

EMERGENCY DELEGATED EXECUTIVE DECISION

In accordance with the Leaders decision and noted by Cabinet on 25/03/2020 to delegate to the Chief Executive any executive decision in this COVID 19 Global pandemic emergency or that is urgent or that would be necessary or expedient, or which would otherwise protect the Council's interests, including key decisions.

South Lakeland District Council

Emergency Delegated Executive Decision

Temporary use of Kendal Leisure Centre as a Recovery Centre

Date: 17th April 2020

Reference: 004

Reason for emergency

Chief Executive received emergency delegated executive decision making powers on the 25th March 2020. It is considered that this decision is necessary or arises from the COVID 19 Global pandemic emergency. The matter is urgent, necessary and expedient and is needed to protect the Council's interests.

The decision is required to be taken due to the need for the University Hospitals of Morecambe Bay NHS Foundation Trust to establish Recovery Centres, to provide additional medical capacity in response to the COVID 19 emergency.

This is a Key Decision Yes

(A key decision means an executive decision which, in relation to an executive function, has a significant effect on communities in two or more Wards of the Council and/or is likely to result in the Authority incurring expenditure or making savings above £100,000)

Portfolio:	Cllr Robin Ashcroft, Economy, Culture and Leisure Portfolio Holder
Decision Maker:	Chief Executive
Report Author:	David Sykes – Director Strategy, Innovation and Resources
Wards:	Kendal wards
Forward Plan:	Exemption from publication requirements / Forward Plan (Key decision) requirements and call in obtained

1.0 Expected Outcome and Reasons for Proposed Decision

The COVID 19 emergency response planning has identified Kendal Leisure Centre for temporary use as a Recovery Centre. The Council is part of the Cumbria Local Resilience Forum response to the COVID 19 emergency and together with partners, considers the best use of its assets, people and financial resources in support of the emergency response. This decision will confirm Kendal Leisure Centre's use as a Recovery Centre.

2.0 Proposed Decision

2.1 It is recommended that the Chief Executive:-

(1) Approves the use of Kendal Leisure Centre as a Recovery Centre as part of the Cumbria Local resilience Forum’s plan to tackle the COVID 19 emergency.

(2) – Delegates authority to the Director Customer and Commercial Services in consultation with the Portfolio Holder, Legal, Governance and Democracy Lead Specialist and Finance Lead Specialist to work with the necessary agencies and the Council’s Leisure Partner Greenwich Leisure Limited (“GLL”), so as to enable the required services, supplies and contractual arrangements to be put in place for the operation of the Recovery Centre for as long as it is required by the University Hospitals of Morecambe Bay NHS Foundation Trust.

Review Date:	27th May 2020
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3.0 Background and Proposals

3.1 A strategic aim of the Cumbria Local Resilience Forum is (amongst other COVID 19 emergency response aims) to enable the NHS to treat those who become seriously ill by supporting the NHS to have capacity it needs to respond by increasing appropriate bed capacity, enabling rapid hospital discharge and ensuring good support in the community.

3.2 There has been considerable work by the NHS and partners to provide additional bed capacity for the treatment of COVID 19 patients. This includes the provision of Recovery Centres, which will be used for patients who are medically fit for discharge and are well enough to leave hospital, but need a little extra support to get back to their home. Recovery Centre beds will only be used if needed.

3.3 Plans have progressed for Recovery Centres at:

- Furness Academy Barrow-in-Furness, up to 90 beds
- Kendal Leisure Centre, up to 62 beds
- Carlisle Leisure Centre, up to 60 beds
- Whitehaven, up to 60 beds
- Penrith opportunity is being kept under review

Work is underway to transform the space at Kendal Leisure Centre into a patient-friendly environment, including temporary partitioning work, electrical installation works, the sourcing of hospital standard beds and provision of catering, cleaning and on site security services.

3.4 The University Hospitals of Morecambe Bay NHS Foundation Trust (NHS Trust) will be responsible for the operation of the Recovery Centre. They are continuing to work with the Care Quality Commission (CQC) and NHS England to ensure the care in the units will meet the required standards for this type of provision.

3.5 Officers have been working with partners to enable the NHS Trust to develop the Kendal Recovery Centre. Estate works have been undertaken to get the building ready and options for the supply of cleaning, catering and security have been sourced.

3.6 Kendal Leisure Centre is currently closed to the public due to the lockdown restrictions. The Council has a lease and management agreement with GLL who provide leisure services from the site. The Council is providing landlord’s consent for

GLL to enter into a licence of the premises with the NHS Trust provided on a costs recovery basis. This will be subject to the Council's approval of the form of licence between GLL and the NHS Trust for the use and operation of the Recovery Centre.

- 3.7 At this point in time, it is not known for how long the Recovery Centres will be required. It is conceivable that the NHS Trust may wish to retain the temporary facility beyond when lockdown measures start to be eased. If this were the case, it presents potential risk to the public's use of the Leisure Centre. In such a scenario, further discussion would take place between the Council, GLL and NHS Trust to explore managed public access to the remainder of the Centre's facilities. This will necessitate consideration of risk, safeguarding requirements etc. The Council needs to be aware that there is a possibility that the leisure centre will need to remain closed for as long as the Recovery Centre is in use.
- 3.8 The Council's insurers have been informed of the intended use of the Centre as a Recovery Centre. Cumbria County Council are the freehold owners of the land for which the Council has a long term lease. The County Council have been approached and confirmed their approval for the temporary use of the Leisure Centre as a Recovery Centre.
- 3.9 The Local Resilience Forum has been active in communicating the reason and purpose of the Recovery Centres to provide public understanding and reassurance of Centres' roles. As the Recovery Centres become operational communications will continue.

4.0 Consultation

- 4.1 Portfolio holder and cabinet colleagues

5.0 Alternative Options

- 5.1 An alternative option is not provided. The use of Kendal Leisure Centre has been identified through an appraisal of likely need and assessment by the NHS Trust with the assistance of Military planners. There are no other locations considered suitable in this part of the District.

6.0 Links to Council Priorities

- 6.1 Assisting emergency response during the global emergency.

7.0 Implications

Financial, Resources and Procurement

- 7.1.1 Officers have facilitated the preparations for the Recovery Centre and will continue to work closely with partners to enable the Recovery Centre to become operational. The costs incurred to date in preparing the building are in the region of £25k to £30k. These costs have been approved by NHS Trust, be recovered from them and be documented in a sign off letter between the Council and the NHS Trust.
- 7.1.2 All other supplies and service costs are to be met by NHS Trust. These include cleaning, catering, security and marquee hire. There is a process by which NHS Trust will agree to costs prior to commitment by suppliers. NHS Trust have also taken responsibility to ensure adherence with the necessary procurement requirements. The Council is in discussion with the NHS Trust over which organisation will enter the contracts. If it is appropriate for the Council to do so, it will be on the basis of the costs being recoverable from the NHS Trust.

Human Resources

- 7.2 Officers have facilitated the preparations for the Recovery Centre and will continue to work closely with partners to enable the Recovery Centre to become operational.

Legal

- 7.3.1 Freehold title to the land is owned by Cumbria County Council and their consent has been sought regarding the arrangements and temporary re purposing of the building.
- 7.3.2 The Council leases the Leisure Centre to GLL and the Council's legal team have drafted the required Landlord's consent letter and proposed licence between GLL and the NHS Trust and are also advising on the legal implications regarding the Partnering Agreement for the Provision of Leisure Services. Further discussion will take place with GLL to ensure GLL and the Council continue, as far as possible and practicable, to operate in accordance with the Agreement and its provisions for when the normal supply of the Leisure Services are disrupted and subsequently resumed.
- 7.3.3 Following meetings with the Council's insurers their advice has been sought on the required insurance cover and in relation to liabilities. The Council will seek to mitigate its exposure to liabilities where possible.
- 7.3.4 The Legal team have also advised officers on seeking appropriate confirmation from the NHS Trust with regard to the acceptance of the installations (e.g. partitions, beds, electrical equipment) overseen by the Council in preparing the Centre to be used as a Recovery Centre.

Health, Social, Economic and Environmental

- 7.4 Have you completed a Health, Social, Economic and Environmental Impact Assessment? No
- 7.5 If you have not completed an Impact Assessment, please explain your reasons: Emergency requirement to enable use of Kendal Leisure Centre as a Recovery Centre it is not considered that an impact assessment is required at this time.

Equality and Diversity

- 7.7 Have you completed an Equality Impact Analysis? No
- 7.8 If you have not completed an Impact Assessment, please explain your reasons: Emergency requirement to enable use of Kendal Leisure Centre as a Recovery Centre. It is not considered that an equality impact assessment is required at this time.

Risk

Risk	Consequence	Controls required
The temporary use of the Centre extends beyond the easing of lockdown measures	Temporary limited public access to leisure facilities May create conflict in respect of existing Partnering Agreement requirements	Regular dialogue with NHS Trust regarding continued requirements Review of Partnering Agreement requirements Clear communications strategy
Local residents concerns over COVID 19 patients being treated locally	Increased anxiety over risk of infection	NHS reassurance that the Centre will only be used by patients fit enough for discharge from main hospitals. Clear communications strategy providing assurance

Contact Officers

- Sion Thomas – Operational Lead Delivery and Commercial Services
- Simon Rowley – Director Customer and Commercial Services

Background Documents Available

Name of Background document	Where it is available
N/A	
Approved by:	Signature and Date (or email confirmation)
Chief Executive	17/04/2020
In consultation with	
The Leader of the Council	17/04/2020
And Relevant Portfolio Holder	17/04/2020
CMT Directors	15/04/2020
The following interests were declared – disclosable pecuniary interests or other Or none	None

<p><i>Due to COVID 19 and Government announcements, it has not been possible for this Key decision to be included in a Forward Plan at least 28 clear days before the decision was to be made. It is not possible to comply with the General Exception Procedure.</i></p> <p><i>In accordance with Part 4 of the Constitution – Rules of Procedure – Access to Information Rules Para 16 the Chairman of the Overview and Scrutiny Committee (Cllr Hughes) has agreed that the taking of the decision was urgent and could not reasonably be deferred because of the timescales required to protect the public interest and to comply with Government advice.</i></p> <p><i>This being “Special Urgency”</i></p>	Yes /
<p><i>In accordance with Part 4 of the Constitution – Rules of Procedure Rule 16(j) The Chairman of the Council agrees that this decision is reasonable in all the circumstances and that it is treated as urgent for the reasons outlined above and therefore the decision is exempt from call in.</i></p>	Yes/