

OVERVIEW AND SCRUTINY PANEL

MONDAY, 8 JUNE 2020 - 1.30 PM



PRESENT: Councillor A Miscandlon (Chairman), Councillor A Hay (Vice-Chairman), Councillor G Booth, Councillor M Cornwell, Councillor M Humphrey, Councillor D Mason, Councillor M Purser, Councillor R Skoulding, Councillor D Topgood, Councillor Wicks and Councillor F Yeulett

OFFICERS IN ATTENDANCE: Amy Brown (Chief Solicitor and Deputy Monitoring Officer), Peter Catchpole (Corporate Director and Chief Finance Officer), Anna Goodall (Head of Governance and Customer Services), Paul Medd (Chief Executive) and Carol Pilson (Corporate Director and Monitoring Officer)

Councillor Miscandlon reflected on the sad news that since the last meeting of Overview & Scrutiny Committee, one sitting councillor, Cllr Alan Bristow, and one former councillor, Cllr Kit Owen had both passed away. A minute's silence was held as a mark of respect.

Councillor Miscandlon then welcomed members of the public and press watching the livestream of the Cabinet meeting via YouTube due to Government guidance on social distancing. The meeting was held in accordance with the provision set out in the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and with Fenland District Council's Virtual Meeting Protocol.

OSC43/19 PREVIOUS MINUTES.

The minutes of the meeting of 10 February 2020 were confirmed subject to the following comment:

- Referring to page 6, item 21 Councillor Booth said he understood there should be an action to look into a question he asked regarding county council and the rates they were going to be charging pre-schools.

OSC44/19 UPDATE ON PREVIOUS ACTIONS.

Members were provided with an update on the status of actions raised at previous meetings of the Overview and Scrutiny Panel.

Councillor Booth said that Action 5 on road safety and speed prevention lacked information in not stating the amount of work the police are going to do in relation to their enforcement role. He said that there was a lengthy explanation about prevention work but it is enforcement that needs to work hand in hand with prevention. Councillor Booth added that he is a Community Speedwatch volunteer and therefore has experience of this. Councillor Miscandlon agreed that speeding is an issue that is raised regularly with all members.

OSC45/19 COVID-19 UPDATE REPORT

Members considered the COVID-19 update report presented by Councillor Boden.

Councillor Boden stated that this report was a summary and he would be happy to provide greater

detail should any members require it.

Members meeting asked questions, made comments and received responses as follows:

1. Councillor Wicks asked why it took so long for residents aged 70 plus to receive a letter from the Council outlining the assistance available. He did not receive his letter until 3 or 4 weeks after lockdown and yet he is a member of the Council. Councillor Boden apologised that the letter sent in his name was received later rather than sooner, however council members are not prioritised. He explained that the Council was attempting to communicate with as many people as possible, and had to use a variety of methods in the form of a rolling programme to ensure they captured each one as there is no single database available. They started with the most elderly as a priority by getting their names from a list of those exempt from jury service and as Councillor Wicks is not in that category, his letter was received later. Councillor Boden pointed out that we were in fact ahead of the game as once other councils saw what we were doing, they followed suit.
2. Councillor Booth commented on the timeliness of the report saying it should be seen as an interim rather than final report. It would have been useful to get feedback on areas where we could improve in the future, e.g. the lack of coordination with the national delivery scheme working with the Council. Members of staff needing to change or request a food delivery do not know which company is providing the delivery; there are a lot of groups working in the right direction but it could be tightened up. Councillor Boden stated that it is indeed an interim report as we are still in the middle of the COVID-19 crisis. Feedback is welcomed and the working of the COVID-19 hub will be subject to further scrutiny. He explained that this meeting was to talk about the COVID response and next month would be highlighting to Council the future and implications as a result. Councillor Boden also agreed that national and local coordination has not been entirely seamless, which has been a source of frustration for many. He explained that on government instructions, the County Council hub has taken a lead on the shielded list and they are liaising with the national support network and not ours; if they did there would be more crossed wires. We have had to go with the structure set up by national government but he would encourage shielded residents to contact the FDC hub with any issues so staff can then contact the CCC hub and community volunteers to ensure matters are addressed. However, given the scale of the exercise, relatively few issues have been raised.
3. Councillor Miscandlon asked what members can do to improve the cohesion between national and local service providers. Councillor Boden advised that there is nothing that can be done by individual members but reiterated that they encourage individuals to report issues to the FDC COVID hub for them to put forward. It is tempting to help individually, but we have to operate through the system set up and not take short cuts that may cause further confusion.
4. Councillor Wicks questioned the amount of information members are receiving regarding the amount of support available within their own wards. He is not aware of what is available and he would welcome more information in order to alleviate pressure on Council staff. Councillor Boden thanked Councillor Wicks but pointed out that the job of the COVID hub is not to provide continuing support and information to residents but to provide the links to the community so they can provide the assistance directly as required. Once these links are made and maintained, there is no longer a need for individuals to come back to the hub. He said that local members are usually aware of the local organisations operating in their area. Councillor Boden added that we have not emailed a list of who is cooperating in the area to local councillors but will do that and apologised to those who have slipped through the net.
5. Paul Medd said that lead time was tight due to the rapidly evolving situation. When the Prime Minister announced lockdown on 23 March, it took just two days for the Council to be proactive in mobilising the hub, which has proved vital and supported nearly 1900 residents since its inception for a whole matter of support. Recently the Council was trying to ensure that as many businesses as possible received support grant payments and members were contacted with the details of businesses officers had been unable to contact. Therefore,

members can assist officers with trying to contact those businesses within their wards that officers have not heard from. Furthermore, the Communications Team have been proactive in sending information as soon as they have it. He pointed out that as and when members are contacted by constituents, members can point them to our website or signpost them to the relevant organisation for help as all the information is available.

6. Councillor Booth pointed out that his ward set up a helping hands scheme early on and as a result he receives a large number of daily email notifications; therefore the information has been coming through and there is some useful information about the different organisations. If this was sent to members it would alleviate pressure on the FDC hub. However, as a local volunteer he found it slightly frustrating to have to go through the general FDC telephone number and asked if a special number could be made available to volunteer groups. Councillor Boden said careful examination would be needed on this; he was not aware of a problem or delays in getting through on the general number and having a direct line for volunteers would not help if staff are already dealing with other calls.
7. Councillor Cornwell asked Paul Medd why the FDC hub was set up on 25 March when the Prime Minister had announced on 16 March that isolation was to commence that weekend. He also asked if the local resilience forum was active in the background or did FDC have to set up the hub with direct responsibility placed on us by central government. Councillor Cornwell further asked was there a leadership role for the County Council? They took the lead and we did the signposting exercise, however members have been receiving reports of the success of the services provided by some of the people referred to. Councillor Cornwell said he was interested to know how prepared were those organisations to respond to what was being reported to them and he felt we should ask for evidence of that. He agreed that a lot had happened in a short time but suggested that we may not have been quick enough. In the meantime Councillor Cornwell wanted to thank the refuse team for the amount of work they have undertaken to carry on the service despite a lot of extra work as a result of people undertaking clearance projects in lockdown. He pointed out that the problem was the County Council closing the household waste sites. If there had been a resilience forum in operation, it would have kept them open.
8. Councillor Miscandlon said on behalf of the O&S panel he would like to thank and congratulate all FDC staff and all the other organisations within the district that have gone above and beyond what they would normally do.
9. Paul Medd thanked Councillor Cornwell for his observations. Regarding timeliness there had been a general awareness that the pandemic was spreading but in the early days it was unclear as to the impact and extent and the Corporate Management Team were closely monitoring and discussing events, hence why when the official lockdown was announced it only took two days to get the FDC hub up and running. The local resilience forum was working behind the scenes but cannot step out of its remit. As County Council is the upper tier of local government, they were asked to support the NHS shielding role and FDC would complement their role by working with other residents.
10. Paul Medd thanked Councillors Cornwell and Miscandlon for their comments regarding staff; he agreed that third parties, i.e. an army of volunteers and organisations had done a sterling job, and all council services had continued to run despite the challenges. There had been an impact on some projects but vital frontline services, in particular Refuse and Cleansing, had stepped up and continued to deliver.
11. Councillor Yeulett asked what economic challenges the Council is facing with reduced finances and asked if any extra expenditure has been incurred as a result of the pandemic; particularly as the Government are facing big challenges going forward.
12. Councillor Boden said the position remains uncertain; much is unknown in the coming weeks and months hence at the next meeting of Overview & Scrutiny, we will be looking at what the likely implications are financially for the Council. We are monitoring and reporting monthly to the MHCLG (Ministry of Housing, Communities & Local Government) and current estimates suggest there would be a £4m impact to our budget. Costs have been increased and we have lost income. The final situation will depend on a number of outcomes but we are in a stronger position than other local authorities as we had a budget surplus for

2020/21 of some £2.5m so are better off than those with a balanced budget.

13. Councillor Booth reiterated the work done by council staff to keep services running and to other groups. He feels that there has not been recognition for the good neighbours running little errands for their neighbours in the community. Without these people, then the voluntary groups would have had more work to do and would have overwhelmed local service providers. The key message is that communities are pulling together and looking after one another. Councillor Miscandlon agreed.
14. Councillor Wicks said that he was aware of only one national supermarket that, to his knowledge, provided a dedicated Freephone number to vulnerable people. He added that FACT stepped up and made a private arrangement with the store manager to assign one vehicle to their community champion for next day delivery when they are a supplier of transport. He wanted to know what other national supermarkets had done.
15. Councillor Boden agreed that FACT is not a delivery service and was set up to provide community transport but because of lockdown, many individuals were not able to go anywhere at all so as an organisation it has a resource and number of vehicles available and knew who needed help. He added that there are many community organisations throughout Fenland who have risen to the challenge and there are other national and local supermarkets that are supporting organisations in the area; however it is not appropriate for this Council to discuss national supermarket policy and we cannot direct it. Most supermarkets offer priority shopping times and access to key workers and the NHS and we have not had any involvement in that. However, if any resident is struggling please ask them to contact FDC via the general number.
16. Councillor Hay said it was important to remember there are a fair number of supermarkets across Fenland that are not following national head office guidance but doing what they can in their own area and we should recognise all the supermarkets are trying to do their bit.
17. Councillor Booth agreed life has been a lot easier with them on board and reiterated his personal thanks. However, he did feel there could be better coordination with neighbouring authorities in respect of volunteers helping people living on the border.
18. Paul Medd agreed that was a good point and had been brought to our attention by Wisbech volunteers early on. Residents north of the boundary were given our contact centre details to request support. A service was provided but not sustainable given calls for support coming from within Wisbech itself. This was raised with colleagues at Kings Lynn West Norfolk BC in order that respective communications could make clear where people on the border could go for support.
19. Councillor Mason advised that Whittlesey Food Aid had received a lot of help from local supermarkets and would be happy to talk to Councillor Wicks to update him.
20. Councillor Humphrey congratulated all on the response so far, the pandemic had brought massive implications and there was no baseline to work from. We will learn with the benefit of hindsight we will learn, information is available on social media. The Council's website briefings are really good and he congratulated all those involved in the maintenance of essential services.

The Overview and Scrutiny Committee noted the content of the COVID-19 update report.

(Councillor Boden declared an interest by virtue of the fact that he is on the board of FACT)

(Councillor Skoulding declared an interest by virtue of the fact that he is a volunteer with FACT)

(Councillor Booth declared an interest by virtue of the fact that he is a volunteer with FACT)

Members received and considered a verbal update provided by Councillor Boden in respect of an urgent decision taken as Leader in respect of Freedom Leisure.

Councillor Boden first sought advice regarding his statement and Carol Pilson confirmed that only the information available in the Members' briefing note of 1st May was in the public domain. Therefore, to provide any further details would mean the meeting may have to go into confidential session.

Councillor Boden advised that instructions were received on 22nd March that all leisure services had to cease, which had a profound and immediate impact on Freedom Leisure. It was clear that some sort of financial package would be requested but with no certainty of the amount. During the time, relentless efforts were made to arrive at a solution. Legal advice was sought internally and externally with regard needed for other council customers as Freedom Leisure has almost 100 centres across 25 councils. In mid-April the requested relief was found necessary and an entry placed on the Forward Plan on 23rd April. Freedom required payments by the beginning of May to meet their payroll obligation, having met April's out of existing capital. There was a real and compelling concern that not to take action would impact on the continued employment of employees and the very existence of Freedom Leisure. Therefore we had to exercise discretion; the request not made lightly but there was a lack of alternatives at that time. In order to comply with constitutional requirements, it was necessary to take action and bearing in mind these are very unusual and unprecedented times. Councillor Boden explained this was just a summary of why the decision was made urgently.

Members asked questions, made comments and received responses as follows:

1. Councillor Booth queried the timeline as he was not convinced about this based on what he had read in the member briefing. Under 4.5 of the briefing paper, we could have decided not to give support or limited support and Freedom could have terminated their contract, so that suggests a time span, however he is not disputing the decision taken.
2. Councillor Boden said to remember that it was not just us but other local authorities as well and this was a matter where Freedom Leisure literally had days in which they had to have agreement in order to continue to operate. Yes, three months' notice of termination of contract can be given under force majeure but would we want this or would it be of benefit to allow it, hence the conclusion that it was more helpful to continue working with Freedom. Due diligence was not made under what they claim they required, but the decision was not made flippantly; a lot of detailed work was undertaken by officers and there were significant changes in terms of support offered. Time was taken, hence the 1st May deadline to get agreement from all councils. Therefore the timeline is a stated but officers can give provide further information to Councillor Booth if he still has concerns.
3. Councillor Booth said it sounds like Freedom Leisure pressurised the Council to make that decision by 1st May as their statement said the majority of their clients said they would give significant support. Although he did not dispute the decision, Councillor Booth said it seemed a case of the tail wagging the dog.
4. Councillor Boden stated that although he can understand why it looks like that, we had contractual obligations in the leisure contract agreed with Freedom Leisure and we had to look at the best interests of the Council. All of the major customers had agreed to a package of support but that was not the case 7 days earlier; all councils were in that position.
5. Councillor Hay said we need to remember that we are in the early stages of a 15- year contract. If we had not helped we would have been in danger of having to take this contract back. She agreed it with Councillor Boden that these are unprecedented times and Freedom Leisure would have had to shut down their entire operations, not just one gym. This is on a loan basis and will be recouped over the following years; therefore it was the right decision to take considering it was urgent and the employees needed to be paid.
6. Councillor Boden thanked Councillor Hay for reflecting the position. He said that consideration was given to the implications if we did not provide financial support and it was

not just about savings as it may have threatened the existence of one or more of the 4 sites. We weighed up all the risks involved and on balance in the interests of both the Council and residents it was important to provide support to Freedom Leisure.

7. Councillor Skoulding remarked that it was a good and brave decision. The Council had to strike quickly as staff did not know what was going to happen and he expressed his thanks for the decision.
8. Councillor Booth said he would be interested to know how many other councils were forced to take an urgent decision and not follow the constitution and allow call-in process. He realised it would be a task to get that information but would give an idea of how many other councils were in the same position. He then asked that as Freedom Leisure stated they had no income, had customer direct debits been suspended. Councillor Boden confirmed that this was the case and they will restart when appropriate to do so. So far as other councils are concerned, the information is available but it would take some doing getting hold of it and different councils have different schemes of delegation, so in many cases a council will have been able to fulfil this requirement without having to use urgency procedures and in other cases they will have had, so it will vary from council to council.
9. Councillor Hay said that as a member of Chatteris gym, she could confirm that when it first closed, she was informed her direct debit would not be taken; however customers were given the option to continue to pay if they wanted
10. Councillor Miscandlon said that he had previously had a long discussion with Amy Brown because of the urgency of the matter and considerable time was spent before the decision was signed off, so he is aware of the implications of what was dealt with at the time.

The Overview & Scrutiny Panel received and commented on the verbal update on the urgent decision taken by the Leader in respect of Freedom Leisure.

(Councillor Cornwell declared an interest as his son is an employee of Freedom Leisure and left the meeting for this item and for the rest of the meeting)

OSC47/19 FUTURE WORK PROGRAMME

Members discussed the Future Work Programme.

1. Councillor Booth suggested Anglian Water be invited to attend a future meeting. He has had complaints regarding water pressure due to increased usage with more people at home during this pandemic. Although this has improved, it would be useful to have them discuss their infrastructure and maintenance programme. Councillor Miscandlon pointed out that they are not a statutory function so although an invite can be extended, Anglian Water have no obligation to attend.
2. Councillor Booth also suggested that Clarion come before the end of the year as the opportunity was missed for them to attend in March.
3. Councillor Booth requested that Freedom Leisure attend earlier than November so they can advise how they expect to get services up and running again. Councillor Topgood thought it counter-productive if they are also coming in November and Councillor Hay said that it had to be borne in mind that we currently do not know when Freedom Leisure can get back up and running; if not until August or September then they will need time to recover. Councillor Miscandlon agreed.
4. Councillor Mason said that in view of covid-19, suggested an update of the financial investment strategy.
5. Councillor Miscandlon said that the entire work plan would need revising anyway as the COVID-19 pandemic has messed up the programme and due to the March and April meetings having been cancelled.