

EXTRAORDINARY MEETING OF COUNCIL  
12 August 2020

Report of the Director of Community & Environmental Services

**REQUESTS FOR ADDITIONAL FINANCIAL SUPPORT TO FREEDOM LEISURE AND SERCO IN LIGHT OF COVID-19 IMPACTS**

**PURPOSE OF REPORT**

To outline 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.

**RECOMMENDATION**

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 to £300,000
3. To review the financial support provided to Freedom Leisure through an open-book accounting process
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 contact challenge and COVID-19
5. To cap the level of financial support to Serco to £101,185

**WARDS AFFECTED**

All wards

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**1. BACKGROUND**

**Freedom Leisure**

- 1.1 The District Council has four leisure centres. These are sited in Ashbourne, Bakewell, Matlock and Wirksworth. These leisure centres provide vital health, leisure and wellbeing services to our local communities, with over 670,000 visitors taking part in activities between 1 January 2019 and 31 December 2019 (this figure excludes visitors spectating or collecting users of the facility).
- 1.2 Following a review and options appraisal, the management and development of the service was outsourced to Freedom Leisure in August 2018.

- 1.3 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.
- 1.4 Leisure trusts such as Freedom Leisure are most at risk because they are not for profit organisations (with a public benefit asset lock) and as such do not distribute profits. Currently leisure providers are exempt from most COVID-19 emergency support funding, because they have a rateable value above £51,000 so are not eligible to receive the retail, hospitality and leisure grants.
- 1.5 As previously reported, the District Council worked closely with Freedom Leisure to negotiate and agree an initial payment to Freedom Leisure in April 2020. The costs covered by the District Council included funding the non-furloughed staff, who were required to complete building checks in the leisure centres throughout the 'lockdown' period, as well as other costs that Freedom Leisure were unable to mitigate such as repairs and maintenance, central overheads and utilities. The District Council also agreed to pay 50% of the annual management fee upfront (as noted in Table 1).
- 1.6 The table below provides a summary of the Council's financial support to date since the closure.

*Table 1*

	Management Fee	Un-furloughed staff	Non-mitigated costs	Total
April	£232,500	£8,279	£32,407	£273,186
May	-	£8,279	£32,407	£40,686
June	-	£8,279	£32,407	£40,686
<b>TOTAL</b>	<b>£232,500</b>	<b>£24,837</b>	<b>£97,221</b>	<b>£354,558</b>

\* Management paid upfront, not in addition and covered by budget

- 1.7 The Government announced on the 9 July that outdoor pools can reopen to the public from 11 July followed by indoor gyms, pools and leisure centres on 25 July.

### **Serco**

- 1.8 Members are already 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). The Council temporarily supported Serco's additional operational costs. It accepted a reduction in recycling collections for a month, and reduced/no Food and Garden Waste collection for four months, accepting in excess of 450,000 missed collections whilst continuing to pay Serco the full monthly contract fee. The Council also accommodated Bulky Waste collection cessation, and performed 3,051 bin deliveries that should normally be carried out by Serco. Taken together, it is estimated that the combined value of these supplier reliefs and Council contributions during the Covid-19 pandemic to date exceed £250,000.
- 1.9 The Council resolved on 18 December 2019 that Serco, its existing contractor for waste and recycling services, be appointed as its new contractor from 2 August 2020. The

seven month mobilisation period (January to July 2020 inclusive) was noted, as that was the period Serco had advised would enable them to deliver the new contract from the commencement date.

1.10 Since then, the mobilisation programme has progressed well, with input from the Council, Serco and other partners. This ensured that the new contract could start on 2 August. Mobilisation work included:

- Concluding the procurement process, including dealing with bidder feedback and questions
- Drafting and agreeing leases and underleases for the depot at Longcliffe, together with associated parking land
- Arranging maintenance and repairs at the depot
- Building and integrating new IT systems, and training Council and Serco staff to use these
- Finalising contract payment mechanism, clauses and schedules ready for signature
- Installing in-cab technology in refuse collection vehicles
- Upgrading broadband and WiFi at the depot to support the new in-cab technology
- Ordering new vehicles (see below).

1.11 The COVID-19 pandemic has impacted several aspects of this work, some of which have been delayed or been done differently due to lockdown and social distancing

## **2. REPORT**

### **Freedom Leisure**

2.1 Over recent months, the District Council has worked with Freedom Leisure to consider several scenarios and the options available to ensure the safe reopening of leisure centres. Freedom Leisure have produced three options to present to Members to reopen the four leisure centres. Each of these options have been reviewed and evaluated by the District Council and its appointed consultant, FMG Consulting.

2.2 In June, Sport England provided funding to support Local Authorities with this process. The District Council was successful in its application and the funds have been used to employ Damien Adams from FMG Consulting to help review the options and the financial modelling provided by Freedom Leisure. Damien Adams was the consultant who supported the review of the service in 2016/17, so has a sound understanding of the contract and the arrangements in place. Damien is also involved in similar discussions with other leisure operators and other Local Authorities.

2.3 It is already clear that the income for the Leisure Centres will be much lower than pre COVID-19. This is due to the new safety measure in place, including the 2 metres social distancing requirement, which will reduce the number of visitors allowed in the facility at any one time and also the longer term impact of not knowing how many customers will actually return once the centres re-open. Freedom Leisure are therefore requesting

financial support from their local authority partners to enable the leisure centres to reopen.

- 2.4 As it is not possible to accurately forecast income levels in advance of reopening, they are an assumed position based upon expected customer demand. Whilst there is much speculation within the industry around the percentage of customers that will return, and this ranges between 30%-60%, it is difficult to gauge with any real certainty until the facilities reopen.
- 2.5 In an attempt to strike a balance with service provision, cost and the new safety measures (inc. deep cleaning requirements), Freedom are proposing to reopen the centres with reduced opening hours. Appendix 1 outlines the opening hours for centres once reopened.
- 2.6 There will also be a reduction in the number of programmed activities taking place in the centres. Initially the fitness class timetable and swimming pool programme will be heavily reduced and the Learn to Swim programme is unlikely to resume in September.
- 2.7 Freedom Leisure are in the process of completing risk assessments across all aspects of the service to ensure safety measures are all put in place. They are following guidance from a range of National Governing Bodies, such as Swim England.
- 2.8 Since the temporary closure of the leisure centres, Freedom Leisure have had to inform all their casual employed staff (non-contracted) across the business that from 31 July they will no longer be part of the Job Retention Scheme and will be un-furloughed. This is due to the revised furlough scheme which would require an unaffordable contribution from Freedom Leisure. Once centres reopen, staffing levels will be much lower than 'normal' operations, so it is unlikely that casual employed staff will be required initially. As the customer demand increases, Freedom Leisure will look to reappoint these casual members of staff.
- 2.9 With regards to customer updates, Freedom Leisure have announced that all customers who pay by direct debit will get 50% off their membership for one month and those who have paid an annual subscription will get the closure months extended onto their membership, as well as an additional month extended onto their membership.

### The Options

- 2.10 Although a number of scenarios have been considered, the three options below have been identified as the most appropriate given the current circumstance. Other options included only reopening the two larger sites (Arc and Ashbourne), but Officers felt that Wirksworth Leisure Centre should be included in the reopening programme. Officers do however, understand the challenge social distancing would present in reopening Bakewell Swimming Pool, due to its limited size. All of these options have been reviewed by the District Council and FMG Consulting.
- 2.11 Each option results in differing customer and staff impact, as well as the amount of financial support required. This support package is for a six month period. Freedom have provided both a prudent and a more optimistic financial forecast:

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

2.12 In reviewing each of the options identified, the Council has concluded the following:

### Option One

Derbyshire Dales DC						
Site	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6
Arc	Part Open	Part Open	Part Open	Part Open	Part Open	Part Open
Ashbourne	Part Open	Part Open	Part Open	Part Open	Part Open	Part Open
Wirksworth	Part Open	Part Open	Part Open	Part Open	Part Open	Part Open
Bakewell	Part Open	Part Open	Part Open	Part Open	Part Open	Part Open
Active Communities	Furlough	Furlough	Furlough	Furlough	Re-employ	Re-employ

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

Derbyshire Dales DC						
Site	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6
Arc	Part Open	Part Open	Part Open	Part Open	Part Open	Part Open
Ashbourne	Part Open	Part Open	Part Open	Part Open	Part Open	Part Open
Wirksworth	Part Open	Part Open	Part Open	Part Open	Part Open	Part Open
Bakewell	Closed	Closed	Part Open	Part Open	Part Open	Part Open
Active Communities	Furlough	Furlough	Furlough	Furlough	Re-employ	Re-employ

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

Derbyshire Dales DC						
Site	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6
Arc	Part Open	Part Open	Part Open	Part Open	Part Open	Part Open
Ashbourne	Part Open	Part Open	Part Open	Part Open	Part Open	Part Open
Wirksworth	Part Open	Part Open	Part Open	Part Open	Part Open	Part Open
Bakewell	Closed	Closed	Closed	Closed	Part Open	Part Open
Active Communities	Remove	Remove	Remove	Remove	Remove	Remove

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.

2.13 In terms of monitoring performance and costs, the District Council and Freedom Leisure have agreed to an open book accounting process. This would allow for a monthly inspection of detailed accounts in arrears, so performance can be monitored and any variances can be reconciled accordingly.

2.14 Officers are also recommending a cap of £300,000 (over the 6 month period) should be implemented. This will be the maximum amount of financial support provided during this period.

- 2.15 Without the Council's financial support, the contract between Freedom Leisure and Derbyshire Dales District Council is unlikely to remain viable and the Council would need to explore alternative options to deliver leisure centre services, all of which have their own financial challenges.
- 2.16 At the time of writing this report, Central Government has not confirmed the funding package available to Local Authorities or leisure operators to support with these costs. This is however, expected to be announced in the coming weeks.

### **Serco**

- 2.17 The new contract transitioned seamlessly on 2 August, but there are financial implications associated with this. These are due to delays in delivering the new refuse collection vehicles, and the consequent need for the existing (old) vehicles to be kept going for some months longer than intended.
- 2.18 Part of this delay may be attributable to the Council issuing its "Letter of Intent to Purchase" vehicles on 23 January 2020, which was up to two weeks later than anticipated; this was due to clarification/challenge from the other bidder at this time and was unforeseen by Serco and the Council. Serco inform us that this 1-2 week delay caused a 1-3 month slippage in vehicle delivery slots from the supplier.
- 2.19 The rest of the delay is directly due to Covid-19, which has caused a further 2-3 month slippage in vehicle delivery. This comprises:
- 18 tonne Refuse Collection Vehicles (RCVs) being further delayed twofold as a result of COVID; the manufacturers both had to close for lockdown, and secondly, despite having the build slots secured for the chassis, as a consequence of the pandemic the body supplier were unable to provide a confirmed timeline for production of the body hence delay in being able to marry the body with chassis.
  - Food Waste Vehicles being further delayed as manufacturing at the chassis supplier was suspended as a result of lockdown.
- 2.20 As a consequence, for a period of up to six months (different period for different vehicles), Serco will continue to use the existing (old) vehicle fleet to deliver the new contract. It should be noted that the in-cab technology, specified as part of the new contract to provide accurate information on collection rounds, is demountable and has been operational from day one of the new contract, temporarily mounted in the old vehicles.
- 2.21 There are costs to keeping the old vehicles running for up to six months longer than expected. These relate principally to maintenance, tyres, and unavoidable hire.
- Additional maintenance costs on the older existing fleet are necessarily higher than for new vehicles. Serco estimate an average maximum monthly maintenance costs of £14,515 and a target cost of £10,886 per month. Serco proposes to cap any additional maintenance costs at the maximum amount and

they will accept risk on any major assembly failures (e.g. engine, gearbox, transmissions). Officers consider these costs to be reasonable.

- There are additional tyre costs on the old fleet on average of £585 per month. Officers consider these costs to be reasonable.
- Unavoidable hire costs associated with two 15t vehicles which are both specialist vehicles that are not freely available either on hire or elsewhere in Serco. There are anticipated average hire costs of £8,409 per month. These costs relate to the fact Derbyshire Dales has specialist vehicles on the current contract (necessitated by narrow lanes and split compartments) which are not readily available elsewhere.

2.22 There is on average £3,914 per month in Serco's tendered submission for maintenance in the same period. Deducting this from any additional maintenance and hire costs results in an average and maximum additional cost to the Council of £19,595 per month (average) from Aug to Dec 2020. Serco propose that additional maintenance, tyre and hire costs are invoiced monthly using an open book approach so that the Council can validate actual costs and only pay if the additional cost is incurred. Serco will focus resources on the contract to reduce additional costs through maintenance which could see the average monthly cost reduce to £15,966 per month on average. The monthly costs reduce after October because that is when some of the new vehicles start to arrive, so the old (expensive to maintain) vehicles start to be retired and the costs associated with running some of them also start to fall away then.

2.23 Members must note that there are further costs associated with running on the existing (old) vehicles, and Serco propose to absorb these additional costs themselves. These comprise:

- Internal Hire Costs 1: Serco had earmarked five ex-Derbyshire Dales RCVs to be redeployed to other contracts across the UK. This would have reduced external hire costs at those contracts by £120,000 in the period Aug – Dec 2020.
- Internal Hire Costs 2: Serco will reduce existing hire costs at Derbyshire Dales by moving three RCVs from one of their other refuse contracts. The effect on Serco is in the order of £3,600 per week.
- Reduced value in remaining Fleet: Any delay in Serco selling the balance of their ex DDDC fleet will reduce the resale value of the vehicles. A vehicle loses between £100 and £200 per month of market value. Therefore existing fleet is reducing in value to Serco by between £2,900 and £5,800 per month, which will be reflected in reduced retail value.

2.24 As a minimum Serco will incur costs of £120,000 in retaining the existing fleet at Derbyshire Dales and this will increase to c.£150,000 given the transfer of internal hire vehicles and reducing vehicle resale values.

- 2.25 The proposal is recommended because of the costs of running on the existing vehicles until December, the Council will incur between £15,966 and £19,595 per month average (totalling £83,041 to £101,185); whereas Serco will incur between £24,000 and £30,000 per month average (totalling £120,000 to £150,000). The costs to the Council are outlined in Appendix Two.
- 2.26 Serco are taking a long-term relationship approach in accepting these costs in Year 1. It is worth noting that, in the hypothetical situation where the Council did not have an external contractor, it would have to bear all these additional costs itself (in excess of £200,000). However, because we have a partnership with an external contractor (Serco), the Council only has to bear a proportion of the cost itself – albeit still a significant sum.
- 2.27 It should be noted a further option considered would be for the Council to hire its own vehicles for the period in question. It is impossible to quantify a precise cost as it depends on timing and duration, but it is believed this could be in excess of £300,000. It is therefore considered that the fair split of actual costs between the Council and Serco, as outlined above, is the preferred solution. Members should also note that the proposal above is the result of challenging yet open negotiation between the Council and Serco, and represents a substantially more favourable outcome for the Council than the initial options we were presented with.
- 2.28 Members should also note that the delay to the new vehicles will provide a benefit to the Council at the end of the new contract. Firstly, it will leave the Council with an asset that has a value, which can either be realised through a sale or transferred to the next contract, thus reducing future costs. Secondly, the vehicles will have useful life left in them. This enables flexibility in a future contract, reducing potential hire costs, etc. While this benefit is very much long-term and cannot be quantified at this stage, it will put the Council in a more favourable position in eight years than it would otherwise have been.

### **3. RISK ASSESSMENT**

#### **Legal**

- 3.1 There have been and continue to be a significant number of regulatory changes during the response and recovery from the pandemic. This report does not raise any specific legal issues and the recommendations seek to assist recovery in line with current government legal requirements.

#### **Financial**

- 3.2 It is hoped that there will be additional Government funding to assist with the financial support to Leisure Centres. If there is not sufficient Government grant to cover these costs, they will need to be financed from reserves. The estimated costs have been included in the revised revenue budget for 2021 and will be considered by Council on 27 August. Although the financial risk is high, it would be much higher should Freedom Leisure consider the contract no longer viable or satisfactory agreement was not reached with Serco regarding the new waste contract.

#### **4. OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder; equalities; environmental; climate change; health; human rights; personnel and property.

#### **5. CONTACT INFORMATION**

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#### **6 BACKGROUND PAPERS**

None

#### **7 ATTACHMENTS**

Appendix 1 – Proposed Leisure Centre opening hours

Appendix 2 – Summary of monthly additional vehicle costs