

Overview and Scrutiny Committee



Forest Heath
District Council

Minutes of a meeting of the **Overview and Scrutiny Committee** held on **Thursday 12 January 2017 at 6.00 pm** at the **Council Chamber, District Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Simon Cole
Vice Chairman Ruth Bowman

Chris Barker
John Bloodworth
Rona Burt
Brian Harvey

Nigel Roman
David Palmer
Reg Silvester

128. **Substitutes**

There were no substitutes declared.

129. **Apologies for Absence**

Apologies for absence were received from Councillor Christine Mason.

130. **Minutes**

The minutes of the meeting held on 10 November 2016, were confirmed as an accurate record and signed by the Chairman.

131. **Public Participation**

There were no questions/statements from members of the public.

132. **Mildenhall Hub - Funding**

The Committee received Report No: OAS/FH/17/001, which provided Members with the opportunity to scrutinise outline funding plans for the Mildenhall Hub project before a funding agreement and final budget is considered by Council in February 2017. The report focused primarily on the funding elements on which Forest Heath will take a direct lead.

The report informed the Committee that the Mildenhall Hub was a bold and innovative project to review and upgrade the public estate in Mildenhall. The Council's own elements of the scheme included a leisure centre and the replacement of its offices at College Heath Road. Whilst the Council had

already committed to progressing the design of the Hub, it needed to finalise its funding arrangements in February 2017 before any planning application was made. To enable the Overview and Scrutiny Committee to scrutinise the funding of the project ahead of that decision, Report No: OAS/FH/17/001 provided some initial financial information.

It was reported that although some information was still awaited, the current indicators were that the Forest Heath elements of the scheme were likely to be financially deliverable in accordance with the Council's Medium-Term Financial Strategy. Furthermore, an investment by Forest Heath in the project would deliver considerable benefits on behalf of the local community and also address significant existing asset management issues.

The central element of the Hub, which would contain the Council's new shared offices, was likely to be deliverable within available resources and generate a saving to taxpayers. The new leisure centre offered a considerable increase in the quality and scale of facilities for the area, to meet current identified need. After applying available sources of capital, delivery of this leisure facility would require some borrowing, but this would be supported in full or part by savings made on running costs, including those from moving to new offices and the installation of advanced renewable energy technologies.

The Committee considered the report and the funding of the Mildenhall Hub in detail and asked a number of questions of the Director, to which comprehensive responses were provided. In particular discussions were held on: cash-flow for the project; the length of tenant partnership agreements; the capital cost of the Forest Heath elements of the project and other capital receipt estimates; the proposed 40 year life cycle for the project's finances; future renewable energy business case; previous land swaps and assumptions made around site values.

The Committee noted that all partners would need to sign up to the Hub Project by summer 2017 and were all currently working through their likely costs.

The Chairman of the Committee informed officers that he was pleased at how the scheme was progressing.

The Committee **noted** the current funding position to date, and requested that the later reports to councillors in February included more information on project cash flow.

133. Review of Abbeycroft Leisure Ltd Performance 2005-2016

The Cabinet Member for Leisure and Culture presented Report No: OAS/FH/17/002, which requested that members review the performance of Abbeycroft Leisure in Forest Heath, which would then inform the development of a new Partnership Agreement.

The report included information on the establishment of Abbeycroft Leisure; trustees and governance (Appendix 1); core business for West Suffolk; attendance levels; continuous improvement and quality management; initiatives and projects; business development and diversification; financial

performance; strategic leisure support and advice; approaches and cost of other local authorities; challenges and the future.

Warren Smyth, Chief Operating Officer for Abbeycroft Leisure gave a short PowerPoint Presentation which showcased the activities of Abbeycroft Leisure.

The Committee considered the report in detail and asked a number of questions of the Cabinet Member, Warren Smyth and officers, to which comprehensive responses were provided.

Discussions were held on challenges around the employment of staff and developing skills; the investment fund; and the management of pension liabilities.

In particular Members:

- Discussed the proposed length of the agreement, and raised some concern that this was not explored further in the report;
- Sought clarification as to what was meant in the recommendation around "transparency of costs", and suggested that this be amended to read "full disclosure of costs";
- Discussed the partnership moving forward and what would change. It was reported that the investment fund would provide Abbeycroft with the ability to bid for funds and the Council investing in its assets;
- The potential for introducing "indoor bowls" at the Brandon Leisure Centre.

The Committee then considered Exempt Appendix 3.

It was proposed by Councillor Ruth Bowman and seconded by Councillor Brian Harvey; and

RESOLVED

That the Committee consider Exempt Appendix 3 to Report No: OAS/FH/17/002 in private session (see Minute Number 140 below).

134. Public Space Protection Orders (PSPOs) - Changes to Anti-Social Behaviour Legislation

The Committee received Report No: OAS/FH/17/003, which updated Councillors on legislative changes regarding certain powers to control Anti-social behaviour. The report set out the details of the Public Space Protection Orders (PSPOs) the District proposed to adopt, subject to public consultation. The report also set out the transition arrangements for the Newmarket and Brandon Designated Public Place Orders (DPPOs) to PSPOs; the proposed transition from Dog Fouling Orders, originally adopted under the Dogs Fouling of Land Act 1996 and the Clean Neighbourhoods and Environment Act 2005 to a PSPO Dog Control Order; the adoption of a Dog Control Order which excludes dogs from specific sites listed in Scheduled 1. The details included

consultation requirements; publication; signage; enforcement; and future reviews periods for PSPOs.

The Committee considered the report in detail and asked a number of questions of the Cabinet for Leisure and Culture and officers, to which comprehensive responses were provided. In particular detailed discussions were held on the proposed Orders relating to dogs. It was noted that the proposed Order relating to dog fouling included all public open space in the District, regardless of ownership, but that the proposed Dog Exclusion Orders (list of current sites included in Schedule 1) had to be for specifically designated areas, with the land owners consent. Certain councillors felt that the District Council should invite the Parish and Town Councils to include their play areas in the Dog excluded sites order.

The Committee noted that the conditions included in the proposed Newmarket and Brandon alcohol-related PSPOs would remain the same as was included in the earlier DPPO's.

It was then proposed by Councillor Nigel Roman and seconded by John Bloodworth, and with the vote being unanimous, it was:

RECOMMENDED: That

- 1) The Public Space Protection Orders relating to dog control across Forest Heath, be approved, subject to public consultation.**
- 2) Subject to receiving confirmation from Legal Services that this is possible under the legislation:**
 - i) The Leisure and Cultural Services Manager, in consultation with the Portfolio Holder informs the local Town and Parish Councils of the District Council's proposal to introduce PSPO's which:**
 - Requires dog walkers to clear up after their dogs whilst in public open space in the District (regardless of who owns the public open space)**
 - Excludes dogs from certain specific play areas (Currently just those owned/managed by FHDC and listed in a schedule) and;**
 - ii) Invite Town and Parish Councils (at cost) to include their play areas in the proposed PSPO schedule of sites which excludes dogs.**

135. Annual Presentation by the Cabinet Member for Leisure and Culture

As set out in the Council's Constitution, at every ordinary Overview and Scrutiny meeting at least one Cabinet Member would be invited to attend to give an account of his or her portfolio and answer questions from the Committee. Therefore, to carry out this constitutional requirement, members

were asked to consider the responsibilities of the Cabinet Member for Operations, who had been invited to the meeting.

The Committee was reminded that on 14 January 2016, the Committee received a presentation from the Cabinet Member for Leisure and Culture, setting out responsibilities covered under the portfolio.

At this meeting, the Portfolio Holder for Leisure and Culture had been invited to the meeting to provide a follow-up presentation on his portfolio. Report No: OAS/FH/17/004 set out the focus of the follow-up presentation, which was to:

- Outline the main challenges faced during the first year;
- Outline some key successes and any failures during the first year and any lessons learned; and
- Set out the vision for the Portfolio through to 2019, and whether on target to meet that vision.

Councillor Andy Drummond opened his verbal update by thanking the Committee for the invitation. The update included information on areas of responsibility and a financial breakdown of the leisure and cultural budget for 2016-2017.

A number of examples were also provided, outlining the achievements; aims for 2017 and service challenges, such as:

- Management plan prepared for Yellow Brick Road (achievement)
- Sports Awards 2016 (achievement);
- National Horseracing Museum opened (achievement);
- Implement improvements along the Yellow Brick Road (aim);
- Partnership agreement between Council and Abbeycroft Leisure to be a reviewed and adopted (aim);
- Review of the Brecks Breaking New Ground HLF (aim);
- Maintaining standards whilst reducing costs (challenge);
- Green Space Management – increase in invasive pests and diseases (challenge)

Members discussed the update in detail and asked questions of the Cabinet Member and officers, to which comprehensive responses were provided.

In particular discussions were held on the need to promote more the Mildenhall Museum and the Mildenhall Warrior; and the horse statue, gifted to Forest Heath District Council, which the Cabinet Member would like lit up at night, the same as the Queen's statue.

The Chairman thanked the Cabinet Member for the follow-up update on her portfolio and the excellent report on work undertaken across the district over the last year.

There being no decision required, the Committee **noted** the presentation, and supported the Cabinet Member in his aim of having the horse statute lit.

136. **Review and Revision of the Constitution (Quarterly Report)**

As set out in the Council's Constitution, the Overview and Scrutiny Committee on a quarterly basis would receive a report from the Monitoring Officer setting out minor amendments made arising from changes to legislation; changes to staffing structures/job descriptions or changes in terminology.

Report No: OAS/FH/17/005 set out minor amendments which had been undertaken by the Monitoring Officer under delegated authority from October to December 2016.

The Committee was advised that all Members of the Council had also been informed of the minor amendments as part of the ongoing review and revision of the Constitution.

The Committee considered the report, and there being no decision required, the Committee **noted** the minor amendments undertaken by the Monitoring Officer under delegated authority.

137. **Directed Surveillance Authorised Applications (Quarter 3)**

The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 required that Members should scrutinise the authority's use of its surveillance powers on a quarterly basis.

The Monitoring Officer had advised that in Quarter 3, no such surveillance had been authorised. Therefore, there being no decision required, the Committee **noted** the Regulation of Investigatory Powers Act, Quarter 3 update.

138. **Work Programme Update**

The Committee received Report No: OAS/FH/17/006, which updated Members on the current status of its rolling work programme of items for scrutiny during 2017 (Appendix 1).

The Committee considered its work programme, and there being no decision required, the Committee **noted** the contents of the report.

139. **Exclusion of Press and Public**

It was proposed by Councillor Ruth Bowman, seconded by Brian Harvey and

RESOLVED:

That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.

140. **Exempt Appendix 3 - Review of Abbeycroft Leisure Ltd Performance 2005 - 2016**

The Committee considered the Exempt Appendix 3 to Report No: OAS/FH/17/002, where reference was made to specific detail contained within the Appendix, and asked a number of questions to which comprehensive responses were provided.

Subject to the proposed amended wording, as set out in Minute Number 133 above, it was then proposed by Councillor Ruth Bowman and seconded by Brian Harvey, and with the vote being unanimous, it was:

RECOMMENDED

That note be taken of the findings of the Overview and Scrutiny Committee in developing a new Partnership Agreement with Abbeycroft moving forward, in particular:

- 1) The need for full ~~transparency~~ in "*disclosure of all*" costs to the Council of providing leisure services.**
- 2) The need for the agreement to focus on the outcomes for the health and wellbeing of communities.**
- 3) The approach to developing a Partnership Agreement with Abbeycroft for at least 10 years and alignment of leases will deliver value for money service for the Council.**

The Meeting concluded at 8.30 pm

Signed by:

Chairman
