

CABINET



MONDAY, 29 JUNE 2020 - 4.00 PM

PRESENT: Councillor C Boden (Chairman), Councillor Mrs J French (Vice-Chairman), Councillor I Benney, Councillor S Clark, Councillor Miss S Hoy, Councillor Mrs D Laws, Councillor P Murphy, Councillor C Seaton, Councillor S Tierney and Councillor S Wallwork

APOLOGIES:

Officers in attendance: Amy Brown (Chief Solicitor and Deputy Monitoring Officer), Peter Catchpole (Corporate Director and Chief Finance Officer), Paul Medd (Chief Executive) and Carol Pilson (Corporate Director and Monitoring Officer)

Councillor Boden 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.

CAB1/20 PREVIOUS MINUTES

The minutes of the previous meeting held 9 June 2020 were agreed.

CAB2/20 FENLAND FUTURE LIMITED

Members considered the Fenland Future Limited report presented by Councillor Boden

Councillor Boden stated that approval has already been given for the company to be set up and it has been successfully incorporated using model Articles of Association. He added that the report outlines the changes to the model Articles of Association to ensure that they are specifically appropriate for the requirements of the Council.

Cabinet AGREED to approve the Articles of Association to include the Reserved Matters at Appendix 1 of the Report for adoption by Fenland Future Limited and delegates authority to the Leader in consultation with the Monitoring Officer to give shareholder consent to these documents on behalf of the Council and to sign and complete any resolutions and/or other documentation required to bring them into effect.

CAB3/20 DRAFT 6 MONTH CABINET FORWARD PLAN

Councillor Boden presented the draft Cabinet Forward Plan for information.

Councillor Mrs Laws stated that the Coates Conservation Area Appraisal public consultation has not been able to take place due to the COVID-19 pandemic and it is likely that it will now be carried out electronically. Therefore this item will be presented at the September meeting and not earlier as hoped.

Councillor Boden asked officers to clarify whether Appointment to Outside Bodies should be an item on the Forward Plan. The Monitoring Officer confirmed that this does fall under the jurisdiction of Cabinet responsibility and therefore should be added to the Forward Plan for the next meeting in August.

CAB4/20 FREEDOM LEISURE CONTRACT

Councillor Boden asked members to determine whether Appendix 2 of the report, which contains information considered exempt under Schedule 3 of Paragraph 12a of the Local Government Act 1972, should be exempt thereby excluding the press and public from the meeting should it be discussed, or whether the public interest in disclosing this information outweighs the public interest in maintaining the exemption. The confidential motion was agreed

Councillor Boden then moved onto the report concerning the Freedom Leisure Contract presented by Councillor Clark.

Councillor Clark explained that it is a complex task and both parties are committed to getting the leisure facilities operating again, earning income but as efficiently as possible. She added that a phased approach is to be taken initially based on both limited facilities and opening hours, with more facilities opening week on week. If customer numbers rise, then opening hours will become longer to accommodate them. She added that these proposals are dependent on any announcement made by central Government and it is hoped that this will be later July or early August.

Councillor Boden outlined the financial impact as detailed in the report.

Councillor Wallwork said that there is a moral obligation for public services to be protected and supported.

Cabinet AGREED to recommend that:

3.1 Fenland District Council (“FDC”) notes Freedom’s intention to resume service provision on a phased basis at the earliest opportunity the government will allow, possibly late July or early August 2020 and provides the financial relief set out in these recommendations contingent upon its compliance with Government guidance and Covid secure risk assessments being completed and appropriately reviewed.

3.2 FDC defers the monthly management fee of £37,560 per month for July - September 2020, at a cost to the Council of £112,680 repayable in accordance with the terms set out at paragraph 3.5 of these recommendations.

3.3 FDC continues to support Freedom Leisure on an open book basis by providing them with an interest free loan payable monthly up to the amounts set out below and repayable in accordance with the terms set out at paragraph 3.5 and varied according to paragraph 3.4 of these recommendations:

July	£32,235	(closed cost)
August	£63,825	(1st opening month)
September	£59,021	(2nd opening month)
Total cash support:	£155,081	

With an actual opening date uncertain, it should be noted that these costs are

unlikely to fall into specific months, but may be spread across the period pro-rata, depending on opening dates.

and AGREED that:

3.4 Cabinet authorises the Leader of the Council, in discussion with the Portfolio Holder for Leisure and the Section 151 Officer, to supplement the interest free loan described at paragraph 3.3 up to a maximum total value of £200,000 in the event that predicted income fails to meet the committed outgoings for the period. Such additional payments to be assessed on a monthly basis with any requests for additional relief having been made by no later than the 3rd Monday of each month and repayable in accordance with the terms set out at paragraph 3.5 of these recommendations.

3.5 Repayment of the £267,761 described in paragraphs 3.2 to 3.3 of these recommendations together with any supplementary amount in accordance with paragraph 3.4 shall become payable through an annual deduction of 75% of any profit generated in excess of the levels predicted in the LOBTA. This is a change from the current 50/50 profit share, and will be subject to the performance of the business over the contract period.

3.6 The Monitoring Officer and s.151 Officer are authorised to put in place all of the necessary arrangements to give effect to the agreed recommendations to include entry into the necessary legal arrangements and expenditure of the amounts described from existing budget provisions.

4.18 pm

Chairman