

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

MINUTES OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE MEETING HELD ON 10 APRIL 2018 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christine Crisp, Cllr Matthew Dean, Cllr Stewart Dobson, Cllr Howard Greenman, Cllr David Halik, Cllr Alan Hill (Vice-Chairman), Cllr Jon Hubbard, Cllr Simon Jacobs, Cllr Jacqui Lay, Cllr Graham Wright (Chairman), Cllr Gavin Grant (Substitute), Cllr David Jenkins (Substitute), Cllr Pip Ridout (Substitute) and Cllr Roy While (Substitute)

Also Present:

Cllr Laura Mayes, Cllr Richard Clewer, Cllr Baroness Scott of Bybrook OBE, Cllr John Thomson, Cllr Philip Whitehead, Cllr Jerry Wickham, Cllr Pat Aves, Cllr Trevor Carbin, Cllr Sarah Gibson, John Hawkins, Cllr Ross Henning, Cllr Brian Mathew, Cllr Hayley Spencer, Cllr Ian Thorn, Cllr Peter Evans, Cllr Sue Evans, Cllr Richard Gamble, Cllr Jonathon Seed, Cllr Tony Trotman and Cllr Tom Rounds

32 Apologies

Apologies were received from Councillors Ian Blair-Pilling, Ruth Hopkinson, Gordon King and Andy Phillips.

Councillor Blair-Pilling was substituted by Councillor Pip Ridout. Councillor Hopkinson was substituted by Councillor Gavin Grant. Councillor King was substituted by Councillor David Jenkins. Councillor Phillips was substituted by Councillor Roy While.

33 Declarations of Interest

There were no declarations.

34 Chairman's Announcements

The Chairman provided details of the procedure for the meeting.

35 Public Participation

In respect of Minute 36, Call-in of Executive Decision 'Outdoor Education', representations were received from the following public speakers:

David Borrie - Chairman of Managers at Braeside Education and Conference Centre

Lucy Gomes - Organiser of a Petition requesting the proposed closure of Braeside and Oxenwood Outdoor Education Centres be stopped

Bob Walker - Vice-Chairman of Managers at Braeside Education and Conference Centre
Judy Rose - Devizes Town Council
Steve Dewar
Chris Greenwood - Devizes Town Council

The speakers supported the call-in request, criticising the decision to close the centres and also the process by which the decision was taken, in particular in relation to consultation with affected parties.

36 **Call-in of Executive Decision: 'Outdoor Education'**

On 27 March 2018 a decision was taken by Cabinet relating to Outdoor Education. The decision was taken under Part 2, meaning the public and press were excluded during discussion and resolution of the item. The decision was then published on 28 March 2018, with the resolution of Cabinet to approve the recommendations contained in the report of the Corporate Director, Children and Education, as follows:

- 1) *Cabinet notes the outcomes of the outdoor education review and key decisions required at this stage.*
- 2) *Cabinet resolves to close both Braeside and Oxenwood outdoor education sites from the 31st August 2018.*
- 3) *Commence consultation with staff in line with the Councils HR Policies.*
- 4) *Engage with Wiltshire Schools and key stakeholders on the development of a sustainable plan for the Councils future role in outdoor education in Wiltshire.*
- 5) *Continues to support the broader benefits of outdoor education, and supports schools to access appropriate services.*

On 5 April 2018 a request was received by the Designated Scrutiny Officer by ten non-executive councillors to 'call-in' the decision, and a meeting of the Overview and Scrutiny Management Committee was arranged to consider the matter.

The Chairman detailed the procedure that was to be followed at the meeting. In particular, it was emphasised that the Committee was to consider evidence as to whether the principles of decision making as set out in Article 13.2 of Part 2 of the Wiltshire Council Constitution had been followed, not whether it agreed or disagreed with the decision which had been taken by the Cabinet. If the call-in was upheld the matter would be referred to the Cabinet to reconsider their decision, where it could decide to amend, or not, the original decision. If the call-in was rejected the decision could be implemented with immediate effect.

Prior to presentation of the reasons for the call-in request, members of the public as detailed under Minute 35 made representations to the Committee. A point of order was also made to clarify that the decision in question had been taken in Part 2 session of a publicly advertised meeting of the Cabinet, not a secret meeting.

The lead signatory of the call-in, Cllr Jon Hubbard, then outlined why he considered that the decision on Outdoor Education had not been made in accordance with the principles of decision making.

Cllr Hubbard noted the purpose of the meeting, which was not to debate the merits of the decision, but the process by which it had been taken. He outlined where he considered that the principles of decision making had not been adhered to, including as follows below and detailed in full in the agenda papers.

The decision was not proportionate to the desired outcome, with a large impact on children and young people, as well as other service users, for an unclear level of savings.

The decision had been neither open nor fair, with no substantive details in the public domain prior to the decision being taken, preventing the operators of the centres, schools and young people from commenting. There had been a lack of consultation, and even the Scrutiny Task Group had not had sufficient information provided.

The decision had not been clear in its desired outcome and aims, with additional options to save money not properly explored. Best value had not been obtained as the repair bill for works at the centres had been known about for some time, and there were other options than to close in order to obtain best values. Wiltshire Communities were not served with a closure, when third parties were interested in running the centres. The closure also put a number of other programmes which use the centres at risk, and would not keep and sustain what was useful in the traditions of the authority, nor promote the economic and social wellbeing of the county.

In conclusion, Cllr Hubbard reiterated that upholding the call-in did not mean the Committee was saying the decision of Cabinet was right or wrong, but he argued that with the reasons given above there was justification to ask that Cabinet reconsider their decision, paying full attention to the letter and spirit of the principles of decision making.

Cllr Laura Mayes, Cabinet Member for Children, Education and Skills, then responded to the points raised and described how she considered the Cabinet had followed the necessary processes and principles of decision making, with support from other members of the Cabinet.

Cllr Mayes noted that this was the first decision affecting her area of responsibility to be called-in, and noted that it was a decision which had been very complex and taken a long time to gather all necessary information and arrive at a recommended course of action. Education provision in Local Authorities faced a need to adapt, and the services were reviewed 18 months prior to the decision, identifying the key priorities of ensuring enough school places, protecting the most vulnerable, and driving high standards of education. Schools were informed about the review, and time was spent with staff at the outdoor education centres to understand the service fully, and staff were informed that a review was ongoing and that all options were being considered.

Following discussions with the Chairman of the Children's Select Committee, Cllr Hubbard, a task group was formed in September 2017 on 'Traded Services', which met on several occasions and were supplied with all information that was available in order to form a picture of the service.

Four options were explored, being to retain both sites, to transfer the sites to a third party, to close one centre, or to close both centres. As noted in the Cabinet report £1.412m capital investment was needed to keep the centres open.

While the service offered by the centres was valued, it had been identified that 70% of schools did not use the centres at all, and used alternate providers. It was noted that closing the centres would not mean schools and children would not have access to outdoor education, just not using these two centres, so there would not be a detrimental impact on schools and children.

It was clarified that legal advice had been taken on the Cabinet report, and due to the impact of the decision on staff, it had been determined to consider the matter in Part 2 session, so that affected staff could be informed of the decision before the information was in the public domain.

The outcome to prioritise resources had been clear, and interested parties had been given a deadline of 24 April 2018 to submit an outline business case to run the centres, although this would need to address the need for capital investment to ensure the buildings remained fit for purpose. Competition with the private sector also made obtaining best value very difficult with the centres requiring so much capital investment.

In conclusion, Cllr Mayes stated that the approach taken had been lengthy, but clear, that outside education was continuing but not in the same fashion, and that the papers and processes demonstrated that the principles of decision making had been followed throughout.

Prior to debate, Mr John Hawkins, Co-Opted Member of the Children's Select Committee and Chairman of the Traded Services Task Group, addressed the Committee. He thanked all the councillors and officers who had supported the task group, and paid tribute to the honesty and integrity of the staff with whom they had spoken. Although he could not comment on the legal procedures, he expressed concern that the report of the task group was not able to be made available prior to the decision itself being made.

The Committee then proceeded to debate the request for a call-in of the Cabinet decision regarding Outdoor Education, taking account of the response of the Cabinet Member.

In discussing the call-in, it was acknowledged that the decision that had been taken was not an easy one in light of the budgetary challenges faced by the council and its Cabinet, but some members felt that the process had the perception of being rushed given the short timescales for alternate providers to express an interest, especially with the centres to be closed at the end of August 2018, and details were sought on if any expressions had been received already. The number of schools using the centres was raised, with some

members noting that the centres were not used by a high percentage, with others arguing the centres might be at capacity, not that they were not sought after for use. Details were also sought on when the capital investment was required by.

Some members stated that there had been a full discussion at the Cabinet meeting among councillors, and no concerns had been raised as to the process at that stage, and the Cabinet Member had provided a full explanation of the reasoning behind the decision, its aims and outcomes, and the lengthy process that had been followed, as well as the reason for the final decision to have been taken with the press and public excluded.

Other members felt the Cabinet report relied upon information which was not necessarily up to date and may not be sufficiently accurate. Others felt that staff could and should have been informed that a decision to close was likely to be taken, and so the decision could then have been made in public, following appropriate levels of consultation with affected parties, and this failure to do so constituted a failure to uphold the principles of decision making.

In summing up, Cllr Mayes stated she had involved scrutiny processes as soon as possible, all options had been properly investigated and assessed, outdoor education in some form would continue, and all procedures had been followed correctly.

In summing up, Cllr Hubbard stated that there were many decisions he disagreed with but did not consider calling-in, as the appropriate processes had been followed, but that in this case too much information was withheld from the public and those affected by the decisions and the impacts had not been properly assessed.

On a proposal from Cllr Alan Hill, seconded by Cllr Simon Jacobs, at the conclusion of debate, it was,

Resolved:

On balance of the written and oral evidence presented, to find that there were insufficient grounds to demonstrate that the principles of decision making had not been followed by the Cabinet in this case, and therefore the decision can be implemented with immediate effect.

A recorded vote having been requested by the necessary numbers of councillors, the vote was as follows:

For the Motion(8)

Cllr Christine Crisp
Cllr Mathew Dean
Cllr Howard Greenman
Cllr Alan Hill
Cllr Simon Jacobs
Cllr Jacqui Lay
Cllr Pip Ridout
Cllr Roy While

Against the Motion(5)

Cllr Stuart Dobson
Cllr Gavin Grant
Cllr David Halik
Cllr Jon Hubbard
Cllr David Jenkins

Abstention(1)

Cllr Graham Wright

37 **Date of Next Meeting**

The date of the next meeting was confirmed as 5 June 2018.

(Duration of meeting: 10:05 - 12:15)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services,
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