

Special Policy & Resources Committee

Date: **14 August 2020**

Time: **1.00pm**

Venue **Virtual Meeting - Skype**

Note: in response to current Government Regulations this meeting is being held as a virtual meeting for councillors and accessible via Skype. Public speaking and engagement opportunities will be made available.

The meeting will also be webcast live to the internet.

Members: **Councillors:** Mac Cafferty (Chair), Druitt (Joint Deputy Chair), Gibson (Joint Deputy Chair), Platts (Opposition Spokesperson), Bell (Group Spokesperson), Allcock, Clare, Miller, Moonan and Yates

Contact: **Mark Wall**
Head of Democratic Services
01273 291006
mark.wall@brighton-hove.gov.uk

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AGENDA

PROCEDURAL MATTERS

49 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest:

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

50 CHAIR'S COMMUNICATIONS

GENERAL MATTERS

51 PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Written Questions:** to receive any questions that relate to the items listed on the agenda for the special meeting submitted by the due date of 12 noon on the 11 August 2020;
- (b) **Deputations:** to receive any deputations that relate to the items listed on the agenda for the special meeting submitted by the due date of 12 noon on the 11 August 2020.

A CITY TO CALL HOME

52 NEXT STEPS - ROUGH SLEEPING AND ACCOMMODATION DURING COVID 19 PANDEMIC AND RECOVERY To Follow

Report of the Interim Executive Director for Housing, Neighbourhoods & Communities (to follow).

Contact Officer: *Emily Ashmore*

Tel: 01273 292520

Ward Affected: *All Wards*

A HEALTHY AND CARING CITY

53 FUTURE OF PROVISION OF PERSONAL PROTECTIVE EQUIPMENT 7 - 12

Report of the Executive Director for Health & Adult Social Care.

Contact Officer: *Michelle Jenkins, Rima Desai*

Tel: 01273 296271

Tel: 01273 291268

Ward Affected: *All Wards*

A CITY WORKING FOR ALL

54 SPORTS FACILITIES CONTRACT EXTENSION 13 - 18

Report of the Executive Director for Economy, Environment & Culture.

Contact Officer: *Ian Shurrock*

Tel: 01273 292084

Ward Affected: *All Wards*

55 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the [Insert Date] 2018 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, each Group may specify one further item to be included by notifying the Chief

Executive no later than 10.00am on [Insert Date] 2013 (the eighth working day before the Council meeting to which the report is to be made), or if the Committee meeting takes place after this deadline, immediately at the conclusion of the Committee meeting.

PART TWO

A CITY WORKING FOR ALL

56 SPORTS FACILITIES CONTRACT EXTENSION - EXEMPT CATEGORY 3 19 - 28

Report of the Executive Director for Economy, Environment & Culture (circulated to Members only).

*Contact Officer: Ian Shurrock
Ward Affected: All Wards*

Tel: 01273 292084

PROCEDURAL MATTERS

57 PART TWO PROCEEDINGS

To consider whether the items listed in Part Two of the agenda and decisions thereon should remain exempt from disclosure to the press and public.

ACCESS NOTICE

In response to the current situation with Covid-19 and the easing of Regulations, this Committee meeting will be held virtually via Skype and web cast simultaneously.

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

For those members of the public wishing to actively take part in the meeting a link will be emailed so that they can join the meeting.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

WEBCASTING NOTICE

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this web cast will be retained in accordance with the Council's published policy.

Therefore, by joining the meeting via the link provided you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should ensure they do not use the skype video facility and provide a static image.

FURTHER INFORMATION

For further details and general enquiries about this meeting contact Mark Wall, (01273 291006, email mark.wall@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Friday, 7 August 2020

Subject:	Future of provision of Personal Protective Equipment		
Date of Meeting:	14 August 2020		
Report of:	Executive Director for Health & Adult Social Care		
Contact Officer:	Name:	Michelle Jenkins	Tel: 07795 336271
		Rima Desai	Tel: 07825387322
	Email:	Michelle.jenkins@brighton-hove.gov.uk , rima.desai@brighton-hove.gov.uk	
Ward(s) affected:	(All Wards);		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The BHCC PPE Hub is responsible for providing PPE for BHCC staff. In addition, the PPE Hub has provided assistance in emergency and for short term only to:
- Care sector organisations
 - Childcare settings
 - Education settings
 - Commissioned or partner organisations (Non CQC Registered e.g. homeless support services)
 - Individual carers (Personal Assistants and unpaid carers)
- 1.2 To date, the BHCC PPE Hub has received significant PPE stock from the Sussex Resilience Forum sufficient to support non-BHCC requests. However, there are certain items such as wipes which are not available from LRF.
- 1.3 Sussex Resilience Forum have indicated that the MHCLG (Ministry of Housing, Communities and Local Government) may stop providing PPE to Local Authorities via the Local Resilience Forums . This is on MHCLG understanding that a supply market exists.

2. RECOMMENDATIONS:

- 2.1 To approve option 4 as outlined in section 4 of the report, that the Council continues to support external organisations in emergency and on short term basis when they struggle to procure their own PPE to be charged on a cost recovery basis.

3. CONTEXT/ BACKGROUND INFORMATION:

- 3.1 The Council understands that a supply market now exists for PPE and this is supported by the fact that there are some organisations who have never

requested any assistance from the Council. Of 163 care sector CQC registered, 102 have requested assistance from the BHCC PPE Hub (63%).

- 3.2 Products such as hand sanitiser are readily available in the market but are still being requested from the Council. Other items are more difficult to procure, such as FFP3s.
- 3.4 A PPE Portal is in place nationally for small CQC registered care providers (residential care homes with 24 or fewer beds and domiciliary care providers with 99 or fewer client) to request PPE in an emergency. There are indications that emergency stock will be available for larger providers from August via the PPE Portal.
- 3.5 The Council has issued a Procurement Guidance document to assist external organisations in purchasing their own PPE.

4 ANALYSIS & CONSIDERATION OF OPTIONS

- 4.1 The selected option from the list below will go live as soon as feasible. The BHCC PPE Hub will continue to be responsible for providing PPE to BHCC services. The options below relate to the Council's ability and approach to assisting external organisations/individuals.

Ref	Option	Notes
1	BHCC to take responsibility to continue with current arrangements of PPE supply when SRF stock ceases i.e. responsible for BHCC staff + support external organisations/individuals in emergency and short-term basis only	<p>Issues:</p> <ul style="list-style-type: none"> • Cost implications for BHCC of PPE stock for non-BHCC – £19k per week (approx. £1m per year) • Resource implications to procure and distribute stock at this level across the City long term • Other Local Authorities may not supply PPE in this way, creating inconsistent approach across the market • Hard to ascertain what an emergency is and hard to assess efforts that have already been made. <p>Benefits:</p> <ul style="list-style-type: none"> • Robust supply across the City to all that require PPE. • Consistency of quality of PPE due to BHCC experience in procurement and Infection Control advice support available to BHCC
2	Only support BHCC staff	<p>Issues:</p> <ul style="list-style-type: none"> • Services/carers without access to the PPE Portal may not be able to order the PPE required if not available on the market

		<ul style="list-style-type: none"> • Quality of products procured by external organisations may not be adequate if they don't have the resources to conduct proper due diligence. • PPE Portal for small providers is new process so lack of evidence as to how robust it is at providing stock when required • Costs to care providers may cause providers to close or costs of services will increase • Infection control and reputational risk if BHCC does no support services in accessing PPE • Estimated based on current demand - £12k/week (approx. £624k/year) – this may go up as other services start to open. <p>Benefits</p> <ul style="list-style-type: none"> • Limited costs and resources required to BHCC to supply BHCC staff only
3	Only support BHCC staff and individual carers	<p>As above with benefit of most vulnerable service area having access to supply at small additional costs to BHCC.</p> <p>Estimated costs for individual carers based on current demand - £1200/week (approx. £63k per year which may go up if the supply market becomes challenging again) – this is in addition to the cost of option 2 above.</p>
4	<p>Continue with current arrangements (i.e. responsible for BHCC staff + support external organisations in emergency and short-term basis only) but charge external organisations for providing them with any stock procured by BHCC.</p> <p>The charge will also include overhead costs which may be subject to change e.g. if we need to find a new venue for the Hub. This will be on a cost recovery basis.</p> <p><i>(We will continue to provide</i></p>	<p>Benefits</p> <ul style="list-style-type: none"> • Stock available to all when required <p>Issues:</p> <ul style="list-style-type: none"> • Resources required to support this option • Administration in relation to charging • external organisations may not have money to pay us • Hard to ascertain what an emergency is and hard to assess efforts that have already been made.

	<i>individual carers with free PPE until we can develop a model where we are able to charge them where they are able to pay for the items. We will bring a paper to future P&R. The current estimated cost for providing this is £1200/week).</i>	
5	Sell to external providers (we become like a shop) This will be on a cost recovery basis.	<p>Issues:</p> <ul style="list-style-type: none"> • Much bigger operation to set up in terms of storage, distribution, delivery, procurement, finance. • BHCC costs may not be competitive when we add overheads to our unit prices.

5 COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The PPE team have worked jointly with the Equalities & Third Sector team to promote the availability of PPE in emergency on a short-term basis to Voluntary & Community sector organisations in the city.

6 CONCLUSION

- 6.1 Given the availability of stock in the market, significant financial implications for the council, our experience of assisting external organisations in the last 4 months, it is felt that option 4 provides the right balance of protecting public health versus ensuring fair and consistent process for the city.

7 FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The council has committed over £2.0m to date to maintain the supply of PPE and meeting the demand over and above the supplies provided through the local resilience forum. The council has been awarded £18.7m COVID-19 Emergency Response Funds by government to meet emergency expenses. However, the projected financial position reported to this committee on 9 July 2020 highlights the significant full year impact of increased costs, including ongoing PPE requirements, and reduced income and this funding only covers these financial pressures in part. It is therefore imperative the council minimises costs where possible to protect the council's financial resilience. The recommendation of this report proposes to provide external organisations with PPE supplies in an emergency and on a short-term basis. Any charges will be based on cost recovery only and therefore this proposal is expected to be cost neutral. The proposal includes the continuation of free PPE for individual carers at a cost of £1200 per week until a charging model can be developed. This cost will be reflected in future Targeted Budget Management (TBM) reports.

Finance Officer Consulted: James Hengeveld

Date: 05/08/20

Legal Implications:

- 7.2 The Council can use its general power of competence under S2 Local Government Act 2000 to provide services such as those described in this report (procurement and distribution of PPE). The Council can also charge individuals and organisations for the provision of this service pursuant to s93 of the Local Government Act 2003. This must be on a costs recovery basis (including overheads) unless the Council establishes a trading company to trade for profit.

Lawyer Consulted: Elizabeth Culbert

Date: 05/08/20

Equalities Implications:

- 7.3 Community Hub colleagues have offered to provide telephone support to individuals needing PPE but don't have digital access. The PPE team will also request managers to feedback on any equalities implications which could then be used to inform future procurement and distribution process e.g. PPE size unsuitable for any specific staff group.

Sustainability Implications:

- 7.4 We are combining orders wherever possible for multiple weeks to reduce the number of deliveries/collections needed. Making the organisations independent of the council PPE provision will provide sustainable solution in case of future outbreaks.

SUPPORTING DOCUMENTATION

Appendix 1: Management Information (from 6/4/20 to 31/12/20)

	Services	Allocations	Items
BHCC Staff	121	488	465,019
Care Sector	149	670	613,719
Childcare	33	35	17,980
Commissioned or Partner	96	236	155,236
Education	53	85	77,352
Personal Assistant	82	96	29,927
	534	1610	1,359,233

	Services	Allocations	Items
BHCC Staff	23%	30%	34%
Care Sector	28%	42%	45%
Childcare	6%	2%	1%
Commissioned or Partner	18%	15%	11%
Education	10%	5%	6%
Personal Assistant	15%	6%	2%

Table 1 – Monthly estimated costs		Calculated on 09/06/2020		
Item	Quantity	Unit Cost (£)	Total Cost (£)	
Gloves	320,000	0.12	38,400.00	
Aprons	140,000	0.06	8,400.00	
Clinical Waste Bags	12,000	0.09	1,080.00	
Eye Protection	20,000	1.95	39,000.00	
FFP3	4,000	12.32	49,280.00	
Type IIR Face Masks	160,000	0.56	89,600.00	
Hand Sanitiser (50ml)	6,000	1.70	10,200.00	
Hand Sanitiser (100ml)	4,000	2.20	8,800.00	
Hand Soap	2,000	1.20	2,400.00	
Surface Wipes (200 per pack)	2,800	8.95	25,060.00	
TOTAL			272,220.00	

Subject:	Sports Facilities Contract Extension		
Date of Meeting:	14th August 2020		
Report of:	Executive Director, Economy, Environment & Culture		
Contact Officer:	Name:	Ian Shurrock	Tel: 01273 292084
	Email:	ian.shurrock@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 Wealden Leisure Ltd trading as Freedom Leisure manage the council's sports facilities pursuant to two contracts with the council – both on very similar terms. The current ten year contract with Freedom Leisure in relation to all the facilities listed in 3.1 below (except Portslade Sports Centre) expires on the 31st March 2021. An additional contract with Freedom Leisure to manage Portslade Sports Centre commenced in 2016 to run concurrently with the existing contract and also expire on 31st March 2021. These two contracts are referred to as the Sports Facilities Contract and there is provision within the contract for an extension of up to five years.
- 1.2 The council's sports facilities were required to close on the 21st March 2020 due to the Covid-19 pandemic with a consequent loss of income to Freedom Leisure from operating the centres. The Government has allowed sports facilities (including gyms and swimming pools) to re-open from 25th July 2020.
- 1.3 However, there will continue to a negative impact on income levels for some time while the business is restored. Social distancing requirements will reduce capacity in some exercise areas and other measures e.g. increased cleaning, will all impact upon financial sustainability. A phased re-opening of facilities has been agreed with Freedom Leisure with the Withdean Sports Complex being the first to open on 27th July.
- 1.4 Freedom Leisure anticipates that it will incur a significant financial loss during the current financial year to operate the facilities. The council had previously provisionally sought a two-year extension to the contract with Freedom Leisure. A three year extension is now recommended in order that the impact of the financial pressure created by the Covid-19 pandemic can be mitigated over an extended period.

2. RECOMMENDATIONS:

That the Committee:

- 2.1 Notes the significant financial impact of the Covid-19 pandemic upon Freedom Leisure as the operator of the council's Sports Facilities Contract and the financial support already provided to Freedom Leisure as outlined in the table in 3.11 of Part 2 report.
- 2.2 Agrees to waive the management fee which Freedom Leisure is required to pay the council during the period 1 July 2020 to March 2021 and notes that the council may be able to claim some of this lost income from central government.
- 2.3 Agrees to vary the contract for the period 1 July 2020 to 31 March 2021 to allow a phased reopening of the sports facilities
- 2.4 Agrees to exercise the option to extend the Sports Facilities Contract with Freedom Leisure by three years until 31 March 2024 and agrees the variation to the management fee as set out in 3.15 of the Part 2 report.
- 2.5 Grants delegated authority to the Executive Director Economy, Environment & Culture and Executive Lead for Strategy, Governance & Law to settle the terms of the contract variations and take any steps necessary to implement the recommendations above.

3. CONTEXT/ BACKGROUND INFORMATION

Sports Facilities Contract

- 3.1 The sports facilities included within the Sports Facilities Contract are:
 - King Alfred Leisure Centre
 - Moulsecomb Community Leisure Centre
 - Paddling pools (Hove Lagoon, King's Road, The Level Water Feature Saunders Park)
 - Portslade Sports Centre (added from 2016)
 - Prince Regent Swimming Complex
 - Stanley Deason Leisure Centre
 - St Luke's Swimming Pool
 - Withdean Sports Complex
- 3.2 Freedom Leisure commenced operation of the Sports Facilities Contract on 1st April 2011 and under the terms of that contract a payment is made by Freedom Leisure to the council to manage the facilities.
- 3.3 There is provision in the existing contract for an extension of the initial term by up to five years on the existing terms and conditions. If the council elects to extend the contract, the parties then have to negotiate the management fee which will apply for the remainder of the contract.

Sports Facilities Investment Plan

- 3.4 The council are aware of the ageing of the facilities which are managed under the Sports Facilities Contract with the consequent deterioration in the condition of those facilities. The most recent facility to be built is the Moulsecomb Community Leisure Centre which opened in 1991. As a consequence the council

has commissioned a Sports Facilities Investment Plan together with an appraisal of management options, so that the future of the sports facilities can be determined. This work has included detailed condition surveys on all the facilities to inform the Investment Plan.

Sports Facilities Contract – original contract extension negotiations

- 3.5 In order for the Sports Facilities Investment Plan to be completed to inform any re-tendering of the Sports Facilities Contract, negotiations commenced with Freedom Leisure to extend the existing contract by two years from 31st March 2021 to 31st March 2023. There is provision within the current Sports Facilities Contract that enables the council to extend the contract by up to 5 years.
- 3.6 These negotiations recognised that Freedom Leisure had not achieved the financial return they had expected as per the original bid for the contract. Therefore, it was accepted that a reduced management fee would be received for the extended contract period. After detailed negotiations provisional agreement was reached that a management fee to be paid to the council for each year of the two year contract extension. Unfortunately, shortly after the negotiations were concluded the Covid-19 pandemic resulted in the closure of the facilities. Consequently, the provisional financial agreement reached for the contract extension needed renegotiation, due to the pandemic affecting the financial performance of the sports facilities.

Impact of Covid-19 Pandemic

- 3.7 Lockdown for sports facilities was introduced on Friday 21st March 2020 when all the facilities closed. In respect of the Sports Facilities Contract. This constituted a Force Majeure Event under the terms of the contract. Consequently, Freedom Leisure have therefore been excused from performing their obligations under the contract for the period during which sports facilities were not allowed by law to open.
- 3.8 The Government issued a “Procurement Policy Note – Supplier relief due to Covid-19” in which local authorities were requested to assist suppliers (such as Freedom Leisure) with their cash flows in order to support them in the initial stages of the lockdown. This applied to the end of June. Contractually Freedom Leisure are obliged to meet the operational running costs of the sports facilities (apart from landlord responsibilities) but receive the income generated to achieve financial viability. The closure of the facilities with the consequent loss of income placed Freedom Leisure in a difficult financial position.
- 3.9 In order to mitigate costs Freedom Leisure furloughed all apart from two staff of those directly employed pursuant to the Sports Facilities Contract in Brighton & Hove. The two remaining staff have been overseeing the closed facilities together with members of the council’s Sports Facilities Team in order to reduce costs. However, it has not been possible to avoid all costs while the facilities have been closed, such as utilities, even though they have been minimised.

Financial Support to Re-open Facilities/ Sports Facilities Contract Extension

- 3.10 The Government announced that sports centres and indoor swimming pools could re-open from the 25th July 2020. However, Freedom Leisure indicated that to operate the facilities in the current climate would present a significant financial pressure. To implement Covid-19 safety requirements would increase costs for cleaning, and social distancing would limit capacity in some exercise areas. It is anticipated that it will take some considerable time for the levels of usage and hence income.
- 3.11 The pandemic has caused significant financial pressures across the services of the council. It is therefore not possible for the council to provide additional funding in the current financial year. However, a contract extension would give the potential to spread the cost of any support proposal over an extended period.
- 3.12 Importantly the risk of operation would remain with Freedom Leisure. The council is not agreeing to a deficit funding arrangement in which the operational risk would rest with the council, but extending the current contract on different financial terms to reflect the impact of the pandemic.
- 3.13 As the contract requires all the sites to be provided, the phased reopening will need to be agreed in a variation to the contract. Officers have provisionally agreed (subject to the approval of the recommendations above) to the following timetable for reopening the sites:

Site	Aug-20	Sep-20	Oct-20	November 20 - March 21
Withdean Sports Complex	Open - reduced hrs	Open - reduced hrs	Open - reduced hrs	Open - reduced hrs
King Alfred Leisure Centre	Open - reduced hrs	Open - reduced hrs	Open - reduced hrs	Open - reduced hrs
Prince Regent Swimming Complex	Closed	Closed	Closed	TBC
Moulsecoomb Community Leisure Centre	Closed	Closed	Open - reduced hrs	Open - reduced hrs
Stanley Deason Leisure Centre	Closed	Open - reduced hrs	Open - reduced hrs	Open - reduced hrs
Portslade Sports Centre	Closed	Open - reduced hrs	Open - reduced hrs	Open - reduced hrs
St Lukes Swimming Pool	Closed	Closed	Open - reduced hrs	Open - reduced hrs
Padding Pools	Closed	Closed	N/a	N/a
TBC - Dependent on Capital Works				
Reduced hours will be reviewed on a monthly basis to reach a normal operating position by April 2021 at the latest				

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Negotiations have been on-going with Freedom Leisure to seek a solution to the current very difficult financial situation to enable the facilities to re-open. The option of utilising the contract extension to address the financial situation, rather than a grant or deficit funding is considered to be the best financial solution within the current circumstances.
- 4.2 The Sports Investment Plan will include an appraisal of the options for the future operational management of the sports facilities. The outcomes of this work will be reported to committee.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Not applicable

6. CONCLUSION

- 6.1 The granting of a three-year extension to Freedom Leisure for the Sports Facilities Contract would enable a financially sustainable position to be reached following the financial pressures caused by the Covid-19 pandemic. Furthermore, it would enable the facilities to re-open as per the schedule in 3.13.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 These are included in the part 2 confidential report.

Finance Officer Consulted: Name Jill Fisher

Date: 05/08/20

Legal Implications

- 7.2 The Council is entitled to extend the contract without the agreement of Freedom Leisure. However, the parties must reach agreement on the Management Fee which should reflect the cost of providing the service. The Covid-19 pandemic has had a significant impact and the reversion to the Council making payments to Freedom Leisure is therefore in accordance with the terms of the contract.
- 7.3 A variation agreement to the original contract has been put in place until the end of June 2020 to deal with the immediate issues relating to the effects of Covid-19 and lockdown.
- 7.4 Legal Services will continue to assist in order to put in place a variation to the contract with Freedom Leisure to cover the staged re-opening of facilities and waiver of the management fee as well as a deed of variation to cover the proposed extension period to 31st March 2024 and the changes to the management fee during the extension period.
- 7.5 The proposed variations to the contract with Freedom Leisure are permitted within the scope of the original contract and are therefore contract modifications which are permitted by the Public Contracts Regulations 2015. The original contracts were procured and as the original contract required the Council to pay a management fee to Freedom Leisure which reflected the cost of providing the service, the risk that these proposals amount to state aid is very low.

Lawyer Consulted:

Alice Rowland

Date: 05/08/20

Equalities Implications:

- 7.6 The council seeks to provide a range of opportunities for residents to participate in sport and community activities across the city and the sports facilities are fundamental to that provision.

Sustainability Implications:

- 7.7 A key focus of this report is the financial sustainability of the Sports Facilities Contract. However, there has been significant investment in the sports facilities

to improve environmental sustainability such as LED lighting, inverters on pumps and more thermally efficient glazing.

7.8 Brexit Implications:

None identified.

7.9 Public Health Implications:

The sports facilities are key locations in the city for regular participation in sport and physical activity. The Covid-19 pandemic has heightened the awareness of the importance of regular participation in sport and physical activity to health and well-being.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Background Documents

1. None

Document is Restricted

