

**Minutes of a meeting of Cabinet
held on Wednesday, 19th August, 2020
from 2.00 pm - 2.39 pm**

Present: J Ash-Edwards (Chair)
J Llewellyn-Burke (Vice-Chair)

J Belsey
R de Mierre

S Hillier
A MacNaughton

N Webster

Absent: Councillors

Also Present: Councillors P Brown, R Eggleston, I Gibson, S Hatton and
R Salisbury

1. ROLL CALL AND VIRTUAL MEETINGS EXPLANATION.

The Leader introduced the meeting and he advised that only Cabinet Members and Senior Officers appear with their cameras turned on but other Democratic Services Officers and observers are present at the meeting.

The Leader conducted the roll call to confirm the Members present.

Tom Clark, Head of Regulatory Services, advised that new regulations have been introduced to enable the Council to hold its meetings to include those participants attending remotely. To ensure the smooth running of such remote meetings it has been necessary to amend some of the Council procedure rules and such rules have been amended in accordance with urgency powers in the scheme of officer delegation to keep the Constitution legally updated.

2. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

None.

3. TO RECEIVE APOLOGIES FOR ABSENCE.

None.

4. TO CONFIRM MINUTES OF THE MEETING HELD ON 6 JULY 2020.

The minutes of the meeting held on 6 July 2020 were agreed as a correct record.

5. TO CONSIDER ANY ITEMS THAT THE LEADER AGREES TO TAKE AS URGENT BUSINESS.

None.

6. LEISURE CENTRE REOPENING

The Leader noted that this is the first of two special meetings being held on 19 August to discuss this subject. The Cabinet recommendations will be considered by full Council being held at 6pm.

Judy Holmes, Assistant Chief Executive introduced the report. She highlighted that as a result of the Government's order to close leisure centres, this triggered the change in law clause in the contract with the providers, Places Leisure. With the Government confirmation that such venues can now reopen, the Council is contractually required to ensure that Places Leisure's financial position is no better or worse when reopening. She confirmed that the arrangements proposed in the report will be reviewed after 3 months and reported using the Council's standard governance framework. She also noted an amendment to the figures in paragraph 31 which should read £1132k to reflect reopening planned for September not August.

In response to a query from the Cabinet Member for Housing and Planning regarding the opening of Clair Hall, the Assistant Chief Executive confirmed that the Government has allowed such venues to reopen from 15 August, but for very limited purposes, mainly related to providing Covid 19 assistance.

The Cabinet Member for Environment and Service Delivery welcomed the report and noted that there has been a good relationship with Places Leisure in the development and maintenance of the contract. He acknowledged the contractual duty regarding their financial position, and the increase costs in reopening but expressed confidence that the proposal adequately provides for this cost. He also acknowledged the importance of the centres reopening in relation to resident's health and wellbeing, and the local economy with Places Leisure staff needing to return to work.

The Cabinet Member for Customer Services thanked Officers for their work in reaching this stage in negotiations with Places Leisure and reiterated the importance of opening centres again to provide a positive message to residents that they can begin to gain confidence in their 'new-normal' life. She noted that any Government grants are only up to March 2021 and that the contract with Places Leisure runs to 2029. In response to her query on the status of the High Court insurance claim on business continuity insurance the Assistant Chief Executive confirmed a claim has been submitted and if successful it will make an impact on the amount the Council has to make to Places Leisure.

The Cabinet Member for Economic Growth noted the balance required between protecting the Council's finances and providing a vital service to residents. He sought confirmation that the Council is confident on the processes and communications that Places Leisure will put in place, whether they will take deposits for bookings, and how the relationship with Places Leisure is likely to be going forward. The Assistant Chief Executive confirmed that the Council has agreed a joint comms plan with Places Leisure and will work closely with them over coming months. She noted that it is in both parties' interest for the reopening to be a success and the Council will take expert advice from both Places Leisure and a consultant secured through the Sport England framework. The difficulties of the current negotiations were acknowledged but she expressed confidence that the good contractual relationship will continue.

The Cabinet Member for Community acknowledged that the original contract was based on a template from Sport England so is recognised as being a sound contract.

He reiterated the importance of the centres reopening for the health and wellbeing of all in Mid Sussex.

The Deputy Leader noted the contractual obligations and that both parties had invested and benefited from the contract since its inception. She noted that any option to move forward would be at a cost and so the importance was in managing this wisely on behalf of the tax payer. She also sought clarification that the Council's Section 151 Officer is satisfied that funds from the General Reserves should be used for the proposed purpose, and that the review systems are appropriate. This was confirmed by Peter Stuart, Head of Corporate Resources and Section 151 Officer.

The Cabinet Member for Community noted that the income derived from the current contract with Places Leisure is far in excess of that which the Council could have benefited from if managing the centres in-house and welcomed the proposed way forward.

The Leader moved to exclude the press and public for discussion on the exempt report appendix.

7. TO CONSIDER WHETHER TO EXCLUDE THE PRESS AND PUBLIC FROM THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEMS IN ACCORDANCE WITH SECTION 100A OF THE LOCAL GOVERNMENT ACT 1972 ON THE GROUNDS THAT IT INVOLVES THE LIKELY DISCLOSURE OF EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 3 OF PART 1 OF SCHEDULE 12A OF THE SAID ACT.

The Leader proposed that the Press and Public be excluded from the meeting during consideration of the exempt report appendix.

RESOLVED

That the public and press be excluded from the meeting during consideration of the following item in accordance with Section 100A of the Local Government Act 1972, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the said Act.

The meeting went into closed session at 2:29pm.

The Leader brought the meeting back into open session at 2.35pm on the completion of the exempt business.

8. LEISURE CENTRE REOPENING - EXEMPT APPENDIX

9. LEISURE CENTRE REOPENING - RESUMPTION OF OPEN SESSION

The Leader concluded by noting the importance of making the financial commitment to reopen the three Leisure Centres and he thanked the public for their patience whilst negotiations were underway.

He took the Members to the recommendations contained in the report, which were agreed unanimously.

RESOLVED

Cabinet recommended to Council for approval:

- (i) That the negotiated costs associated with the enforced closure of the Council's leisure centres and their reopening as outlined in paragraphs 31 and 36 and the exempt appendix to this report, are noted;
- (ii) That the mechanism for supporting PL to reopen the leisure centres and manage the costs to the tax payer (as outlined in paragraphs 38 to 43) is agreed;
- iii) That the costs to this Council resulting from this unprecedented set of circumstances be funded from the General Reserve and reported regularly to Members in the usual way; and
- (iv) That the Council agree to remove Clair Hall from the contract with PL (paragraphs 48 to 55 refer).

The meeting finished at 2.39 pm

Chairman