



Minutes

FINANCE, PERFORMANCE AND RESOURCES SELECT COMMITTEE

MINUTES OF THE FINANCE, PERFORMANCE AND RESOURCES SELECT COMMITTEE HELD ON TUESDAY 12 SEPTEMBER 2017, IN MEZZANINE ROOM 1, COUNTY HALL, AYLESBURY, COMMENCING AT 2.03 PM AND CONCLUDING AT 3.48 PM.

This meeting was webcast. To review the detailed discussions that took place please see the webcast which can be found at: <http://www.buckscc.public-i.tv/core/portal/home>
The webcasts are retained on this website for 6 months. Recordings of any previous meetings beyond this can be requested (contact: democracy@buckscc.gov.uk)

MEMBERS PRESENT

Mr W Bendyshe-Brown, Mr C Clare (Vice-Chairman), Mrs L Clarke OBE, Mr M Farrow, Mr D Martin, Mrs J Teesdale and Mr D Watson (Chairman)

OTHERS IN ATTENDANCE

Mrs S Ashmead, Mr R Beel, Ms L Forsythe, Ms J Hunt, Mr N Hussain, Mr L Jeffries, Mr O Milambo, Ms G Quinton, Mr B Roberts, Mrs K Sutherland and Ms J Ward

1 APOLOGIES FOR ABSENCE/CHANGES IN MEMBERSHIP

Apologies were received from Tim Butcher and Julie Ward. Members noted that Lesley Clarke OBE and Jean Teesdale had been substituted onto the Committee for this meeting.

2 DECLARATIONS OF INTEREST

There were none.

3 CHAIRMAN'S INTRODUCTION

The Chairman welcomed everyone to the meeting, particularly members of the public who were in attendance and then outlined how the meeting would be conducted.

4 VALIDITY OF THE CALL-IN

The Chairman welcomed Mrs Linda Forsythe, Corporate Governance Lawyer and Deputy

Monitoring Officer to the meeting. Mrs Forsythe confirmed that the Call-in request received from Mr Brian Roberts, supported by Mrs Julie Ward and Mr Niknam Hussain was valid and she recommended that the Committee should consider evidence from both parties at the meeting.

5 CALL IN SUBMISSION

The Chairman welcomed Mr Brian Roberts, County Councillor for Aylesbury South East, Mrs Julie Ward, County Councillor for Aylesbury East, Mr Niknam Hussain, County Councillor for Aylesbury South West, Mr Rob Beel, Member of the Bucks Sports and Social Club and Mrs Jenny Hunt, Chairman of Stoke Mandeville Parish Council to the meeting. The group were advised that they had a total of 15 minutes to present their case, followed by questions from the Committee.

During the presentation and in response to subsequent questions the following main points were noted:

- In September 2016, Brian Roberts attended a meeting to discuss possible reforms to the Bucks Sports and Social Club and a potential lease arrangement. By the end of November 2016, the lease should have been prepared but nothing happened.
- In March 2017, club staff raised a number of concerns with Brian Roberts as their local County Councillor and he took these issues to the Cabinet Member and relevant officers and suggested a further meeting should be held. Mr Roberts continued to press for Officers to meet with Members and Club Members, but this didn't happen.
- Finally on 24th July 2017, two officers met with two club staff but the Cabinet Member decision recommending closure of the club had been published on 19th July, to be taken on or after 27th July.
- It appeared that a draft lease had been prepared and a business case had been put together with a view to turning the club's fortunes around and club members believed that this was being progressed.
- Whilst Mr Roberts fully acknowledged that Buckinghamshire County Council faced financial challenges, he believed that local residents were right to raise concerns about a lack of engagement and consultation around the possible closure of the Club. Stoke Mandeville Parish Council only heard about the possible closure on local radio station, Mix 96 which Mr Roberts felt was unacceptable. Over 800 people had signed a petition opposing the club's closure.
- There were a number of inaccuracies in the report, particularly around the membership figures. The report claimed there were only 56 members, but the level of representations made on this decision illustrated the number of people who use the club regularly, many of whom had been advised that they could not become members currently.
- There had been no consultation with local Members or the Greater Aylesbury Local Area Forum ahead of the Cabinet Member Decision report being published and no public consultation feedback had been included in the Cabinet Member report, despite the report template clearly indicating that consultation feedback should be included. There was also no evidence that an Equalities Impact Assessment had been undertaken.
- Wes and Mel Personal Training (WMPT Sparks) currently delivered their fitness classes at the Club and had been told that their bookings would be honoured to April 2018, although the Cabinet Member Decision stated bookings would only be honoured until 31st October 2017.
- There was a risk to the Council's reputation due to the lack of consultation.
- Between 2003 and 2012, the Club was producing an average annual surplus of £24,500. In recent years, since the BCC Facilities Management team had been

managing the Club, there had been a financial deficit of -£5,500 in 2015, -£25,000 in 2016 and -£64,500 in 2017.

- Club members recognised that it was not part of the Council's core business and agreed that the current situation was unacceptable. In 2016, two former County Councillors had offered to represent the Club Committee and put their case forward, which included offering to take on the lease of the club by forming a legal entity to allow this and a schedule of works for the site which included investing in new changing rooms. Subsequently it was discovered that the Councillors had not presented these ideas and had turned down an invitation to establish a Community Interest Company (CIC).
- Club Members had now incorporated as a CIC, lease terms had been drawn up and they had investigated options for new changing rooms. They believed that they could increase the membership and revenue the Club produced and asked for this opportunity, as set out in Option 3 of the Cabinet Member Decision report to be considered.
- The Localism Act 2011 allowed facilities to be registered as an Asset of Community Value. In 2015, Stoke Mandeville Parish Council wanted to nominate Bucks Sports and Social Club as an Asset of Community Value and was advised by Buckinghamshire County Council's (BCC) Estates department not to proceed. The Parish Council agreed to reconsider but ultimately decided to submit a bid, which was accepted by Aylesbury Vale District Council in May 2015 and BCC was notified.
- On 21st July the Parish Council was alerted from a report on local radio that there was a plan to close the Bucks Sports and Social Club. The Cabinet Member report was then obtained and Mrs Hunt, Chairman of Stoke Mandeville Parish Council contacted the Cabinet Member to make representations and to complain about lack of consultation. There has been plenty of opportunity to consult the Parish Council and the users of the Club. Mrs Hunt asserted that BCC had failed to follow Government guidelines on public consultation.
- Mr Hussain advised that the green space of the Club site helped BCC with its duty around Health and Wellbeing and was well-used by the whole community, including Booker Park School who used the playing fields for their sports lessons.
- Mrs Ward reiterated concerns about reputational risk to the Council due to a lack of engagement around the proposal to close the Club, which was widely used.
- There had been mismanagement and miscommunication at the Club over the past couple of years, particularly in connection with diary management for bookings.
- 400 people recently attended a Fun Day event at the Club, 190 people would like to become Members and the Committee was confident that if they could replace the changing rooms they could further increase the membership.
- Up to 2014, the Club had been run well and the Council published the Club's accounts up to this point. BCC took over the management of the Club in 2014, due to financial impropriety at the Club by a member of BCC staff who was no longer working there.
- The Club had previously been open six nights a week and during the day at the weekends – this level of activity had reduced since BCC took over. The Air Ambulance landed there and clients from the Spinal Injuries unit at Stoke Mandeville also used the Club to socialise.

The Chairman thanked all contributors for attending the meeting.

6 RESPONSE TO THE CALL-IN

The Chairman welcomed Mr John Chilver, Cabinet Member for Resources, Mrs Gill Quinton, Executive Director for Resources, Mr Lloyd Jeffries, Operations Director and Mr Oster Milambo, Deputy Head of Strategic Assets to the meeting. The Cabinet Member and the officers were reminded of the time in which they had to respond, explaining the reasons behind

the decision to close the Bucks Sports and Social Club, followed by questions from the Committee.

During the presentation and in response to Members' questions, the following main points were noted:

- The Cabinet Member thanked everyone who had submitted representations, as he was grateful to have the views of the public. There were over 60 representations and a petition with over 700 signatures.
- The decision to close the Club had been a difficult one but the alternatives had been fully considered. Essentially the decision was a financial one – the Club was losing money and required significant capital investment to rectify a number of issues e.g. asbestos in the changing rooms. The Council had no money to invest in the Club, the provision of which was not a statutory duty of the Council.
- At the end of 2014, the Club was running at a loss of £12,000. The income of the Club was being subsidised at that time by NHS staff parking there during the week, but this was no longer the case. The projected overspend for 2017-18 was £65,000. The Club currently had 56 paying members, all BCC staff, previously in August 2016 the membership stood at 163.
- When a site has been listed as an Asset of Community Value it is subject to certain regulations. If the owner decides to dispose of the asset either through freehold sale or granting a qualifying lease of 25 years or more, this would trigger a period of consultation. In this instance, BCC had not decided to dispose of the site.
- Mr Chilver confirmed that he had consulted with Mr Roberts ahead of the Cabinet Member Decision being taken, but the report did not cover this in any detail.
- Mrs Quinton acknowledged that there had been weaknesses regarding consultation but the facts remained that the Club was in poor repair, making a financial loss and had a 70% vacancy rate during the day. Although there had been discussions over a lengthy period regarding a transfer of the management of the Club, an agreement had not been reached.
- New memberships had not been offered since BCC took over management of the Club as the future of the Club was uncertain.
- Although there had been a series of meetings with County Councillors and the proposed Club Committee, BCC had never received a full business case or confirmation of a legal entity which could take over the lease and management responsibility for the Club.
- In response to a question from a Member about a figure for VAT which appeared in the Profit and Loss sheet, officers were unable to explain why VAT had been included.
- Carter Jonas had considered a number of options for the Bucks Sports and Social Club site as part of a wider Property Review. There were five options which included developing part of the site and retaining the Club or redeveloping part of the site and retaining the playing fields. To date no decision had been made about disposal or future use of the site.
- Club bookings were being made through BCC Facilities Management team.

The Chairman thanked all contributors for attending the meeting.

7 COMMITTEE DELIBERATION

The Chairman invited Members of the Committee to share their views on the evidence which had been heard, with a view to deciding whether to reject the Call-in or to refer the decision back to the Cabinet Member for reconsideration.

The Committee unanimously agreed that the decision should be referred back to the Cabinet Member for reconsideration and advocated that Option 3 in the original report should be

revisited, as there had been a lack of consultation with service users and local Members and the Club Committee had now organised itself more effectively and could be in a position to take over the management of the Club and make it profitable.

The Committee proposed that the Cabinet Member should take a period of three months to have further discussions with local Members and the Club Committee and then report back to the Select Committee on his decision. The Cabinet Member agreed to this proposal.

8 DATE AND TIME OF NEXT MEETING

Tuesday 26th September 2017 at 10am in Mezzanine Room 1, County Hall, Aylesbury

CHAIRMAN

County Councillor
David Watson

Buckinghamshire County Council

Electoral Division
Flackwell Heath, Little Marlow & Marlow
South East

Copper Howe
17 Wendover Road
Bourne End
Bucks
SL8 5NS

Telephone 01628 810761
Email: dwatson@buckscc.gov.uk

14th September 2017

Mr John Chilver
Cabinet Member for Resources
Buckinghamshire County Council

Dear John,

Re: Call-in of Decision R04.17 Bucks Sports and Social Club

Many thanks to you and your officers for attending the special meeting of the Finance, Performance and Resources Committee, held on Tuesday 12th September to consider the call-in of Decision R04.17 Bucks Sports and Social Club.

I am writing to confirm that the Committee unanimously agreed to refer the decision back to you, as Cabinet Member, for reconsideration, in light of all the issues which were raised during the meeting. In particular, Members highlighted the following:

- Concerns about a lack of consultation, both with users of the Bucks Sports and Social Club and the local Members
- Possibility that Option 3 could be pursued now that the Bucks Sports and Social Club has a new Committee, who appear willing to take on the management of the Club and hope to make it financially viable.

It was agreed at the close of the meeting that you would reconsider the decision and provide the Committee with a response within three months. The Finance, Performance and Resources Committee will be holding a budget briefing on **Tuesday 19th December**. I would like to invite you to present Members with your response on this date, as this would prove timely.

Yours sincerely

David Watson
Chairman – Finance, Performance and Resources Select Committee

