

**SCRUTINY COMMITTEE held at COMMITTEE ROOM - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, ESSEX CB11 4ER, on THURSDAY,
21 MARCH 2019 at 6.30 pm**

Present: Councillor A Dean (Chairman)
Councillors G Barker, J Davey, P Davies, S Harris, G LeCount, M
Lemon, B Light and E Oliver.

Officers in
attendance: R Auty (Assistant Director – Corporate Services), B Ferguson
(Democratic Services Officer), S Pugh (Assistant Director –
Government & Legal Services) and A Webb (Director - Finance and
Corporate Services).

Also
present: Councillors D Jones, T Knight, V Ranger and J Redfern.

Public
speakers: James Hewlett and Derek Jones

SC29 PUBLIC SPEAKING

James Hewlett and Derek Jones made statements to the Committee. A
summary of their statements have been appended to these minutes.

SC30 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Asker and Chambers.

The Assistant Director – Corporate Services declared a non-pecuniary interest
as a club member of Saffron Striders.

**SC31 CALL IN OF AN EXECUTIVE DECISION - GRANT TO CARVER BARRACKS:
DELEGATION OF AUTHORITY TO THE CABINET MEMBER FOR
COMMUNITIES AND PARTNERSHIPS**

The Chairman provided background context relating to the Council's grant to
Carver Barracks for the provision of building a running track. He asked
Councillors LeCount and Light to explain why they had called this item in.

Councillor LeCount said it was inappropriate for one person to make a decision
of this magnitude and it should instead be made by Committee or Cabinet.

Councillor Ranger said Council had in fact passed a resolution in July 2017 that
had given delegation on the terms of the grant to the Head of Legal Services and

the Director of Finance and Corporate Services, in conjunction with himself, the Portfolio Holder for Communities and Partnerships.

Councillor Light said she did not have a problem with the running track itself, but rather with the procedure of allowing one person to make such an important decision alone. Before making a decision, the Heads of Terms, a set of clear objectives and construction timeline should be produced.

The Chairman asked whether a written contract had been signed and agreed between the Council and the MOD. He said he wanted to ascertain the current status of any agreements, and whether they had included the 'clawback clause'.

Councillor Ranger said this should be discussed under the next agenda item. He said this item was concerned with the delegation of authority to make the decision. He reiterated that this course of action had previously been agreed at Full Council in July 2017.

The Assistant Director – Governance and Legal said this item was concerned with the narrow decision on the delegation of authority by the Leader to Councillor Ranger. He asked members to limit their comments to this matter until business was moved on to the next item.

The Committee discussed the scope of the decision before them and what options were available.

The Assistant Director – Governance and Legal Services explained the definition and procedure of a 'key decision' and confirmed that the decision to remove the pay back clause was an executive function.

Councillor Light proposed to refer this matter to Full Council. The motion was worded as follows;

“Scrutiny Committee requests Full Council to review the delegation of authority to the Cabinet Member for Communities and Partnerships to make the decision on the requested removal of the payback clause on the grant of £500,000 towards the provision of a running track at Carver Barracks.”

Councillor LeCount seconded the motion.

The motion was defeated.

SC32

**CALL IN OF AN EXECUTIVE DECISION - GRANT TO CARVER BARRACKS:
TO REMOVE THE REQUIREMENT FOR A PAYBACK CLAUSE ON THE
GRANT OF £500,000**

In response to a question from the Chairman, Councillor Ranger summarised the history of the proposed running track, and the issue of the clawback clause. He said there was widespread support for the running track, as demonstrated by previous studies and the canvassing of athletic clubs opinions. He added that a

motion to withdraw the grant was defeated at Council on 21 February. Since the original agreement, it had become apparent that the 'payback clause' was a sticking point and if the Council was to break the deadlock to ensure the project moved at pace, the clause needed to be removed. He said the MOD had confirmed public access time (weekdays 4.30pm to 9.00pm; weekends 9.00am to 6.00pm) to the proposed running track and they would embark on an information campaign once the project was underway.

The Director – Corporate Services said Heads of Terms had previously been agreed back in November 2017 but a new agreement would be put in place if the decision to remove the payback clause went ahead.

Members discussed support for the running track, and it was noted that news of the proposal had been welcomed by clubs, local newspapers and the general public.

Councillor Lemon said he supported the running track but wanted to know why the MOD would not accept a payback clause when there were no guarantees that Carver Barracks would remain open to the public in perpetuity. He asked whether there was a way to safeguard the Council's money without delaying the construction of the track.

Councillor Knight said the Council's grant to the running track was not a financial investment but rather an investment in a community facility that could be enjoyed by residents. She stressed that this was not a joint venture and it would be up to the MOD to run and maintain the running track. The MOD had lost confidence due to the Council's procrastination and if the payback clause was removed from the agreement, the construction of the track could commence immediately.

The Chairman said he had heard reports that local athletic clubs had not been approached by the Council and a lack of engagement had taken place. He asked if this could be rectified.

Councillor Ranger said it would have been inappropriate to correspond on this matter whilst the process was open and the issue unresolved, but he would certainly engage with stakeholders when agreements were in place.

In response to a Member question, Councillor Jones said the insertion of a clawback clause was a flawed concept as it rendered the grant unusable. He said an organisation could not spend the grant on building the track if they had to keep the said grant in reserve to cover the clawback clause. He said he had raised this issue in October 2018.

Councillor Light proposed that the decision was referred back to Full Council for reconsideration, where the new Heads of Terms could be examined.

The motion was worded as follow,

“Scrutiny Committee requests Full Council to review the revised Heads of Terms which propose a grant aiding the building of the running track at Carver Barracks with the view of making a recommendation to Cabinet.”

Councillor LeCount seconded the motion.

Councillor Barker requested a recorded vote.

For the motion:

Councillors LeCount and Light

Against the motion:

Councillors Barker, Davey, Davies, Harris, Lemon and Oliver.

Abstained:

Councillor Dean.

The Chairman proposed that the Committee advise the Portfolio Holder for Communities and Partnerships to engage with clubs and respond to their enquiries.

Members discussed the proposal but felt the assurances from Councillor Ranger regarding the Council's plans for public engagement were sufficient and no formal resolution was passed.

The meeting ended at 7.45pm.

PUBLIC STATEMENTS

James Hewlett – Club Development Officer, Saffron Walden Striders

Mr Hewlett said he spoke for a club which was inclusive and open to all types of runners. He said currently the club were limited to running around the town, which was not ideal, particularly for children. The club supported the proposed running track at Carver Barracks, as it would expand the options available to the club and he mooted the potential for creating a children's section. He said the club enjoyed good relations with the Barracks and in partnership they held two runs a year together.

Mr Hewlett said he had two reservations regarding the track. The first was the location of the Barracks, which was only accessible by car, although he conceded this could not be helped. The second was the issue of communication and the lack of dialogue the club had achieved with the Barracks. He said it was essential that an open dialogue was established so the maximum benefit for club members and the public could be achieved. He concluded by saying he was strongly in support of the running track although his reservations needed to be addressed.

Derek Jones – Leader of Saffron Walden Organisations for Sport; Chair of WaldenTRI and Walden Track and Field

Mr Jones said local clubs needed to be involved with the arrangements of the running track straight from the start. He said he had submitted a plan to Councillor Ranger which outlined the priorities of grassroots organisations. For instance, guidance issued by Sports England stated that a user group agreement was a 'must have' and further issues such as availability, accessibility and affordability still needed to be looked at and resolved.