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Resources and Services Overview and
Scrutiny Committee

13 December 2021

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 13TH DECEMBER, 2021 AT 7.30 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Allen, Barry, Codling, Fowler, Griffiths and Harris
Also Present:	Councillors G Guglielmi (Deputy Leader), Porter (Portfolio Holder for Leisure and Tourism) and Steady
In Attendance:	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Lee Heley (Interim Corporate Director (Projects Delivery)), Michael Carran (Assistant Director (Economic Growth & Leisure)), Keith Simmons (Head of Democratic Services and Elections) and Keith Durran (Committee Services Officer) and Matt Cattermole (Communications Officer)

37. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received on behalf of Councillor Land (no substitution) and Councillor Morrison (with Councillor Fowler substituting).

38. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the meeting of the Committee held on Monday 1 November 2021 be approved as a correct record.

39. DECLARATIONS OF INTEREST

There were no declarations of interest by Councillors in relation to any on the agenda for this meeting.

40. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question.

41. SCRUTINY OF PROPOSED DECISIONS

Pursuant to the provisions of Overview and Scrutiny Procedure Rule 13, the Committee reviewed any new and/or amended published forthcoming decisions relevant to its terms of reference with a view to deciding whether it wished to look into any such decision before it was taken. The relevant forthcoming decisions were before the Committee.

The Committee **NOTED** the contents of the report including the reference to forthcoming decisions of Cabinet on the Housing Revenue Account Estimates 2022/23, the updated General Fund Financial Forecast and Initial Budget Proposals 2022/23 that would form part of this Committee's enquiry into the budget to take place on 12 January 2022.

42. RECOMMENDATIONS MONITORING REPORT

The Committee before it the current Recommendations Monitoring Report which set out those items which had previously made recommendations to the Cabinet/ Portfolio Holder and the approved response to the recommendations and any subsequent action for the Committee to consider.

The Committee **NOTED** the contents of the report including the follow-up actions as proposed by the Chairman of the Committee and on which there had been no contrary proposals submitted by Members of the Committee during prior consultation with them.

43. REVIEW OF THE WORK PROGRAMME

The work programme of the Committee was submitted to it in order to enable the Committee to review that programme.

The Committee **NOTED** the contents of the report including the intention to hold an informal meeting on 5 January 2022 (commencing at 9.30am) followed by a formal meeting of the Committee on 12 January 2022 (again commencing at 9.30am) in order to undertake an enquiry into the General Fund and Housing Revenue Account for the Council for 2022/23.

[Note: The enquiry referred to in this Minute shall also include consideration of the Council's Treasury Strategy and the Quarter Two financial forecasts for 2021/22.]

44. REPORT OF THE LEADER OF THE COUNCIL. - A.4 - KEY PRIORITY ACTIONS 2021/22 TOWARDS CORPORATE PLAN THEMES - MONITORING REPORT AT THE HALF YEAR POINT

The Committee had before it the report submitted to Cabinet on 8 October 2021 (Minute 57 refers) concerning progress with the highlight priority actions for 2021/22 adopted by Cabinet on 19 March 2021. The report set out the six month position for each of those highlight priority actions and the specified milestones for each of the actions.

The Deputy Leader addressed the Committee on the progress with the highlight priority actions for 2021/22 and emphasised the linkages of those actions back to the Council's Corporate Plan 2020-24.

The Chairman conveyed the thanks of the Committee for adopting the milestones approach for the highlight priority actions and for reporting on these in the way set out in the report. He stated that this level of openness in reporting was very much welcomed and had been something requested by the Committee in the past. It provided a balanced score card on the work of the Council.

After a brief discussion, the Committee **NOTED** the report and thanked the Deputy Leader for attending and presenting it.

45. JOINT USE FACILITIES OPTIONS REPORT

Prior to the day of the meeting a site visit to the Brightlingsea and Harwich joint use sports facilities for Members of the Committee had been arranged. The site visits had taken place on 6 December 2020 and the Assistant Director (Leisure and Sport) had

escorted Members and support officers around the two facilities. A note of the site visits was circulated at the meeting.

The Committee received advice from the Monitoring Officer in relation to the Overview and Scrutiny Procedure Rule 18 – that set out the exceptions to Call-in. The rules were set out in the Constitution, Part 5.31 (Cream) Rule 18 (ii)(d) which stated that “*Unless the decision has taken into account new material considerations arising since the original consultation with the Council or an Overview and Scrutiny Committee a decision by the Cabinet in response to such consultation shall not be subject to call-in.*”

In view of the fact that the Committee was considering the report that was also on the Cabinet’s agenda for its meeting on Friday, 17 December 2021 (in respect of the future of joint use sports facilities) any resultant decision of Cabinet at that meeting would be unlikely to be subject to ‘call-in’ as other decisions were. The Committee was urged to make the most of the debate on the joint use sports facilities and to consider the options within the Report to Cabinet. If the Committee did not agree with the proposed approach, as recommended within the report to Cabinet, it was its opportunity to give recommendations to Cabinet for it to consider.

The report submitted to the Committee outlined the Community use agreements with the Sigma Trust for the Joint Use Sports Facilities at Brightlingsea and Harwich Sports Centres. The term of the agreements was until 31 December 2021. This paper set out options for consideration by Cabinet and a recommendation on how to proceed.

The Committee heard that over a period of 30 years and 15 years respectively, the Council had managed community use arrangements at Brightlingsea and Harwich Sports Centres on the basis of the allocated element of the relevant school buildings. Agreements with the respective schools had enabled the Council to open facilities to the public on those non-Council owned sites after curriculum hours and, in some cases, for daytime use also. The schools were Colne Community School & College in Brightlingsea and the Harwich & Dovercourt High School in Harwich.

Members also heard that in August 2021, the Council in conjunction with the Sigma Trust decided to extend the agreements for five months, from their original expiry date of 31 July 2021, until 31 December 2021. That was to ensure all appropriate residents and stakeholders were consulted and an evaluation could be undertaken for a considered decision by Cabinet on the Council’s future involvement.

It was reported to the Committee that the combined subsidy for managing community use facilities on the school sites was £146,969 and, prior to the Covid-19 pandemic, combined attendances decreased year on year from 68,832 to 61,864 (between 2017 and 2019). In order to address that decline, a significant investment programme was considered necessary.

The report outlined that the Council’s own facilities at Dovercourt and Walton had been subject to investment over recent years and a refurbishment was close to completion at Clacton Leisure Centre. The Joint Use Facilities also required investment and Cabinet would need to consider the viability of investing in facilities which the Council did not own. That should also be considered in the context of longer term investment requirements for the three facilities under the Council’s ownership at Clacton Leisure Centre, Dovercourt Bay Lifestyles and Walton on the Naze Lifestyles.

The Committee heard that in order to establish local views on current and future community use of those facilities prior to a Cabinet decision, a six week consultation exercise had been carried out. The consultation focussed on those facilities incorporated into the Joint Use Agreements. During the consultation Brightlingsea and Harwich Town Councils had been approached to establish opinions and whether they would consider future involvement in the operation of Brightlingsea and Harwich Sports Centres respectively. Officers could facilitate further discussions with the respective Town Councils and the Sigma Trust, to establish if there was appetite for involvement in opening the facilities for community use. That would also apply to any health partners, who may have considered opening up a dialogue.

The Schools which host the Joint Use Sports Facilities at Brightlingsea and Harwich Town Councils were operated by the Sigma Trust, who also retained responsibility for Clacton County High School. BSC had been under the Trust's management since 1 January 2019 and Harwich Sports Centres from 1 June 2017. Discussions with the Sigma Trust had also taken place during the consultation period.

The Committee heard how a Sports Facilities Strategy was due to be brought forward for consideration by Cabinet in 2020, but it had been postponed due to the Covid-19 pandemic. As there was significant turbulence in the leisure sector and wider economy, largely instigated by two national lockdowns, it was not considered appropriate to adopt a strategy at that time. Proposals are in place to develop the sports facilities strategy by March 2022. The aim in taking decisions on the future of the joint-use agreement was to sustain the greatest use of facilities for sport and leisure, while reducing significant pressure on the council's overall financial position. In addition, it would look at meeting the Council's strategic ambitions for sport and leisure in improving local activity levels and opportunities for improving health outcomes.

The Committee was advised that the current Joint Use Facilities Agreements would end on 31 December 2021, the Council was not seeking to extend the Agreements and any community use of the facilities at the two schools concerned would be determined by the Sigma Trust. The Portfolio Holder indicated that this did not mean the two centres would close and that the ending of the agreements was entirely amicable between the Council and the Sigma Trust. He also pointed to the separate agreement between the Council and the Sigma Trust in respect of artificial pitch use at the Vista Road Recreation Ground in Clacton (adjacent to Clacton Leisure Centre).

In response to a question, the Committee was advised by the Assistant Director (Economic Growth & Leisure) that an invitation to a representative of the Sigma Trust had not been made to attend the meeting in response to the request for such an invitation to be made by a Member of the Committee.

With permission from the Chairman, Councillor Steady read a statement in relation to the item.

After an in-depth discussion it was **RECOMMENDED** to Cabinet that:

- a) the proposal to cabinet in the report to it on the joint use sports facilities at Brightlingsea and Harwich is placed on hold (and appropriate steps taken to facilitate this status quo continuing), to allow the proposal to be considered:

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- (i) within the context of the councils emerging Sports Facility Strategy (due to be published in March 2022); and
 - (ii) in conjunction with the future intentions of the Sigma Trust (which are, as yet, unknown).
- b) It adopts the above as it will allow an all encompassing scrutiny of the future provision of Council sports facility provision and, as the Joint Use Facilities Budget is not to be immediately reallocated, there is no immediate need for this decision to be implemented.

[Note: In respect of appropriate steps in the above recommendation it was agreed that this shall include approaching the Sigma Trust on the issue, discussing the proposal and agreeing the extension of the agreement should the Sigma Trust agree to this.]

The Committee also **RESOLVED** to:

- (a) authorise the Chairman to discuss with the Portfolio Holder for Leisure and Tourism the possibility of establishing a group of Members to consider the emerging Sports Facilities Strategy (including the provision for sports in Brightlingsea and Harwich).
- (b) note that the following were adopted statements by this Council in respect of sports and leisure provision:

Page 108 of Section 2 of Tendring District Local Plan 2013-2023 and beyond –in respect of provision for Healthy Places.

“Indoor sports facilities including sports halls, health and fitness facilities and swimming pools are classed as ‘Community Facilities’ and are protected through Policy HP2. The Council will work with partners to improve the provision of indoor sports facilities in the District and will support proposals for new facilities subject to meeting the requirements of other policies in this Local Plan and may consider the use of all delivery mechanisms including Community Infrastructure Levy to help deliver new and improved existing Indoor sports facilities to meet the needs of a growing population”.

Page 30 of the Playing Pitch Strategy and Action Plan for Tendring District Council and its partners (June 2017)

“Recommendation c – Maximise community use of education sites where there is a need to do so given the mix of provider in Tendring, there is a need for the Council and NGBs to work with other partners, for example, town and parish councils to help maximise use of outdoor sports facilities and in particular grass pitches and AGPs”.

The meeting was declared closed at 10.01 pm

Chairman

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