

**Minutes of a meeting of Scrutiny Committee for Community,  
Customer Services and Service Delivery  
held on Tuesday, 13th October, 2020  
from 4.00 - 5.39 pm**

**Present:** A Boutrup (Chair)  
Anthea Lea (Vice-Chair)

L Bennett	J Henwood	P Bradbury
P Chapman	M Pulfer	R Eggleston
R Clarke	D Sweatman	J Knight
S Ellis	R Bates	
I Gibson	A Bennett	

**Absent:** Councillors B Dempsey, T Hussain, J Mockford, S Smith and  
A Sparasci

**Also Present:** Councillors P Brown, R Cartwright, E Coe-Gunnell White,  
R de Mierre, L Gibbs, S Hatton, S Hillier, C Laband,  
A MacNaughton, N Webster, R Whittaker

**Also Present as Cabinet Members:** Councillors J Belsey, J Llewellyn-Burke, J Ash-Edwards

**1 ROLL-CALL AND VIRTUAL MEETING EXPLANATION**

The Vice Chairman carried out a roll call to establish attendance at the meeting. The Solicitor to the Council provided information on the format of the virtual meeting.

**2 TO NOTE SUBSTITUTES IN ACCORDANCE WITH COUNCIL PROCEDURE  
RULE 4 -SUBSTITUTES AT MEETINGS OF COMMITTEES ETC.**

The following substitutes attended the meeting:  
Councillor Alison Bennett for Councillor Dempsey, Councillor Eggleston for Councillor Sparasci, Councillor Knight for Councillor Mockford, Councillor Bates for Councillor Hussain and Councillor Bradbury for Councillor Smith.

**3 TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Councillors Dempsey, Sparasci, Mockford, Hussain and Smith.

**4 TO RECEIVE DECLARATION OF INTERESTS FROM MEMBERS IN RESPECT OF  
ANY MATTER ON THE AGENDA.**

Councillor Boutrup declared a personal interest as a Trustee and treasurer of The Woodside in Bolnere Village. Councillor Eggleston declared a personal interest as a Trustees of the Beehive Trust in Burgess Hill and being a Member of the Burgess Hill Town Council Cultural Quarter Steering Group. Councillor Chapman and Councillor Henwood declared a personal interest as they are also on the Burgess Hill Town

Council Cultural Quarter Steering Group. Councillor Bates declared a personal interest as a registered member of Park Run as he had involvement in setting this up at Clair Hall.

**5 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 8 JULY 2020.**

The minutes of the meeting held on 8 July 2020 were agreed as a correct record and electronically signed by the Chairman.

**6 TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.**

None.

**7 CALL-IN OF CABINET DECISION - CLAIR HALL**

Judy Holmes, Assistant Chief Executive introduced the report.

The Chairman confirmed that the Committee's role was to consider three options in the report based on the specific operational areas requested by Councillor Alison Bennett in the call-in request. In doing so, the Committee should consider all parts of the decision made by Cabinet in terms of the continued closure of Clair Hall, the establishment of a temporary car park on site and for Officers to commission work to develop a business case for the inclusion of a modern community facility as part of the future regeneration of the site or other sites in the town centre. The Chairman confirmed that a Council petition had been received regarding the closure of Clair Hall but this was not for discussion at this meeting.

The Cabinet Member for Environment and Service Delivery said that the Council intends to commission an independent organisation to engage with community groups through a consultation to establish the needs regarding the provision of a new community facility.

A Member raised a point of order under statutory provision 14.1 that the Cabinet's decision rescinded a resolution passed on 19th August where the Council agreed to remove Clair Hall from the Places Leisure contract. He noted that paragraph 55 of the Council report states 'The Council can consider the future of the site at some future point'. The Chairman and Head of Regulatory Services clarified that this refers to the Council in its whole body, not a meeting of full Council, and therefore it became the responsibility of the Cabinet.

Debate was held on the Cabinet's decision on the continued and permanent closure of Clair Hall. A Member felt that the Cabinet report was deficient in detail as the main focus was on figures relating to footfall and not utilisation. Rob Anderton, Divisional Leader: Commercial Services & Contracts confirmed that the footfall data in the Cabinet report over a 4 year period does indicate a decline. The utilisation data only shows 2019-20 and further data was requested for the purpose of the call-in scrutiny meeting. A Member requested that all the information presented to Cabinet be made available for the independent organisation appointed to carry out the consultation.

A Member queried Key Performance Indicators (KPIs) set for Places Leisure. The Chairman noted that KPI information was fed into the original Cabinet report and the Assistant Chief Executive confirmed that since the contract commenced 5 years ago,

the KPI information had been provided annually to this scrutiny committee and is published online.

Two Members expressed concern that the Council had not provided alternative venue options for a number of events that used to take place in the Hall. The Chairman confirmed that discussion on alternative venues fell outside of the scope of the meeting and it was confirmed that work on sourcing alternative venues has had to cease whilst the call-in was under consideration.

The Cabinet Member for Environment and Service Delivery acknowledged that although utilisation may have increased, it is still low at around 50% and footfall had declined over time. With uncertainty around the future due to Covid19 restrictions a decision was needed regarding the future of the site. He reiterated that work on consultation has paused whilst the call-in is considered but pending the outcome of the scrutiny meeting, the Council can move forward with consultation.

A Member noted that the call-in procedure was a key part of the Constitution to ensure that decisions were taken properly and was not used as a way to halt proceedings. Clarity was sought over the reason why the Cabinet report did not feature in the Forward Plan. The Head of Regulatory Services confirmed that the future of Clair Hall could not be listed until the Council had met on 19 August to agree the Places Leisure contract amendment. It was not published in the September Forward Plan as this was published after the papers for the September Cabinet meeting were published. A process failure was acknowledged as the item was not treated as an urgent item at the Cabinet meeting and therefore could have been taken to the October meeting and published in the September Forward Plan. It was acknowledged that more consideration needs to be made to the content of the Forward Plan to ensure this does not happen again. The Leader noted that there was no evidence that any parties had been disadvantaged as a result of the omission on the Forward Plan. The Cabinet received representations after the Cabinet papers were published and considered them as part of the decision making.

Discussion was held over the longevity of the current building. The Energy Performance Certificate (EPC) rating of G for the building was raised, and it was noted that the Council required a rating of E in order to operate without incurring a fine in the future. It was noted that the state of the hall is declining and that it was in the Haywards Heath Masterplan in 2007 as a future opportunities site. With the hall closed due to Covid19 restrictions it provided a good opportunity to work on a better alternative and build for the future.

A Member sought clarity on whether the Council has applied to the Government's cultural recovery fund. The Cabinet Member for Environment and Service Delivery agreed to provide a written response.

In response to a Member's question on whether Cabinet would object to a community group running the hall on a 'meanwhile lease' during the consultation phase, the Leader noted that no proposal had been promoted before the decision to close the hall was made. If it were to happen, it would not resolve the wider issues with the hall in terms of falling usage, increased cost to the taxpayer to maintain, reduced capacity due to Covid19 guidelines and the design of the building. In response to a Member's concern about a lack of public consultation, he noted that the decision to take Clair Hall out of the contract with Places Leisure was part of a wider issue where the Council has had to address the impact of Covid19 on the community, finances and that the decision was agreed by Full Council. He reiterated the Cabinet's commitment in their decision to work with local groups to establish the future requirements.

Discussion was held on the establishment of a temporary public car park on site and the effect that may have on Park Run and cricketers who use the existing carpark. In response it was confirmed that in establishing how the car park will operate, the Council will consider all users and the potential for a mix of provision on site in terms of permits and concessionary usage. Consideration would also be given should a group operate Clair Hall on a temporary basis.

Members discussed the request for officers to commission work to develop a business case for a modern community facility as part of the future regeneration of the site or other sites in the town centre. Members endorsed the need for Haywards Heath to have a modern multi-purpose community facility. A Member sought clarification about any covenant in place stipulating that Clair Hall had to be used for education or entertainment purposes. It was confirmed that there is a negative covenant stipulating that the site cannot be used as a garage. The site was bought in 1930 in a commercial transaction.

Councillor Knight proposed a motion that 'the Committee has considered the call-in and resolves that no reference to Council or Cabinet should be made. The committee supports the Cabinet decision, including the next steps to commission work to develop a business case for the inclusion of a modern community facility as part of the future regeneration of this site or other sites in the town centre.' The motion was seconded by Councillor Sweatman and a recorded vote was requested by 5 Members of the Committee.

The Chairman took Members to the recorded vote.

	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Bates, R			✓
Bennett, A		✓	
Bennett, L	✓		
Boutrup, A	✓		
Bradbury, P	✓		
Chapman, P		✓	
Clarke, R	✓		
Eggleston, R			✓
Ellis, S	✓		
Gibson, I		✓	
Henwood, J			✓
Knight, J	✓		
Lea, Anthea	✓		
Pulfer, M	✓		
Sweatman, D	✓		

The 15 Members present voted 9 in favour, 3 against and 3 abstaining, therefore the motion was agreed.

## **RESOLVED**

That the Committee:

Has considered the call-in and resolves that no reference to Council or Cabinet should be made. The committee supports the Cabinet decision, including the next steps to commission work to develop a business case for the inclusion of a modern community facility as part of the future regeneration of this site or other sites in the town centre.

### **8 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

#### **The following question was asked by Councillor Hatton:**

Cabinet Member Belsey has stated that consideration of the closure of Clair Hall began in March 2020. Why, therefore, was there no consultation held with the public or stakeholders in the following 6 months before the Cabinet decision was made to close Clair Hall immediately and permanently?

Councillor Hatton acknowledged in the meeting that a response had already been provided and asked a supplementary question requesting that the Council have discussion with the community regarding the potential to take over the hall in the interim period before the independent consultation is completed. The Cabinet Member for Environment and Service Delivery acknowledged that a list of alternative venues has been published to assist groups in relocating and contact will be made with local groups to consider all options available prior to the wider consultation.

#### **The following question was asked by Councillor Cartwright:**

Has the Council had approaches from developers or interested parties about making alternative use of the site since the decision in August to take Clair Hall out of the Places Leisure contract?

The Leader was not aware of receiving any contact from developers on this subject. All representations received were considered at the Cabinet meeting and no further substantive proposals have been received.

The meeting finished at 5.39 pm

Chairman