

MEETING:	Overview and Scrutiny Committee - Thriving and Vibrant Economy Workstream - available virtually on https://barnsley.public-i.tv/
DATE:	Tuesday, 9 June 2020
TIME:	2.00 pm
VENUE:	THIS MEETING WILL BE HELD VIRTUALLY

AGENDA

Thriving & Vibrant Economy Workstream

Councillors Clarke, Ennis, Gollick, Green, Hand-Davis, Hunt, Lofts, Noble, Pickering, Richardson, Smith, and Sumner.

Administrative and Governance Issues for the Committee

1 **Apologies for Absence - Parent Governor Representatives**

To receive apologies for absence in accordance with Regulation 7 (6) of the Parent Governor Representatives (England) Regulations 2001.

2 **Declarations of Pecuniary and Non-Pecuniary Interest**

To invite Members of the Committee to make any declarations of pecuniary and non-pecuniary interest in connection with the items on this agenda.

3 **Minutes and Notes of Previous Meetings** *(Pages 3 - 12)*

To note the minutes and notes of the following meetings:-

Children's Social Care Performance Private Briefing held 5th May, 2020
Full Committee held 12th May, 2020

Overview and Scrutiny Issues for the Committee

4 **Impact of Covid-19 on the Barnsley Economy and Glass Works Development** *(Pages 13 - 18)*

To consider a report of the Executive Director Core Services and the Executive Director Place (Item 4 attached) regarding the Impact of COVID-19 on the Barnsley Economy and Glass Works Development.

Enquiries to Anna Marshall, Scrutiny Officer

Email scrutiny@barnsley.gov.uk

To: Chair and Members of Overview and Scrutiny Committee:-

Councillors Ennis OBE (Chair), Carr, Gollick, Daniel Griffin, Hayward, Higginbottom, Hunt, Lodge, Lofts, Makinson, Mitchell, Sumner, Tattersall and Wilson together with co-opted Members and Statutory Co-opted Member Ms. G Carter (Parent Governor Representative)

Electronic Copies Circulated for Information

Sarah Norman, Chief Executive

Andrew Frosdick, Executive Director Core Services

Rob Winter, Head of Internal Audit and Risk Management

Michael Potter, Service Director, Business Improvement and Communications

Martin McCarthy, Service Director, Governance, Members and Business Support
Press

Witnesses

Item 4 (2.00pm)

Matt Gladstone, Executive Director - Place Directorate

David Shepherd, Service Director, Economic Regeneration & Culture - Place
Directorate

Councillor Tim Cheetham, Cabinet Spokesperson - Place Directorate

MEETING:	Overview and Scrutiny Committee – Children’s Social Care Private Briefing
DATE:	5 th May, 2020
TIME:	4.00 pm
VENUE:	Held Virtually

NOTES

Present Councillors Ennis OBE (Chair), Carr, Gollick, Hayward, Higginbottom, Hunt, Lodge, Tattersall, and Wilson together with Co-optee G. Carter.

1 Children’s Social Care Performance

The following witnesses were welcomed to the meeting:-

Mel John-Ross – Executive Director, Children’s Services
Councillor Bruff – Cabinet Spokesperson Children’s Services

A brief presentation was provided, which highlighted performance in relation to children’s social care to the end of the financial year 2019/20. It was noted that annual performance helped to demonstrate trends, avoiding any anomalies seen in monthly performance data.

The attention of Members was drawn to the numbers of Early Help Assessments completed, which had reduced from 2018/19, however it was acknowledged that there was an increase in numbers in receipt of early help support. There was an increase in numbers of referrals, and the high rates of conversion helped to show that the referrals received were appropriate.

The timeliness of assessments was seen to be outstanding overall, but improvements could be made for numbers undertaken within the 20 day timescales.

The number of Section 47 assessments had declined in quarter 4, but the numbers over the course of the year had increased when compared to that seen previously. This reflected need and demand as could be seen in the increase in number of child protection plans. Section 47 assessments proceeding to case conference within timescales far exceeded targets and was significantly improved when compared to 2018/19.

The target for children subject to a child protection plan for a second or subsequent time had been missed, but it was below benchmarks and trajectory was in the right direction.

Performance was outstanding in relation to visits and on time reviews of plans, however the decline in performance of concluding PLO cases within timescales was noted. However, it was acknowledged that this was impacted on by external factors.

Though numbers of Children in Care had slightly risen, this was against a background of national significant increases, and Barnsley’s positive performance was attributed to early help and intervention.

Performance associated with stability of placements and the length of placement was below that of 2018/19 and below statistical neighbours. Assurances were given that this was an area where significant efforts would be made to improve.

Indicators associated with health assessments and dental health remained positive and performance against personal education plan and termly education plan indicators was also positive despite being slightly under target.

School attendance remained stable, but persistent absence in primary schools was an area which required an increased focus.

Statistics in relation to care leavers in employment, training or education had improved significantly, with the exception of the 21+ age group. Performance against indicators associated with keep in touch meetings had also improved.

Members noted that there had been a reduction in caseloads in some areas which was positive, but an increase in 'front door' referrals. Numbers of Children In Need had increased, which reflected the impact of such as austerity in the borough.

Noted were the areas of future focus, which included the following:- PLO timescales, Placement Stability and Adoption Timescales.

Questions were then invited from Members and in the ensuing discussion, and challenge, the following points were raised:-

There were a number of care leavers in unsuitable accommodation; however this was not within the gift of the authority. However, assurances were given that support would be provided when the authority was able to do so.

In the current situation, 'Staying put' arrangements were promoted with clear pathways when the time was appropriate. Members heard of the 'National House Project' and discussions were taking place with Berneslai Homes in order to progress this in Barnsley. This involved support being provided for young people to renovate their homes, learning appropriate skills. Members were assured that a comprehensive package of support was provided to care leavers.

In relation to caseloads, and although these had reduced since July, it was acknowledged that they were higher than would be ideal, even in light of previous investment in this area, and the early help offer. The complexities associated with moving staff between teams was discussed, and Members noted the work to review caseloads and benchmark these, with the outcome of this to be presented to Members in due course.

Support for care leavers to access employment, education or training was discussed in some detail with Members challenging performance. Members heard how work was ongoing led by colleagues in the Place Directorate in order to develop a work based programme for care leavers who may face additional challenges. In relation to provision for those post 21, the positive support packages were noted. Members noted that there was no formal reporting for those post 21, and this was dependent on those opting to take part, however it was recognised that officers were proactive in

engaging all care leavers. Members noted that an Independent Review Officer would be reviewing the pathways offered to those over 18. In addition, it was suggested that a study be commissioned in to the experiences of those up to age 25, with the outcome of this being reported into the Corporate Parenting Panel.

The meeting discussed the numbers of Early Help Assessments closed and the differences in data between 2018/19 and 2019/20. Members were made aware of the numerous reasons for this, including that families required help for longer.

The number of young people designated as Child In Need was considered. It was noted that these do have an element of seasonal fluctuation, but that there was a real increase in numbers, which has been seen nationally as well as locally. Members heard how benchmarking takes place and that similar trends seen against comparators in quarter 3.

Questions were raised about whether staff levels were sufficient, and it was suggested that staffing levels were appropriate and that importantly relationships with partner agencies were strong. Members were assured that there was still capacity and that no agency workers had to be engaged.

In response to questions about the impact of the Covid-19 pandemic, Members heard how statutory services were still being delivered, but a decline in referrals to Children's Services was likely to be seen in quarter 1 due to families staying at home. A communications campaign had been undertaken to encourage anyone who had concerns to report these, and Members challenged how this could be communicated to those who may not have access to technology. The impact of the lockdown was queried, and Members were assured that planning was in place for the recovery phase with partners, and a surge in referrals was expected.

When queried whether such as the timescales of reviews would slip due to the pandemic, Members heard how reviews were still taking place and health assessments being undertaken in order to meet statutory timescales. However, there may be an impact in areas such as the recruitment of foster carers, though this was still taking place taking account of social distancing requirements.

Members questioned the numbers of children in care, and those designated as Child In Need that were attending school, and the low take up nationally was noted. The work to encourage eligible children to attend school was acknowledged.

When questioning the findings of the strengths and difficulties questionnaire, Members heard that analysis of this was still not completed and it would be considered by the Corporate Parenting Panel in due course.

RECOMMENDED that:-

- (i) Thanks be given for attending the briefing and answering questions provided by Members;
- (ii) That the outcome of the review of caseloads be presented to Members at a future meeting of the Committee;
- (iii) That the outcome of the review into the experiences of young people leaving care up to the age of 25 feeds in to a future meeting of the Corporate Parenting Panel;

- (iv) That congratulations be expressed to Mel John-Ross and best wishes be given for the start of her new role.



MEETING:	Overview and Scrutiny Committee - Full Committee Meeting available virtually on https://barnsley.public-i.tv/
DATE:	Tuesday, 12 May 2020
TIME:	2.00 pm
VENUE:	HELD VIRTUALLY

MINUTES

Present

Councillors Ennis OBE (Chair), Carr, Gollick, Higginbottom, Hunt, Lodge, Lofts, Makinson, Sumner, Tattersall and Wilson.

20 Apologies for Absence - Parent Governor Representatives

No apologies were received from Ms G. Carter in accordance with Regulation 7(6) of the Parent Governor Representatives (England) Regulations 2001.

21 Declarations of Pecuniary and Non-Pecuniary Interest

Councillors Makinson and Tattersall each declared a non-pecuniary interest in minute number 23 due to their positions on the board of Berneslai Homes.

22 Minutes of the Previous Meetings

RESOLVED that the minutes of the following meetings be approved as a true and correct record:

Full Committee meeting held on 7th January, 2020;

Thriving and Vibrant Economy Workstream meeting held on 4th February, 2020;

People Achieving Their Potential Workstream meeting held on 10th March, 2020.

23 Covid-19 Response

The following witnesses were welcomed to the meeting:-

Cllr Sir Steve Houghton, Leader

Sarah Norman, Chief Executive

Julia Burrows, Director of Public Health.

A presentation was provided to Members which highlighted the following points:-

There had been 174 Covid-19 related absences, with 163 of these due to staff self-isolating but unable to work and 11 with confirmed or suspected Covid-19. There were no concerns around absence. As with most areas, there had been issues with the supply of PPE and this challenge remained.

Patient flow from hospital and capacity in residential care did not present any issues. Nearly 2,100 tests for Covid-19 had been undertaken, but this did not include any figures for testing of residents done by Public Health England.

A bereavement support service had been commissioned with 31 already taking advantage of this. Health and wellbeing remained a priority and information on this subject had been regularly circulated to staff, Councillors and to residents.

The Emergency Response Contact Centre had received almost 2,500 calls as of 11th May, and demand was currently able to be met. 63,000 letters were in the process of being distributed to vulnerable residents with those most vulnerable being prioritised. Where no contact could be made, this would be followed up by telephone, and in person if required.

Work continued with children known to social care with contact being maintained often via the use of technology, and statutory timescales being met as a minimum. Schools and early years settings were being supported to remain open to key workers and young people considered vulnerable, however numbers of the latter attending were not as high as would be ideal.

In relation to critical frontline services, crematorium, mortuary and funeral capacity was adequate and there were no areas of concern.

Green waste collection had been paused, but all other waste continued to be collected, with arisings around 20% above that seen at the same time last year. Household Waste Recycling Centres had recently reopened, which had gone well, with social distancing being observed.

Essential highways safety work continued, as did emergency repairs to Berneslai Homes property, however routine maintenance had paused.

£38.15m of grants had been distributed to almost 3,500 businesses, with nearly 1,200 enquiries received by Enterprising Barnsley. Regulatory Services had been working with Enterprising Barnsley to support businesses with their reopening in line with advice as lockdown eased. The Employment Support Helpdesk dealt with 46 enquiries on issues such as benefit claims, and support for those in furlough.

An economic assessment had been commissioned in order to understand the impact on businesses and retail in more detail.

With regards to the financial position, it was noted that the Council had increased costs and a loss of income. The current estimate was that total costs were in the region of £40m with £15m being received from Government. This left a net cost of £25m to the authority.

A strategy for recovery and renewal is in place, which will focus around the following 5 areas; Health and Wellbeing, Business and Economy; Building Resilience; Education and Attainment; and Environment and Infrastructure.

Thanks were given to the work of all staff in the current situation, and the need for ongoing change was acknowledged, given the impact of Covid-19 would be seen over the longer term.

Questions were invited and challenge provided from Members. In the ensuing discussion the following points were noted:-

In relation to the questions about whether Area Teams could have coordinated community responders sooner, Members heard how initial efforts concentrated on those most vulnerable who were on the shielding list. Area Teams had assisted in the mapping of support in each area. Unsure of demand, decisions were made for responders to prioritise those on the shielding list in the first instance. As the situation progressed and anticipated demand was known, a shift was made to make more widespread use of community responders. It was acknowledged that there would always be lessons learned, and the Area Teams played a crucial role in assessing the impact locally of Covid-19 and would be important in the recovery phase.

In relation to support for communities in Barnsley such as Worsborough that had been highlighted as one of the most at-risk post Covid-19, Members heard that issues faced in this community were seen in areas throughout the borough. Recovery presented a challenge and it was noted that the economy was a key focus in the recovery plan. The Council was working with Sheffield City Region to plan for recovery on a county wide basis, with Government indicating that they wish for economic issues to be considered at this geography. However, there will be a Barnsley wide plan that feeds into sub-regional plans, and Members were reminded of the economic impact assessment commissioned to inform this. The role of Area Councils in delivery at a more local level was also acknowledged.

Noted was the unclear situation in relation to finance from Government and Members heard of lobbying taking place to make the case for shortfalls to be addressed, and additional resources to aid recovery.

Members questioned what the challenges in relation to children and education were, and those present heard that services remain operational, with statutory processes for those most vulnerable being delivered. Visits and reviews had been undertaken, with these taking place virtually where possible, and meetings such as the Fostering Panel and Adoption Panel had been also continued.

In relation to support for the workforce, Members were reminded of the daily bulletin for staff and Councillors which highlighted support for staying well at home. This included e-learning modules and advice on healthy lifestyles. The 'Well at work' intranet site was accessible and counselling support was still available through Occupational Health, with this being provided virtually.

The importance of ensuring staff health had been stressed with Managers asked to keep in touch with their staff daily. In addition, a Wellbeing Pulse Survey had been conducted to further understand the stresses and strains faced by staff and Councillors.

In relation to the disproportionate impact of Covid-19 on men and on those from more deprived areas nationally, it was noted that very detailed information was not available for Barnsley but only just over half of deaths in the borough were male. Almost 75% of deaths were seen in those aged over 75 and with long term health

issues. It was noted that all health issues impacted disproportionately on those with health problems and those from deprived areas.

In relation to concerns about contact tracing, it was noted that phone apps will play a part in this, but much of this will be human focused. Though current arrangements suggested much of this may be done nationally, Directors of Public health were keen to shape how this may happen locally.

With reference to concerns about Covid-19 in care homes, Members heard how approximately 75% of care homes in Barnsley were Covid-19 free, and that 2/3rd of deaths in Barnsley were in hospital with just under 1/3rd in care homes. Work had been undertaken with the residential care sector to ensure adequate supplies of PPE and their appropriate use. Training in infection control had also been provided. Financial support had been made available to ensure resilience with staffing support also provided where necessary. Whilst support had also been provided for those providing domiciliary care, Members heard that the challenge had not been as great as that seen in care homes.

In relation to discharge from hospital, tests were undertaken to ensure those discharged were free of Covid-19 and efforts were made to ensure patients were discharged to homes without the infection.

With regards to testing for care workers, Members noted that after some time a system that works well was finally in place. Care workers could go to the testing facility at the hospital or could telephone for a testing kit to be posted to them.

Concerns were raised about the school meals voucher scheme, and assurances were given that the issues previously seen with the system had now been resolved and it was working well for Barnsley parents.

When questioned about the main challenges going forward, it was acknowledged that this was different from a crisis event such as flooding and would be ongoing for the immediate and medium-term future. It was acknowledged that delivering public services effectively in this period and managing public expectations would be challenging. Working to drive forward recovery considering the financial situation and weak local economy also presented a significant challenge.

Members also heard how it would be imperative to retain some of the benefits seen such as the time saved and reduction in traffic from holding virtual meetings. It was also hoped some of the strengths such as an increase in neighbourhood support, and the numbers volunteering could be maintained.

Noting issues with public transport, active travel was discussed and though details of a £250m Emergency Travel Fund were unclear, it was an area that would be explored. Members also noted that discussions were also taking place with SYPTTE to reopen the Active Travel Hub.

In relation to the impact of Covid-19 on the Glassworks scheme it was noted that a detailed report would be considered by Cabinet at the end of the month. Due to social distancing measures, there had been delays to construction. There was a

potential impact on leasing and discussions were taking place with tenants, with preliminary feedback positive.

In relation to the support for businesses and ensuring compliance, key advice was available on the Enterprising Barnsley website and Regulatory Services had been proactive in contacting food premises who had diversified to provide a takeaway service. Where the public had concerns, businesses had been contacted and advice given, which had generally been welcomed with additional action only taken twice.

Members questioned the impact of schools such as Horizon not being open, it was noted that since Easter it had reopened with a small number of students now attending. Assurances were provided that the Council worked closely with all schools through Barnsley Alliance to ensure that the needs of the most vulnerable children were met.

The need to understand the impact of children being taught at home, rather than school, was acknowledged with this forming a key part of the impact assessment and work undertaken with Barnsley Schools Alliance. Anecdotally it was suggested those adversely affected could include children of families working from home with little spare time, as well as those without access to online learning, though ASOS had supported the latter with donated laptops.

In relation to the restoration of other formal Council meetings, Members noted that there were plans for the Annual Council to take place in October. It was proposed that the Mayor would be elected to office for the following 18 months. Plans were also in place to reinstate the Area Councils over the course of the next few weeks.

RESOLVED:-

- (i) That thanks be given for the presentation and responses to questions.
- (ii) That Members be kept informed of the outcome of the impact assessment work and the development of recovery plans going forward.

Chair

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**Report of the Executive Director Core Services
the Executive Director Place
to the Overview & Scrutiny Committee (OSC)
on 9 June 2020**

Impact of COVID-19 on the Barnsley Economy and Glass Works Development

1.0 Introduction

- 1.1 The purpose of this report is to update the Overview & Scrutiny Committee (OSC) on the impact of the current COVID-19 emergency on the Glass Works development. At the OSC meeting, a short presentation will be given to provide an update on the latest information in relation to the impact of COVID-19 on the Barnsley Economy as well as the Glass Works development.
- 1.2 This particular report focuses on the Glass Works development, detailing the impact upon the construction and leasing elements of the project and the measures being taken to mitigate these impacts, as well as the next steps and potential risks that may affect the success of the project.

2.0 Background

- 2.1 In June 2019 the Overview & Scrutiny Committee were presented with a report on Phase II of the Glass Works and town centre redevelopment.
- 2.2 The Glass Works scheme has the potential to have a significantly positive impact for Barnsley residents. It will create a vibrant and modern town centre retail and leisure experience, which should in turn help to retain and attract more shoppers who currently leave the borough to shop elsewhere. In addition, the new retail and leisure space is envisaged to create significant new employment opportunities, which with the support of the Council, could be taken up by Barnsley residents.
- 2.3 However, like all the other aspects of the Council's day to day activity, the Coronavirus/COVID-19 emergency has had a very significant impact on the Glass Works scheme and work had to temporarily cease.
- 2.4 In April 2020 Cabinet gave approval to complete the delivery of the Glass Works.

3.0 Current Position

Construction

- 3.1 On 27 March, Henry Boot Construction (HBC) took the decision to temporarily close the Glass Works construction site. Prior to this, work had begun to slow significantly as the COVID-19 emergency began to unfold.
- 3.2 Subcontractors were taking the decision to close, with some advising that they were unable to adhere to the two metre social distancing safe zone rule. Certain sub-contractors from outside the region were unable to lodge because hotels were beginning to close. In addition, although not a specific issue for the Glass Works, subcontractors for HBC were being stopped on their way to work and sent home by the police as their work at the time was considered non-essential.
- 3.3 HBC had taken the decision to stockpile materials as much as they could in the developing situation, however suppliers were closing with stocks impacted by factories that had shut down.
- 3.4 Underlying the immediate issues on site there was initially considerable confusion whether building sites should stay open, with HBC reporting contradictory advice on Government social media platforms.

- 3.5 Following a review of the latest Government guidelines and Construction Leadership Council (CLC) Site Operating Procedures, on 6 April HBC took the decision to recommence site activity by implementing a phased return.
- 3.6 Initial work has focussed on implementing a revised set of working practices underpinned by a review of site risk assessments and method statements to support recovery. This has included:-
- the creation of a COVID-19 management plan
 - a signed and lined one-way system around the site to support social distancing
 - the transformation of a part completed block at the rear of the former Met Centre into a welfare facility suitable for the numbers of personnel on site to eat and maintain two metre social distancing
 - the procurement of additional cleaning staff via Norse to maintain these welfare facilities
- 3.7 The Council have looked to support HBC wherever possible in the remobilisation of the site. This has included lending tables and chairs to furnish the new welfare facilities; making additional storage areas available so that materials can be stockpiled; and offering support from the Council's Public Health Team to review on site welfare facilities. Longer term, the Council have begun discussing the temporary use of the Eastern Gateway site for material storage.
- 3.8 Given the significant health & safety implications of COVID-19, the Council's Health, Safety and Emergency Resilience Team undertake regular inspections of the Henry Boot construction site.
- 3.9 Week commencing 20 April was the first week that site activity recommenced using the revised national site operating procedures. Going into this week it was projected that the construction programme was approximately six weeks behind the original programme as a result of the COVID-19 emergency and previous weather delays.
- 3.10 HBC have reported a gradual reopening of the site to ensure that current Government guidelines are being met and estimated that the site was working at approximately 35-40% capacity at the start of week commencing 20 April. It is hoped that this capacity will increase over the next few weeks.
- 3.11 The above delay could impact on the overall construction cost of the Glassworks. For example, if the current construction timeline needs to be extended, or if the delays being experienced present risks in terms of meeting the specific lease long stop access dates. Currently, no delay resulting in an increased construction cost has been identified.
- 3.12 Issues do however remain. There is a shortage of certain materials, for example concrete blocks, and some products have increased in price resulting in the need to change suppliers. HBC reported that operatives working away from home are still struggling to find accommodation and unsurprisingly there are supply issues with personal protective equipment (PPE) and certain cleaning products.

Leasing

- 3.13 Although progress is being made on leasing of the Glass Works scheme this has been taking place in a challenging retail and restaurant market. The COVID-19 emergency has had a significant impact on the sector. Shops, restaurants and leisure facilities have closed and several including, Cath Kidston, Carluccios restaurants and Oasis and Warehouse, have gone into administration.
- 3.14 Beyond the 10 operators that have currently signed up to the Glass Works the Council's leasing team Queensberry, and solicitors, Gowlings, are undertaking final negotiations with two further operators to take units in the scheme. These two operators are still intending to take space in the Glass Works with these negotiations progressing.
- 3.15 Beyond this there is virtually no leasing activity taking place across the whole country. Feedback from Queensberry and the letting agents working on the scheme is that the vast majority of operators are solely focussed on protecting their existing business rather than expanding. The only exception to this is

some of the food retailers who are taking on staff to help deal with the increased short-term demand through the lockdown period.

- 3.16 This position is borne out by analysis from Queensberry on the impact on landlords and property owners.
- 3.17 The phased relaxation of lockdown and full future economic impact of COVID-19 pandemic is also likely to affect the Council's ability to attract future tenants to the development. However, at this stage there are still many unknowns in respect of the prospects for, and rate of economic recovery, the situation will therefore be monitored closely and further updates will be provided to Cabinet.

Impact

- 3.18 Although there are still significant unknowns in terms of the length and impact of the measures put in place by the Government to tackle COVID-19, work has now commenced to understand the implications for the delivery of the Glass Works.
- 3.19 In relation to construction, Turner and Townsend the scheme's project managers have worked with HBC to model a series of scenarios to understand the likely impact on the scheme opening date and key access dates for tenants.
- 3.20 It is important to understand that this work is in the early stages, focussing initially on the ability to work on site with the new social distancing measures and assumptions have had to be made in relation to material lead times and the availability of site operatives.
- 3.21 Work initially focused on scenario planning for a two-month delay on site and then a three-month period when construction could only take place at reduced capacity because of the new social distancing measures. However, as a result of the early progress on site by HBC (described in earlier sections of this report) to recommence site activity, the most realistic scenario is to model for a one-month delay on site and then the site working at 50% capacity for a three-month period.
- 3.22 The projected impact of this scenario is that the Glass Works scheme opening would be delayed from June 2021 until later on in 2021.
- 3.23 Work is also being undertaken to model the impact on the tenants that have agreed to take space in the Glass Works. Each of their agreements to lease contains clauses that set out when they will be given access to their unit to commence their fit-out work in preparation for scheme opening. The agreements also include "long stop dates", these are the latest dates when contractually they must be given access. The dates and clauses are different for each tenant as is the ability of the dates to be extended by unforeseen events (force majeure).
- 3.24 The legal position as to whether contracts are affected by force majeure as a result of the COVID-19 emergency is not yet clear. The Government has not specifically prohibited work on construction sites although guidance has been issued on the need to observe social distancing which clearly affects a contractor's ability to deliver the works as originally programmed. As a result, it is open to dispute whether this amounts to force majeure.
- 3.25 With the works proceeding alongside this uncertainty it has been deemed prudent to raise the potential delay in the programme with tenants. Very positive discussions have taken place so far with tenants who could be affected. They have indicated an ongoing commitment to the scheme.
- 3.26 The immediate longer-term impact of the COVID-19 emergency on the ongoing leasing of the scheme is unclear, however it is very likely that it will have an impact on the Glass Works. As stated earlier, the immediate priority for operators is to try and protect their existing businesses so it is very difficult to accurately predict the likely impact, until the length of the current lockdown is accurately known. Potentially retailers may just delay leasing decisions, however it is likely that the current situation will stop investment in future stores by some operators. Prolonged closure of shops, restaurants and leisure facilities can only worsen this, and it does create a potential risk to the success of the scheme.

4.0 Future Plans & Challenges

Next Steps

- 4.1 The scale and potential long-term impacts of the COVID-19 emergency have deemed it necessary to review the ongoing delivery of the Glass Works scheme. Following this review, it is proposed that the Glass Works scheme should continue.
- 4.2 Failure to continue would have a significant impact. Stopping the scheme now is likely to have very significant legal and financial implications for the Council.
- 4.3 Not completing the scheme is also likely to have wider economic impacts. The construction of the Glass Works has increased economic confidence in the wider town centre. A decision by the Council to stop the scheme could significantly impact this.
- 4.4 It is proposed to continue the process of reviewing the impact of the COVID-19 emergency. Specifically, in relation to construction activity, the modelling of the impact on the build programme will continue, particularly in relation to the impact on access dates for the operators who have taken space within the scheme. The impact on scheme opening date will also be monitored.
- 4.5 As construction on site continues to recover, any opportunities for reprogramming construction to get back lost time will be considered. The priority for this will be works affecting the units to be taken by the incoming tenants.
- 4.6 A full review of the future leasing strategy of the Glass Works will be requested from Queensberry to reflect the long-term impact of COVID-19. The outcome of this review including the financial implications of this and the wider scheme will be the subject of a further report.

Risk Management

- 4.7 There are a number of individual risk registers for the Glass Works scheme. These include registers for Henry Boot Construction and Turner and Townsend covering the wider delivery of phase two.
- 4.8 Key risks are consolidated into one issue log that is presented to the Glass Works board each month. The log and the mitigations are reviewed each month by the board and updates come from key staff including Henry Boot Construction across the project.
- 4.9 The issue log has been updated to capture the implications of the COVID-19 emergency. Specific strategic issues include:-
- COVID-19 pandemic forces closure of non-essential business and shuts site down. Delivery dates missed and knock on to lease long stop dates
 - COVID-19 pandemic causes widespread insolvency in retail/leisure operator market. Existing leases voided. Market for new tenants severely depleted
 - COVID-19 project delay causes key lease dates (Works End and Absolute Long Stop) to be missed allowing tenants to exit agreements
- 4.10 Operationally there are also risks relating to the site. These include:-
- site security if the Government dictate construction site lockdown
 - site operations restricted by social distancing measures
- 4.11 Cutting across all these areas are the financial risks that the COVID-19 emergency presents.
- 4.12 The impact of COVID-19 on the tenancy and the income streams flowing from the Glassworks is currently uncertain and therefore clearly represents an area of risk - these are areas that will be extensively monitored and updated on as necessary.

5.0 Invited Witnesses

5.1 The following witnesses have been invited to attend to answer questions from the committee:-

- Matt Gladstone, Executive Director - Place Directorate
- David Shepherd, Service Director, Economic Regeneration & Culture - Place Directorate
- Councillor Tim Cheetham, Cabinet Spokesperson - Place Directorate

6.0 Possible Areas for Investigation

6.1 Members may wish to ask questions around the following areas:-

- What have been the biggest challenges in responding to the pandemic?
- What are your key concerns for the future for both the community and the organisation?
- How effective have contractors been in engaging with each other and working together?
- Have problems with PPE and cleaning products now been resolved?
- Can you explain your scenario modelling in more detail, including the financial implications of each scenario, and are you putting plans in place to cover a 'second wave'?
- What assurances have been sought from contractors to ensure that the project has sufficient resources to see it through to successful completion, given the change in completion date?
- How are you going to manage the time, cost and quality of the project moving forward?
- Have the checks by the Health, Safety & Emergency Resilience Team highlighted any issues?
- What has been the wider economic impact for businesses and retail, not just in the town centre but across the borough, and what support is available to help them recover?
- When will a regional economic impact assessment be available so that the Council can work on recovery planning for businesses and retail?
- What plans have been made for spending Barnsley Council's allocation of the Government's recently announced 'Reopening High Streets Safely Fund'?
- What can Members do to support the Glass Works project and the economic recovery of the borough?

7.0 Background Papers

- Coronavirus Act 2020:-
<http://www.legislation.gov.uk/ukpga/2020/7/contents/enacted>
- Construction Leadership Council Website:-
<https://www.constructionleadershipcouncil.co.uk/>

8.0 Glossary

CLC	Construction Leadership Council
HBC	Henry Boot Construction
OSC	Overview & Scrutiny Committee
PPE	Personal Protective Equipment

9.0 Officer Contact

Anna Marshall, Overview & Scrutiny Team, 01 June 2020

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