

KENT COUNTY COUNCIL

CABINET SCRUTINY COMMITTEE

MINUTES of a meeting of the Cabinet Scrutiny Committee held in the Edenbridge Leisure Centre, Stangrove Park, Edenbridge, Kent on Monday, 28 March 2011.

PRESENT: Mrs T Dean (Chairman), Mr L Christie, Mr R F Manning, Mr R Brookbank, Mr M J Harrison (Substitute for Mr D A Hirst), Mr M J Jarvis, Mrs J P Law, Mr R J Lees, Mr R L H Long, TD and Mr J E Scholes

PARENT GOVERNORS: Mr P Myers

ALSO PRESENT: Mr P W A Lake, Cllr J Scholey, Cllr J Davison, Ms C Lane, Ms S Richards and Mr P Kingham

IN ATTENDANCE: Mr K Tilson (Head of Finance for Policy and Resources), Mr J White (Capital Project Officer), Mr R Aldous (Capital Strategy Manager), Mr P Sass (Head of Democratic Services and Local Leadership) and Mr A Webb (Research Officer to the Cabinet Scrutiny Committee)

UNRESTRICTED ITEMS

9. Introduction/Webcasting

(Item A1)

(1) The Chairmen welcomed Members, guests and members of the public to the meeting. She explained that it was the first occasion that the Cabinet Scrutiny Committee had met outside of County Hall, and since the issue related to a single location, the best place to discuss it was in the town itself, which would enable local people to attend.

(2) The Chairman explained that meeting would be recorded and would be available on the Kent County Council website within 48 hours. Normally it would be webcast live, but that was not possible from this location.

10. Declaration of Interests by Members in Items on the Agenda for this Meeting

(Item A3)

(1) Mr Brookbank declared that he is a member of the Development Control Committee of Sevenoaks District Council. (Mr John Scholey also declared that he was a member of the Development Control Committee of Sevenoaks District Council, but was not on the Committee when the relevant planning decisions had been taken).

11. Edenbridge Community Centre

(Item D1)

(1) The Chairman explained that, having gained permission from two of the Vice-Chairmen of the Committee, Mr Kingham, the Chairman of Edenbridge Chamber of Commerce would be invited to speak as a witness.

(2) Due to the fact that a number of members of the public had arrived at the meeting, the Chairman felt it appropriate to state the role of the Cabinet Scrutiny Committee and its powers, including the fact that rather than being a decision making body, it could only make recommendations to Cabinet.

(3) Since there were a number of Members, Officers and witnesses, each individual sitting at the table introduced themselves and their role. The Chairman explained that, of these, only Members of the Committee had voting rights.

(4) The Chairman proposed, and Mr Christie seconded, that the members of the public present be able to participate in the meeting. The vote was carried unanimously.

(5) Responding to a number of queries from Members about why the Committee had met in Edenbridge, and what it hoped to achieve, the Chairman explained that she wanted to know:

- Why the centre had taken nine years to get to the current stage.
- How, once built, the centre would be financed and in the event of a funding gap who would be liable
- Any local concerns about the operation of the centre

(6) Mr Aldous gave a presentation on the Edenbridge Community Centre, encompassing:

- History
- Challenges
- The Future; and
- A Summary

(7) Members of the public then had the opportunity to put questions to the Committee. These questions included:

- Why a community centre had been built, instead of a secondary school
- Why the library had been moved to the community centre, when it had worked well in its present location for approximately 50 years
- What KCC would be doing to mitigate the reduction in high street business that would result from the library move
- What proportion of library users and what proportion of Edenbridge residents had been consulted

(8) Mr Lake, the local member for Sevenoaks South, gave an overview of the history of the project, with key reports and events:

- In 2000 delegated powers were withdrawn from Eden Valley School, which had a large deficit and a falling number of students. Tonbridge Grammar School for Girls came on board to help turn the situation around, but student numbers continued to fall.
- In January 2002 the Cabinet Member for School Organisation and Early Years announced that the number of students had fallen to 228, the deficit was still

climbing and that the school would be placed in special measures. He authorised a public consultation on the future of the school with closure as an option.

- In February 2002, following public consultations, there was a proposal document prepared by KCC called 'The Eden Valley Vision' and similarly a proposal document prepared by Edenbridge Town Council called 'The Edenbridge Vision'.
- In July 2002, a report went to Cabinet. Cabinet authorised Officers to undertake a feasibility study with Sevenoaks District Council to develop purpose-built community facilities. Mr Lake felt that the officer appointed to undertake the task was excellent in his youth and community role, but lacked the requisite experience of planning, project management and consultation with a wide range of stakeholders.
- Nothing appeared to have happened for nearly a year, and so in March 2003 Mr Lake sent a memorandum to the Cabinet Member, expressing local concerns at the lack of action and his concern that negotiations with West Kent College had been broken off.
- In response, KCC unveiled 'A Vision for the Future' in May 2003. This document outlined the possible sale of the existing Primary School to build a brand new Primary School on the Eden Valley Site with a community centre as part of the site. That same month, Mr Lake wrote to the then Leader expressing concern at how Education was dealing with the Edenbridge issue, and he felt that Planning had not done their calculations rigorously enough, with insufficient progress with the supermarkets to ensure that there would be deal on the table.
- In January 2004, in response to a previous memorandum from the Deputy Leader, Mr Lake wrote to him Informing him that the go-ahead for a relief road had been given, and that a community centre and primary school would be built on the new site from the proceeds of the sale of the primary school site.
- In July 2004, there was a realisation that the figures just did not add up. The then Leader of KCC wrote to the Leader of Sevenoaks District Council, stating that KCC was totally committed to ensuring that there would be a new community centre in Edenbridge.
- In February 2005, the Leader of KCC wrote to the clerk of Edenbridge Town Council mentioning the 'red-line' application that had been submitted to Sevenoaks District Council.
- In August 2005, it was announced that the centre was again delayed.
- When the new Leader of KCC arrived, he advised the Cabinet Member to take on responsibility for the project.
- Over the next 18 months there were various iterations of the planning application, and in September 2008 it was put before Sevenoaks District Council, and in October the application was approved and the current project manager was appointed.
- In June 2009 Mr Lake managed to prevent the School Organisation Advisory Board from putting an academy in Sevenoaks, and he wrote to the Secretary of State asking him if it would be possible to build an academy in Edenbridge. This request failed, but Mr Lake felt that it would not be possible to build a new school in Edenbridge because of the fact that many existing students from the town were already being schooled in East Grinstead.

(9) The Chairman summarised Mr Lake's comments as follows:

- That over the first 2-3 years the staff appointed to deliver the new community centre were not suitably experienced or qualified
- That there were two occasions when the numbers did not add up, and that after this housing became central to the financing of the centre
- That the small size of the Eden Valley School contributed to the fact it was not delivering an adequate quality of education

(10) Councillor Davison stated that she largely agreed with Mr Lake's summary, and felt that time had mainly been wasted in the middle period of the elapsed 11 years. She also explained that she had chaired a stakeholder group which had pushed for what Edenbridge wanted in its community centre, and felt that the company that had initially been brought in to implement the development had not listened to the views of those whom it had consulted, and this was also a major source of delay.

(11) In response to a question about whether there had been a report produced on the improvement in attainment as a result of the majority of the former students going to other schools, Mr Lake stated that he had spoken to many satisfied parents, but that he was not aware of a report.

(12) Responding to a question about what proportion of people had been consulted, Ms Lane stated that there had been a great deal of consultation, with residents and a user group often being asked for their views. However, she felt that the team at the time were unable to convert the consultees' views into plans for the centre, but that when the final project team came on-board, they took notice of the consultees and took the project forward. Councillor Scholey agreed with the views expressed about the consultation process. He felt that although there had been frequent stakeholder meetings and consultations, the views had not always been listened to.

(13) Mr Kingham expressed a view that only some of the information had been acted upon and he felt that there had not been a proper consultation. He asked how wide the consultation had been and how specific the questions were. In reply to a query about how the consultation papers on page 15 of the agenda pack had been disseminated and when, Mr White stated that there had been a consultation meeting in the centre itself in February 2010. There had also been various other consultation events during 2010; Members of the District Council, Town Council and potential users had attended the annual Town Council meeting; Mr White had written to the Town Council seeking their views; and notices were put up at the centre itself.

(14) A question was asked about whether the Edenbridge Chamber of Commerce had been one of the consultees and Mr White explained that they had not been specifically consulted. On whether the Chamber of Commerce had been in existence throughout the history of the Edenbridge project, Mr Kingham explained that he had only taken over as chairman three weeks previously, but that the Chamber of Commerce had been in existence for a number of decades.

(15) Mr Kingham felt that the views of local business should have been sought, since the relocation of the library affected the 'heart' of the high street, and that the Chamber of Commerce was working to bring vitality back to the high street. He asked how much involvement there would be of Eden Valley businesses in the new centre, and what would be done to help revitalise the town.

(16) Ms Richards informed Members that Orbit Group always insisted on a certain percentage of local labour being used in its projects. Councillor Scholey stated that Edenbridge Town Council was very aware of the needs of the high street and supported local business. Initiatives that it had embarked upon included:

- A full 'health check' being carried out
- A complete refurbishment of parking and other street facilities
- Grants to local trades
- The Eden Valley Festival Fortnight

(17) There was a discussion about the movement of the library from its present location. Referring to page 17 of the agenda, a question was asked about how the decision to move the library had been implemented, and whether there had been further discussions with the local community. Mr White explained that officers had always been upfront about the position of the library, and Ms Lane commented that there had been a stakeholder event in 2006 where over 100 people had attended and made comments.

(18) Responding to a question about why it was felt that the library was better placed in the community centre, rather than its current location, Councillor Davison explained that, since many small libraries were under threat, the prospect of an upgraded fully-fledged facility should be seized. Furthermore, since the library would be much closer to some of the newer housing estates, it would be better placed to encourage younger people to use the library. On the disposal of the existing library site, Mr Kingham sought assurances that, rather than be developed into luxury flats, it be used for an initiative such as developing young businesspeople. Mr Tilson stated that it was not in his gift to give such an assurance but that he would relay this to the Cabinet Member.

(19) The Chairman asked if the library featured in the current review of library facilities. Mr Tilson confirmed that in the Medium Term Financial Plan (MTFP) there were no plans to close the library over the next two years, and that there would need to be a needs analysis and consultation before this could take place.

(20) There was a discussion about the Gateway concept, and if the potential existed for the new community centre to be used as a Gateway. Mr Tilson explained that it would not be a Gateway, but was akin to one since it involved many different public sector agencies. Councillor Scholey explained that with the new community centre, Edenbridge would have two principle points of access for services, the other one being the Edenbridge Town Council office.

(21) Responding to a question about why the project had taken so long, what the complexities were and what lessons could be learned from the process, Mr Aldous explained that there had been many planning difficulties. The site was in a green belt, so there were very strict planning guidelines and any new development would be restricted to the same size footprint, which meant that the original proposal could not be delivered. The fact that the site was on a floodplain added further complications. The fact that planning precedents had been set elsewhere meant that further progress was able to be made later on in the project.

(22) In response to a query about paragraph 5.7 of the report, Mr White explained that, although the wording was not ideal, it conveyed the fact that there had only been two planning objections, which was surprising with a site of that size.

(23) There was a discussion about the long term financial sustainability of the project. Mr White explained that there was a design and build contract rather than a full set of working drawings and in order to ascertain the running costs of the centre, it would be necessary to know the detail provided by the developer over the next two months. There were a number of users lined up for the centre, and until their usage levels were known it would not be possible to put a revenue cost on the running of the centre.

(24) Responding to an inquiry about whether a charging regime for the centre had been worked up, Mr White explained that there was not currently a charging regime, but there were percentages of revenue costs anticipated to be paid by the various partners who would be using the centre, which included Kent Adult Social Services, the Youth Service, the Library, the Citizens' Advice Bureau (CAB), the Baptist Church and the YMCA.

(25) In response to a query about contingency if the various partners decided not to proceed, Mr White stated that KCC was at various stages of negotiation with the partners, but heads of terms had been agreed with the two remaining partners still to be signed up, the CAB and YMCA. He explained the difficulties in these negotiations which arose from the fact that the precise costs could not be known until after two months when more detail would be available. Mr Tilson added that a number of the partners, such as the Baptist Church, the library and the youth service, had already committed a proportion of the capital build costs of the centre. KCC services such as the library also had existing budgets which could be committed to the running costs.

(26) In reply to a question about whether there were associated costs with the abandonment of the current library site, Mr Tilson explained that the authority would be seeking best value for money from the disposal of the site, but that the library service had already set aside monies for the capital investment in the community centre.

(27) A question was asked about how any shortfall in the running costs of the new centre would be met and whether this would fall to KCC. Mr Tilson reiterated that in many cases existing budgets had already been committed, that any reduction in usage would also result in a corresponding reduction in running costs and that in the event of any shortfall the remaining services may be able to put up a pro-rata share. Several Members expressed a view that it appeared that at the current moment, it was not possible to assert that the site had long-term financial sustainability and that ultimately the liability would lie with KCC.

(28) A Member commented that there were many unknowns and there was a gap between political aspirations and what had been delivered and asked who apart from the Cabinet Member, was responsible for ensuring the project was delivered on time. Mr White explained that the lines of communication were shown in the Project Governance diagram and Ms Richards explained that the Orbit Group had entered into a development agreement with KCC and were obligated to provide the development.

(29) The Chairman explained that she had been unable to find a document which encompassed the terms of the agreement on the project, except the report which had been provided to the Committee for the meeting, and expressed surprise that a report had not gone to the Communities Policy Overview and Scrutiny Committee within the previous two years.

RESOLVED: that the Cabinet Scrutiny Committee:

(30) Thank Mr Lake, Mr Tilson, Mr Aldous, Mr White, Cllr Scholey, Cllr Davison, Ms Lane Ms Richards and Mr Kingham for attending the meeting and answering Members' questions.

(31) Express concern to the Leader that neither the Cabinet Member, nor Deputy Cabinet Member were present, despite the attempts made by the officers to find a mutually acceptable date for the meeting. There is a constitutional requirement that Cabinet Members make themselves available for scrutiny, and the purpose of the Cabinet Scrutiny Committee is scrutinise the decisions of Cabinet Members of the collective Cabinet, not to scrutinise the decisions of Officers, which lies with the Scrutiny Board.

(32) Express concern to the Leader and Managing Director that no report to the Communities Policy Overview and Scrutiny Committee or Cabinet during the previous five years could be found. Further that there appeared to be no Cabinet Member decision that would have enabled the development by constructing residential properties.

(33) Ask that the Cabinet Member, Education, Learning and Skills, provide a report evidencing the improved educational attainment which resulted from the transfer of students from the Eden Valley School to other secondary schools.

(34) Express concern to the Corporate Director, Customer and Communities, about the view expressed by witnesses that initial KCC project managers lacked suitable qualifications and experience and that the community consultation, though extensive, was not responsive to community views. In the view of witnesses this was a major cause of:

- the lengthy delay between the commitment given to Edenbridge and delivery of the project
- unrealistic financial projections which required revision
- community concern about the timeliness and completeness of the consultation process in relation to the location of and facilities to be provided within the new centre.

The Committee seeks assurances of how the current process of appointing project managers is more rigorous to ensure competent delivery of projects to agreed timescales and budgets.

(35) Ask that the Cabinet Member, Customer and Communities, ensures that the range of services which will be housed in the new community centre do not duplicate those on offer in the town centre, and that the services provided in both locations are promoted as a 'package'.

(36) Express concern about the long term financial stability of the new community centre, particularly if there is a need for KCC to meet any shortfall in income as a

result of it not being possible to sign up enough non-KCC partners to utilise space in the building

(37) Ask that the Cabinet Member, Customer and Communities, keep local Members and the Cabinet Scrutiny Committee informed of intentions for the existing Edenbridge Library building, and that he consult the Edenbridge Chamber of Commerce and Town Council during the drawing-up of any proposals to ensure that local businesses are engaged.

(38) Ask that the Cabinet Member, Customer and Communities consult with the Edenbridge Chamber of Commerce and Town Council to ensure that the community of Edenbridge benefit from the construction and operation of the new centre where possible.

(39) Ask the Cabinet Member for Customer and Communities to confirm that the Future Library Strategy will not affect the delivery of the community centre library.

(40) Express concern about the impact on businesses as a result of the relocation of the library to the new community centre and ask that the Cabinet Member for Regeneration and Economic Development liaise with the Edenbridge Chamber of Commerce to explore whether Backing Kent Business can help support the regeneration and longer term viability of the business community of Edenbridge High Street.