

## Overview and Scrutiny Performance Board

### Wednesday, 12 November 2014, County Hall, Worcester - 10.00 am

		<b>Minutes</b>
<b>Present:</b>		Mr R M Udall (Chairman), Mr C B Taylor (Vice Chairman), Mr C J Bloore, Ms L R Duffy, Dr K A Pollock, Mr A C Roberts and Mr T A L Wells
<b>Also attended:</b>		Mrs L C Hodgson, Cabinet Member with Responsibility for Localism and Communities Mr P M McDonald Mr G C Yarranton  Neil Anderson (Head of Community and Environment), Andy Maginnis (Programme and Commissioning Manager), Samantha Morris (Overview and Scrutiny Officer) and Suzanne O'Leary (Overview and Scrutiny Manager)
<b>825</b>	<b>Apologies and Welcome</b>	Apologies were received from Bob Banks and John Campion.
<b>826</b>	<b>Declaration of Interest and of any Party Whip</b>	<u>Other Disclosable Interests</u>  <u>Item 5 Member Update and Cabinet Forward Plan:</u> Councillor Ken Pollock declared that he was a Member of the Federation of Small Businesses.  <u>Item 6: Call-in Transfer of Kingsford Forest Park to the National Trust:</u> All Councillors declared that they were Members of the National Trust.
<b>827</b>	<b>Public Participation</b>	None.
<b>828</b>	<b>Confirmation of the Minutes of the Previous Meeting</b>	The Minutes of the Meeting held on 23 October 2014 were agreed as a correct record and signed by the Chairman.
<b>829</b>	<b>Member Update</b>	The Overview and Scrutiny Performance Board (OSPB)

## and Cabinet Forward Plan

was asked to:

- a) Receive an update on emerging issues and developments within the particular remit of each Member of the OSPB, including an update on each Overview and Scrutiny Panel
- b) Consider the Council's latest Forward Plan in order to identify:
  - any items that it would wish to consider further at a future meeting; and
  - Any items that it would wish to refer to the relevant Overview and Scrutiny Panel for further consideration.

The Board received the following updates:

### Adult Care and Well-being Overview and Scrutiny Panel

The Panel when they met on 11 November looked at the Corporate Strategy Planning proposals for the Adult Services Directorate. They agreed to look at the proposals in further detail and talk to user groups and social workers with a view to reporting back their findings to the OSPB in January 2015.

### Children and Young People Overview and Scrutiny Panel

The Children and Young People Overview and Scrutiny Panel had not met since the previous Board meeting and so there was no update to report.

### Economy, Environment and Communities Overview and Scrutiny Panel

The Integrated Waste Joint Scrutiny Task Group was ongoing and the Panel would be looking at the Sustainable Transport Policy at its next meeting, whilst maintaining a continuing interest in flooding, highways and the BT Broadband Contract.

At its September Meeting, the Panel received an update on the challenges facing the Trading Standards Service. There were some concerns about the potential risks of reducing funding, including impacts on capacity and effectiveness, the Panel would continue to monitor this.

### Health Overview and Scrutiny Committee (HOSC)

Over the previous year, the HOSC had been looking at the "Well Connected Programme". This had however, been overtaken by concerns about the impact on

Worcestershire residents following the University Hospital Birmingham (UHB) temporary embargo on non-Birmingham residents being referred to UHB for some treatments and was discussed by HOSC at its meeting on 5 November 2014.

The HOSC was planning to focus on Mental Health issues at its next meeting and over the coming year and would also keep a watching brief on the Re-commissioning of Drug and Alcohol Treatment and Recovery Contract and The Care Act.

#### Localism and Communities

The Archives and Archaeology Scrutiny Task Group was on-going.

#### Forward Plan

It was agreed that the Economy, Environment and Communities Overview and Scrutiny Panel would monitor developments in relation to Worcestershire Parkway Regional Interchange.

A question was asked at the last meeting about whether any indication had been received from the main operator on this line as to whether high speed trains would stop at Worcestershire Parkway. The Chairman of the Economy, Environment and Communities Overview and Scrutiny Panel confirmed that it was the intention that high speed trains would stop at the station.

Other issues for possible scrutiny to be considered as part of the Work Programme were:

- Worcestershire Citizen's Advice Bureau
- Update on the Worcestershire Local Enterprise Plan (LEP)
- The role of the Lord lieutenant and High Sheriff in Worcestershire
- Federation of Small Businesses

The Board adjourned from 10.20am-10.30am.

### **830 Call-in: Transfer of Kingsford Forest Park to the National Trust**

In accordance with the Constitution, the Overview and Scrutiny Performance Board (OSPB) were asked to consider the decision taken by the Cabinet on 16 October 2014 in relation to the Transfer of Kingsford Forest Park to the National Trust. This decision was called-in by eight Councillors and a copy of the call-in was attached

to the Agenda.

The Cabinet resolved that

- (a) the transfer of the freehold of Kingsford Park to the National Trust be approved; and
- (b) the authority to negotiate and agree the detailed terms and conditions of the transfer is delegated to the Director of Business, Environment and Community in consultation with the Cabinet Member with Responsibility for Localism and Communities.

In accordance with the Council's Overview and Scrutiny Procedure Rules, a copy of which are available on the County Council's website, the following have been invited to attend the meeting:

- Signatories to the call-in
- Mrs L C Hodgson, Cabinet Member with Responsibility for Localism and Communities
- Mr J P Campion, Cabinet Member with Responsibility for Transformation and Commissioning
- Head of Community and Environment
- Programme and Commissioning Manager
- The Local Member

Once it had heard from all parties and considered the decision called-in, the OSPB would need to consider whether to:

(a) accept the decision without qualification or comment (in which case it could be implemented immediately without being considered again by the Cabinet); or

(b) accept the decision (in which case it could be implemented immediately without being considered again by Cabinet) but with qualification or comment which the relevant Cabinet Member with Responsibility must consider and respond to; or

(c) propose modifications to the decision or require a reconsideration of the decision (in which case the implementation of the decision was delayed until the Cabinet had received and considered a report of the Overview and Scrutiny Performance Board);or

(d) in exceptional circumstances ask the Council to consider whether option (a) (b) or (c) is appropriate (in

which case the implementation is delayed until after the meeting of the Council to which it has been referred and, if Council resolves option (c), the Cabinet has reconsidered the matter having regard to the Council's view).

The Chairman reminded Members that, to ensure (as far as possible) a structured approach to the consideration of the matter, the following order of proceedings had been suggested:

- Presentation of the reasons for calling-in the decision
- Questions and clarification
- Response by the Cabinet Member/Officer
- Questions and clarification
- Any comments by the Local Member
- Any closing remarks by the Cabinet Member/Officer
- Any closing remarks by those Members calling-in the decision

#### Presentation of the reasons for calling-in the decision

Cllr P McDonald presented the case for the call-in and in doing so made the following main points:

- By transferring Kingsford Forest Park as a gift to the National Trust, the County Council had potentially lost the opportunity for income from parking charges and also the opportunity of a capital receipt had the site been sold.
- The 'soft marketing' carried out was not in depth and had led to a less vigilant management approach than would normally be expected for the sale of real estate site with an estimated value £75,000.
- If the County Council had decided to introduce parking charges, the cost of managing the site could have been reduced.
- Other organisations may have been interested in the site if they had been aware that it was being transferred as a gift.
- Transferring Kingsford Forest Park as a gift set a precedent for reducing Worcestershire County Council's Estate.
- The situation was so exceptional that it should be considered by the County Council.
- There were also implications for the Joint Property Vehicle.

- Gifting of land was a change in policy direction for the County Council and should be debated by all members of the County Council.

#### Questions and Clarification by OSPB

- The Chairman of the Board confirmed with Councillor McDonald that the case for the call-in was suggesting that the transfer of Kingsford Forest Park to the National Trust was of such exceptional significance and public interest it would justify reference of the call-in to the County Council, although the final decision would rest with the Cabinet.
- A member of the Board highlighted his confusion as Councillor McDonald at the meeting of Cabinet on 16 October had suggested that as the National Trust could introduce parking charges after 3 years, this would be discriminatory against those who couldn't afford car parking but was now objecting to the County Council not considering the introduction of parking charges.
- The point was made that the value of the site was £75,000 but that the annual costs being transferred were approximately £30,000 per annum and therefore the value of the site would be re-couped in just over two years.
- In response Councillor McDonald pointed out that there hadn't been any consultation with Worcestershire residents about a site which they essentially owned, there had been no mention of possible income in the report considered by Cabinet, and the issue about parking charges was about needing a fair policy for all rather than charges for people who were not members of the National Trust.
- Reference was made to the press release of 27 October suggesting that access charges would be introduced even though the Cabinet had been advised by the Head of Legal and Democratic Services that access would be free in perpetuity. In response Cllr McDonald suggested that at some point in the future this could potentially be over-ruled due to the economic climate. This, it was suggested was very unlikely as the land crossed several public rights of way.
- Cllr McDonald was concerned that the County Council's assets were being transferred as a gift without all members of the County Council having the opportunity to express their views.

Response by the Cabinet Member with Responsibility (CMR) for Localism and Communities

- By way of background the CMR advised that the 2011 Budget Consultation and 2013 Viewpoint Survey identified the priority services for the County Council and that the Countryside Service was neither a statutory requirement nor priority service for residents.
- This resulted in a commissioning review of the Service in 2011 to identify efficiencies, whilst broadly maintaining services and the public identity. This concluded that the right service was largely being provided, although there were some opportunities to transfer some sites to alternative providers, but that the Service wasn't being delivered at the right price.
- A project was then identified with a revenue saving and in February 2012, a soft marketing exercise and briefing session was carried out with the opportunity for interested parties to have one to one meetings.
- Sites were only considered for transfer if there was experience and commitment to maintaining and managing the public access, biodiversity landscape and historic features to the standards set by the Countryside Service.
- The National Trust (who were a leading conservation charity) were the only organisation to show a detailed interest and could demonstrate suitability for managing Kingsford Forest Park to the standard required and agreed to maintain free public access in perpetuity and free car parking for 3 years.
- It wasn't reasonable to ask the National Trust to consider not introducing car park charges for more than 3 years and in fact, had this been pressed it could have jeopardised the transfer.
- The Council did consider car park charges but it wasn't considered cost effective and charges would be easy to avoid as there was considerable off-site parking in the area.
- If the transfer went ahead the £75k value of the site would be recovered in 2½ years as the £30k revenue costs were being transferred. It was therefore considered that public wellbeing was being promoted and the gift of the site was justified.
- The Council didn't have a duty to consult with the public on such transfers or the potential introduction of car park charges by another

organisation.

- There had been no complaints about the suggested transfer from the public.
- The Local member supported the transfer.

#### Questions and Clarification

- Although it was confirmed that there was no specific deadline for the transfer, the National Trust wouldn't keep their offer open indefinitely.
- Although the CMR didn't have an issue with a discussion at full Council, she thought that there were more important issues for Council to discuss.
- In response to the question as to whether Kingsford Forest Park was the first of many of the County Council sites to be un-economically transferred, the CMR advised that it was the County Council policy was to sell property at market value but that this was a unique situation as the National Trust already owned other parts of Kinver Edge. No other areas were known to be subject to a similar transfer but each site would be considered on its own merits.
- Access to the Site would be free in perpetuity i.e. public will retain all of their rights only the ownership of the site would change.
- National Trust's standards were similar to the County Council's Countryside Service.
- The Board were advised that the part of the park owned by Staffordshire County Council had been recently gifted to the National Trust.
- It was suggested that car parking charges were not discriminatory as there was plenty of off-site parking and free parking for National Trust members was a benefit of membership.
- Cllr Bloore was supportive of a full Council debate about this issue to allow all councillors to have the opportunity to express their views. Cabinet would still retain its ability to make the final decision.
- The CMR urged caution about how the various mechanisms for scrutiny were being used and to be mindful that there were other methods of gathering information.

#### Comments by the Local Member – Councillor Gordon Yarranton

In support of the Cabinet decision the Local Member advised that:



- The site bordered South Staffordshire and was used by ramblers, cyclists and horse riders.
- There was full support from Wolverley and Cookley Parish Councils.
- There was ample off-site free parking.
- It wasn't financially viable for the County Council to introduce car parking charges.
- The National Trust had the expertise and financial backing to deliver the services efficiently.

### Closing Remarks

CMR:

- The proposal had full support from the Local Member and Parish Council's.
- The National Trust was minded to conserve the land in the way in which the County Council had in the past.
- They were the only organisation that met the County Council's standards.
- Free public access would be granted in perpetuity.
- It would enable the Countryside Service to the make savings required as part of budget process.
- The County Council had no duty to consult the public on this matter.
- The National Trust were not going to charge for parking for at least 3 years and there was plenty of off-site parking in the area.

Councillor P Mcdonald reiterated his concerns

- The freehold was being given away and the National Trust would be able to do what they want in 3 years time.
- They were discriminatory in respect of parking charges ie it's free if you were a member of the National Trust and chargeable if not.
- There had been no mention of the moral duty to discuss this issue at full Council.
- Parish councillors had been given the opportunity to discuss the proposal whereas all members of the Council had not.

### Decision

The Chairman of the Board initially proposed that Option (d) (supported by 9(c)) would apply to this call-in as detailed in the Agenda Report, that the transfer of Kingsford Forest Park to the National Trust was of such

exceptional significance and public interest the call-in would justify reference to the Full Council, although the final decision would rest with the Cabinet.

A vote on this proposal was lost (2 votes for, 3 votes against).

After further discussion, the OSPB agreed option (a) - to accept without comment or qualification the 16 October 2014 decision by Cabinet to endorse and implement the proposals regarding Kingsford Forest Park (meaning that the decision can be implemented immediately without being considered again by Cabinet) for:

- (a) the transfer of the freehold of Kingsford Park to the National Trust be approved; and
- (b) the authority to negotiate and agree the detailed terms and conditions of the transfer is delegated to the Director of Business, Environment and Community in consultation with the Cabinet Member with Responsibility for Localism and Communities.

It was subsequently agreed that a proposal to scrutinise the Countryside Service should be brought to the next OSPB for consideration.

The meeting ended at 11.45 am

Chairman .....