



## **MINUTES OF A MEETING OF THE CABINET HELD ON 11th SEPTEMBER 2014**

**PRESENT:** Councillor D Cook (Chair), Councillors S Claymore, S Doyle and M Thurgood

The following officers were present: Anthony E Goodwin (Chief Executive), John Wheatley (Executive Director Corporate Services), Andrew Barratt (Director - Assets and Environment), Stefan Garner (Director of Finance), Jane Hackett (Solicitor to the Council and Monitoring Officer), Robert Mitchell (Director - Communities, Planning and Partnerships), John Day (Corporate Performance Officer), Jane Eason (Communications and PR Manager), Neil Mason (Head of Community Leisure) and James Roberts (Economic Development and Enterprise Manager)

### **36 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor R Pritchard.

### **37 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 21<sup>st</sup> August 2014 were approved and signed as a correct record.

*(Moved by Councillor S Claymore and seconded by Councillor S Doyle)*

### **38 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

### **39 QUESTION TIME:**

#### **QUESTIONS FROM MEMBERS OF THE PUBLIC**

#### **NO.1**

**Under Schedule 4, 13, Mr Ravenscroft asked the Portfolio Holder for Economy and Education, Councillor S Claymore, the following question:-**

"Why was the lease to run the golf course given to Jack Barker Group some six years ago, given his record (available for everyone to see on the internet, just by

simply Googling Jack Barker) of what he had done to other courses in his group?"

**Councillor S Claymore gave the following reply:**

Mr Ravenscroft thank you for your question which, as you are now aware, has been answered on many occasions. However I will seek to clarify the situation one final time.

Following a major independent appraisal of all the Councils Leisure, sports and cultural services and assets (Leisure Futures) it was made clear to the Council that for the golf course to continue operating, it would require major annual revenue support and considerable capital investment. This came at a time when the Council had neither. The result being that the Council had difficult decisions to make.

In respect of the golf course, the recommended option from the report was to lease the course. The council undertook a robust procurement process that complied fully with all the legislative requirements placed on the public sector. That procurement process was supported by external specialists including Savills (experts in leasing and land values) and Cobetts who provided legal support and undertook due diligence checks. Having set a robust process the council duly followed that process and after checks were made appointed Jack Barker Golf to operate the course.

Please be aware that under the national tendering legislation which we must follow when allocating public funds or contracts, once the process starts the outcomes are set. Once it is complete the system will highlight a winner. You cannot then just decide one company was better because they took us out to lunch as can happen in the private sector, as stated, under the process the winner is the winner. This was a very robust piece of work, not a deal done over a pint down the local.

Therefore despite theories to the contrary the evidence shows that the decision to lease the course was made in the courses best interests and in good faith. The council took a number of references and visited successful courses operated by Jack Barker and at that time there was no concerns raised about the operator. The information you mention on google only came out after the contract was signed in 2006/07 when the economic downturn started.

The Council has previously accepted that the operator latterly known as Tamworth Golf Centre did not fully deliver on their business case and has outlined the measures taken to manage the lease and operating agreement. It should be noted that while the operator did make errors in judgment there was also a worldwide economic recession which impacted on the operators plans. We should also recognise that the operator did for the most part maintain his rental payments and therefore contributed to the delivery of other services whilst also keeping the golf course open at an affordable rate. It is in my view without the lease agreement the Council would have considered closing the course years ago.

**Supplementary Question:**

Thank you for your answer. There are so many things I could take up.

I believe you said that Jack Barker Group had no problems when the company came out on google in 2006/7 my point being if all golfers affected by decision could find information in five minutes on their computers, why did you give him the lease? If given and not checked out that, your due diligence was not checked on? Our conclusion is a lack of due diligence to select Jack Barker Group above other bidders knowing the situation he was in. Had the lease been given to an operator with proven track record we wouldn't have reached point of closure of this facility. The course was a credit to the town with over 500 members. The question has not been answered. But why was he offered the lease to run Tamworth Golf Course and leave it in the condition it is in today?

**Councillor S Claymore gave the following reply:**

I can't answer your question twice. If you're not accepting the answer I cannot answer. It was as true an answer as I could give.

**40 MATTERS REFERRED TO THE CABINET IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULES**

None

The Leader of the Council changed the order of business to deal with agenda item 9 at item 6.

**41 OPERATIONAL AND FINANCIAL PERFORMANCE UPDATE TAMWORTH GOLF COURSE**

The Report of the Portfolio Holder for Economy and Education seeking to update Cabinet on the operational and financial performance of Tamworth Golf Course and to endorse the recommendation to close the course on the 1st of October 2014 was considered.

**RESOLVED:** That Cabinet endorsed:

1. the closure of Tamworth Golf Course on 1st of October 2014 and Cabinet authorised,
  - (i). the Director Communities Planning and Partnerships to make the appropriate arrangements for closing the service, and
  - (ii). the Director Assets & Environment make arrangements for the cessation of the current grounds management activities and to implement a minimal routine maintenance programme, and;
2. the annual green fee members are issued with a pro-rata refund.

*(Moved by Councillor S Claymore and Seconded by Councillor D Cook)*

#### **42 QUARTER ONE 2014/15 PERFORMANCE REPORT**

The Report of the Leader providing Cabinet with a performance health-check was considered.

**RESOLVED:** That Cabinet endorsed the contents of the report.

*(Moved by Councillor D Cook and seconded by Councillor S Claymore)*

#### **43 ANNUAL REPORT ON THE TREASURY MANAGEMENT SERVICE AND ACTUAL PRUDENTIAL INDICATORS 2013/14**

The Report of the Portfolio Holder for Operations and Assets seeking approval for the Annual Report on the Treasury Management Service and Actual Prudential Indicators 2013/14 was considered.

**RESOLVED:** That Cabinet:

1. approved the Actual 2013/14 Prudential Indicators within the report and shown at appendix 1, and;
2. accepted the Treasury Management stewardship report for 2013/14.

*(Moved by Councillor D Cook and seconded by Councillor M Thurgood)*

#### **44 CORPORATE RECORDS MANAGEMENT POLICY**

The Report of the Portfolio Holder for Operations and Assets seeking approval from Cabinet for the Corporate Records Management Policy was considered.

**RESOLVED:** That Cabinet endorsed and adopted the policy

*(Moved by Councillor D Cook and seconded by Councillor S Claymore)*

#### **45 BUSINESS AND ECONOMIC PARTNERSHIP (BEP) - STRATEGIC PLAN**

The Report of the Portfolio Holder for Economy and Education seeking Cabinet's endorsement of the revised Business and Economic Partnership's (BEP) Strategic Plan 2014 – 2018 was considered.

**RESOLVED:** That Cabinet endorsed:

1. the BEP Strategic Plan in terms of its overall vision, key themes, issues and priorities, and;
2. the next steps in developing the Action Plans based on each of the key themes of the Strategic Plan, which will now be formulated by the 'Theme Champions' and their support partners, who all sit on the BEP Board. This process will be facilitated by officers from the Shared Service and will involve further member consultation.

*(Moved by Councillor S Claymore and seconded by Councillor D Cook)*

## **EXCLUSION OF PRESS AND PUBLIC**

### **RESOLVED:**

That members of the press and public be now excluded from the meeting during consideration of the following item on the grounds that the business involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

## **46 AWARD OF THE DRY RECYCLING DISPOSAL CONTRACT FOR THE JOINT WASTE COLLECTION SERVICE**

The Report of the Portfolio Holder for Environment and Waste Management seeking approval to award the Dry Recycling Disposal Contract for the Joint Waste Collection Service to the contractor who submitted the most economically advantageous tender was considered.

**RESOLVED:** That Cabinet endorsed the recommendations as contained in the report.

*(Moved by Councillor M Thurgood and seconded by Councillor D Cook)*

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Leader

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