). This is a more private pool and has disabled access to provide additional opportunities.
- 5.30 If Culverhay is an option, the impact on users of the main pool would be that they would need to attend Culverhay leisure centre as an alternative or one of the other warm water facilities such as Thermae Spa or one of the hydrotherapy pools in the area.
- 5.31 Ensure the teaching pool will be available for public use and for groups to book including groups of disabled people.
- 5.32 Disabled access to both Bath and Keynsham Leisure Centres and in particular the pools, to be improved as part of the refurbishment works.
- 5.33 Teaching pools to be provided at a depth of 90cm-1m which will be suitable for children to learn to swim in a safe depth
- 5.34 The Council considers that the provision of these facilities constitutes a reasonable adjustment based upon the respective needs of the core user and the needs identified by the WWISE group while maximising the use for all users and minimising the risks to safety of users, capital and revenue impacts and deterioration of premises that operating a permanent dedicated warm water facility would entail.

COMMUNITIES, TRANSPORT AND ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL

- 5.35 A report on this issue was taken to the communities, transport and environment policy development and scrutiny panel on 16th January 2017
- 5.36 The panel listened to the presentation from the WWISE group and the officer presentation. They were advised that the recommendation relates to reasonable adjustment. The Chair of the panel stated that he was sorry the request was irreconcilable

6 RATIONALE

- 6.1 The Council has carefully considered what reasonable adjustments it can make to accommodate the needs identified by the WWISE group
- 6.2 In considering what adjustments are reasonable for the Council to make, officers have considered the users of the facility and how many would require warmer

water and a greater depth, the impact this would have on current and potential users, the costs and practicality of providing these facilities and have concluded that they are not a reasonable adjustment. The technical, practical and financial challenges of providing this type of facility within a refurbishment project make it unviable.

7 OTHER OPTIONS CONSIDERED

7.1 Including warm water pools in Bath Sports Centre as the WWISE proposals with movable floors to allow for children's swimming lessons

- (1) Division of main pool in Bath Sports Centre into 2 smaller pools one of which would be warm water with a movable floor
- (2) Converting the leisure pool to 2 warm water pools, one of which is 1.5m (5ft) deep with a movable floor to allow for other uses within the pool.
- (3) Adding an extension to the proposed teaching pool to create additional warm water space at a depth of 1.38m (4'6") including a movable floor to allow for other uses within the pool.

7.2 Making the teaching pool at Keynsham 1.3m deep and including a movable floor to allow for children's swimming lessons.

7.3 These options have not been taken forward for the reasons described in this report

8 CONSULTATION

8.1 Consultation has been carried out with Cabinet Members, Communities Transport and Environment Scrutiny Panel, Strategic Directors, Section 151 Finance Officer, Monitoring Officer, Procurement, Sport England, the Amateur Swimming Association, Press & Starkey and GLL.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

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Background papers	
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