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COUNCIL

Minutes of a Virtual Extraordinary Council Meeting held at 6.00 pm on Wednesday 12 August 2020.

Under Regulations made under the Coronavirus Act 2020, the meeting was held virtually. Members of the public were able to view the virtual meeting via the District Council's website at www.derbyshiredales.gov.uk or via our YouTube channel.

PRESENT

Councillor Richard FitzHerbert - In the Chair

Councillors Jacqueline Allison, Robert Archer, Jason Atkin, Richard Bright, Matthew Buckler, Sue Bull, Martin Burfoot, Sue Burfoot, David Chapman, Paul Cruise, Tom Donnelly, Steve Flitter, Helen Froggatt, Chris Furness, Clare Gamble, Alyson Hill, Susan Hobson, David Hughes, Stuart Lees, Tony Morley, Michele Morley, Peter O'Brien, Joyce Pawley, Garry Purdy, Mike Ratcliffe, Lewis Rose OBE, Mark Salt, Andrew Shirley, Peter Slack, Andrew Statham, Alasdair Sutton, Colin Swindell, Steve Wain and Mark Wakeman.

Paul Wilson (Chief Executive), James McLaughlin (Director of Corporate and Customer Services), Tim Braund (Director of Regulatory Services), Lee Gardner (Legal Services Manager), Karen Henriksen (Director of Resources), Steve Capes (Director of Regeneration and Policy), Rob Cogings (Director of Housing), Ashley Watts (Director of Community & Environmental Services), Sally Rose (Waste & Recycling Manager), Becky Bryan (Community Development Manager), Chris Laver (Democratic and Electoral Services Manager) and Jackie Cullen (Committee Assistant).

Mr Jeremy Rowe, Regional Director, Freedom Leisure
Mr Ian Morey, Business Development Manager, Freedom Leisure
Mr Ronnie Coutts, MD, Serco Environmental Services
Ms Annette Joyce, Regional Director, Serco

The meeting was recorded and broadcast live on YouTube.

APOLOGIES

Apologies for absence were received from Councillors Neil Buttle, Graham Elliott, Elisha McDonagh and Claire Raw.

In line with the Council's temporary suspension of direct public participation the following questions were submitted in writing and were read out at the virtual meeting:

QUESTION from Mr Jeremy Allen, a Wirksworth resident, on the motion to provide financial support to Freedom Leisure for the phased reopening of the District Council's Leisure Centres

Please can the following questions be asked:

1. DDDC and Freedom had promised to open on 25th July, and we were all aware of the situation that we face. However, on the 21st July the preparations were obviously not in place, which has resulted in the delay and these discussions. Why weren't all these issues considered and why weren't costed plans for re-opening agreed ready before 21st July? Why did it appear to be a surprise?
2. When is Month One? If Option two is accepted, surely DDDC and Freedom have plans in place to safely open within a week or two. If not, why is it taking so long to make adequate plans?
3. Communication has been appalling, late and vague. Only Becky, the Community Development Manager, communicates with residents. Please can honest and open communication with exact dates be sent out immediately after this recommendation is approved? Who will communicate with residents on these matters while Becky is furloughed? (Try phoning the DDDC number and asking for clear information on leisure centre openings and you will understand the issue.)

ANSWER

1. To be clear, neither DDDC nor Freedom Leisure gave any commitment to reopen on the 25 July. Once the Council received Freedom Leisure's final proposals and a request for financial support, it assessed the figures and applied for an Extraordinary Meeting of Council within that week.
2. Plans are in place and should Members approve the financial support package then Freedom Leisure can mobilise and reopen within 10 days (22 August).
3. The District Council and Freedom Leisure have a joint communications protocol agreed when Freedom Leisure took over the contract of operating the leisure centres. A key element of this is that operational communications are the direct responsibility of Freedom. However the Council and Freedom have worked together to issue joint statements during the pandemic to explain to the public the complicated impacts of the global emergency. Becky is not and has not been furloughed at any point and there are no plans to do so in the future.

QUESTION from Ms Deborah Winterburn on behalf of Matlock Baileans Hockey Club, on the motion to provide financial support to Freedom Leisure for the phased reopening of the District Council's Leisure Centres

The Astro Hockey Pitch at Anthony Gell School - Wirksworth Leisure Centre is the home ground for both Matlock Baileans Hockey Club and Derwent Men's Hockey club. Although Matlock Hockey club raised significant amount of money to fund the Astro Pitch - £5000,

Freedom Leisure have the contract to run the facilities and will under COVID -19 regulation be responsible for the safe use of the facilities and adherence to COVID-19 guidance. The clubs have over 200 active members ranging from 6yrs-65yrs of age. The club appreciates the request for additional financial support for Freedom Leisure to enable it to reopen its leisure facilities, at present the club does not have access to the Astro however access will be limited should the Leisure Centre open if the opening hours proposed in Option 2 are not extended as outlined below. Restricting access to the astro is likely to impact on the club's membership, the participation in the sport locally for young people and have a detrimental impact on the fitness, health and wellbeing of everyone involved in the sport.

The clubs train on the Astro 3 nights a week and play league matches all day on a Saturday from 9-5pm. The opening hours proposed in option 2 does not cover the opening hours required by the club to train fully and to play matches, especially league match once England Hockey deem it is safe to do so. England Hockey have moved to Step 4 in the phased return to play allowing for training of up to 30 players per session and for local friendly match play. Matlock Baileans Hockey club have met the required standards set out by the Government and England Hockey guidance and are ready to return to full training and local match play with immediate effect. Once England Hockey and the Government authorises the move to Step 5 - Full Competitive Match Play the club will be ready to move to this stage. Matlock Baileans Hockey Club has 5 teams that play weekly competitive hockey, which includes a significant number of U18 players.

It is noted in the report that allowances have been made for other local clubs such as Matlock and District Swimming Club, the Polo Club and the Triathlon Club at Ashbourne with additional early and late opening of the facilities being provided. We would therefore welcome due considerations for the local Hockey Clubs to have full access to the necessary facilities to be able to train and play competitive matches.

The committee is asked to consider the following amendments to the opening hours for Wirksworth Leisure Centre which will allow full participation for all members to play hockey in line with England Hockey guidance:

Tuesday: to remain open until 9pm

Thursday: to remain open until 9pm

Saturday: to allow access to the Astro and changing facilities from 9am - 6pm

It should be noted that Matlock Baileans Hockey club pay over £8000 for the hire of the Astro a season and appreciate that hire fees may need to increase slightly as a result of the pandemic.

We welcome your consideration and feedback

ANSWER

Officers have been in contact with the Business Manager at Anthony Gell School to try and allow the clubs access the astro turfs/pitches whilst the leisure centre is closed but unfortunately the school are not able to operate these pitches or allow clubs access to a key.

The proposed opening hours for Wirksworth Leisure Centre in Option 2 were originally based on a July opening and therefore the outdoor pitches would be much quieter during the summer months. If Option 2 was approved by councillors at the committee meeting then Freedom Leisure appreciate that there will be more bookings in the evenings and on weekends, and they will be flexible with the timings if there was a demand.

Freedom Leisure will be made aware of the times you have mentioned.

30/20 – REQUESTS FOR ADDITIONAL FINANCIAL SUPPORT TO FREEDOM LEISURE AND SERCO IN LIGHT OF COVID-19 IMPACTS

The Council were asked to consider a report that outlined the extra funding requirements requested by both Freedom Leisure and Serco in order to reopen the Leisure Centres and to fully implement the new waste and recycling contract, following the disruption of services since the outbreak of the COVID-19 pandemic.

The Chairman proposed that the report would be considered and voted on in two separate parts: Recommendations 1, 2 and 3 would be tabled first, in respect of Freedom Leisure; thereafter Recommendations 4 and 5 would be considered in respect of Serco.

FREEDOM LEISURE

On 20 March 2020, the Government announced the temporary closure of all gyms and leisure centres (along with pubs, clubs, restaurants, cafes) as part of its COVID-19 response to stop the spread of infection. Leisure trusts such as Freedom Leisure were most at risk as a not-for-profit organisation, currently exempt from most COVID-19 emergency support funding, as set out in the report.

As previously reported, the District Council worked closely with Freedom Leisure to negotiate and agree an initial payment to Freedom Leisure in April 2020, and a summary of the Council's financial support to date, since the closure, was tabled in paragraph 1.1 of the report.

The Government announced on 9 July that outdoor pools could reopen to the public from 11 July, followed by indoor gyms, pools and leisure centres on 25 July. In light of this, the District Council had been working with Freedom Leisure to consider several scenarios and the options available to ensure the safe reopening of leisure centres. Freedom Leisure had produced three options to present to Members to reopen the four leisure centres, each of which had been reviewed and evaluated by the District Council and its appointed consultant, FMG Consulting, as set out in the report.

As it was anticipated that the income for the Leisure Centres would be much lower than pre COVID-19, Freedom Leisure were requesting financial support from their local authority partners to enable the leisure centres to reopen. Whilst there was much speculation within the industry around the percentage of customers that would return, ranging between 30%-60%, it was difficult to gauge with any real certainty until the facilities reopened.

In an attempt to strike a balance with service provision, cost and the new safety measures (including deep cleaning requirements) Freedom were proposing to reopen the centres with reduced opening hours, as set out in Appendix 1 to the report, together with other measures set out in paragraph 2 of the report.

Although a number of scenarios had been considered, the three options below had been identified as the most appropriate given the current circumstances. Each option would result in differing customer and staff impact, as well as the amount of financial support required. The support package would be for a six month period. Freedom had provided both a prudent and a more optimistic financial forecast, as follows:

	Prudent scenario	More optimistic scenario
Option 1: Open all four sites from month one and to retain the Active Communities Manager	-£695,237	-£640,006
Option 2: Arc, Ashbourne and Wirksworth to open in month one Bakewell to open in month three Active Communities Manager retained on furlough	-£328,410	-£278,482
Option 3: Arc, Ashbourne & Wirksworth to open in month one Bakewell to open in month three Active Communities Manager post to be removed	-£307,730	-£257,802

The Council's conclusions, having reviewed each of the options, were detailed in the report and are summarised below:

Option One conclusion:

- Would allow all four leisure centres to open from month one
- The cost to the District Council would be a significant amount
- This option is not financially viable for Freedom Leisure to trial

Recommendation: This option is not recommended.

Option Two conclusion:

- This would provide a phased opening of the leisure centres
- It enables the larger sites to re-open initially
- Bakewell Swimming Pool, due to its size, presents a greater challenge regarding social distancing
- The Learn to Swim programme wouldn't start until at least September, which is the main source of income for the facility
- The Active Communities role has been a key link between the District Council's Sports Development Team, the leisure centres and the rural communities. Allowing the four leisure centres to resume operation and then reintroducing the Active Communities role in November will support the centres to grow and get more people physically active.
- This is an approach favoured by several other Local Authorities

Recommendation: This option is recommended.

Option Three conclusion:

- Same as Option Two initially
- The Active Communities role has been a key link between the District Council's Sports Development Team, the leisure centres and rural communities. This work has been developed over many years and, given the rural nature of the district, it is believed that the removal of this post could be detrimental to the health and wellbeing of some of our communities and residents

- The saving to the Council is minimal when comparing with Option Two

Recommendation: This option is not recommended.

The District Council and Freedom Leisure had agreed to an open book accounting process to allow for a monthly inspection of detailed accounts in arrears, so performance could be monitored and any variances could be reconciled accordingly. Officers also recommended a cap of £300,000 (over the 6 month period) which would be the maximum amount of financial support provided during this period.

At the time of writing the report, Central Government had not confirmed the funding package available to Local Authorities or leisure operators to support with these costs. This was, however, expected to be announced in the coming weeks.

It was moved by Councillor Tony Morley, seconded by Councillor David Chapman and

- RESOLVED**
1. To provide financial support to Freedom Leisure for the phased reopening the District Council's Leisure Centres, as per Option Two of the report;
 2. To cap the level of financial support to Freedom Leisure at £300,000;
 3. To review the financial support provided to Freedom Leisure through an open-book accounting process.

Voting:

For	29
Against	1
Abstentions	5

The Chairman declared the motion CARRIED.

There followed a 5 minute adjournment.

Councillors David Chapman and Peter O'Brien left the meeting prior to discussion of this item.

SERCO

Members were aware of the support that had to be given to Serco to ensure the garden waste collection service could recommence on 1st June (Emergency Committee 21 May 2020), as set out in the report, resulting in an estimated combined value of supplier reliefs and Council contributions during the Covid-19 pandemic to date exceeding £250,000.

The new contract with Serco transitioned seamlessly on 2 August, but there were financial implications associated with this, as outlined in the report. As a consequence, for a period of up to six months (different period for different vehicles), Serco would continue to use the existing (old) vehicle fleet to deliver the new contract, which would result in a minimum cost of £120,000 to keep the old vehicles running for up to six months longer than expected, as set out in the report. This would increase to c.£150,000 given the transfer of internal hire vehicles and reducing vehicle resale values.

The costs to the Council of running on the existing vehicles until December would be between £15,966 and £19,595 per month average (totalling £83,041 to £101,185) as outlined in

Appendix 2 to the report, and the costs to Serco would be between £24,000 and £30,000 per month average (totalling £120,000 to £150,000). If the Council were to hire its own vehicles for the period in question, this could potentially cost in excess of £300,000. It was therefore considered that the fair split of actual costs between the Council and Serco, as outlined above, was the preferred solution.

It was moved by Councillor Garry Purdy, seconded by Councillor Susan Hobson and

RESOLVED 4. To provide financial support to Serco to support the implementation of the new contract, due to the impact of delays in the process associated to contract challenge and COVID-19;

Voting: 5. To cap the level of financial support to Serco at £101,185.

For 30

Against 1

Abstentions 2

The Chairman declared the motion CARRIED.

31/20 – SEALING OF DOCUMENTS

It was moved by Councillor Andrew Statham, seconded by Councillor Michele Morley and

RESOLVED That the common seal of the Council be affixed to those documents, (unanimously) if any, required to complete transactions undertaken by Committees or by way of delegated authority to officers since the last meeting of the Council.

MEETING CLOSED 8.03PM

CHAIRMAN