



## Overview and Scrutiny Committee Minutes

Notes of the meeting of the Overview and Scrutiny Committee held on Tuesday 21 July 2015 at the Civic Centre, Poulton-le-Fylde.

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### Committee members present:

Councillor R Amos  
Councillor E Anderton  
Councillor Fail  
Councillor Hodgkinson  
Councillor Ibison  
Councillor Jones

Councillor McKay  
Councillor Ormrod  
Councillor Reeves  
Councillor Robinson  
Councillor Smith  
Councillor Michael Vincent

### Other councillors present:

Councillor I Amos  
Councillor Lees  
Councillor A Vincent

### Officers present:

Philippa Davies, Corporate Director of Resources  
Peter Foulsham, Scrutiny Officer

### OS.18 Apologies for absence

Apologies were received from Councillors C Birch and Matthew Vincent.

### OS.19 Declarations of interest

Councillor A Vincent declared a personal interest as the maker of the decision that had been called in.

Councillors Fail and Reeves declared a personal interest as they were two of the four signatories to the call-in notice.

## **OS.20 Chairman's introductory comments**

Councillor Michael Vincent informed the committee that he was aware of comments that had been made on social media sites recently which suggested that the disposal of the Cleveleys Community Centre and Church had been a “stitch-up” and a “cover-up”. He suggested that some of the other comments that had been posted made it clear that whoever had made the posts had had access to the original report that had been ‘not for publication’. He reminded councillors to remain mindful that reports that were deemed ‘not for publication’ should remain just that, because of the confidential nature of some of the information contained within them.

In order to avoid any risk of anyone, either another councillor or a member of the public, taking the view that there had been a “stitch-up” and bearing in mind Councillor Michael Vincent’s relationship to Councillor A Vincent, who had made the decision being called in, Councillor Michael Vincent said that on this occasion he would step down from the Chair. He took no further part in the meeting.

Councillor Jones took the Chair for the remainder of the meeting.

## **OS.21 Exclusion of the public and press**

**RESOLVED** that the public and press be excluded from the meeting whilst Item 4 was considered, on the grounds that their presence would be likely to involve the disclosure of exempt information as defined in Category 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part 1 of Schedule 12(a) of the Local Government Act 1972, as amended by the Local Government (Access to Information) Variation Order 2006 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Councillor Fail was the only member of the committee who dissented.

## **OS.22 Disposal of Cleveleys Community Centre and Church – Call-in**

Councillor Fail said that, irrespective of whether the sale of the Community Centre went through it was important to ensure the future of the Centre for the benefit of the community. He referred to the Call-in Request that had been submitted and published with the agenda.

Councillor Fail suggested that there had been a lack of consultation with the local community and users of the Centre which, in his view, was very undemocratic. He said that the decision to dispose of the Community Centre would have been better informed had a user impact assessment been carried out. He added that there had been lack of transparency by the publication of the report as an exempt item, which meant that he had not had the opportunity to discuss the disposal of the Centre with his local

community. He found this surprising in the light of recent scrutiny reviews that had been commissioned to look at how the council can engage with communities more effectively.

Councillor Fail said that, in his opinion, prudent practice would have meant that a second external valuation would have been obtained, and he suggested that the Council's Constitution should be tightened up in this regard.

Councillor Fail considered that there was a need for a binding and enforceable covenant to be in place prior to the sale to guarantee the future use of the Centre. He added that he thought the report to be deficient in a number of ways, and was contrary to the Council's Financial Procedure Rules on Risk Management and Control of Resources.

Councillor A Vincent referred initially to the Guidance Notes for Call-ins which he pointed out were not part of the Council's Constitution. He said that he would abide by the Guidelines for this agenda item but suggested that a review of the call-in procedure should be carried out by the Overview and Scrutiny Committee.

Councillor A Vincent provided some background information to the committee. An informal tender process had led to the Community Centre being run by the best bidder from 2010, at a time when the Centre was being subsidised by the council by a minimum of £37,000 a year. He also reminded the committee that it was not a requirement of a council to run community centres and that taking into account the performance of assets it was appropriate to consider disposal in certain circumstances.

Councillor A Vincent confirmed that there was an educational covenant from Lancashire County Council already in place and that the council would put a further covenant in place to ensure that the new owners continued to run the asset as a community facility. The church had already undertaken to continue to run the centre as a Community Centre.

Regarding the valuation, this was a matter for officers. Two valuations, which were in agreement, had been obtained, one internal and one external. Councillor A Vincent stated that, having obtained those valuations, it would have been a waste of tax payers' money to obtain a second external valuation.

Councillor A Vincent accepted the point that had been made by Councillor Fail, that there could have been more information included in the portfolio holder's report, although he stressed that he had no sympathy at all for the call-in itself.

Councillor A Vincent addressed the point made by Councillor Fail about user impact by advising the committee that it was not necessary to make such an assessment as there was going to be no change of use. Indeed, the number of users spoke for itself, there having been 4 groups using the

Centre when it was handed over in 2010 and now there were 39.

Councillor A Vincent summarised the reasons for having made the decision. The decision was in line with the council policy of considering the disposal of non-performing assets. The decision prevented the council having to find capital for essential repairs and it ensured a capital receipt. The disposal, with a current and future covenant, ensured that the Centre would remain a community asset that could be further developed. The sale was being made at a realistic price and was procedurally correct.

Following the submissions made by Councillors Fail and A Vincent the committee agreed to delete point 4 of the Call-in Request, which stated:

“There is uncertainty that a legally binding and enforceable agreement will be put in place and doubt that it will be sufficiently detailed to ensure service levels are maintained or improved”.

The committee took the view (by a majority, 6 in favour and 4 against) that this point was not pertinent to the call-in as it was speculative and sought to challenge a decision that had not yet been made.

Councillor A Vincent summed up by making the following comments:

- There had been no complaints about the way in which the Centre had been run since 2010
- People were very positive about how the Centre was used
- There was strong commitment to keeping the Centre as it was
- Lancashire County Council’s covenant was perfectly satisfactory
- Overturning the decision would be to the detriment of the council and local residents. The estimated cost of the repairs that were required was approximately £155,000, expenditure that the council might not have been able to justify.

Councillor Fail summed up by making the following points:

- There should have been more information about the valuations in the report
- The report was deficient in that more information should have been included
- There was a lack of analysis before the decision was made, including information about user impact
- The Council’s Constitution lacked a clear process for the disposal of assets and needed clarifying
- There should have been more transparency
- The public should have been better informed about the disposal
- The decision is at odds with the report of the Engaging with Communities task group, which emphasizes the need to engage more effectively with local communities
- This was not an informed decision, even if the decision turned out to be the correct decision in the long term

Following discussion it was agreed by a majority vote (six votes to four) that the call-in should be rejected and that the original decision should take effect from the date of this meeting of the committee.

**OS.23 Date and time of next meeting**

**RESOLVED** that the next meeting of the committee be held at 6pm on Monday 3 August 2015 at the Civic Centre, Poulton-le-Fylde.

The meeting started at 6pm and finished at 7.14pm.

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