

Minutes



To: All Members of the Overview & Scrutiny Committee, Chief Executive, Chief Officers, All officers named for 'actions'

From: Legal, Democratic & Statutory Services
Ask for: Michelle Diprose
Ext: 25566

SPECIAL MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE WEDNESDAY, 29 NOVEMBER 2017

ATTENDANCE

MEMBERS OF THE COMMITTEE

D Andrews (Chairman), J Bennett Lovell (Vice –Chairman), F Button, K M Hastrick (Vice-Chairman), D J Hewitt (Substitute for H K Crofton), J R Jones (Substitute for R C Deering), J S Kaye, M D M Muir (Substitute for T Howard), N A Quinton, I M Reay

OTHER MEMBERS IN ATTENDANCE

J Billing, B Gibson, S B A F H Giles-Medhurst, T Heritage, S Jarvis, R Parker, J D Williams

*PARENT GOVERNOR / CHURCH REPRESENTATIVES (VOTING)

*J Cameron, *J Sloan

**denotes members appointed for education scrutiny matters only*

Upon consideration of the agenda for the Overview & Scrutiny Committee meeting on Wednesday, 29 November 2017 as circulated, copy annexed, conclusions were reached and are recorded below.

Note: No conflicts of interest were declared by any member of the Committee in relation to the matters on which conclusions were reached at this meeting.

PART I ('OPEN') BUSINESS

ACTION

1. MINUTES [SC.8]

The Minutes of the meeting of the Committee held on Wednesday, 15 November 2017 will be confirmed at the OSC meeting on 19 December 2017

**2. THE CALL-IN OF CABINET DECISION
(FORWARD PLAN REF: A055/17) “TO CONSIDER THE FUTURE
OF THE CUFFLEY CAMP OUTDOOR CENTRE”**

[Officer contact: Natalie Rotherham, Head of Scrutiny (01992 588485)]

- 2.1 The Committee received a report that invited Members to consider the decision reached by Cabinet on 13 November 2017 in respect of the Cuffley Camp Outdoor Centre.
- 2.2 The Committee received background information in relation to the proposals for the future of the Cuffley Camp Outdoor Centre and noted it was considered by the Children’s Services Cabinet Panel on 2 November 2017 and by the Resources, Property and the Economy Cabinet Panel on 9 November 2017. They noted a petition, entitled ‘Stop the closure of Cuffley Camp Outdoor Centre’ which contained 8839 signatures was received and was presented to the Resources, Property & the Economy Cabinet Panel. The reports to the Cabinet Panels can be viewed here [Report to Children's Services Cabinet Panel](#) and [Report to Resources, Property & The Economy Cabinet Panel](#). The petition can be viewed [here](#).
- 2.3 It was noted that on the 15 November 2017, in accordance with Standing Order SC8 of Annex 9 of the Council’s Constitution, the Chief Legal Officer received a Call In Notification from five Members of the Liberal Democrat Group that cited the Call In for the reasons below:
1. Failure to by Cabinet to adequately consider the year by year usage and financial deficits data to enable full and proper consideration of the impact.
 2. Failure by Cabinet to consider how the current running deficit — which was £31,467 in 2016-17 could be addressed in future years to ensure a break even position.
 3. Failure to provide to the Cabinet the full details of the availability on a month by month basis of alternative outdoor centres and their availability to meet the expected needs of Cuffley Camp users which in 2016/17 numbered 8203.
 4. Failure to provide any explanations as to why the lease and the covenanted investment amounts totalling just short of £300,000 had not been made to GHG (Gascoyne Holdings Ltd) despite this being known to certain members and officers by early 2016.
 5. Failure to consider the effect on the 5 permanent staff members on the termination of the lease and the effect on

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their "required to reside" status meaning that premises occupied by them would have to be vacated on termination.

6. Cabinet incorrectly placed an emphasis on the statement in paragraph 4.15 that wrongly stated a "noticeable decline in bookings" when the decline is just 11% (thus not noticeable) for the period 2011 to 2017 or that the percentage of individuals attending in the first six months had increased in 2016/17 compared to both 2014 to 2016 years and 2011 to 2012 years.
7. That Cabinet did not give any due consideration to the statement "more likely to have a negative differential impact for children given that 97% of users from schools. 82% of users are from primary schools." And that Cabinet gave undue weight to the financial issues and did not adequately consider the differential impact.
8. Failure of Cabinet to consider an option to maintain the lease until the freeholders of the site had secured an alternative long-term outdoor use for young people.

2.4 S Giles-Medhurst, Leader of the Liberal Democrat Group made a statement in support of the Call In reasons cited above and stating insufficient information was given to Cabinet for it to make the decision to withdraw funding from Cuffley Camp Outdoor Centre. He raised concern that in 2011 officers were aware of the dilapidations at the centre and non-conformance with the lease by the County Council to improve the premises and questioned why it had not been reported to Members sooner.

2.5 It was noted that opposition Members had requested, at the Children's Services and the Resources, Property and The Economy Cabinet Panels, specific information regarding the impact on the 5 permanent staff members if the termination of the lease on Cuffley Camp went ahead. It was maintained that this information had not been received and was not reflected in the Cabinet papers for consideration.

2.6 S Jarvis expressed the view that there had been no consideration for travel and distance time for the alternative facilities and no evidence that consultation had been carried out with users to identify their requirements. He believed financial information did not include income and expenditure and there was no evidence that discussions had been undertaken with the landlord of Cuffley Camp regarding the options available.

2.7 B Gibson stated that at the Children's Services Cabinet Panel she had raised concerns that the decision to withdraw funding from Cuffley Camp was being rushed and she observed that the Council

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had recently criticised Herts Valleys Clinical Commissioning Group for ceasing funding to Nascot Lawn without carrying out a proper consultation process. She informed the Committee that officers could not answer the questions raised at the Children's Services Cabinet Panel and that the EQIA (presented at that panel) was five pages in length and incomplete. The Cabinet Panel's recommendations were being put forward, therefore, on insufficient information. She stated that she could not believe the decision was now being rushed when the situation was known about seven years ago and no prior information had been brought to the Cabinet Panel to discuss the situation.

- 2.8 The Leader of the Council (as responsible for the Resources, Property and the Economy portfolio) responded to the Call In statements as detailed in 2.3 above and stated that he believed that sufficient information was available for Cabinet to make the decision to withdraw from Cuffley Camp.
- 2.9 The Leader of the Council advised that the EQIA had been revised between the Cabinet panel meetings and the meeting of Cabinet. He also informed the Committee that further information was made available to Cabinet such as information about alternative sites, analysis of usage / visits.
- 2.10 The Leader of the Council reiterated that the key issue was to look to the future and the funding of Cuffley Camp until 2032 (i.e. the end of the lease). He informed the Committee that the service at Cuffley Camp was not a statutory service and if continued would have a huge impact on the budget of Children's Services. The Leader of the Council stated that it had been intended that Cuffley Camp would operate on a self-funding basis. This had not been feasible and investment to achieve this would have had a further significant impact on the Children's Services' budget. He informed the Committee of a noticeable decline in bookings which was taken into consideration when making the decision.
- 2.11 In relation to the lease and non-conformance dating back to 2011 the Leader of the Council responded that a series of negotiations had taken place with the Big Lottery Fund (BLF) and Gascoyne Holdings Limited (GHL) and it was appropriate to put the available options to the Cabinet Panels to enable them to make the appropriate recommendation to Cabinet.
- 2.12 The Leader of the Council considered that the information relating to the five permanent members of staff was covered in the Part II report. He reiterated consultation would take place with the five members of staff under the council's 'Organisational Change Policy'.
- 2.13 The Leader of the Council welcomed the indication that the freeholder wished to offer outdoor education on the Cuffley Camp site and he

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considered that the best way forward was for the County Council to withdraw from the lease to allow the freeholder to secure another partnership arrangement. He stated that he was satisfied that other provision as listed in the EqIA would provide comparable facilities to that of Cuffley Camp.

- 2.14 The Executive Member for Children’s Services responded to the Call In statements as detailed in 2.3 above. The Executive Member agreed that the information that went before the Children’s Services Cabinet Panel was insufficient and more detail could have been made available. The Executive Member, however, did take the Cabinet Panel Members’ questions forward to the Resources, Property and the Economy Cabinet Panel, so that they could be adequately answered before being referred to Cabinet. Answers were provided and the Executive Member believed that at this point sufficient information was available for Cabinet to make the decision to withdraw from Cuffley Camp.
- 2.15 The Executive Member agreed it was a difficult decision to withdraw from Cuffley Camp. She considered, however, that the children of Hertfordshire were well served with all the other facilities that were available.
In relation to concerns of the Members who had Called In the decision on the lack of facilities at alternative sites the Committee were informed that officers had recently contacted 24 of the 31 activity and residential providers, 11 of these had confirmed that they provided pre-pitched tents and catering. These 11 could offer a total of 1,678 tented places and 1,424 indoor spaces. In addition to these 11 providers, a further 3 have inside accommodation with catering, providing a further 376 beds.

**PART II (‘CLOSED’) AGENDA
EXCLUSION OF PRESS AND PUBLIC**

- 2.16 The Panel then decided to move into Part II (‘closed’ session’).
- 2.17 That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 2, 3 and 4 of Part 1 of Schedule 12A to the said Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.18 Following discussion on the Part II Report, the Panel moved back into Part I (open session).
- 2.19 In further response to a question posed by the Leader of the Liberal Democrat Group at Full Council as to why Members had not received information prior to 2017 concerning the state of repair of the site and whether there were any other similar issues concerning non-

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performance of lease obligations the Leader of the Council confirmed that there were no similar issues going forward. The Leader of the Council informed Members that in 2009 two Cabinet Panels had received information on the position of Cuffley Camp; in 2011 the County Council received a Notice from the landlord concerning failure to keep the site in good repair. The Leader of the Council at that time was aware of the concern of the freeholder and discussions were held with GHF to seek a resolution. In 2011 the Landlord issued an Interim Schedule of Dilapidations; in 2014 the Executive Members for Resources & Transformation and Children's Services became aware of the problems that had been raised and a request to investigate the option to invest in Cuffley Camp was made; in 2015 a briefing paper was received by the Executive Member of Resources on the future development proposals and options for the site which outlined the position of Cuffley Camp; in 2016 the Executive Members for Children's Services and Resources, Property and the Economy considered a recommendation that the lease should be surrendered. It was confirmed that since 2011 there had been three references concerning the site to Executive Members at different stages.

- 2.20 The Leader of the Liberal Democrat Group sought assurances from the Leader of the Council that information in the future would be transparent as he believed this process had not been.
- 2.21 The Leader of the Council stated it was originally anticipated there would be an investment opportunity for Cuffley Camp as it was the aspiration of the administration to keep the service for the wellbeing of the people of Hertfordshire. Unfortunately other issues had prevailed, therefore with the pressure on budgets and money being lost year on year from the Children's Services budget; the Council had to make a difficult decision in order to balance the books.
- 2.22 With reference to the business plan it was noted that the then Executive Member for Resources and his Deputy in 2015, lead officers and the Strategic Management Board would have had sight of the business plan and would have considered it as part of the capital programme for the Council. It was also noted that had the business plan not been appropriate to pursue at the time it would not have gone forward to the Cabinet Panels.
- 2.23 The Committee took time to debate the called –in decision. Some Members considered that if a decision needed to be made a business plan should have been included with the recommendations to the Cabinet Panels and Cabinet to inform the decisions.
- 2.24 In response to a Member question as to how many complaints had been received from schools in relation to Cuffley Camp closing, it was noted that only one had been received. Opposition Members stated they had received numerous complaints and referred to the petition received as detailed in 2.2 above which contained 8839 signatures.

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2.25 The Committee agreed that this was not an easy decision to make and were of the view that there was plenty of alternative facilities in and outside Hertfordshire. The majority of Members were satisfied that the proper procedure and sufficient information had been referred to Cabinet for it to make the decision.

2.26 The Chairman acknowledged it has been a difficult decision and thanked all Members for their input. He put the recommendations to a vote. A vote was taken for recommendation '(a)' which as agreed;

7 for
4 against
1 abstention

Recommendations (b) and (c), therefore, fell.

Conclusion:

2.27 The Committee agreed that it had no objection to the called-in decision being implemented.

3. OTHER PART I BUSINESS

3.1 There was no other business.

4. REPORT TO COUNTY COUNCIL

4.1 A summary of all items will be reported to the County Council at its meeting on 20 February 2018.

*Michelle
Diprose*

PART II ('CLOSED') AGENDA

**1. THE CALL-IN OF CABINET DECISION
(FORWARD PLAN REF: A055/17) "TO CONSIDER THE FUTURE
OF THE CUFFLEY CAMP OUTDOOR CENTRE"**

Decision

1.1 The decision reached on this item of business is recorded at item 2 above.

**KATHRYN PETTITT,
CHIEF LEGAL OFFICER**

CHAIRMAN _____

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