

**Joint Report of the Headteacher, Anthony Gell School (AGS) and the
Chairman of the Anthony Gell School Foundation (AGSF)**

PURPOSE OF THE REPORT

This report updates the Committee on School and Foundation activities and issues related to the Leisure Service review. The Wirksworth Pool Trust's activities, progress and plans are welcome, but the constitution does not include their membership of this Group, although they are a key part of the Sports Hub.

RECOMMENDATION

That the report is received and noted.

STRATEGIC LINK

The Partnership with Anthony Gell School supports the District Council's Corporate Aim to promote quality of life and also makes a significant contribution to the safety and health of the community Derbyshire Dales.

HEADTEACHER OF ANTHONY GELL SCHOOL

1. The students of AGS continue to benefit from access to the sports facilities on site. Our use of the leisure centre has continued in line with previous figures supplied thanks to PE lessons, 6th form enrichment and clubs/practices for students of all ages. This term has seen a larger number of students participating in a range of sports as part of our extensive extra-curricular programme.
2. In addition, we have also hosted a number of events this term which have enabled a much larger number of people, from outside of AGS, to actively participate in sport and recreation. These events have included a 'Race for Life' event in aid of Cancer Research and several competitions for pupils who attend primary school in the Derbyshire Dales. There has therefore been increased community use and benefit.
3. I am very grateful that the staff at the Leisure Centre were able to help us to host a very well attended Open Evening for AGS earlier this term. The growing numbers of attendees at this annual event meant that we had to use the Sports Hall for the welcome speeches. We were also able to work in harmony with the Leisure Centre in order to coordinate shared use of the indoor and outdoor facilities on the night of our Open Evening. This meant that visiting families were able to appreciate the full range of sports facilities on our site.
4. I have received written confirmation from Sandra Lamb that AGS will be able to continue to use the Leisure Centre as detailed in the original Joint Use Agreement (JUA), but she reiterated the council's desire not to re-sign the JUA at this stage (due to the ongoing review of leisure facilities).

Malcolm Kelly

Headteacher

CHAIRMAN OF AGS FOUNDATION

5. I enclose below emails between myself and Dorcas Bunton as Chief Executive of Derbyshire Dales District Council with my letter of 29 September attached.

6. Email to Dorcas Bunton of 29 September

Dear Dorcas

I attach a letter with some information and questions please following a meeting of the Anthony Gell School Foundation Trustees with Governor representatives, Advisers and the Headteacher this week.

I look forward to hearing from you and have copied your colleagues and Damien Adams (consultant) in, together with Foundation and School colleagues..

Kind regards
John
John Thompson
Chairman

7. Response from Dorcas Bunton to me of 7th October

Dear John

Please find below my responses to the four questions raised at the meeting of the Anthony Gell School Foundation detailed in your letter of 28 September 2016;

1. Noted
2. Public Participation allows 3 minutes and we have registered your wish to speak. I should inform you we are actually holding a special Council Meeting to discuss the Leisure Review as the November 24th meeting has a fairly busy agenda already. The Leisure Review will be discussed at a Council meeting due to be held on 1 December 2016 at 6pm, we will roll over your request to speak to that date. In accordance with the Council rules the Council's report will be made public 5 working days prior to the meeting, the Consultant's report, which will obviously form the background paper to the Council's report, we would hope to also make available but we will need to be alive to any commercial sensitivities though we will work with the consultant so these can be minimised.
3. The consultation process will be informed by any decision the Councillors make so I cannot determine what that will be yet.
4. Yes, absolutely.

I hope this is helpful
Kind Regards
Dorcas

Chief Executive
Derbyshire Dales District Council

ANTHONY GELL SCHOOL FOUNDATION - Charity No. 527178

Chairman:

John Thompson,

Dorcas Bunton
Chief Executive
Derbyshire Dales District Council
Matlock
Derbyshire
DE4 3NN

By email
28th September, 2016

Dear Dorcas

Wirksworth Community Leisure Centre - Current Review

I chaired a meeting of the Anthony Gell School Foundation last night with fellow Trustees, Governor Representatives and Advisers present along with Malcolm Kelly as Headteacher. They were updated about the Review following meetings with Damien Adams (FMG Consulting) which Malcolm Kelly and I had on 8th September and a recent telephone conversation Damien had with our Legal Adviser (Chris Loeber). We all valued the contact and time with Damien ahead of him reporting back to the Council.

At the Foundation meeting I was asked to write to you on a number of points to:

1. Let you have our statement in relation to our involvement in the development of the Centre related to our charitable objects re: School Use of the Centre and ongoing, and the importance of that being secure in any future arrangements. The statement at Annex A sets out our position and was passed to Damien Adams.
2. Seek clarification of consultative procedures, including attendance and opportunity to speak at the Council meeting on 24 November. I have a leaflet about that and advise that we will wish to speak for 3 minutes please. Can you advise if the report from the Consultants and the Authority report will be available publically in the week before then please?

3. Ask what the nature of and timescale for the 'consultative' procedures and public involvement will be subsequent to the 24th November Council meeting please?, and finally
4. Will there be an equality impact assessment in the report to Council members in relation to the recommendations, to provide an assessment of how far there will be equitable access and opportunities for all Derbyshire Dales residents to its Leisure Centres?

We wish, as in the past on sport and recreation facilities and projects, to work with you to sustain improved provision for the town and catchment area. I look forward to your reply.

Yours sincerely

John

John Thompson

Chairman

Anthony Gell School Foundation

Copies To: Ashley Watts, Head of Community Development, Derbyshire Dales DC) and Sandra Lamb (Head of Corporate Services), Dave Turvey and Rob Wilks (Derbyshire Dales DC Officers), Annie Nelson (Chair of Governors Anthony Gell School), Malcolm Kelly, Headteacher, Phil Pover (Head of PE). Chris Loeber (Legal Adviser to Anthony Gell School Foundation), Damien Adams (FMG Consultants). and seperately to all Anthony Gell School Foundation Trustees, Gaye Smedley (governor representative), Peter Jones (Financial Adviser).

- 1.This statement is for the Consultant - Damien Adams of FMG Consulting
2. In relation to the current review by Derbyshire Dales District Council, in consultation with Malcolm Kelly (Headteacher for School as Joint Users of the Centre), Chris Loeber (Legal Adviser and Solicitor to Foundation as Landlords) and Paul Peat (Solicitor, Derbyshire County Council as Local Education Authority) I have prepared this position statement.
3. I have had the privilege of being involved in the Leisure Centre through its planning, approval and granting of a lease (to which I am a signatory for Anthony Gell School Foundation) since the early 1990's and through Foundation consideration and approval starting in February, 1993.
4. The Foundation is a Charitable Trust responsible for administering its property and investments for the benefit of the School and its students. Its current Scheme, updated and approved by the Charity Commission on 25 May 2005, has objectives to:
 - 1) Provide items, services and facilities for Anthony Gell School
 - 2) Promote the education of persons who are in need of financial assistance in the following order of priority who are :
 - a) Attending the School,
 - b) Have at any time attended the school; or
 - c) Are under the age of 25 and resident in the Parish of Wirksworth, and the surrounding villages
5. We have supported the development of the Community Leisure Centre with significant funding (£11,000 initially re match funding bid to Sport England) as a partnership in the granting of a lease to Derbyshire Dales District Council which started on 20 January, 1999 and runs to 28 March, 2079.
6. The only reason Foundation, in consultation with the Governing Body of School, allowed the Centre to be built on its land was because of use by School (fundamental to our objects and the School's offer to Students) which later became a Sports College.
- 7. Foundation is looking to achieve continued use by School in line with our objects. School Use must continue and consent to any assignment of the lease would require that. We would not consent to the assignment of the lease to another organisation or body unless the terms of the original (3rd March,2000) Joint Agreement between the District Council and the School were incorporated and delivered for at least the original 10 years period in the first instance, with the ability to renew and extend. There would also be a need for due diligence checks regarding any other proposed operator and rental continuing to be paid with maintenance and repair to be to high standards in accordance with the lease.**

John Thompson

Chairman, Anthony Gell School Foundation - 8th September,2016