

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
SCRUTINY COMMITTEE
HELD ON MONDAY, 4 MARCH, 2013 AT 3.30 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT: Councillors:

Kraujalis, J.T. (Chairman)
Bernard, J.D.* (Vice Chairman)

Bernard, Mrs. A.F.**	Lovell, A.
Cartwright, Mrs. S.	Morgan, C.W.J.
Davies, D.N.	Pearson, A.
Freeman, Miss M.	Spicer, Mrs. A.
Grice, Mrs. D.	Stretton, Mrs. P.Z.
Grocott, M.R.	Sutherland, M.**
Jones, Ms. J.L.**	

By Invitation: Cllr. Mrs. C. Mitchell, Culture and Sport Portfolio Leader
Cllr. P. Snape**, Leader of the Opposition
Cllr. Mrs. H. Sutton, Shadow Culture and Sport Portfolio Leader
Mr. M. Edmonds, Head of Commissioning

Cllr. G. Adamson, Leader of the Council
Mr. T. McGovern, Corporate Director

*Proposer of Call-in: (Cllr. J.D. Bernard)

**Supporters: (Cllrs. Mrs. A.F. Bernard; Ms. J.L. Jones; P. Snape; and M. Sutherland)

35. Apologies

No apologies were submitted.

36. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

Mrs. S. Cartwright	Husband runs football club that uses the on-site football pitch.	Personal
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Councillors G. Adamson and Mrs. C. Mitchell, advised that they used the site for recreational purposes (walking) and wondered if this also needed to be declared, and another Member suggested that, perhaps, all Members should

declare an interest, as the outcome could potentially affect all of them. The Solicitor advised that this was not necessary.

No other declarations were made in addition to those already confirmed by Members in the Register of Members' Interests.

In response to concerns raised by Members as to the validity of the Call-in and whether or not it had satisfied the safe guards contained in the Call-in Procedure, the Solicitor advised that the Monitoring Officer and Council Solicitor had determined that the Call-in was valid and should be heard.

37. Party Whip Declarations

There were no Party Whip Declarations.

38. Call-in: Outcomes of Consultation on the Development of a Community Sport and Recreation Hub – Stadium Site

Resolution of Cabinet subject to Call-in (Minute 145 (B) and (C) of meeting of 31 January, 2013):

“(B) Approval be given to move to the next stage of the process as included in the outline feasibility / design brief contained within the report.

(C) Appropriate professional support be commissioned within the budget identified to develop feasibility/design work for the proposed sport and recreation hub development at the stadium site.”

Proposal

Motion:

“A full review of the consultation and its findings be undertaken by the whole Scrutiny Committee before any further spending be committed, to consider whether alternative proposals for the site should have been considered and might have found greater public support.”

Reason for Call-in:

“We believe the consultation process did not find sufficient support for the proposals to warrant any additional spending. From an extensive attempt to consult, only 410 responses could be found, and only 352 people from a population of over 75,000 people resident in the District said they would use the developed site.”

Questions to the Persons Called by the Proposer

The Proposer then asked questions of each of his Supporters, in turn, for the purposes of clarity, as to why they were dissatisfied with the consultation.

Councillor Mrs. A.F. Bernard:

- A long history (of political divide) associated with the Stadium site.
- The Stadium had been in a bad state of repair, requiring substantial expenditure.
- It was also a focus for vandalism and anti-social behaviour, and the decision was taken to close it.
- Ongoing problems and costs led to the subsequent decision to demolish the buildings.
- Believed that the consultation was of the “lollipop” variety, i.e. designed to elicit the desired responses.
- There had been only 351 letters of objection to the original closure and some 352 consultees responding to the consultation, many of whom represented the same clubs and associations.

Councillor Ms. J.L. Jones

- Considered the low response rate to be indicative of a lack of overwhelming support for the proposals.
- 20% of the respondents appeared to live outside the District.
- The most popular facilities that had been requested were toilets and changing rooms, both of which brought with them inherent anti-social behaviour issues.
- 70% of the respondents had given positive feedback in respect of the current usage.
- Concerned about the methodology employed in the consultation, which asked questions based on Cabinet’s stated preferences for the site, i.e. sport and recreation; and targeted it towards sympathetic respondents i.e. sports clubs.
- Considered that the consultation contained insufficient evidence of needs on which to base any substantial conclusions, and take the decision to move to the next stage.

Councillor M. Sutherland

- Reiterated the concerns about the long history associated with the Stadium site.
- Considered that it was critical that all Councillors were kept informed with regard to all stages of the decision making process.
- Concern that consultation led to a predetermined conclusion.

(The Proposer elected not to call Councillor P Snape.)

Questions were then asked of the Head of Commissioning.

Mr. M. Edmonds, Head of Commissioning

The Proposer asked a number of questions of Mr. Edmonds:

<u>Question</u>	<u>Response</u>
How long had he been in his current role?	Mr. Edmonds advised that he had been in his current role for the last 12 months.
What previous experience did he have in a commissioning role?	Mr. Edmonds had led on the outsourcing of the leisure and culture contract now delivered by Wigan Leisure and Culture Trust.
What training had he received for the role?	He had dealt with a number of major procurements going back as far as the Revenues and Benefits system in 1993.
What did he know of the Don Valley Stadium?	Mr. Edmonds advised that he had heard of it.
For clarification, the Proposer advised that the Don Valley Stadium in Sheffield was a Council-run facility, which required a £5 per visitor subsidy and was to be mothballed because the Council could no longer afford to operate it.	
Had a similar costing exercise been undertaken for the consultation, i.e. so that people knew what the real cost might be?	Mr. Edmonds confirmed that it had not, as the consultation at that stage was only in respect of preferences for usage. The report to Cabinet advised that costs etc would be the subject of further reports to Cabinet.
If it was determined to develop the site as a sports and recreation hub, would further consultation take place in respect of set up and running costs?	Mr. Edmonds advised that a full financial strategy would need to be worked up in due course and this would be the subject of further report(s) to Cabinet.
What would Mr. Edmonds put on the site as a result of the consultation feedback received?	Mr. Edmonds commented that he was not in a position to answer the question.

The Proposer said that it should be remembered that any S.106 monies factored into a development were available only as a one –off contribution and there would be associated ongoing costs to be met.

Questions for the Purposes of Clarity from the Scrutiny Committee to the Persons Called by the Proposer

Councillor Mrs. Bernard was asked if she was aware that anti-social behaviour at the site had increased following demolition of the Stadium. Councillor Mrs.

Bernard advised that she did not have any statistics available, though she did recollect a meeting regarding the proposed Leisure Village in Cannock Park, where protesters had shown pictures demonstrating vandalism that had taken place at the former Stadium site.

Councillor Mrs. Bernard was asked if she was aware that the consultation had been undertaken by professional consultants to an agreed brief. Councillor Mrs. Bernard advised that the consultation appeared to steer respondents towards a desired outcome.

Councillor Mrs. Bernard was asked if she agreed that the Stadium, which had previously been well used and popular with local clubs and schools, started to go downhill under the former administration, which determined that it did not wish to support it. Councillor Mrs. Bernard said she did not agree, but the facility had clearly not been well managed for a long time. Her day job involved letting out a school hall, and it brought in only £5,000 per year less than the Stadium when operational.

The Chair reminded Members that any questions should be about matters of clarity, not opinion.

Councillor Mrs. Bernard was asked if she believed the consultation questions were set by the consultants or Officers. Councillor Mrs. Bernard considered that the consultant was probably following a brief developed by Cabinet. The Leader of the Council advised that Cabinet had not seen or contributed to the development of the consultation questionnaire.

Councillor Mrs. Bernard was asked if she was aware that the questionnaire had contained an open section for "Other Comments" to which there had been approximately 100 positive responses compared to one negative one. Councillor Mrs. Bernard said she had read the comments in detail.

Response by the Culture and Sport Portfolio Leader

The Culture and Sport Portfolio Leader commented that she had every faith in the Officers charged with organising the consultation process and the professionalism of the consultants they had appointed. Some 400 written responses (392 quantitative – questionnaires completed; 8 qualitative – written responses from organisations) had been received and this was a good level by comparison to other consultations. The principal reason for undertaking the consultation was to establish if the site was still required for sports and recreation usage and, if so, what facilities did people want to go on site.

The Portfolio Leader advised that she would be asking the Head of Commissioning to give a presentation to the Committee outlining the background and policy context to the decisions related to the Stadium site; the consultation process; the consultation findings; and the Cabinet report and conclusions.

The meeting was adjourned at 4.35pm and reconvened at 4.45pm.

Head of Commissioning - The Head of Commissioning then gave the presentation.

Leader of the Council – The Portfolio Leader asked the Leader of the Council to speak in support of the decision. The Leader advised that the Cabinet had followed a transparent and democratic process throughout. A Motion had been moved at the Annual Council Meeting on 23 May, 2012, which resolved: “That Cabinet be requested to allocate the land at the stadium site for use as public open space and sport and leisure purposes. The Cabinet is requested to remove the Stadium site from the list of land available for housing development.” The Leader noted that only three Members had voted against the Motion.

Cabinet on 21 June, 2012, had subsequently endorsed the recommendation from Council, and resolved at its next meeting on 19 July, 2012, to approve investigation of the development of a community sport and recreation hub at the Stadium Site, and to undertake consultation on the sport and recreation hub concept; with further reports to be received.

The Leader advised that he represented the Green Heath Ward adjacent to the site, so he had a particular interest in it. The Cannock Chase area had one of the worst health records in Staffordshire, and all Members should be actively encouraging the uptake of sports and leisure activities as a means of improving health in the district.

Commenting on the size of the consultation response, the Leader advised that the Local Plan Update had received only 63 responses, yet all Members had supported it in Council.

Corporate Director – The Portfolio Leader asked the Corporate Director to comment on the consultation process. The Corporate Director advised that Officers had adopted a similar approach to the Stadium site as to other potential major developments, such as the Chase Leisure Village. Essentially this had three key stages: Members gave a general direction; there followed a period of public consultation and feedback; and then a financial feasibility study.

Evidence from other consultations indicated that the level of response to the community sport and recreation hub consultation had been quite good.

For clarification, the Corporate Director also advised the Committee that all further feasibility work had been put on hold while the matter remained subject to call-in.

Questions for the Purposes of Clarity from the Scrutiny Committee to the Persons Called by the Culture and Sport Portfolio Leader

The Corporate Director was asked if he aware how many responses had been received in respect of the public consultation on the Leisure Village proposals. The Corporate Director advised that he did not at that time. The Member who had asked the question then advised that it was a rhetorical question and the answer was 231.

The Head of Commissioning was asked who had attended the initial scoping

meeting previously referred to. The Head of Commissioning advised that it had been an informal meeting between himself, the Corporate Director and the Leader of the Council. The questions had been based on information contained in the report to Cabinet of 19 July, 2012, including the evidence base established from work with Sport England and a number of other key partners.

The Head of Commissioning was asked what safeguards had been put in place to prevent multiple responses to the consultation by the same person or groups of people. The Head of Commissioning advised that he wasn't aware of any.

The Head of Commissioning was asked if the consultants had confidence in the level and representativeness of the responses received. The Head of Commissioning advised that the consultants had advised that the responses level was entirely satisfactory, and there was a high level of confidence that they were representative of the wider views of the local population.

A Member commented that, in fact, the overall level of responses might be deemed to be higher where, for example, a Club Secretary had replied on behalf of a Club, which might be representing many times more individuals. The Head of Commissioning accepted the Member's point.

Questions to the Proposer from the Culture and Sport Portfolio Leader

The Portfolio Leader asked the Proposer what else, in his opinion, should have been included in the consultation, and if he was aware of any other recent local consultations that had received more than 400 responses.

The Proposer said he considered that information about potential development and ongoing costs should have been included in order that consultees could make an informed decision. While he wasn't in a position to state if any other consultations had achieved a higher response rate, he did not believe that 400 responses justified the decision to move to the next stage.

Further Questions to the Persons Called by the Proposer from the Culture and Sport Portfolio Leader

The Portfolio Leader asked the Shadow Culture and Sport Portfolio Leader if, in principle, she supported the development of additional sport and recreation facilities on the site. The Shadow Portfolio Leader advised that she did not.

The same question was asked, in turn, to Councillors Mrs. Bernard; Sutherland, Snape; Ms. Jones and the Proposer.

The responses were, respectively:

Cllr. Mrs. Bernard - Yes, but concerned at potential costs.

Cllr. Sutherland – Yes, in principle, but concerned at potential costs.

Cllr. Snape - Yes, in principle, but concerned at potential costs.

Cllr. Ms. Jones – Yes, in principle, if cost effective and proven to satisfy the needs of the District.

Cllr. J.D. Bernard (Proposer) – yes, in principle, but he did not believe it had been identified in the 2012 District Needs Analysis.

Prior to the Proposer Moving the Motion, the Leader of the Council and the Culture and Sport Portfolio Leader left the meeting; Councillors Snape and Mrs. Sutton moved to the public gallery.

Proposal

The Proposer moved the Motion, which was seconded, that:

“A full review of the consultation and its findings be undertaken by the whole Scrutiny Committee before any further spending be committed, to consider whether alternative proposals for the site should have been considered and might have found greater public support.”

The Solicitor advised that, constitutionally, the Scrutiny Committee did not have the authority to review the decision; therefore, if that was its finding, the matter must be referred back to Cabinet for reconsideration, which was noted.

The Chair moved the matter to a vote. The Motion to refer the matter back to Cabinet for reconsideration was not supported.

RESOLVED:

That the Cabinet’s original decisions be upheld in respect of Minute 145 (B) and (C) of meeting of 31 January, 2013:

- “(B) Approval be given to move to the next stage of the process as included in the outline feasibility / design brief contained within the report.
- (C) Appropriate professional support be commissioned within the budget identified to develop feasibility/design work for the proposed sport and recreation hub development at the stadium site.”

The meeting closed at 6.15 p.m.

CHAIRMAN