

## SOCIAL AND COMMUNITY OVERVIEW AND SCRUTINY COMMITTEE

CALL-IN MEETING 23<sup>RD</sup> DECEMBER 2008

### MINUTES

(17.00 – 20.35)

**PRESENT** Councillor Duncan Smith (in the Chair), Councillors David Hall and Chris Ryder.  
Substitutes: Councillors Bernard Fisher, Lloyd Surgenor, Anne Regan and Pat Thornton  
Hazel Kitchin and Karl Hemming

**ALSO IN ATTENDANCE** Cabinet Member Sport and Safety (Councillor McKinlay)

1. **APOLOGIES** Councillors Lydia Bishop, Martin Dunne, Les Godwin, Wendy Flynn, Tina Franklin, Les Godwin, Sandra Holliday, Paul McLain.  
Jackie Sallis

2. **DECLARATIONS OF INTEREST**

Councillor McKinlay declared a personal and prejudicial interest as the Cabinet Member responsible for this portfolio.

3. **PUBLIC QUESTIONS AND PETITIONS**

None received.

4. **'CALL-IN OF CABINET DECISION 42/2008 REGARDING CHELTENHAM INDOOR CRICKET CENTRE/GYMNASTICS FACILITY FEASIBILITY STUDY (Agenda item 4)**

The Chairman referred to the call-in request form which had been circulated at the start of the meeting and explained that he had called-in the Cabinet decision on the following grounds:-

(c) decisions should be taken following due consultation and on the taking of professional advice from officers -

(h) inadequate explanation of the options considered and the reasons for the decision

The Chairman indicated that there had been no consultation undertaken with Councillors and in particular the Social and Community Overview and Scrutiny Committee when it had previously expressed an interest in this area of work. The Cabinet decision that had been taken was against the evidence of the consultation exercise and provided no clarity about the future of gymnastics in Cheltenham?

Councillor Surgenor pointed out that the provision of a gymnastics centre in Cheltenham was not included in the Council's Business Plan. In response the Chairman indicated that the call-in framework allowed the Committee to decide whether the decision taken by Cabinet was right and appropriate and in the best interests of the people of Cheltenham.

The Chairman explained that he also proposed to deal with the referral from Cabinet on a different issue relating to the same report as part of the meeting. He indicated that he had invited the Cabinet Member Built Environment to expand on his concerns outlined in

the draft minutes of the Cabinet meeting for the benefit of the Committee but in his absence he invited the Cabinet Member Sport and Safety to comment.

The Cabinet Member Sport and Safety indicated that the minute was fairly explicit but reiterated that the Cabinet's concerns were around the disparity between the estimated replacement cost of the cricket hall and the amount actually allocated by the council's insurers and whether there were lessons to be learnt for future.

The Chairman explained that as part of the call-in process the Committee would get the opportunity to question the following witnesses which had been called:- PMP Consultants, Cabinet Member Sport and Safety, David Powell (Rowan Gymnastics Club), Peter Trotman (representing Martin Collett, Cheltenham School of Gymnastics) Dave Courtney (ex-Chairman Cheltenham Cricket Association) and the Assistant Director Wellbeing and Culture would also be invited to comment. The Chairman explained that having considered the decision the Committee could decide to do nothing or if it was minded to make any comments, it must refer them either back to Cabinet or to Full Council within 15 working days.

The Chairman invited Mr Robin Thompson of PMP Consultants to provide an overview of the feasibility study that had been undertaken for the benefit of the Committee.

Mr Thompson provided the following responses to Members' questions and comments:-

- The consultation exercise had been discussed with the AD Wellbeing and Culture and a list of National, Regional and local consultees were agreed as set out in Appendix B of his report. Interviews had been undertaken face to face and by telephone. He confirmed that despite several attempts to contact her he had not received any comment from Christine O'Hagan, South West Regional Development Officer, British Gymnastics. Councillor Regan commented that she had spoken with Christine O'Hagan that day and she had been fully supportive of Cheltenham's efforts to support young people.
- No discussions had taken place with the council's planning department with regard to 'the potential additional planning issues' referred to in option E to extend the current building to accommodate a gymnastics facility.
- From the consultation undertaken there was clearly a demand identified for a gymnastics facility, however there were issues about how this could be realistically funded and delivered.
- Assumptions had been made at the start of the process that the building was structurally unsound and therefore total re-build was required. The feasibility study had proceeded on this basis. The ultimate insurance allocation had been £125k based on the fact that it could in fact be re-instated, hence the financial discrepancy with no obvious external additional funding available.
- Gymnastics was not mentioned specifically in the summary of key points arising from the discussion with the AD Wellbeing and Culture as part of the consultation exercise but the provision of a gymnastics facility did form part of the original brief for the feasibility study.
- He was not aware whether the gymnastics facility in Coleford was administered by a trust or the council. He indicated that most gymnastic facilities operated at a deficit which in some circumstances could be absorbed in larger multi-sports centre but not in smaller gymnastics clubs. There were certain tax benefits to be gained on running costs by setting up trust status including VAT savings on income and discretionary rate relief on business rates but this had to be offset against additional infrastructure costs eg employing senior staff to run the business. However, the bigger issue for Cheltenham was funding the capital cost of a dual facility.

- From a purely sporting point of view, replacing the cricket centre like for like was the least favourite option, however he recognised that there was no additional funding available to the council and it had to decide the priorities for the town. In the short term the cricket centre needed to be re-instated as quickly as possible and the only viable option available was A. In the longer term the council could consider some of the other options if funding became available.
- It was not part of the brief to start any fundraising just to undertake the feasibility study.
- No consultation had been undertaken with the University or Councillors.
- There were a number of grant funding streams currently available within the industry, particularly for new build projects. However, competition was high and applications were more likely to be successful if match funding was available. When pressed, Mr Thompson estimated that the council was unlikely to attract capital funding of more than 25% of the total cost of any facility and would probably need to be thinking of a five-year time horizon for bidding.
- The costs outlined for re-provision of the existing indoor cricket centre in the current location were on a like for like basis and did not include potential additional costs relating to improved flood defence works and improved DDA access.

The Cabinet Member Sport and Safety provided the following responses to Members' Questions and comments:-

- The Cabinet had taken the decision to approve option A because it was the only option that was achievable at the present time. However this did not preclude more elaborate plans in the future.
- Having a gymnastics facility in Cheltenham was a useful aspiration and the development brief for the Midwinter Area Improvement project still provided scope for this to happen in the future. However in view of the current economic climate progress on any significant new projects was not favourable.
- The consultation exercise undertaken by PMP had been agreed by the previous administration when it was commissioned in April 2008 and the brief had been approved in January 2008 with no consultation with the Social and Community Overview and Scrutiny Committee at that time. In line with standard practice the final report had not been submitted to Overview and Scrutiny Committee prior to Cabinet consideration.
- When he had taken over the portfolio in May 2008, he had welcomed the re-instatement of Leisure@ outlined in the Cabinet report of October 2007. However, whilst he had had some reservations about delaying a decision with regard to the cricket centre he could see no advantage in disrupting the direction of travel. The report of the consultants had provided a range of options and some very useful information which could be used in the future, if necessary. However, based on the current economic climate it was important to get the indoor cricket centre up and running again as soon as possible.
- In the current economic climate the Cabinet's priority was to ensure that Leisure@ was up and running and to make sure the council was making best use of other existing facilities within its property portfolio.
- The Cabinet Member confirmed that based on the feasibility study no further investigations had been undertaken with regard to trust status. At the meeting on 18<sup>th</sup> November the Cabinet had considered the options outlined and gone with the only one that was deliverable.
- Officers and the council's insurers were satisfied that the temporary flood barriers would prevent future flooding of the site until such time as a permanent solution was in place.
- No specific discussions had taken place with the University with regard to using their existing facilities.

- The Cabinet had not considered using the Borough Improvement Reserve to provide the capital funding necessary for a new joint facility. The interest on capital investments had been used to minimise the proposed council tax increase for 2009/10. In view of the current economic climate it would be irresponsible for the council to commit to a project which would add further strain to the medium term budget strategy but if circumstances changed then a dual new facility may be possible in the future.

Dave Courtney (ex-Chairman Cheltenham Cricket Association) explained that having been closed since June 2007, it was imperative that the cricket centre was re-instated as quickly as possible to retain the large local demand and be completed in time for the 6 a-side competition which ran from September to April. He indicated that he had no issue with the proposal of a dual facility but the crux of the matter was the amount of funding currently available. Other avenues could be explored in future with regard to a dual facility or separate gymnastics facility. In his experience funding applications, if successful could take up to 3 years to realise and the cricket fraternity in Cheltenham was not in a position to wait that long.

Dave Courtney provided the following responses to Members' questions and comments:-

- The indoor cricket centre provided income to the council as it was used extensively by Gloucestershire County Cricket Club and annually by 8-10 local clubs for pre-season training.
- The use of the cricket hall was approximately 60% cricket and 40% as an overspill facility for Leisure@ activities. As far as he was aware the use for cricket took priority.
- Having to use the changing and other facilities in the Leisure@ building was not ideal but they had been used in this way over the past 20 years and could be used again.
- The cricket centre had also suffered with flash flooding prior to the Gloucestershire floods as there was a lack of natural drainage in that area.

David Powell (Rowan Gymnastics Club) and Peter Trotman (representing Martin Collett, Cheltenham School of Gymnastics) provided some background information regarding gymnastics as follows:-

- There is strong demand for a gymnastics dedicated facility in Cheltenham as there are 6-7 clubs in the area some with membership over 50 and waiting lists.
- There has been no purpose built gymnastic facility in Cheltenham since the closure of the gym centre in November 2000 which operated from the council owned Montpellier Pavilion.
- Gymnastic clubs currently have to use what space is available, typical venues hired by gymnastic clubs include Bourneside School, YMCA, Oasis Centre and GL1. Most of the hire charges were subsidised otherwise the club would not be commercially viable.

The following responses were provided to Members' questions and comments:-

- Gymnastics is not an exclusive activity, rates are very competitive and can be accessed by anyone.
- It was confirmed that the large gymnastics facility in the Forest of Dean which is fully equipped is run by a charitable trust

The Chairman invited the Assistant Director Wellbeing and Culture to make comments and answer questions. The Head of Legal Services pointed out that in accordance with the Constitution, 5 days written notice of questions had to be given so if the Assistant

Director Wellbeing and Culture was not comfortable with questioning, she was not obliged to provide a response.

The Assistant Director Wellbeing and Culture provided the following responses to Members' questions:-

- the initial view had been that the cricket hall was condemned to the point of rebuild with an estimated replacement cost of £1.2m. However following a subsequent structural survey, the premises were found to be structurally sound and could be re-instated, therefore the council's insurers estimated the value of works to be £125k if the works could be accommodated within the main leisure@ re-instatement contract.
- In September 2008, the English Cricket Board had shown an interest in providing capital funding for a newly built facility but were unable to make a definite commitment until March 2009. In view of the change in the funding situation the only achievable option was A.
- An assumption had been made over the extent of the damage to the cricket hall which transpired to be over pessimistic but the council was dealing with exceptional circumstances at the time. It had taken months to even get into the site following the floods in July 2007. Getting Leisure@ back up and running was the obvious priority and a massive project which could not have been planned for and was not in any business plan or workstream.
- The re-instatement of the indoor cricket centre will be on a like for like basis, plans for the installation of a lift into the facility in future were on-going.
- The Assistant Director Wellbeing and Culture had no technical detail regarding the proposed bunds but had been given assurances that they would meet the requirements of the Environment Agency.
- There was currently no capacity within her division to further explore alternative funding providers or to investigate trust status. However, there was some unspent money from the allocation of funding for the feasibility study which could be used for such a piece of work if agreed.

Councillor Ryder asked how much the consultancy fees had been. In response the Head of Legal Services indicated that this information was confidential and disclosure would need to take place under exempt business. Councillor Ryder agreed to receive this information outside of the meeting.

The Chairman thanked the Assistant Director Wellbeing and Culture for her contribution to the discussion and suggested a short adjournment of five minutes.

The Committee reconvened at 8.00 pm and the Chairman summarised the key issues arising from the debate as follows:-

- The indoor cricket centre needed to be re-instated with immediate effect, delaying the re-opening any further could potentially cause damage to cricket in Cheltenham in the short/medium term. However the council needed to be certain that adequate drainage and flood protection was in place to prevent history repeating itself. The re-instated building should also be fully accessible to people with disabilities.
- There was a strong aspiration for a gymnastics facility / dual facility (gymnastics and cricket) in Cheltenham and the council needed to demonstrate its commitment to the realisation of this aspiration by including it in the Business Plan and setting a timeframe. The balance of the unspent funding for the feasibility study should be used to identify all options for future funding a dual facility. Council should also consider ring fencing the Borough Improvement Reserve of £1.7m for capital funding the future development of the facility to encourage potential match funding.

- No consultation had taken place with the Social and Community Overview and Scrutiny Committee. A cross party working group had been set up by the Committee in June 2008 to assist the Cabinet in this work and gain political agreement but it had not been approached.

The Deputy Chief Executive pointed out that the Cabinet would need to approve the use of the unspent funding for the feasibility study as it was not in the remit of the Committee to make this decision. He suggested that whilst the Committee could make a recommendation to Council about ring fencing the Borough Improvement Reserve, it also had the opportunity to lobby the Cabinet Member Finance and Culture at the next meeting on 14<sup>th</sup> January 2009 during consultation of the Cabinet's interim budget proposals.

The Head of Legal Services referred to the Cabinet's invitation to the Committee to look into the process leading up to the decision being made in order to learn lessons for the future. The Committee agreed that every best effort had been made at an extremely difficult time and declined the invitation to look into the issue any further. The Chairman thanked the Assistant Director Wellbeing and Culture and her team for their hard work and commitment during this time.

RESOLVED that the Committee:-

- i) Agrees in principle to the re-instatement of the indoor cricket centre (Option A of the feasibility report but recommends to Cabinet at its meeting on 20<sup>th</sup> January 2009 that further technical advice is sought from officers regarding the adequacy of the current drainage system before any work is commissioned and that the re-instated building is fully accessible to people with disabilities.
- ii) Recommends to Cabinet that the unspent money from the allocation of funding for the feasibility study be used to commission specialist advice to investigate potential external funding options (including Trust status) for a new dual facility (cricket/gymnasium) in the future. The Social and Community Overview and Scrutiny Committee working group indicated that they would be willing to assist the Cabinet in this piece work.
- iii) Recommends to Council that the council's aspirations for a new dual facility (cricket/gymnastics) is included in the Business Plan
- iv) Recommends to Council that the Borough Improvement Reserve of £1.7m be ringfenced for capital funding the future development of the above dual facility.

Councillor Surgenor requested that it be recorded that he and Councillor Fisher voted against the resolution.

The Chairman agreed to write a report for Cabinet on 20<sup>th</sup> January 2009 to be accompanied by the minutes of the meeting. Councillor Surgenor indicated that he would be submitting a minority report to the same meeting.

5. DATE OF NEXT MEETING  
Wednesday 14<sup>th</sup> January 2009 at Fullwood House University of Gloucestershire, Park Campus, Cheltenham.

Councillor D Smith  
Chair