

Minutes

Overview and Scrutiny Committee

27th October 2010



Councillors	Present	Councillors	Present
J. Baugh	No	A. M. Meyer	No
G. Cohen	Yes	R. Ramage	No
M. Dunn	Yes	D. E. A. Rice	Yes
Dr. R. L. Evans	Yes	A. F. Shelton	Yes
M. Gage (Chairman)	Yes	Mrs. J. Smith	Yes
J. E. B. Gyford	Yes	F. Swallow	Yes

Councillors J. Abbott and P. Hughes were in attendance for item 4.

Charmaine Dean, Head of Community Services was in attendance.

Cllr. E. Lynch was also in attendance.

37. DECLARATIONS OF INTEREST

Cllr. P. Hughes declared a personal interest in relation to item 4 of the Agenda as he was a member of Silver End Parish Council. He remained in the meeting and took part in the discussion.

38. QUESTION TIME

In connection with item 4 of the Agenda, statements were made by:-

- Janice Young, retired Manager of the Jack and Jill Preschool, Village Hall, Silver End;
- Alan Waine, Chairman, Silver End Parish Council.

The statements are set out in the Appendix.

39. PETITIONS PROCESS – APPEAL – SILVER END VILLAGE HALL – PETITIONS ORGANISER – CLLRS. J. ABBOTT AND P. HUGHES

Following the consideration of their petition at full Council on 27th September 2010, Cllrs. Abbott and Hughes, the Petition Organisers, did not feel that the petition had been dealt with properly, and had exercised their right under the Council's Petitions Process to request that the Overview and Scrutiny Committee review the steps that the Council had taken in response to the petition.

The Committee had before them the following:-

- the Assistant Chief Executive's report;

- the petitions procedure;
- the proposed process for dealing with petition appeals;
- a copy of a press article that had been printed in today's Braintree and Witham Times concerning Silver End village hall following a press release issued by the Council.

Cllr. Gage the Chairman advised the Committee that this was the first time that the petitions appeal process had been triggered and ran through the proposed procedure that he was intending to follow in order to deal with the appeal in a systematic manner.

A member expressed concern that neither the relevant Cabinet Member or her deputy was present to answer questions as required under item 7 of the proposed procedure.

This was acknowledged by the Chairman. The Cabinet Member was away, and the proposed procedure had only recently been compiled by Officers. However, there would be an opportunity to question the Cabinet Member if the Committee decided to initiate an investigation/scrutiny review. In the absence of the Cabinet Member, the Head of Service had been asked to attend the meeting to answer questions.

Sharron Lowe the Assistant Chief Executive also advised the Committee that the proposed procedure for considering appeal requests would be submitted to the Local Government Review Group for consideration on 4/11/10, and the specific clause requiring the attendance by the relevant Cabinet Member would be drawn to its attention. Members of the Committee were welcome to notify her of any comments that they wished to make on the procedure and how it could be improved, and she would advise the Local Government Review Group accordingly.

Cllr. Gage invited each of the petition organisers to address the Committee for up to 5 minutes.

Address by Cllr. J. Abbott

Cllr. Abbott thanked the Chairman for the opportunity to address the Committee. He felt that one of the problems in the whole process was the lack of dialogue and hoped that the appeals process was the start of something better.

The petition of 836 signatures had been widely supported in Silver End. However, it was not felt that full Council had taken the petition seriously when it decided not to take any action, but simply to note the petition.

Cllr. Abbott indicated that at the Council meeting he did try to propose a way forward through dialogue, but the Chairman did not take notice of that and did not invite a seconder, and asked the Cabinet Member Cllr. Wendy Schmitt to close the item. He was not aware of any protocol that supports such a process and felt that full Council, as the highest democratic body of the Council, was there for all members equally to decide what action to take. Consequently, the petition organisers left that meeting feeling very dissatisfied at the process.

In the wider context of the handling of the Silver End village hall issue, Cllr. Abbott felt that in all his time as a Member of the Council he had never come across a situation where such poor handling of an issue had occurred. It had been going on now for 4 to 5 months, and had caused a lot of distress to both himself and Cllr. Hughes as the Ward Members and, more importantly, to the local community. He was concerned that one of the pre-school groups had now closed and another one is seriously concerned about its position.

Cllr. Abbott considered that much information had been issued by the Council which he felt was inaccurate. He indicated that he had been told repeatedly that the hall could close. He disputed the press release recently issued by the Council saying that the possible closure of the hall was speculation and rumour. He did not feel that it was speculation and rumour – the source of the information that the hall could close was the Cabinet Member herself who indicated at Cabinet on 13/9/10 that if no transfer or local management solution can be found by 31/3/11 then under policy consideration closure would be made. The Cabinet Member had repeated that in the Essex Chronicle two weeks ago and it had appeared in other forums as well. Cllr. Abbott indicated that he also had an unsigned e-mail which he believe came from the Service Director which advised that if no transfer or alternative local management arrangements had been achieved by 31/3/11 consideration should be given to the potential closure or the setting of commercial charges. This was not a matter of rumour or speculation – it had come from the Council itself.

Cllr. Abbott indicated that he had asked repeatedly for evidence that the Council had a policy of closing halls, but there was not one. As far as he was aware the July 2009 Cabinet agreed the current halls policy which comprised of 4 clauses. There had not been a member decision to close halls – it seemed to have emerged from the ‘ether’ as the months had gone by. Cllr. Abbott welcome the fact that the Council had made a u-turn by saying that it will not close the hall, but he had been contacted by a local newspaper to be told this rather than through the courtesy of an e-mail/letter/telephone call from the Council. The same goes for the other local groups as well. He felt that the lack of policy support for the closure of the hall together with the mismanagement of the issue had come together to make a perfect storm.

As regards the issue of fees, Cllr. Abbott welcomed the fact that the 150% increase had been withdrawn. However, the fees that had been proposed were still very substantial increases and contributed to Seedlings having to close. It represented a 25% increase in their fees. The Jack and Jill Group also faced a similar 25% increase in fees and that would be financially difficult for them.

Finally, Cllr. Abbott indicated that he understood that the basis for all of this was the fact that the Council found itself in a difficult financial position and it needs to find third party management of halls. He did not dispute that Councils were in a difficult financial position both now and in the years ahead. However, he indicated that it was not until he had submitted a ‘freedom of information’ request to the Council that he found that Silver End village hall pays for itself. He believed that it was the only hall that did so. It was not a financial drain on the Council and yet at all the occasions where the village hall had been discussed going back to when he first raised the matter at full Council in June, the Cabinet Member did not take the opportunity to state that fact. The context in which this matter had been carried out and all the actions that followed had been based on misinformation.

To summarise, Cllr. Abbott stressed that the village hall was well used and was absolutely crucial to the village, and had been threatened with closure. Groups had been faced with extortionate increases in fees basically for no good reason. However, he did not discount any form of alternative local management arrangements. Cllr. Abbott advised that Cllr. Hughes would go into more detail, but all efforts in that direction thus far had failed and there had been no sensible local dialogue as to a way forward. He indicated that they had repeatedly asked for meetings over many months and had only this week secured a private meeting with the Cabinet Deputy tomorrow. Cllr. Abbott indicated that he wanted to draw a line under this and hoped that the Committee would take this issue seriously, and set ground rules on how this matter can be taken forward on a basis of dialogue to achieve a

secure future for the village hall, so that all the groups can continue to use it.

Address by Cllr. P. Hughes

Cllr. Hughes indicated that as regards the action that the Committee could take in considering the petition appeal, he would like the Committee to consider investigating the wider aspects of the handling of this issue which had led to the petition being compiled in the first place.

He indicated that he was a member of Silver End Parish Council. The Parish Council and a number of other groups had each been approached separately to take over the management of the hall. Cllr. Hughes indicated that when the Cabinet Member spoke at the last Council meeting she had indicated that there were still ongoing negotiations although he was not aware which organisations these referred to. He advised that when the Parish Council was approached it was given a set of figures that were incomplete, misleading and not sufficient for the Parish Council to come to a logical conclusion. The Parish Council had requested that the figures be resubmitted in an easier to understand and more complete manner, but this did not happen and resulted in the Parish Council declining to take over the management.

Cllr. Hughes advised that the Parish Council was told that it would be expected to take over the maintenance, the heating and lighting costs, the caretaking costs etc., but would only be able to take the revenue from the occasional hiring of the main hall. The District Council would retain the income from all of the leases from the vast majority of the hall. The impression that the Parish Council was given was that the District Council would take the 'cream' and the Parish Council would be expected to take all the expenses. The Parish Council had considered the matter on at least two occasions and had concluded that the costs involved were unacceptable.

The Parish Council had requested that meetings take place with the District Council to discuss how to run the village hall which is a significant building in the village, both structurally and in terms of functions that it performs. However, there had been no effort made by the District Council to enter into constructive discussions with the Parish Council. The Parish Council would be quite happy to play a role in the management of the village hall, but not one which puts all the costs onto the Parish Council whilst the District Council takes a significant majority of the income.

Cllr. Hughes indicated that he did not know the terms which were offered to other groups, but if they were the same as the terms offered to the Parish Council he was not surprised that no-one had come forward to run the management of the village hall. Because no-one was willing to run the management this led to the statements made by the Cabinet Member that the hall risked closure.

Cllr. Hughes indicated that he had yet to see the full figures for the finances of the village hall. He was aware that Cllr. Abbott had put in a request to see these figures. Cllr. Hughes indicated that until he had sight of those figures he could not make definitive statements as to the profitability or otherwise of the village hall other than to say that the Head of Service had said that it was not a cost to the District Council. However, that did not appear to be borne out by the figures that were given to the Parish Council. Cllr. Hughes felt that it was unacceptable for the District Council to give misleading financial figures to an organisation like the Parish Council that the District Council is asking to take over the hall.

He felt that it had led to confusion and concerns in the village, and left organisations that

use the hall having doubts as to the future of the building. It had also led to the drama group deciding not to put on a pantomime this year.

Cllr. Hughes requested that the Committee investigate the whole process by which the District Council offered various groups the opportunity to take over the management of the village hall using what he believed to be misleading figures.

The Members of the Committee then questioned Cllrs. Abbott and Hughes on their respective statements and sought clarification from them as necessary. Questions covered issues concerning what financial information had been given to various groups and the Parish Council; hire charges to user groups; the handling of the petition at the meeting of the full Council on 27/9/10; possible future local management of the hall; the history of the hall and what covenants might apply to the building.

The Chairman then called on Charmaine Dean, Head of Community Services to make a statement outlining the reasons for the Council's response.

Statement by Charmaine Dean, Head of Community Services

Charmaine felt that both she and her Officers including the Community Halls Officer, had been working to the policy agreed by Cabinet at its meeting in July 2009.

This stated clearly that the Council would follow a process of trying to work with communities. Charmaine felt that the aim would be to achieve a set of vibrant community halls that would meet the needs of local communities.

It involved going through a process of potentially transferring some of the halls to community groups whether they be trusts, charities or Parish Councils.

Charmaine informed the Committee that over the last year this had involved Officers in meeting with a huge number of groups and exploring the possibility of local management arrangements. This had been a rather complicated process and had required a lot of work on the part of her staff.

As regards the perceived lack of dialogue with community groups in connection with Silver End village hall, Charmaine felt that dialogue had been ongoing with all the community groups for a number of months with regard to the policy that Officers were working to. Most of those discussions had been conducted by her Halls Manager who had met with all the groups.

She indicated that at no time had she or her Officers ever mentioned closure, but that Officers had been working with communities to see what arrangements could be made for the sustainability of the community hall.

Charmaine advised the Committee that the Silver End village hall had a number of tenants and leaseholders, but that the remaining part of the ground floor which consists of the main hall and kitchen and other room, is run by the District Council. The upstairs is a tenancy that the District Council has with an organisation called '4Children' and there were also leases with other groups.

She felt that there had been an element of confusion at times when the hall had been

referred to, as some discussions with community groups had been solely in connection with the hall, kitchen and other room on the ground floor, whilst other discussions with other groups had been in relation to the building as a whole.

As regards the perceived lack of dialogue with Cllr. Abbott, Charmaine indicated that it was her understanding that there had been dialogue with Cllr. Abbott through her Halls Manager on a number of occasions by e-mail and telephone conversations. She also indicated that she had met with Cllr. Abbott on 1/10/10 with representatives of Seedlings and had clarified the halls policy at that meeting. Charmaine indicated that she had always said in response to any enquiry regarding costs that the Silver End village hall had been breaking even.

With regard to the discussions with Silver End Parish Council, Charmaine indicated that her Halls Manager had been in dialogue with the Parish Council and that figures were produced and that the Officer was asked to attend a Parish Council meeting to explain the figures. However, Charmaine understood that the Officer was asked by the Parish Council not to attend a subsequent meeting.

Charmaine advised that although she was aware that the Parish Council had notified the Halls Manager that the Parish Council was no longer interested in taking over the hall, this did not preclude further discussions if the Parish Council was still interested in exploring the matter further.

Charmaine confirmed that there was a meeting between herself, Cllr. Abbott and Councillor Siddall the Deputy Cabinet Member tomorrow, which was part of the ongoing dialogue and that hopefully this will be able to resolve some of the outstanding issues.

The Members of the Committee then questioned Charmaine Dean, Head of Community Services on her statement. Questions covered issues in relation to the discussions/negotiations that had been held with the Parish Council; whether the Council had set any specific parameters for the negotiations; grants previously given by the Council to Seedlings to help finance an outdoor play area; alleged misinformation given to the Parish Council; the Council's stance on closure; regular reviews of fees and charges; the petitions process.

Cllr. Gage the Chairman summed up by indicating that from the information gleaned at tonight's meeting it was apparent that:-

- Consideration by the Council for potential closure of halls would depend upon the setting of charges to ensure that the hall does not cost the Council any money and that the facility is meeting the needs of its community;
 - If the facility is not cost neutral it is only then that consideration will be given, as a last resort, to closure of the hall;
 - Silver End village hall breaks even and is not a cost to the Council. At the present time, therefore, there is no threat to the village hall.
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The Committee then went on to consider what action it should take in determining the petition appeal.

DECISION

Following discussion, it was agreed that the Overview and Scrutiny Committee should instigate a scrutiny review into the Council's handling of issues concerning the future of Silver End village hall (the petition organisers, the Cabinet Member, relevant officers, the Silver End Parish Council and other relevant organisations will be invited to submit evidence), with a view to making appropriate recommendations to the Cabinet. The investigation is to be carried out as speedily as possible.

Cllrs. Abbott and Hughes left the meeting at this point.

40. SECTION 106 AGREEMENTS – MANAGEMENT OF CONTRIBUTIONS

The Committee was advised that the Cabinet at its meeting on 13/9/10 had noted the eight recommendations contained in the Committee's final report, and would be responding formally to them at the Cabinet meeting on 22/11/10.

DECISION

That the Committee be kept advised of the Cabinet's formal response to the recommendations in due course.

The meeting closed at 9.14pm.

M. Gage
Chairman

APPENDIX

STATEMENTS MADE AT QUESTION TIME IN CONNECTION WITH ITEM 4 OF THE AGENDA – PETITIONS PROCESS – APPEAL – SILVER END VILLAGE HALL

Statement by Janice Young – Retired Manager of the Jack and Jill Preschool, Village Hall, Silver End

The Jack and Jill preschool has been running in the village hall for 38 years. It has always been an important part of the Early Years community.

The future of this preschool is in your hands. Unfortunately, Seedlings Preschool has had to close, and Jack and Jill – from January 2011 – will then have 80+ children on its books, so the need for our preschool is crucial....and may I also stress there is nowhere else in the village to accommodate us.

The Government recognises the importance of the Early Years Education: only recently they are proposing to fund 2 year olds from economically disadvantaged families on top of the funding that is in place for the 3 to rising 5 year olds.

The Early Years Education, being the preschools, encourages the children to develop their social and emotional skills, along with their literacy and numeracy skills and their understanding of the world around them – not to mention their language and physical capabilities. All of these enable them to have a smooth transition into mainstream school.

The preschools are often the first contact in identifying any problems the children and their families may have – i.e. special educational needs and in some circumstances, any safeguarding issues. As a result, the preschool can then notify any outside agencies to put into place any support and help they might need, and enable them to go into school with the right help and support in place.

So, I can't stress to you enough how important the preschools are.

May I take this opportunity to point out to you the inaccuracies of the article in the Essex Chronicle last week regarding the closure of Seedlings preschool. Your response stated that the hall rent had been held at the same level for a number of years. I have handled the finances of Jack and Jill preschool for 32 years and I can assure you the hall rent has risen annually in all these years. The other point was made about changes to Government funding, and although there have been slight changes in the processing of the funding, these have not in any way affected the amount of funding the preschools receive – and this is national.

I would like to finish by saying that Francis Crittall built our unique village for his workers and their families, and provided the village hall for them and organisations to congregate in and forge this unique community.

As I said at the beginning, the survival of this village hall is in your handsand I trust you'll make the right decision. The children of Silver End and their families are our future.

Statement by Alan Waine, Chairman of Silver End Parish Council

The iconic village hall at Silver End is central to the villages' community and plays an important part in the social life and welfare of residents both in the village and the

surrounding area.

Certain BDC Councillors and Officers have stated that if a local management solution was not found by April 2011 it is most likely that they want to end speculation that the hall could close, by announcing it would not close. The only speculation was from BDC itself.

I hope that what I call “constructive” closure is not on the future agenda. By this I mean pricing community groups out of the hall by excessive hiring charges. Leading to eventual closure due to lack of use.

The threat of closure, the uncertainty of the future plus the increase in hire charges has caused several local groups to seriously consider their future. Indeed these factors were mainly responsible for one of the pre-school groups namely “Seedlings” to close last week.

However, looking towards the future, Silver End Parish Council hope BDC will continue to manage the hall and that they BDC, will invite all interested parties to create a proper dialogue to work with them to run the hall successfully.

Previously this has not been the case.

Consultation please not confrontation. Thank you.