

York Sports Village – Heads of Terms

It is proposed that the Agreement will contain the following heads of terms:-

- 1 The amount of the Council's grant:
 - £3m
- 2 Conditions as to the grant application to the development of the project:
 - the facilities to comply with ASA and other standards
 - construction to be supervised by appropriately qualified professionals
 - appropriate consultation to take place to ensure that the needs of people with disabilities are met in the design
 - approved procurement arrangements to be used
- 3 Definition of the project:
 - definition of the swimming facilities to be constructed i.e. short course competition standard
 - the service to be provided over 25 years – to be included in a schedule: see below
 - equality of access to the facilities to be ensured
 - treatment of "distributable profit" - proposing that any profit made from the operation of the swimming facilities is reinvested in the development of the publicly accessible Sports Village facilities
 - acknowledgement of Council funding on the building and materials relating to running the service
- 4 Defined payment dates of the capital grant
 - ensuring that the capital project commences in 2011 and is completed in 2012
 - the conditions on which staged payments will be made
- 5 Warranties by the University as to financial stability and land ownership
- 6 Monitoring of the project and sharing of information
 - monitoring and evaluation reports to be provided by the University
 - specific data to be provided
 - rights of access for the Council for inspection
 - audited financial accounts to be provided for the facilities

- 7 Management of the facilities
 - ensuring ongoing repair and maintenance including the provision of a sinking fund for long-term renewal
 - compliance with all relevant legislation
 - protection of the Council's interest with regard to any mortgage, disposal, lease, or change of use of the facilities proposed by the University

- 8 Clawback mechanism
 - specification of a reducing repayment scale over the 25 years
 - security will be achieved for example by way of a legal charge or a restriction on the title to the land owned by the University
 - the clawback provision will be exercised in relation to: Failure to complete the construction, breach of conditions of the Grant Agreement (such as insolvency and fraud), failure by the University to comply with the service requirements of the Grant Agreement (such as failure to give access to the public)

- 9 Participation of stakeholders throughout the project
 - The University to maintain a stakeholder group to consult on the operation of the facilities, the membership to include the Council

- 10 Other legal terms as to liability, indemnity and insurance

- 11 Duration
 - 25 years from opening of the facility

York Sports Village Swimming Pool – Items for Schedule

Overarching Principles

The swimming pool facility will:

- Be accessible to all York citizens and members of the University, including club use
- Encourage participation by promoting the benefits of a healthy active lifestyle
- Provide facilities for a range of abilities and actively encourage participation by all members of the communities
- Promote use by people with disabilities
- Be designed and maintained as a high quality environment
- Have a flexible charging and admissions policy that promotes the maximum use of the facilities during the day and encourages widening participation
- Be financially self-sufficient including an allowance for sufficient ongoing maintenance and renewal

- Have an independent identity

It will meet the city's need for short course competition standard facility and will provide a comprehensive publicly accessible programme covering clubs, general swimming, schools, classes, family sessions, targeted sessions, and galas.

The Service

- The facility will provide the full range of facilities and equipment that constitute a short course competition standard pool (as defined by the Amateur Swimming Association)
- A minimum of 90% of the facility's opening hours will be public opening hours (with an absolute minimum of 70 hours per week of public opening (averaged over the calendar year)). Public opening hours are defined as access to at least part of the main tank (i.e. a minimum of 2 lanes). It may include open sessions, sessions reserved to targeted groups within the community of York, bookings by York clubs, school swimming, lesson programmes open to the public, galas organised by external organisations, and/or bookings by other York organisations or individual citizens of York
- A minimum of 80% of the public opening hours as defined above will be available on a Pay as You Go basis (averaged over the calendar year)
- Time will be made available for 5 galas per year (at a charging rate commensurate with comparable local authority facilities in the region)
- Pay as You Go prices will be set at a level designed to stimulate increased participation. (Membership rates may be made available that give discounts for regular use but Pay as You Go prices must be maintained at a level that encourages casual use). A scheme of concessionary prices will be maintained
- Any concessionary prices provided for students of the University of York will be made available equally to all students of comparable status living in York
- A minimum of 16 hours per week made available to elite squad training at a charging rate that ensures they are able take up the time
- The facility will enter into and maintain an agreement with the ASA to act as an Approved Regional Training Centre throughout the term of the agreement