

## **Report to Leader of the Council**

**Subject:** Change to Council Services due to change to Tier 4

**Date:** 30 December 2020

**Author:** Chief Executive

### **Wards Affected**

All

### **Purpose**

To update the Leader as to the changes necessary to Council services as a result of the Government's announcement that Nottinghamshire will move into Tier 4 of the Coronavirus restrictions as set out in the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 ("the Regulations") from 12:01 31<sup>st</sup> December 2020.

To seek authorisation from the Leader to close various Council facilities as will be required by the Regulations and as detailed in this report.

### **Key Decision**

This is a key decision as it is likely to have a significant impact on residents living in two or more wards of the Borough.

### **Recommendation(s)**

#### **THAT the Leader of the Council:**

- 1) Authorises the temporary closure of the Council's Leisure Centres from 31 December 2020, save for the use of any of the centres for school activities as detailed in the report.**
- 2) Delegates authority to the Director responsible for Arnold Market to agree any necessary restrictions on the operation of Arnold Market to ensure compliance with the Regulations as detailed in this report.**
- 3) Delegates authority to the relevant Director in consultation with the Leader of the Council to reopen the facilities closed as a result of the Regulations, once permitted by further regulation.**

- 4) Delegates authority to the Director responsible for Leisure Services to take all necessary operational decisions and measures to facilitate the closure of Leisure facilities.**
- 5) Delegates authority to the relevant Director in consultation with the Leader of the Council to take all operational decisions and measures in relation to Council facilities, including the future closure and reopening of such facilities, as required to comply with any future Covid-19 regulations.**

## **1 Background**

- 1.1 On 30<sup>th</sup> December 2020 the Government announced that all of Nottinghamshire including Gedling would move into Tier 4 of the Government's Coronavirus restrictions commencing on 31<sup>st</sup> December 2020 to try and curb the spread of Covid-19. The Regulations will be amended so that Tier 4 restrictions apply to Nottingham and Nottinghamshire from midnight on 31<sup>st</sup> December 2020. This will require the further closure of a number of business premises and withdrawal of services, including the closures of non-essential retail premises such as clothing shops, all restaurants and pubs (save for takeaway services), hairdressers, beauty parlours, cinemas, theatres and leisure centres. There will also additional restrictions placed on individuals nationally, as separate households will no longer be able to mix indoors or outdoors, with the exception that one individual can meet another individual of a different household (who is not part of their support bubble) outdoors in a public place (not private garden). The tiers are reviewed by Government each fortnight and the next review is due to take place on 13<sup>th</sup> January 2021.
- 1.2 Closure of the Council's Leisure Centres will be necessary to comply with the Regulations, however leisure centres are able to remain open for use by schools and to provide services for educational purposes such as school swimming and for supervised activities for children and by persons with a disability to take part in fitness related activity. As both Carlton Forum, Redhill and Calverton Leisure Centres are joint use sites with schools, it is likely that some activities by the schools will continue in those centres with a skeleton staff operating. This will enable continued health and wellbeing support to educational establishments. However, it would not be viable to keep the centres open for the other limited exceptions.
- 1.3 Whilst the Regulations will permit outdoor markets to remain open if they are selling essential retail only such as food, pet supplies and gardening supplies. Arnold Market would therefore be able to remain operational,

however certain stalls may not be able to operate if they do not sell essential retail items in compliance with the Regulations.

- 1.4 Council buildings such as the Civic Centre can remain open, as such the Civic Centre will remain open for appointments as is currently the case. Also, whilst Community Centres remain open, this is only for specific exempt activities, and delegation has already been provided to the relevant Director to enable decisions on the use of Community centres to be made.
- 1.5 For clarity, Café 1899 was closed following the imposition of Tier 3 restrictions on 30<sup>th</sup> October 2020 but operates a takeaway service from the hatch at the premises. This service is still permitted under the Regulations.
- 1.6 The Bonington Theatre was closed on 5<sup>th</sup> November to comply with previous regulations. The Regulations require the continued closure of theatres and cinemas so the Bonington Theatre must remain closed at this time.
- 1.7 Under the Regulations, parks and open spaces can remain open for use by the public including outdoor playgrounds, gyms and sports courts.

## **2 Proposal**

- 2.1 It is proposed, in line with the Regulations, that the Council's Leisure Centres, are closed from 31<sup>st</sup> December 2020, save for where required to be open for use by the schools for educational purposes.
- 2.2 It is proposed that Arnold Market remains open, but that a delegation is given to the Director responsible for the market to determine which stalls can continue to operate in line with the Regulations.
- 2.3 It is proposed that a delegation is given to the relevant Director responsible for Leisure Services in consultation with the Leader of the Council to authorise the reopening of the facilities closed as detailed in this report once permitted by regulation to do so. This will ensure there is no delay to the reopening of facilities when it is lawful to do so.
- 2.4 It is proposed that a delegation is given to the Director responsible for Leisure Services to take any necessary operational decisions and measures to ensure Leisure centres can close including consideration of any membership refunds if necessary.
- 2.5 It is proposed that a general delegation is given to the relevant Director in consultation with the Leader to take any operational decisions and measures, including the future closure of Council facilities and services if necessary and the reopening of such facilities and services when

permitted, as required by future regulations to prevent the spread of Covid-19. This will ensure there is no delay in responding to future regulations and will enable the Council to ensure lawful operation of its facilities and services.

### **3 Alternative Options**

- 3.1 There is no alternative to closure of these facilities as to keep them open would be contrary to the Regulations, (save where certain exceptions apply) and may lead to enforcement action being taken against the Council. Leisure Centres can continue to provide facilities in respect of education, for example school swimming lessons and for use by persons with a disability. However this is not viable as would require the premises to remain open for only very limited demand.
- 3.2 The decision could be taken to close Arnold Market, however this would be going beyond the requirements of the Regulations and is disproportionate provided the stalls operating are regulated to ensure compliance with the Regulations.

### **4 Financial Implications**

- 4.1 The closure of the Leisure Centres and continued closure of The Bonnington Theatre will result in additional loss of income to that already incurred as a result of the Covid-19 related closures in March and November 2020.
- 4.2 Budget adjustments have been made to account for the impact of the closures so far and net income budgets have been reduced by £1,700,000.
- 4.3 Another round of closure will further impact on the ability to meet these revised budget, the resulting loss of net income is estimated at an average of £170,000 for each month the facilities would be closed. Up to £121,000 of this lost income may be eligible to claim from the Government's Income Compensation Scheme.

### **5 Legal Implications**

- 5.1 The Government will through the Regulations impose requirements to close certain business premises. Non-compliance with the Regulations could result in enforcement action being taken against the Council.

### **6 Equalities Implications**

- 6.1 The closure of these facilities may have a positive impact on those within protected characteristics that are at higher risk from Covid-19 such as those with a disability or from the BAME community by limiting the ability to

come into contact with others within these facilities.

## **7 Carbon Reduction/Sustainability Implications**

7.1 There are no carbon reduction or sustainability implications arising from this report.

## **8 Appendices**

8.1 None

## **9 Background Papers**

9.1 None

## **10 Reasons for Recommendations**

10.1 To ensure compliance with the Regulations.

### **Statutory Officer approval**

**Approved by:**

**Date:** 31/12/2020  
**Chief Financial Officer**

**Date:** 31/12/2020  
**Monitoring Officer**