

# Minutes

## Overview and Scrutiny Committee

26<sup>th</sup> January 2011



Councillors	Present	Councillors	Present
J. Baugh	Yes	A. M. Meyer	Apologies
G. Cohen	Apologies	R. Ramage	Yes
M. Dunn	Yes	D. E. A. Rice	Apologies
Dr. R. L. Evans	Yes	A. F. Shelton	Apologies
M. Gage (Chairman)	Yes	Mrs. J. Smith	Apologies
J. E. B. Gyford	Yes	F. Swallow	Apologies

The following Members and Officers were also in attendance as witnesses for item 5 regarding the Silver End Village Hall Scrutiny Review.

Cllr. J. Abbott  
Cllr. P. Hughes  
Cllr. Mrs. W. Schmitt, Portfolio Holder for Clean and Green  
Cllr. C. Siddall, Deputy Cabinet Member  
Mrs. C. Dean, Head of Community Services

### 54. DECLARATIONS OF INTEREST

Cllr. P. Hughes declared a personal interest in item 5 of the Agenda as he was a member of Silver End Parish Council. He remained in the meeting and took part in the discussion.

Cllr. J. Baugh declared two personal interests in item 5 of the Agenda as follows:-

He was the Essex County Council representative on (and Chairman of) Braintree District Childrens Centres Partnership (Delivered by '4Children' – fellow member and tenants of the village hall at Silver End)

He was a member of the former Fees and Charges Task and Finish Group.

Cllr. Baugh remained in the meeting and took part in the discussion.

### 55. QUESTION TIME

There were no questions asked or statements made.

### 56. MINUTES

**DECISION:** That the minutes of the meetings held on 5<sup>th</sup> and 6<sup>th</sup> January 2011 be approved as a correct record and signed by the Chairman.

In discussing the content and style of the minutes, it was agreed that the Scrutiny Manager should in future include a brief summary of the answers given to each of the questions in the 'question and answer' sessions.

#### 57. SCRUTINY REVIEW – SILVER END VILLAGE HALL

Cllr. Gage the Chairman welcomed the witnesses (Cllr. J. Abbott, Cllr. P. Hughes, Cllr. Mrs. W. Schmitt, Cllr. C. Siddall and Mrs. C. Dean, Head of Community Services) to the scrutiny review of the Council's handling of issues concerning the future of Silver End Village Hall.

Members and witnesses had before them the following:-

- a copy of the Information Pack containing the replies received in response to the consultation;
- a copy of the Question Plan;
- a copy of a transcript of Cllr. Schmitt's statement to Cabinet at its meeting on 13/9/10 (put round the table at the meeting);
- a copy of an e-mail dated 25/1/11 from Ms. J. Stubbs, Secretary of Crittall's Social Club who was not able to attend in person (put round the table at the meeting).

Cllr. Gage informed the Committee that Cllr. Hughes had queried before the meeting as to why there was no written submission in the Information Pack from the Silver End Parish Council, and that Steve Bore, the Councils' Scrutiny Manager had advised that the Parish Council has not responded to the consultation.

Cllr. Gage informed the Committee that he would ask each witness in turn if they wished to make an opening statement. Members would then have the opportunity to ask questions. The witness would then answer the questions (if any) applicable to that witness on the Question Plan, and Members would then have an opportunity to ask any supplementary questions.

#### Opening statement by Cllr. J. Abbott

I feel the situation is better now than what it was some months ago, and I would like to thank in particular Charmaine Dean for 'breaking the ice'. This issue has been extremely difficult for us as Ward Members and for the community of Silver End. I would just like to highlight a few points.

It started with the Council's review of fees and charges. From our perspective, the District Council did not understand the percentage increases in fees that were being proposed, and I feel that this was probably because they were taking a district wide view rather than looking at the specifics of a hall. Having reviewed all the figures that have been available to me, I am confident that the top line maximum percentage increase was 150% as we originally stated, for some of the groups using the hall. The groups were quite justified in contacting us as Ward Members and saying that these increases would force them to close. That was resolved eventually as Members will be aware, and capped fees of £2 per hour were brought in. Even so, in some instances, they amounted to a 25% increase and one of the pre-school groups has now closed and cited that as a contributory factor.

As regards the negotiations about a transfer of management to a third party, we have never been opposed to the principle of transfer. The problem has been the way in which it has been done. It has been fragmented. It has been a distant process from our perspective as we were never involved with it. We have tried all along since we first became aware of this

issue last July to attempt to get a meeting together of the relevant parties to talk things through, but that has been refused repeatedly. I feel that a lot of time has been wasted – at least six months and possibly a lot longer when these issues could have been resolved. If round table discussions had taken place we could have had a sensible discussion with the District Council about management, and the groups could have had a sensible discussion about fees. No one was expecting fees to be frozen – everyone expects fees to go up from time to time. I feel the way the whole issue has been handled has been very poor and it has caused genuine distress in the village.

This concern came to us from the community in the first instance, and the groups were very distressed about what they saw as fee increases which could have forced them to close. Some of these groups have been going for 50 years or more.

The whole matter was exacerbated in the autumn with comments that the hall could close unless third party management was secured. That was extremely unfortunate and increased the feeling in the community that the District Council was working against them.

I feel that things are now better in that we have a round table meeting on 10/2/11 (subject to the heating system in the hall being in working order) – and the threat of closure has been withdrawn. The fee increases whilst still substantial are manageable for most of the groups. However, I feel we have a long way to go in sensible negotiation with the District Council to make Silver End Village Hall a success which is what we all want.

In summary, I feel we have wasted six months or more because the dialogue has been so poor and the situation has drifted on. From the Local Members perspective, we are satisfied that we have tried our best to see a way through this.

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Comment by Charmaine Dean

As regards the proposed meeting on 10/2/11, there is a significant problem with the heating system which may take a couple of weeks to resolve. If the problem is not resolved by 10/2/11, the meeting will still go ahead, but at an alternative venue.

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Opening statement by Cllr. P. Hughes

I put in a separate written submission to Cllr. Abbott because I am here principally on behalf of the Silver End Parish Council. However, I also support the written submission made by Cllr. Abbott on his and my behalf as the Local Members.

I had understood that it was the intention of the Parish Council to make a written submission.

However, I will address the issues of concern to the Parish Council.

The Parish Council was approached with an offer to take over the administration or day to day management of the hall, and the Parish Council requested information.

The Council's Halls Manager Sharon Woods attended a meeting of the Parish Council on 10/3/10 and presented a sheet with accounts for the village hall. The sheet contained the previous year's actual accounts, and the accounts for the year to date. It therefore presented one full year of figures and a partial year. It did not, however, differentiate between those elements of the accounts for the village hall that the Parish Council would

be expected to be responsible for and those elements that the District Council would retain.

We were told definitively that the District Council would retain the income from these long term tenants who leased parts of the village hall complex which meant that the Parish Council would just have the income from the occasional lettings.

The Parish Council did not consider this to be a suitable breakdown, and the reason why the Parish Council then requested further information was because of what it considered to be a lack of detailed information from the District Council. That is why the Parish Council has concerns about the whole approach by the District Council with regard to the Parish Council taking over responsibility for the management arrangements.

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Question No. 1 from the Question Plan to Cllr. Hughes in his capacity as a Parish Councillor

Has the Parish Council entirely discounted the option of considering further the taking over of the management arrangements for the hall or is it still interested in exploring the issue?

Answer by Cllr. Hughes

When the Parish Council last discussed this matter, it felt that given the financial information that was available to it at that time, it was not a financially viable option.

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Supplementary Questions to Cllrs. Abbott and Hughes by Members of the Committee

Question by Cllr. Dr. R. Evans

- (i) Have you agreed an agenda for the meeting on 10/2/11, and what items are included?
- (ii) Is there still a possibility that the Parish Council may want to consider taking over the management arrangements for the hall?

Answer by Cllr. J. Abbott

(i) I have a copy of the Agenda for the 10/2/11 meeting. As Local Members we wanted a round table meeting, but what is being proposed is not quite that type of meeting. I have spoken several times to Charmaine Dean about this highlighting my concerns about how this meeting will be conducted. What the Local Members feel is that we do not want a meeting where the community is talked at by the District Council, but a meeting with more open discussion.

The Agenda items include an Introduction from the Corporate Director; Purpose of the meeting by the Cabinet Member; Current position and Future Options from the Head of Service; Local Management Arrangements by the Rural Communities Council for Essex (RCCE); Open Discussions and Questions; Closing Summary.

I have expressed some concern to Charmaine that we need it to be more of an open discussion.

We also wanted it to be about Silver End Village Hall. The problems that we have had throughout this process is that the District Council is looking at this from a generic position, but Silver End Village Hall is a unique building in the Council's portfolio, it's on two floors

and is one of the largest Village Halls in England. There are also organisations that lease parts of the building.

We wanted the meeting to be about the hall, rather than from a district wide perspective.

We welcome the fact that the meeting is going ahead, but are a little bit concerned that it is not quite as open to the community and not quite as specific in addressing our concerns as it could be.

#### Comment by Charmaine Dean, Head of Community Services

I have spoken to Cllr. Abbott and have taken on board what he has said. The whole focus of the meeting will be to hear the views of the community, and also for the community to ask us questions. The meeting will focus entirely on Silver End Village Hall. The agenda has been framed to ensure that information is given to all the interested parties attending the meeting. Invitations have been sent to all the users and interested parties including the Silver End Parish Council, and we are expecting quite a large turnout. All the delegates will be given information so that they can gain an understanding of all the pertinent issues in particular the financial aspects as this is a crucial element. There does need to be a better understanding of the way in which the finances are portrayed in our accounts and that will be explained on the day. The reason for the representative from the RCCE being asked to attend is because that person has extensive knowledge and experience in working with community groups and helping them to take over village halls. This is likely to be the first of a number of meetings with the community to try and reach a solution.

#### Answer by Cllr. P. Hughes

(ii) I cannot make a decision for the Parish Council, but the Parish Council cannot take on the financial liability as stated in the financial outline that was presented to it. However, the Parish Council has always wanted to have an input into the community aspect of the village hall.

#### Question by Cllr. M. Dunn to Cllr. Hughes

When you attended the Committee at its 27/10/10 meeting, you indicated that when the meeting was held between the Parish Council and the District Council's Halls Manager that the District Council presented the Parish Council with misleading figures. In your written submission in the Information Pack you have indicated that the figures were inadequate.

Do you think the District Council tried to mislead the Parish Council when you had that meeting?

#### Answer by Cllr. P. Hughes

Whether the intention was deliberate or not I cannot answer. We were presented with one year's actual figures. Reference has been made in the papers that you have before you that the last financial year was a loss making year whereas the previous years were profitable. Despite repeated attempts to get the full accounts, these only became available after the Parish Council had decided not to take over the hall.

If you present financial figures that show one year with a financial loss whereas the previous two years were in profit that is not accurate. Furthermore, we were told specifically that we would be responsible for maintenance of the building and the utilities.

We asked whether that was confined to the areas that the Parish Council would be responsible for or whether it included the maintenance of the leased areas. We were told that we would have to bear the entire maintenance and the entire utility costs. Given that only one hall would be available for rental and given that the running costs as presented for the full year showed a loss, that was not a viable proposition for the Parish Council. If you had included the two previous years, that would have made a more viable proposition.

Also, it was not made clear that the District Council had taken out in two consecutive years a total of £47,600 as a Transfer to Reserve.

Answer by Cllr. J. Abbott

To clarify the issue further, the accounts that I was given indicated that £23800 was taken from the accounts in each of the years 08/09 and 09/10 as 'Payback of capital financing for the refurbishment costs of the hall'. When the halls programme was undertaken, I was not aware that at any time we were told that money would be clawed back from the halls programme, from the revenue coming into halls.

Question by Cllr. J. Baugh

Is it Cllr. Abbott's and Cllr. Hughes understanding that on a revenue basis, Silver End Village Hall is currently in surplus?

Answer by Cllr. J. Abbott

I was not aware of the full financial figures until I wrote to the Council and effectively threatened to use a freedom of information request, and was given Silver End Village Hall's last three years costs. That shows that in 07/08 it made a loss of £6,000; in 08/09 it made a loss of £37,000; in 09/10 it made a loss of £36,000. However, these figures are not a straight forward balance sheet of 'in and outs'. There are other items including this clawback of £23,800 in each of the years 08/09 and 09/10. We had questions over why energy costs had quadrupled in three years, and whether the apportionment of the salary costs solely related to the Village Hall or other halls as well. Mrs. Dean wrote to me informing me that the hall is breaking even. Our understanding of these figures is that the hall is breaking even or making a small revenue loss. However, you have to look at the figures very carefully. I hope all members would agree that you cannot realistically say that the hall is running at a loss of £37,000 in 08/09 and £36,000 in 09/10 if the Council is clawing back £23,800 from revenue in each of those years as a payback of the capital costs.

Answer by Cllr. P. Hughes

The figures that Cllr. Abbott was referring to were only made available after the event. At the time the Parish Council was being asked to make a decision those figures were not available even though the Parish Council requested further information. That further information was not made available. All that was made available was one actual year's figures and one partial year's figures to date.

Question by Cllr. M. Gage

At some point, Cllr. Abbott made a statement at full Council saying that you had subsequently learnt that the Silver End Village Hall was not run at a cost to the Council. In view of these figures and the clawback how were you able to make that statement?

Answer by Cllr. J. Abbott

Because that was what the Head of Service had advised me.

Question by Cllr. Dr. R. Evans

Are there likely to be decisions or recommendations made at the February meeting with representatives of the community?

Answer by Cllr. J. Abbott

It is a scoping meeting to look at options, but there will be further meetings. As local Members we are happy with that and it is broadly what we asked for many months ago. As long as there are no threats of closure or huge fee increases, and it's a fresh start, we are happy to support those meetings on that basis.

Question by Cllr. M. Dunn

Do you feel that the capped increase of £2 per hour in respect of fees for the hire of the hall is a good result for users? Were users being undercharged in the first place?

Answer by Cllr. J. Abbott

I have no doubt that unless the Local Members had stepped in and worked with the local community to persuade the Council not to impose the original fees that the community use of Silver End Village Hall would have collapsed. We received many letters from groups saying that they would have to close or try and find alternative accommodation. Whatever rates they were paying previously (and I accept that some of them were quite generous) they were the rates they were paying. None of the users are profit making multi-national users – they are village organisations, pre-school groups, groups for elderly residents, the gardening club etc. If you say you are going to increase their fees by up to 150%, you cannot be surprised that they would express their concern. The £2 per hour increase was very welcome, but it could have all been avoided in the first instance. It still represented for the Seedlings pre-school group an increase of 25%. This was a group that was using the hall in term time every day of the week. It had over 50 children on its books, and was quite a substantial organisation in terms of its income and expenditure. The fee increase was not the sole reason as to why it closed, but it was a contributory factor.

I clearly accept the overall financial pressures that the Council was under, but surely what we want to do is make the village hall a success regardless of who is managing it both in terms of its use by the community and from a financial point of view. If you increase fees to such an extent that you force groups to close or to find alternative accommodation, your income will collapse.

Answer by Cllr. P. Hughes

When Crittall's originally built the village hall, it was intended to be part of the village life as a hub for the community. The reference to the 150% increase is I believe a reference to the increase that the Friendship Club (composed of mostly elderly residents) would have had to meet, and to expect them to pay commercial rates is not very community minded.

Question by Cllr. J. Baugh

Do you feel the charges previously paid by the Seedlings pre-school group were set at a ridiculously low level?

Answer by Cllr. J. Abbott

It would have been preferable if a representative of Seedlings had been here to answer the question and go through their figures as I do not have information on their accounts.

I did go to the meeting where the parents reluctantly voted to close. I would not argue that the fee increase was the sole cause, but this was an organisation that had staff to pay. It was basically an organisation run for the benefit of children and parents, and this was the 'straw that broke the camel's back'.

Question by Cllr. Dr. R. Evans

Do you agree that increases or decreases in fees or prices are subject to the theory of elasticity of demand, and that too high an increase can turn users away?

Answer by Cllr. J. Abbott

Yes, and very much so in Silver End because a lot of the long term hiring of the hire has been in recent years from socially based organisations. There is some hire for events such as weddings and one off events, but much of the long term income outside of the income from lessees, is from local community groups. They have a very limited stretch in terms of elasticity of the fee increases they could tolerate.

I wish that the Council had talked to us as Local Members and to those groups about the fee increases they could accept.

Answer by Cllr. P. Hughes

Anecdotally, there are a number of groups in the village that no longer use the Village Hall because they could not afford the old rates let alone the proposed new rates.

Question by Cllr. M. Gage to Cllr. J. Abbott

Would it be fair to summarise your written statement by saying that because you are going to have a dialogue in the future that will give you a basis to trust the negotiation between all the community groups and the District Council?

Answer by Cllr. J. Abbott

I have a foot in both camps as I am a District Councillor and am familiar with many of the local organisations. My trust can be restored, but I am slightly more doubtful as to whether the community's full trust can be restored, because a lot of the community feel very upset about what's happened.

We need a clean sheet of paper to see what we can achieve by working together.

Question by Cllr. M. Gage to Cllr. P. Hughes

As regards your written submission, is it fair to say that the first requirement of a sensible negotiation insofar as the Parish Council is concerned would be if there was an Accountant

from BDC to explain and provide running costs for the Village Hall and to lay out the performance in terms of income and expenditure over, say, a five year period?

Answer by Cllr. P. Hughes

That may well go a long way to restoring some of the Parish Council's lost regard for the District Council. (Cllr. Hughes also pointed out that in the sixth paragraph of his written submission, the figure should read £47,600 and not £57,600).

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Cllr. Gage then invited Cllr. Mrs. Schmitt, Portfolio Holder for Clean and Green, Cllr. C. Siddall, Deputy Cabinet Member and Charmaine Dean, Head of Community Services to make an opening statement. As neither of them wished to make an opening statement, the Committee commenced the questioning by asking the witnesses the appropriate questions from the Question Plan.

Question No. 2 from the Question Plan to Cllr. Mrs. W. Schmitt

Do you confirm that you stated to the Cabinet at its meeting on 13/9/10, what Cllr. Abbott has indicated in his written submission that "halls could close which did not achieve local management by March 2011."

If so, on what basis did you make that statement?

Answer by Cllr. Mrs. W. Schmitt

If you look at the transcript of my statement to Cabinet on 13/9/10, the penultimate paragraph on the first page indicates that I said "This leaves us with halls that we still want to pursue the policy objective of transfer to local community management which is Silver End Village Hall." That does not sound like we are closing it on 31<sup>st</sup> March 2011.

Later on I did say, as indicated on the second page of the transcript – third paragraph "If no transfer or alternative local management arrangements can be arranged by 31/3/11 consideration, still under the policy, would be given to potential closure of halls or charging of commercial rates." which covered the Council's proposals to close Forest Road Community Hall, Witham because there was no interest from anyone or any groups to take over the management arrangements.

If Cllr. Abbott could not understand or misunderstood what I said on 30/9/10, I wished that he had asked for clarification rather than start this 'hare running' that we were going to close Silver End Village Hall, because at no point did I say that.

Question No. 3 from the Question Plan to Cllr. Mrs. W. Schmitt and Cllr. C. Siddall

As regards past rumours about the closure of the Silver End Village Hall, the local Members and the Parish Council have commented that the District Council itself was the source of information about the potential closure.

We would be pleased to receive your comments on this issue?

Answer by Cllr. Mrs. W. Schmitt

I am not sure what is being referred to other than my statement at Cabinet on 13/9/10.

### Answer by Cllr. C. Siddall

I think that Cllr. Abbott is in the fortunate position of having a single hall to worry about.

We certainly had lots of halls to consider. What Cllr. Mrs. Schmitt was talking about was the halls in the round – it was a description of the halls in the District. In thirty years of being in business, I have found it very difficult if, when in a negotiating situation, you expose your final position. What we were trying to make were general statements and unfortunately I think that on occasion these have been taken the wrong way.

### Question 4 from the Question Plan to Cllr. Mrs. W. Schmitt and Cllr. C. Siddall

The Head of Service has identified a number of learning points in her written submission. At Cabinet level, do you feel that, with the benefit of hindsight, there are any issues that could have been handled differently?

### Answer by Cllr. Mrs. W. Schmitt

In hindsight, we can all be wiser. I would like to point out that at this time we are trying to deal with nine halls and we have one member of staff. You can imagine that not only is she trying to identify groups to run these halls she is also having to deal with her day to day duties. Silver End Village Hall was not one we were beginning to work on substantially, because we were heavily involved with the others. For example, Braintree and Bocking Community Centre was important to resolve due to the proposals for the Braintree Town Centre redevelopment.

All of these things take time, and discussions on individual halls can take in excess of a year from start to finish.

In some cases local Councillors have not wanted to be involved – in others such as the Glebe Hall the local Councillor(s) have been involved and this has helped to achieve a successful conclusion. Every hall is different – we cannot use a standard template. What has happened in all cases is that first of all user groups were asked if they were interested, and if so they were they were given information, they then asked questions. In most cases the particular groups did not want to undertake the management arrangements so then we organised a public meeting. That is where we now are with Silver End which is the last piece of the jigsaw.

The whole process has been a learning curve – every hall has been different.

As regards Silver End Village Hall, I would comment that we were never deliberately misleading and we wanted the Parish Council to take it over.

Finance does not come under my portfolio and it was not in my gift to advise Finance on how they should present the figures.

However, there is a lesson to be learnt as regards the way in which the figures are presented.

I would also add that the review of the community hall hire rates was not initiated as part of my portfolio, but originally carried out by the Council's Fees and Charges Task and Finish Group that looked at all the Council's fees and charges across the board.

There were four meetings between 6/7/09 and 15/2/10 all of which were attended by either Cllr. Abbott or Cllr. Hughes where fees and charges were discussed, and they could have raised at that point the special peculiarities of Silver End Village Hall.

Answer by Cllr. C. Siddall

I would like to support what Cllr. Schmitt has said particularly as regards the unique nature of all of these halls – there is no one size that fits all. We have had to take each hall on its own merits. Silver End Village Hall is a particularly complicated scenario, because we have a number of lessees which further compounds the situation.

As regards things that could have been handled differently, I feel the Council was over-optimistic in the timeframe it required in order to work through the different halls. We have been working on one hall at a time and giving it our priority, and then moving on to the next one. Quite rightly some of the halls have closed or are in the process of being closed.

Cllr. Schmitt would not be carrying out her duties if she was not saving tax payers money where a hall is unused. She was quite right to state that halls that are not used and have a deficit should be considered for closure.

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Supplementary Questions to Cllrs. Schmitt and C. Siddall by Members of the Committee

Question by Cllr. J. Gyford

In examining the chronology of events, I cannot find any formal decision of this Council to close community halls that are not transferred to third parties.

If I have missed something, I should be grateful if you would advise me which decisions I have missed?

Answer by Cllr. Mrs. W. Schmitt

I cannot particularly answer that. I know the hall in my ward was closed, but I cannot recall whether that went to Council.

We have said that we are going to close Forest Road Community Hall. Policies and situations change, but community halls are only closed as an absolute and last resort if there is no person or organisation that has come forward.

Question by Cllr. J. Gyford

The point at which closure was canvassed was in the report on the Medium Term Financial Strategy (Appendix B) which went to Cabinet on 7/12/09 as part of the initial budget making process and the proposal was to “To transfer to a third party or close all managed halls using a staged approach by 31/3/11 or at the earliest opportunity.” As far as I can track it back, that is the first point at which the Council in the shape of the Cabinet was invited formally to agree to a policy of closure. However, when that report came to Cabinet the various recommendations in the Medium Term Financial Strategy were amended on the proposal of the Leader of the Council. In respect of the proposal regarding community halls, the relevant amendment (numbered (x) in minute 86) was to delete the reference to closure so that it read: “Community Halls - to transfer to other organisations who have

expressed an interest, with discussions ongoing – to recommend approval to Council.”

When that amended recommendation went from Cabinet to full Council on 14/12/09 the decision that Council adopted contained no reference to the closure of Community Halls.

Where has this notion come from that the Council is committed to closing Community Halls if it cannot transfer its management to third parties?

Answer by Cllr. Mrs. W. Schmitt

I feel that is a matter that should be taken up with Cabinet.

Question by Cllr. M. Gage

Appendix B of the report to Cabinet on 7/12/09 also sets out a position statement in respect of each of the 8 BDC managed halls. In respect of Silver End Village Hall it is stated “Third party interest and this is being pursued. However, due to existing tenants this hall cannot be closed.”

Did everyone know at that time that because of the existing tenants the hall could not be closed?

Answer by Cllr. Mrs. W. Schmitt

No one has actually said that Silver End Village Hall would be closed.

Question by Cllr. Dr. R. Evans to Cllr. J. Abbott

Earlier, references were made to the meeting with user groups that is planned to take place in February, and there was reference by Cllr. Abbott to objections to widen the scope of the meeting. Can you recall what those objections were?

Answer by Cllr. J. Abbott

My position from the outset is that I felt the meeting should be as open a discussion as possible – more of a round table type of event. There were no problems concerning the issue of who was being invited to attend as the District Council was inviting all the relevant groups. It was the way the meeting was going to be conducted and I still have concerns that it is a bit too top down and not enough of an open discussion. I am still hearing from the Administration a generic view about halls whereas this is about Silver End Village Hall. We completely understand that the Administration has a wider remit for other halls, but we want the meeting to be entirely about Silver End Village Hall.

Question by Cllr. J. Baugh to Charmaine Dean

As regards the sum of £47,600 that was transferred to reserve (£23,800 in each of the years 08/09 and 09/10), is it not a fact that there is a standard charge that is taken by the Council in respect of management charges, caretaking charges, insurance charges over all public halls large and small. Is it not the case that if there is a standard charge on a proportionality basis then that amount is not out of proportion for Silver End Village Hall?

Answer by Charmaine Dean

Silver End Village Hall is a bit different to the others in that respect, partly because there are lease agreements with tenants where we receive an income through the rent payments. There was this anomaly as regards this particular charge, but I do not have the details in front of me.

In answer to your question regarding standard charges across the halls, they are different. For example, the rates are all different according to the size of each hall. The charges would be different for each hall, because rates, insurance premiums, utility costs etc would be different for each hall. There are no standard charges as such.

However, in terms of staffing costs and caretaking costs there would have been an apportionment made and that was how it was worked out previously.

At the time of presenting the figures to the Parish Council the apportionment costs in respect of staffing would have been greater because we had more staff in post. At this moment in time, there are fewer staff. So charges do change.

#### Comment by Cllr. P. Hughes

By way of clarification, the financial information that was presented to the Parish Council included separate items for management charges, caretaking charges, insurance charges etc. These were not part of the figure of £47,600 that was transferred to reserve.

#### Question by Cllr. M. Gage

At the meeting in February with user groups/interested organisations, are you going to ask a member of the Finance Department to attend to explain the finances. The Parish Council, for instance, will want to know the charges that the District Council puts on the account; the forecast of income and expenditure; the costs in terms of buying or leasing; the normal charges they would have to bear including who would be responsible for internal and external maintenance of the building. Any group/organisation considering whether to take over the management arrangements would want a template for sensible discussion before they made a decision?

#### Answer by Charmaine Dean

That is exactly what we provide for all of our halls and the groups that we have met. It is our intention for the financial figures to be explained, and all costs to be discussed. Explanations about discounts that Community Groups can obtain will also be explained. For example, the Council has to pay business rates, but a Community Group may be entitled to a discount. All that will be explained on the day and that is what we have done when meeting with other groups to discuss the possibility of transfer.

#### Question by Cllr. M. Dunn

Whilst I am pleased to hear of the arrangements for explaining the finances in an understandable manner at the February meeting, it does not appear that when the Halls Manager first met the Parish Council that the Parish Council received a clear understanding of all the finances or received all the pertinent information.

Would you please comment?

#### Reply by Charmaine Dean

I said in my written submission that with the benefit of hindsight, that was an area that could have been dealt with in a better way.

My Halls Manager at the time was asked to present some figures with regard to the Silver End Village Hall. Those figures were provided by Accountancy and we have already made reference to the fact that it would have been preferable, in hindsight, if an Accountant had been asked to attend the meeting to answer any queries and provide any clarification as necessary.

#### Question by Cllr. M. Dunn

In respect of Cllr. Abbott's evidence, he had what I thought was quite a strong point when he talked about the presentation of the petition at the full Council meeting on 27/9/10. What is the position when a petition has been presented to full Council, and what is supposed to happen?

#### Reply by Steve Bore, Scrutiny Manager

Since the original petition was considered by full Council on 27/9/10, the Petitions Procedure has been revised. It was considered by the Local Government Reform Group on 4/11/10, Cabinet on 22/11/10 and a revised procedure approved at full Council on 6/12/10.

A single petition containing 1000 signatures or more will trigger a debate at full Council (unless it is a petition asking for a senior council employee to give evidence at a public meeting in which case the issue raised in the petition will be discussed at a meeting which all councillors can attend).

The petition organiser will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 30 minutes.

At the end of the debate, the Chairman of the Council will ask the petition organiser if they would like to make a closing statement.

In responding to the petition, Members will have the following options available to them:-

- (1) To move a motion that no further action is required;
- (2) To move a motion that the petition be referred to Cabinet or appropriate committee; or
- (3) to move a motion that some other action be taken in response to the petition.

In seeking a motion, the Chairman of the Council will invite the Cabinet Member to move one of the above motions. The motion once seconded will then be put to the vote unless a Member of full Council moves an amendment. If there is no majority vote in favour of the motion, then a Member of full Council can move one of the other motions stated above.

#### Question by Cllr. Dr. R. Evans

Will a response be given to the e-mail dated 25/1/11 from Ms. J. Stubbs, Secretary of Crittall's Social Club which has been circulated round the table?

#### Response by Steve Bore

It was understood that a representative of the Crittall's Social Club had been invited to the February meeting, but Ms. Stubbs would also be sent a copy of the minutes of tonight's meeting as she had requested.

Question by Cllr. J. Baugh

Does the Council's Petitions Procedure follow the draft government guidance?

Response by Steve Bore

The statutory guidance was withdrawn by the Government in September to give local authorities greater freedom to consider their approach to dealing with petitions, but the procedure now adopted reflects the broad parameters of the guidance.

Question by Cllr. R. Ramage to Cllr. Mrs. W. Schmitt

In relation to Question 4 of the question plan, do you feel things could have been handled differently in connection with the point that Cllr. Abbott refers to in his evidence on page 10 of the Information Pack where he indicates that "No discussions had apparently taken place with hall users (and certainly not with ourselves as Ward Members) regarding the new fees regime."?

Response by Cllr. Mrs. W. Schmitt

I refer to my previous comments regarding the Fees and Charges Working Group which reviewed all the Council's fees and charges across the board. As Portfolio Holder, I would not have had any direct input into the review of the Community Hall fees. Given the huge number of separate fees and charges, I do not consider it would have been practical in any event for the Council to have carried out individual consultations with individual users and Ward Members.

Question by Cllr. R. Ramage

As far as the Silver End Village Hall is concerned, could someone explain to me how it is made up and what organisations are involved?

Response by Cllr. Mrs. W. Schmitt

Cllr. Abbott in his evidence (page 13 of the Information Pack) has listed all of the organisations involved including the lessees.

The tenants with leases include the Post Office sorting room; the Crittall's Social Club; the Children's Centre.

In respect of Community Halls where the Council has transferred management arrangements to third parties, the Council retains responsibility for the external fabric of the building.

Response by Cllr. C. Siddall

Silver End Village Hall is a very complex building. It is a large building with an upstairs occupied by two tenants. The complexity of the building will be part of the discussion that

we will be having on 10/2/11.

Question by Cllr. R. Ramage

Is there a time limit by which the future management arrangements for Silver End Village Hall need to be determined?

Response by Charmaine Dean

No. It takes as long as it takes. We want to ensure that it is done properly, and that at the point of transfer we have a sustainable position.

Response by Cllr. Mrs. W. Schmitt

As we are working in most cases with volunteers, we proceed at a pace at which those persons feel comfortable. Trying to rush the process would defeat the whole object.

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Question 5 from the Question Plan for all witnesses

Whilst it is appreciated there is undoubtedly a great deal of work ahead and that a meeting between BDC and interested parties has been arranged for 10/2/11, are you optimistic that the way is now clear for securing the future management arrangements for the hall?

Answer by Cllr. P. Hughes

No, because the District Council is still denying that a threat to close the Village Hall ever existed and that is clearly not the feeling of the Parish Council, or of Crittall Social Club who have stated in the e-mail circulated round the table tonight that they were advised by a member of BDC staff that the Village Hall would be closing if an organisation did not take over the running. I am not optimistic unless the District Council accepts that a threat to close the Village Hall existed, and that it works to relieve that position.

Answer by Cllr. J. Abbott

I am less optimistic than I was earlier, because I thought then we were making progress. Listening to Cllr. Schmitt answers I felt we are going backwards where she denied saying something that she clearly did say. The item to Cabinet on 13/9/10 came as a result of a recommendation from Witham Local Committee specifically about Silver End Village Hall. It was spoken to by Cllr. Foster. The press representatives reported what Cllr. Schmitt has said with reference to Silver End Village Hall and yet she has tonight said that she did not say it or that we misinterpreted it. Until this issue is definitively cleared up (and we have never believed that there was a policy basis for closing halls) then I am afraid this is going to continue rearing its ugly head.

Answer by Cllr. C. Siddall

I am very optimistic. We have a number of people/groups that we are talking to. We want to see the Village Hall stay as a benefit to the community and I hope that the Local Members can support us in doing that.

Answer by Cllr. Mrs. W. Schmitt

I am optimistic. After the press article, I was invited to do a broadcast on Radio Essex. The Chairman of one of the user groups – the Friendship Club – was also interviewed and asked by the interviewer whether, based on what I had said, he would be prepared to become a member of a Community Trust and he answered 'Yes'.

Answer by Charmaine Dean

I am always optimistic. Certainly from my experience from being involved in the transfer of other halls within the District, there have been times when we thought that we would never find any community groups willing to take on the management responsibilities, but ultimately there has been a successful outcome after working with local groups and local councillors.

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Following discussion, the Committee decided as follows:-

**DECISION**

(1) The Cabinet's attention be drawn to the learning points highlighted by Charmaine Dean in her written submission as a useful guide for similar situations in the future, as follows:-

- Greater involvement of Local Councillors;
- Head of Service to be involved at an early stage;
- Greater financial involvement and being clearer on the interpretation of the financial information;
- Being clearer on the definition of the hall i.e. whole or part building.

(2) That the Cabinet be advised that it would be useful to have clarification of the Council's policy on closure of community halls (with particular, but not exclusive reference to Silver End Village Hall) since no formal decision appears to have been recorded in the minutes of the Council's proceedings.

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At the conclusion of the hearing, the Chairman thanked the witnesses for their written responses, and for attending tonight's hearing and providing answers to the Committee's questions.

In respect of the handling of the future of Silver End Village Hall issue, the Chairman felt that there were things that could have been handled differently from all sides, but it was important that the Council learns from this experience.

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The meeting closed at 9.18pm.

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M. Gage  
Chairman