

REPORT TO: Cabinet Member – Leisure Services
Cabinet

DATE: 27th January 2010
4th February 2010

SUBJECT: ROYAL NATIONAL LIFEBOAT INSTITUTION (RNLI)
BEACH LIFEGUARD PARTNERSHIP

**WARDS
AFFECTED:** Ainsdale, Birkdale, Blundellsands, Birkdale, Cambridge,
Church, Harington, Ravenmeols

REPORT OF: Graham Bayliss, Leisure and Tourism Director 0151 934
2381

**CONTACT
OFFICER:** Dave McAleavy, Head of Coast and Countryside 0151 934
2967

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

The proposal to develop a Beach Lifeguard Partnership with the Royal National Lifeboat Institute (RNLI) was reported to the Cabinet Member for Leisure and Tourism in March 2009, when Officers were authorised to investigate and develop the project to improve beach safety and lifeguard provision on the Sefton Coast.

REASON WHY DECISION REQUIRED:

A partnership specification has been agreed with the RNLI and the legal, personnel and financial requirements considered as part of the process of developing the partnership.

The project, although primarily instigated as a service improvement scheme within the Coast and Countryside Service, is identified in the Strategic Budget Review and was subject to consideration by Cabinet and Council in December 2009.

The partnership agreement and contract has to be completed before the end of February so that the RNLI can procure equipment and enter into contracts with summer lifeguards, enabling the beach safety partnership to commence at Easter 2010.

RECOMMENDATIONS

That the Cabinet Member for Leisure and Tourism:

- i) Authorises officers to complete the “Agreement for the Provision of Lifeguard Services” in order to establish the Beach Lifeguard Partnership with the Royal National Lifeboat Institution (RNLI) (Beach Lifeguards) so that it may commence on April 1st 2010.
- ii) Authorises the Legal Director to enter into a contract with the RNLI for a period of five years.

That Cabinet:

- iii) Authorise officers to complete the “Agreement for the Provision of Lifeguard Services” in order to establish the Beach Lifeguard Partnership with the Royal National Lifeboat Institution (RNLI) (Beach Lifeguards) so that it may commence on April 1st 2010.
- iv) Authorise the Legal Director to enter into a contract with the RNLI for a period of five years;
- v) Considers building in to the relevant year’s Medium Term Financial Plan the RPIX Index for the value of this contract for its duration.

KEY DECISION: Yes**FORWARD PLAN: Yes****IMPLEMENTATION DATE:** April 2010**ALTERNATIVE OPTIONS:**

There is no alternative option as the RNLI are the only agency offering this partnership approach.

IMPLICATIONS:**Budget/Policy Framework:**

Financial: The contribution to the scheme in 2010/11 is £186,000. This can be met from existing resources within the Leisure Services Budget. The Strategic Budget Review has also identified a saving of £36,000 resulting from the partnership.

<u>CAPITAL EXPENDITURE</u>	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N				
How will the service be funded post expiry?				

Legal: See body of report

Risk Assessment: The proposal offers considerable improvements to providing beach safety in Sefton – maintaining the status quo will result in a reduced operation and requirement to source identified savings from other parts of the service.

Asset Management: N/A

CONSULTATION UNDERTAKEN/VIEWS

FD 290 - The Acting Finance and Information Services Director has been consulted and his comments have been incorporated into this report.

Legal Department

BSU Combined HR Unit

RNLI
 Southport Lifeboat Secretary and Coxswain
 Environmental Protection Department Transport Manager
 Trade Unions

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities	√		
3	Jobs and Prosperity	√		
4	Improving Health and Well-Being	√		
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy	√		
8	Children and Young People	√		

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

1. BACKGROUND:

- 1.1 The proposal to develop a Beach Lifeguard Partnership with the RNLI was presented to the Cabinet Member for Leisure and Tourism on the 29th March 2009 (Annex 1). Officers were authorised to progress discussions with the RNLI to consider a partnership approach to delivering and improving beach safety in Sefton and that following consultation with Legal, Personnel and the RNLI, officer's report back on the contractual and financial implications of the proposal.
- 1.2 In July 2009 Departments considered savings measures as part of the Strategic Budget Review and the proposal to develop a Beach Lifeguard Partnership with the RNLI was identified as a possible saving commencing in the financial year 2010/11. On the 3rd of December Cabinet considered the proposal as one of a number of savings options with a recommendation to Council that these options be accepted and implemented with immediate effect. Council agreed the recommendation. It is worth noting that the beach safety partnership was reported in the Strategic Budget Review process describing implementing the partnership while contributing to the review would actually result in an improved beach safety service on the coast.
- 1.3 Since March 2009 the RNLI have been working with Sefton Council to develop a specification for the Council owned beaches and have carried out their own risk assessments. The existing Lifeguard personnel have been involved in this process that has also included equipment trails on the Sefton Coast and lifeguards attending a Senior Lifeguard training course at the RNLI training school in Poole, Dorset. The process has been open and transparent with consultation and meetings taking place that involved all parties and the Trade Unions.

2. Purpose of this Report

- 2.1 To report back to Members as requested in March 2009 to advise that there are no issues that may prevent the Sefton RNLI Beach Lifeguard Partnership progressing with a proposed implementation date of 1st April 2010.

3. Legal

- 3.1 The approach to operating the beach Lifeguard partnership is considered a 'shared funding arrangement' with the cost of the service borne by both the Council and the RNLI. The Local Authority procuring services from the RNLI is subject to European procurement law. However, beach lifeguard services are Part B – non priority - services for the purposes of European procurement rules and the full European regime of advertisement of a contract notice and competitive tendering is not required by Sefton Council for the provision of lifeguarding services in a partnership with the RNLI.
- 3.2 In 2009 the Legal Director considered the detail in a draft Agreement for the Provision of Lifeguard Services, prepared by the RNLI and this was returned

with minor amendments for the RNLI to consider. The Legal Director is currently considering a revised draft 2010 Agreement for the Provision of Lifeguard Services in Sefton.

- 3.3 The 2010 draft agreement differs little only in that the RNLI have included detail in respect of Licence/s for the location of and authority to access their temporary and non-temporary shore-side accommodation. In Sefton the RNLI will be locating a temporary shore-side facility at each beach and be allocated office space for a Senior Beach Lifeguard in the Coast and Countryside Service office at the Crosby Lakeside Adventure Centre and in the purpose built tower at the Ainsdale Discovery Centre. Sefton will not be leasing any buildings to the RNLI, or at this stage in the partnership is either of the parties considering a new build.

4. Personnel

- 4.1 Three full-time Lifeguards will transfer to the RNLI as part of the partnership agreement, and it has been agreed that this will be done under TUPE (Transfer of Undertakings (Protection of Employment) provisions. The HR Unit of the Combined Business Support Unit has been liaising with the RNLI HR officers to reconcile any issues relating to this aspect of the agreement.
- 4.2 The RNLI have indicated that post transfer it is their intention to assimilate the staff into the post of Senior Beach Lifeguard as part of the RNLI operational structure, with a lifeguard designated for each main beach area. For two of the staff involved this will effectively result in a promotion and the RNLI have already begun negotiations with the staff and their nominated Trade Union representative.
- 4.3 The RNLI presented their outline operational structure for Sefton. This structure includes a number of new posts within their organisation, both senior and additional to the three Senior Lifeguards above.
- 4.4 This reflects the RNLI's plans to use Sefton as a regional base to expand services for North West Operations. Two of the additional posts will be responsible for the management of the Sefton Beach Lifeguard Partnership and the third is likely to be a Lifeguard Supervisor. The RNLI have had a positive

liaison with the staff and have indicated that they would like to consider them for these posts. As soon as there is notification of a formal commitment from Sefton they will invite them for interview to assess their suitability. Should all three be successful in achieving career enhancement through this process then it is unlikely TUPE will apply, although the RNLI have indicated that they may still negotiate some terms and conditions in respect of holiday entitlement etc based on continuity of service. This is purely speculative at this stage and is not part of the current proposed agreement.

- 4.5 Due to the openness of the process to develop this partnership, Sefton personnel affected by the proposal have had considerable contact with RNLI officers and attended the Senior Lifeguard training course at the RNLI head quarters in Poole. They are also considering enrolling as RNLI Volunteers and although this a private matter between them and the RNLI it is indicative of the level of collaborative working between our staff and the RNLI.
- 4.6 The RNLI have also indicated that there will be an additional post established to maintain vehicles and equipment.
- 4.7 The BSU Personnel/HR will continue to work with the RNLI to deal with any outstanding arrangements and officers will ensure that any opportunities for Sefton staff involved are optimised. Any issues relating to pension transfer are being resolved with the RNLI and they have indicated that they will be applying for admitted body status (ABS) to join the LGPS. It is encouraging that they already have ABS following successful transfers in other regions.
- 4.8 Trade Union's – all three relevant Trade Unions have been consulted. However as the three members of staff are members of UNITE the Senior Shop Steward is representing them in discussions. UNITE has met with the RNLI and its Members.

5. Finance, Specification and Monitoring

- 5.1 As mentioned earlier in the report the approach to operating the beach safety partnership is considered a 'shared funding arrangement' with the cost of the service borne by both the Council and the RNLI. The Council will be expected to fund the 'lifeguard patrol' staffing element of the specification with the RNLI funding all equipment, shore-side accommodation, training, uniform and education programme.
- 5.2 The cost of the Sefton Council 'contribution' in the first year is £185,676. This will be revised annually to reflect agreed changes to the specification or the application of the appropriate price index. The specification is unlikely to change in the first two years, but members should note that the draft agreement specification includes deploying lifeguards at Lifeboat Road, Formby, where currently Sefton do not have any provision during the summer. Following consultation with the Finance Department the funding for the Sefton

contribution has been identified in the Coast and Countryside salaries and wages revenue budget.

- 5.3 Apart from the expansion of the service to Formby the specification is the same as the operation and staffing levels currently deployed by Sefton, The major improvements will be the standard and level of training, equipment and accommodation. Members are asked to refer to the report of the 29th March 2009 attached as Annex 1 to consider other benefits to Sefton.
- 5.4 The Strategic Budget Review identifies a budget saving of £36,000 and this is made up from numerous budget headings in the Coast and Countryside revenue budget including all support costs - training, associated vehicle/equipment costs, uniform and equipment.
- 5.5 The Senior Coast and Countryside Officer will be Sefton's main contact with the RNLI and will have authority to represent Sefton on a day to day basis. The RNLI will be operating as a key part of Sefton's beach management operation and there will be considerable day to day interaction. In respect of assessing performance and the success of the partnership, Sefton and the RNLI will meet twice a year to review aspects of the operation as defined in the contract. This will be at the commencement of the season and again following the end of the season.

6. Wider Partnerships

- 6.1 At the meeting on the 29th March members asked officers to consider the Southport Lifeboat in discussions with the RNLI. The Head of Coast and Countryside instigated a meeting between the Southport Lifeboat and the RNLI and the outcome was positive with a wish to continue developing working arrangements agreed between the two parties if the Beach Lifeguard Partnership went ahead.

7. Points to Consider

- 7.1 The implementation of this five year Beach Lifeguard Partnership will improve beach safety in Sefton and will raise water safety awareness for residents and visitors considerably. The RNLI are keen to work with Sefton Council and this is reciprocated by Sefton in respect of raising the profile of the work of both partners. The partnership offers considerable 'best value' while also contributing to the Strategic Budget Review and therefore reducing the impact on other parts of the Coast and Countryside Service.

- 7.2 The RNLI have started their national recruitment of summer lifeguards and would wish to commence the interview of Sefton personnel for the new posts as soon as possible as well as identifying the contingent of Summer Lifeguard's for the Sefton beaches.
- 7.3 The RNLI have indicated that their operational base in Sefton is likely to be located centrally in Formby.

8. Recommendation/s

That the Cabinet Member for Leisure and Tourism:

- 8.1 Authorises officers to complete the "Agreement for the Provision of Lifeguard Services" in order to establish the Beach Lifeguard Partnership with the Royal National Lifeboat Institution (RNLI) (Beach Lifeguards) so that it may commence on April 1st 2010.
- 8.2 Authorises the Legal Director to enter into a contract with the RNLI for a period of five years.

That Cabinet:

- 8.4 Authorises officers to complete the "Agreement for the Provision of Lifeguard Services" in order to establish the Beach Lifeguard Partnership with the Royal National Lifeboat Institution (RNLI) (Beach Lifeguards) so that it may commence on April 1st 2010.
- 8.5 Authorise the Legal Director to enter into a contract with the RNLI for a period of five years;
- 8.6 Consider building in to the relevant year's Medium Term Financial Plan the RPIX Index for the value of this contract for it's duration.