

Forward Plan reference number: Not applicable

Report title: COVID 19 Response: Temporary Closure of Essex Outdoors and Cancellation of Bookings	
Report to: Councillor Simon Walsh- Cabinet Member for Environment and Climate Change Action and Councillor David Finch - Leader of the Council	
Report author: Samantha Kennedy – Director, Environment and Climate Action	
Date: 20 March 2020	For: Decision
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County Divisions affected: All Essex	

1. Purpose of Report

- 1.1 The Coronavirus outbreak is a major public health emergency. The Government's current advice is for the population of the United Kingdom to practice social distancing by minimising contact with other people and for people to work at home if possible, to reduce social contact.
- 1.2 This report asks the Cabinet Member to consider a temporary closure of Essex Outdoors in order to assist with the implementation of the advice and to protect staff.

2. Recommendations

Cabinet Member for Environment and Climate Action:

- 2.1 Essex Outdoors facilities all of which are owned by Essex County Council, be closed for an initial period of three months with immediate effect.
- 2.2 That the Executive Director, Place and Public Health be authorised to extend the initial period of closure for a period of one month on three occasions if he considers it is necessary to improve public health and reduce the risk of the spread of coronavirus and to reopen Essex Outdoors as soon as he considers that closure is no longer necessary.
- 2.3 That the Executive Director, Place and Public Health be authorised to allow facilities to be used as required by educational institutions or the Council to serve children in care, vulnerable pupils and pupils of key worker families.
- 2.4 That all bookings for the period during which the centres are closed be cancelled on health and safety grounds and payments for bookings cancelled be refunded.

Leader of the Council agrees:

- 2.5 Pending the Government determination of emergency funding, a drawdown of £2,465,000 from the Emergency Reserve to fund the anticipated loss in income as a result of the suspension for 3 months and further drawdowns of £232,000 per month for the next 3 months if the closure extends beyond the initial three month period.

3. Summary of issue

- 3.1 The United Kingdom is having to respond to the coronavirus outbreak. As of Monday 16 March the Government advised residents to practice social distancing.
- 3.2 On 19 March 2020 the Coronavirus Bill was introduced into Parliament. That includes extensive powers to enforce social distancing and to ban events and gatherings. Most organisations have closed workplaces and places where people congregate. Schools closed with effect from 20 March 2020.
- 3.3 Under section 2B of the National Health Service Act 2006 the Council is under a legal duty to take such steps as it considers appropriate for improving the health of the people in its area.
- 3.4 Against this context the Council has to consider the Essex Outdoors service. This is a service where 3 of the facilities are residential. In all the facilities people congregate and partake in activities. They are frequently in close proximity and share use of facilities (e.g. climbing walls). We also have to consider the impact on the health and safety of staff.

Impact of closure

- 3.1. Essex Outdoors provides residential trips to schools and groups from across the UK.
- 3.2. We need to help Essex residents to comply with the guidance and maintain isolation. The service has already had 25+ cancellations from schools (value approx. £40K) and in line with their standard contract terms and conditions have offered a credit to rebook at a future time. If this is not acceptable, under our terms and conditions, they are entitled to a refund as we are cancelling the service.
- 3.3 The centres have suspended their season staff recruitment to mitigate cost exposure. There are seven office based staff who will work remotely, where possible. There are 27 operational staff who are available for redeployment, all of whom have first aid training and DBS clearance, and suitable placements are being considered. There are 6 catering staff who do not have transferable skills and have been offered for redeployment.

- 3.4 Closing Essex Outdoors will mean that communities are temporarily deprived of a resource but it is a resource which at the moment could contribute to the spreading of the virus and worsening the health of Essex residents.
- 3.5 There may be instances where schools who are continuing to open for vulnerable and keyworker pupils or children in care request use of these facilities. We recommend that these are considered on a case by case basis by the Executive Director Place & Public Health, liaising with the relevant Directorates. This will ensure that Essex County Council can continue to provide this service if needed, whilst managing risks to public health. The financial implications of this have not been factored into this paper because insufficient information is available at the current time to enable the analysis to be prepared.
- 3.6 Accordingly the Cabinet member for Environment and Climate Change is asked to consider closing Essex Outdoors. It is recommended that the closure should be for the shortest possible period and a minimum of three months is proposed with monthly extensions as deemed necessary thereafter.
- 3.7 It should be stressed that this is a temporary measure as a short term response to the outbreak. Essex Outdoors will reopen as quickly as possible.

4. Options

- 4.1 **Do Nothing:** This would be a decision against all the published Government Guidance to date around mitigating the spreading of the COVID-19.
- 4.2 **(Recommended) Suspend the Activities of Essex Outdoors.** This supports the published Government Guidance as a mitigation action to help control the spread of the virus.

5. Issues for consideration

5.1 Financial implications

- 5.1.1 Essex Outdoors has a net revenue budget envelope of £722,000 for 2020/21, made up of:

Coronavirus Outbreak – Temporary Closure of Essex Outdoors

2020/21 Budget	£'000
Expenditure	
Bradwell Outdoors	£518
Harlow Outdoors	£248
Danbury Outdoors	£883
Mersea Outdoors	£1,251
Harlow Climbing Wall	£165
Central	£542
Total Expenditure	£3,607
Income	
Bradwell Outdoors	(£490)
Harlow Outdoors	(£398)
Danbury Outdoors	(£1,359)
Mersea Outdoors	(£1,910)
Harlow Climbing Wall	(£173)
Total Income	(£4,330)
Total Controllable Budget	(£722)

5.1.2 The key financial risks in the suspension/closure of the Essex Outdoor centres are as follows:

- Income
 - Essex Outdoors has already confirmed bookings of £2.4m (56%) of the income target. On average (based on previous years).
 - 82% of commitments come from non ECC-maintained schools, who have paid a 10% deposit, c.£200k). This would need to be refunded or credited against a future booking if able.
- Expenditure
 - The budgets contain £2.3m of staff costs
 - Of the remaining £1.3m expenditure, the service considers £1m would be saved by service suspension.

Due the nature of the services delivered, Essex Outdoors collects c.80% of the income throughout the Summer Season. As such the financial exposure is significant if the service is closed, even for 6 months:

Coronavirus Outbreak – Temporary Closure of Essex Outdoors

	April - Sept 2020	Full year
Staff	£1,300	£2,300
Other	£1,040	£1,300
Direct Cost Saving	(£800)	(£1,000)
Total Expenditure	£1,540	£2,600
Income	-	-
Refunds (Prior Year)	£200	£200
Total Income	£200	£200
Net Position	£1,740	£2,800
Controllable Budget Expected	(£578)	(£722)
Overall MTRS Impact	£2,318	£3,522

5.1.3 Funding Requirement

- Demonstrated in the table above, a suspension of Essex Outdoors for 6 months would have estimated costs of £1.74m, and an estimated under-recovery of income impact of £578,000 in 2020/21, leaving a net pressure of £2.318m.
- Should it be closed for 12 months the net pressure would increase to £3.522m.
- Assuming that 70% of the activity takes place between April and June the financial impact of closing the facilities for a three month period is a net pressure to the 2020/21 budget of £1.622m and the impact per month for the next three months is estimated at £232,000.
- It is proposed that this cost pressure will be funded from the Emergency reserve pending the Government determination of emergency funding.

5.2 Legal implications

5.2.1 As set out above the Council has a duty to take appropriate steps to improve the health of Essex residents.

5.2.2 The Council is not under any duty to provide these services.

5.2.3 Terms and conditions of bookings allow us to cancel on health and safety grounds and they are clearly applicable to this situation.

6. Equality and Diversity implications

7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

6.3 Closure of Essex Outdoors would ordinarily have a disproportionate impact on young people. However, in the current emergency, use of Essex Outdoors will be more limited and people are advised to socially distance themselves in any event

7. List of appendices

None

8. List of Background papers

None

I approve the above recommendations set out above relating to my portfolio for the reasons set out in the report.	Date
Councillor Simon Walsh, Cabinet Member for Environment and Climate Action	20/03/20
I approve the above recommendations set out above relating to my portfolio for the reasons set out in the report.	
David Finch Leader of the Council	20/03/20

In consultation with:

Role	Date
Mark Carroll, Executive Director for Place and Public Health	20/03/20
Executive Director for Finance and Technology (S151 Officer)	
Stephanie Mitchener on behalf of Nicole Wood	20/03/20
Director, Legal and Assurance (Monitoring Officer)	

Paul Turner	20/03/20
Exemption from call in I agree that it is in the best interests of the Council for this decision to be implemented urgently and therefore this decision is not subject to call in (paragraph 20.15(xix) of the constitution applies). Councillor Mike Mackrory – Chairman of the Corporate Policy and Scrutiny Committee Date: 20/03/20	