

EDUCATION, YOUTH & CULTURE OVERVIEW & SCRUTINY COMMITTEE
10 MAY 2024

Minutes of the hybrid meeting of the Education, Youth & Culture Overview & Scrutiny Committee of Flintshire County Council held on Friday 10 May 2024.

PRESENT: Councillor Teresa Carberry (Chair)

Councillors: Bill Crease, Paul Cunningham, Gladys Healey, Dave Mackie, Gina Maddison, Ryan McKeown, Andrew Parkhurst, Carolyn Preece and Jason Shallcross

CO-OPTEEES: Lisa Allen and Lynne Bartlett

SUBSTITUTIONS:

Councillor Mel Buckley (for Councillor Gladys Healey),
Councillor Richard Jones (for Councillor David Richardson)

ALSO PRESENT AS OBSERVERS:

Councillors: Mike Allport, Glyn Banks, Marion Bateman, Gillian Brockley, Helen Brown, Tina Claydon, David Coggins Cogan, Rob Davies, Adele Davies-Cooke, Carol Ellis, Chrissy Gee, Andy Hughes, Dennis Hutchinson, Alasdair Ibbotson, Paul Johnson, Richard Lloyd, Roz Mansell, Allan Marshall, Debbie Owen, Dan Rose, Kevin Rush, Sam Swash, Linda Thew and Roy Wakelam.

APOLOGIES: Councillor Christine Jones and Mrs Wendy White

CONTRIBUTORS:

Councillor Mared Eastwood (Cabinet Member for Education, Welsh Language, Culture and Leisure); Leader of the Council; Chief Executive; Corporate Manager for People and Organisational Development, Strategic Executive Officer, and Strategic Finance Manager,

IN ATTENDANCE:

Overview & Scrutiny Facilitators and Democratic Services Officer

48 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

No declarations were received.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

Councillor Andrew Parkhurst challenged the exclusion of the press and public and quoted from Section 12A of the Local Government Act which stipulated that meetings must be held in public unless public interest in maintaining the exceptions outweigh the public interest in disclosing the information. He felt that if the balance for disclosing or withholding the information was equal then the information must be

released. The default position was that the meeting was held in public, and it was up to those who wished to restrict access to prove their case and provided examples of reasons for this to be undertaken. He said that all of these arguments applied in this instance as the services currently provided affect the lives of every resident of the county about which there had been considerable public debate. The services involved millions of pounds of public money and the options involved comprised a substantial risk with the prospect of the Council having to use its scant reserves to fund additional unbudgeted costs. Some of the assumptions made in the papers needed to be challenged and even when all this had been debated, Members still only had half the story because there was no opportunity for the other party to present its case to Members. If discussions were to stray into exempted areas, it was within the power of the Committee to exclude the press and public from those particular discussions. Unless a compelling argument could be provided which offset those points which he had made he said that Members should reject the proposal to exclude the press and public

The Chief Executive explained that the Monitoring Officer had due regard to all the points made by Councillor Parkhurst and had concluded that this meeting should be held in a private session. The current situation was that the Council was in a commercial negotiation with another party and as such these were sensitive and confidential. It was for those reasons that this meeting was confidential.

The Chair said that openness and transparency were indeed the core principles of good governance as outlined by Councillor Parkhurst. The decision for the report to be considered in a confidential manner should not be taken lightly by Members. Matters of a commercially sensitive nature would be under discussion and needed to remain confidential until the appropriate time.

RESOLVED:

That the press and public be excluded for the remainder of the meeting for the following item by virtue of exempt information under paragraph(s) 14 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

49. FUTURE OPTIONS: LEISURE, LIBRARIES, AND MUSEUM SERVICES

The Chief Executive introduced a report to provide an overview of the current operating arrangements for Leisure, Libraries and Museum Services and an options appraisal for future delivery for the Education, Youth and Culture Overview and Scrutiny Committee to consider and share opinions on preferred options to Cabinet.

The Strategic Executive Officer outlined key points within the report and explained the original funding agreement between the Council and Aura Leisure and Libraries Ltd commenced on the 1 September 2017, which had been extended to the 31 March 2024 following Cabinet decisions. The extensions to the funding agreement allowed further recovery time following the Pandemic and enabled time to explore new options from April 2024. It was explained that a longer-term agreement between the two parties was deemed preferable, but work had been commissioned

to inform decision making, which included a review of benchmarking, production of a strategic needs assessment and obtaining legal advice.

The Strategic Finance Manager provided information around the Subsidy Control Regime advice that the Council had received. The regime is relatively new and replaced the former State Aid Rules with the new grant deemed a subsidy of particular interest because of the level of funding.

Members asked a number of questions which covered the following areas:-

- The feasibility of the options outlined within the report;
- The availability of option appraisal reports to Members;
- The financial impact on the Council;
- The recovery of the leisure industry due to the impact of Covid;
- The Subsidy Control Regime; and
- Request for additional information prior to providing an opinion on the options detailed within the report.

The Chair referred to the recommendations outlined within the report and suggested that, following the debate, and the comments made by Members that further information was required, that they be amended to reflect this.

Following a discussion, the following recommendations were moved and seconded:-

- That the Committee note the background information and current position in relation to the provision of leisure, libraries, play and museum services;
- That representatives of FMG Consulting Ltd be invited to present their commissioned reports to all Members;
- That the FMG Consulting Ltd commissioned reports, along with the Agreement between the Council and Aura which commenced on 1st September, 2017 be made available in a confidential setting, for all Members to view;
- That following the viewing of the requested documents and presentation by FMG Consulting Ltd, that a special meeting of the Education, Youth & Culture OSC be arranged, with all Members of the Council invited to attend and contribute, in order for the opinion of the Committee to be provided to Cabinet when considering the future options for leisure, libraries and museum services; and
- That further reports be brought back to the Overview & Scrutiny Committee as work progressed and as required.

RESOLVED

- (a) That the Committee note the background information and current position in relation to the provision of leisure, libraries, play and museum services;
- (b) That representatives of FMG Consulting Ltd be invited to present their commissioned reports to all Members;
- (c) That the FMG Consulting Ltd commissioned reports, along with the Agreement between the Council and Aura which commenced on 1st September, 2017 be made available in a confidential setting, for all Members to view;
- (d) That following the viewing of the requested documents and presentation by FMG Consulting Ltd, that a special meeting of the Education, Youth & Culture OSC be arranged, with all Members of the Council invited to attend and contribute, in order for the opinion of the Committee to be provided to Cabinet when considering the future options for leisure, libraries and museum services; and
- (e) That further reports be brought back to the Overview & Scrutiny Committee as work progressed and as required.

50. MEMBERS OF THE PRESS OR PUBLIC IN ATTENDANCE

There were no members of the press or public in attendance.

(The meeting started at 10.00 am and ended at 12.06 pm)

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Chair