

OVERVIEW AND SCRUTINY COMMITTEE

27 October 2016

Present: Councillor K Hastrick (Chair) (for minute numbers 42-43)
Councillor J Dhindsa (Vice-chair) (Chair for minute number 44)
Councillors J Fahmy, Asif Khan, R Martins, A Rindl, N Shah,
D Walford and T Williams

Also present: Councillor Nigel Bell, call-in member
Councillor Karen Collett, Portfolio Holder for Community
Councillor Anne Joynes, call-in member
Councillor Mo Mills, call-in member
Councillor Peter Taylor, Portfolio Holder for Client Services
Libby Truscott, representative from Save Watford Adventure
Playgrounds
Councillor Matt Turmaine

Officers: Head of Community and Customer Services
Head of Corporate Strategy and Client Services
Legal and Democratic Section Head
Communications and Engagement Section Head
Partnerships and Performance Section Head
Committee and Scrutiny Officer

42 **Apologies for Absence/Committee Membership**

There were no apologies for absence.

43 **Disclosure of interests (if any)**

There were no disclosures of interests.

44 **Call-in: Investment in Watford's Adventure Playgrounds**

The Cabinet decision taken on 10 October 2016, minute reference 38, regarding 'Investment in Watford's Adventure Playgrounds' had been called in by Councillors Joynes, Bell and Mills. The reason for the call-in had been included in the agenda. The scrutiny committee had received a copy of the report to Cabinet, additional documents circulated at Cabinet, the minutes from Cabinet's meeting, the completed call-in request and the call-in procedures.

Following a brief introduction by the Chair, Councillor Dhindsa, the Legal and Democratic Section Head was asked to explain the role of the committee.

The Legal and Democratic Section Head explained about call-in and the scrutiny committee's role in considering the call-in request. In addition he confirmed the scope of the call-in as set out in the request by the three councillors. The call-in procedures, which were to be followed, were included with the agenda. He reminded members that there were two possible decisions that could be made. The first could be to ratify Cabinet's original decision; Cabinet's decision could then be implemented immediately. The other was to refer the decision back to Cabinet giving reasons why Cabinet should re-consider its decision.

Councillor Joynes was invited to present the reasons for calling in Cabinet's decision.

Councillor Joynes informed the scrutiny committee that the call-in was about two matters. The first was to consider if there had been a proper examination of the SWAPs proposal. She advised that staff had asked for any criteria for any potential proposal they may wish to make. They had been told they only needed to present a rough draft. The staff presented a professional proposal and showed that they were serious in their intention to save the playgrounds. The staff were then told that their proposal was not acceptable as it did not meet the criteria. She then referred to the Cabinet report and quoted the comments contained in it about the proposal. It was felt that it would have been fairer if the staff had been invited to talk about the proposals with senior officers and a solution may have been found to keep the playgrounds open. She questioned whether the issue of rent to the council had been taken into account. She had asked for further details of the criteria which had been provided to the staff. She had been informed that the aim was to ensure the playgrounds were sustainable and open longer.

Councillor Joynes stated that she had asked for information about the £1.25/£1.4 million and how it would be dispersed. She quoted the information she had been given, some of which had been estimated. She then referred to the use of capital funds and referenced the comments made by Councillor Watkin at the Cabinet meeting. She advised that it was possible to use capital funds flexibly and quoted from draft guidance published by the Department for Communities and Local Government (DCLG). She said that one area that stood out for her was 'service reconfiguration, restructuring or rationalisation, leading to service transformation'. If there had been an opportunity to negotiate the SWAP proposal this may have come out. The other was 'setting up a commercial delivery model'. She wondered whether any of this had been considered.

Councillor Joynes referred to the second part of the call-in and the consideration of other ideas used by other councils. Dacorum Borough Council had four adventure playgrounds and she questioned whether officers had approached that authority to find out how it funded its service. She spoke about Eastleigh Borough Council and the importance that authority placed on play. She stressed that children wanted to do things they enjoyed. She said that SWAP was a prime example of localism.

Councillor Bell referred back to the draft guidance on the flexible use of receipts. He commented that Watford shared services with Three Rivers District Council. He asked whether officers or the portfolio holders had contacted Three Rivers about a shared policy on adventure playgrounds. He quoted the guidance with reference to expenditure and that local authorities could decide whether schemes met the flexible use criteria. He suggested that officers could have worked with SWAP and possibly other organisations to see if it was possible to come up with a compromise.

Councillor Mills said that she wanted to speak about disabilities. She referred to Appendix D of the Cabinet report, which provided information about attendance figures at the two sites. There had been no breakdown of the attendance figures. The Equalities Impact Analysis did not provide sufficient details. Officers should have asked for details of those children attending the sites and their disabilities and how they might access play. She said that no one was consulted, especially the children or the parents of children with a disability.

Councillor Joynes introduced Libby Truscott who was invited to speak to the scrutiny committee.

Libby Truscott informed the scrutiny committee that she was one of the people leading the SWAPs campaign. She provided information about her experience in this field. She said that she was disappointed in the lack of details and consultation. People's voices had not been heard. There was a severe lack of knowledge or understanding of play, particularly adventurous play. It appeared that adventure play was about equipment and making them tall and sparkly. She ran an adventure playground similar to the proposal and the equipment was not used.

Ms Truscott referred to comments about free childcare. She stressed that a space was provided where parents felt safe to leave their children. It was not about free childcare. Many parents could not afford to send their children to pay for schemes. Watford had offered discounted play schemes until a review in 2010. Now the council provided nothing during the holiday period. The new council scheme proposed to hold events during holiday times, but no details had

been provided. There was also a lack of consideration about the community's needs.

Ms Truscott said that she had been part of the group that had produced the SWAPs proposal and agreed it was ambitious. If the council wanted the best quality service in its area, the proposal needed to be ambitious. The feedback received from the council was not very good. The group was thanked for the proposal but it was felt the council was not interested. There had been no negotiations about it. She told the scrutiny committee that it could not make a decision as there had been no serious conversation about how the proposal could be made to work. She referred to comments made at Cabinet by the Mayor and Councillor Collett. They had different views to residents of Watford about play. As elected members of the council they had to listen to the Watford people. She said that the group could reduce the costs and produce a better document with accurate figures. However, they needed to be given time and a clear criteria with the ability to sit down and discuss the proposal with the council.

Ms Truscott then referred to the amount of money being given to the contractor, Southern Green. She considered these costs to be extortionate. She felt that SWAP could do much more with the funding of £1.25 million, including renovating the two buildings, providing a nurse and creating a community centre that could provide educational opportunities for adults. SWAP could provide a much better, more rounded service. The council's proposals had not taken into account how children interacted with their environment. It had not shown how it would provide for arts and crafts activities or enable children to dress up. No space was provided for imaginative play or the things they could do at the adventure playgrounds.

At the last meeting Ms Truscott said that she had been told that the SWAP proposal could not be considered as Watford was not a unitary borough. However, the council had shared services with Three Rivers and other services were contracted out. She could not see any reason why the council could not consider the SWAPs proposal like any other contracted out service.

Finally Ms Truscott said that she wished to echo Councillor Mills' comments about the disproportionate impact on children with disabilities. The proposal and structures would not cater for wheelchair users or those children who did not have the same social skills as a mainstream child. The staff were able to help those children who were less physically or mentally able than others. The removal of the staff would lose this ability.

Ms Truscott told the scrutiny committee that the only decision they could make was to refer the decision back to Cabinet and to give time for discussions to take place with SWAP or to allow for a proper tender process.

Councillor Joynes informed the scrutiny committee that her other speaker, Anita Grant of Islington Play, was unable to attend the meeting but had provided a statement to be read out. Ms Grant referred to the work of Islington Play and how the council had approved a deed of dedication to ensure the continued use of the land for children's play. She suggested that the council could provide a grant to a new charity. The capital funds could be used to improve the buildings. Parents worried about their children going to playgrounds and whether they were safe. Islington Play was integral to preventative services, picking up issues at an early stage. By working with an external charity the council would be able to harness the commitment, passion and experience for Watford's children. The council had an opportunity to show support for parents and local children, with increased community cohesion. Ms Grant questioned why the council would not explore and consider the proposal.

The Chair invited the scrutiny committee to pose questions to Ms Truscott, who had agreed she was happy to respond.

Councillor Hastrick thanked Ms Truscott. She said that she felt the aim of the SWAPs proposal was admirable. She asked whether the group would continue should the decision not be in their favour. She also asked for further information about some of the activities which would need to take place inside.

Ms Truscott confirmed that it would definitely be continued. The group had already had discussions about funding with other organisations. It was proposed that a community interest company would be set up; however this would mean that no potential profits would go back to the council. If the council agreed to keep the playgrounds in their present form, it would receive rent from the group for renting those spaces. If it were to continue separately the project would look very different and would not be based on those two particular sites.

In response to the second question, Ms Truscott advised that at the moment the proposal was purely focussed on play. The additional activities had been included as it was thought they were best for the community. There would be a hub for children and adults. She noted references to the opening hours of the sites. She said that if the buildings could be used by SWAP the proposals could be developed and the additional services would wrap around the after-school care.

Councillor Hastrick responded that she felt the proposal had given a false impression, as it implied the new activities would be available immediately. The

County Council, through its Youth Connexions services, had stopped using the adventure playgrounds as venues for their activities, as they failed to attract young people to the sites.

Ms Truscott explained that the aim was not to tackle the 16-21 years old age group. In other areas it had been tackled by marketing and knowledge of the local area.

Following a question from Councillor Fahmy on the research for the financial information, Ms Truscott advised that this was based on previous projects she had been involved in and the work of other councils. The figures for the nursery had been based on a low number of children attending. An assessment would have to be made to confirm the correct number of children that could be there. She was aware that there was a desperate need for two-year old provision. The government paid an amount of money per child.

Councillor Williams referred to the budget within the document and the mention of a grant and initial funding of £300,000. He asked whether any officer or councillor had indicated this would be available. He also suggested it would have been useful to see a five-year plan.

Ms Truscott explained that this was the sum SWAP had used and would be requested from the council. This was based on a team of four people. However, there were ways this figure could be reduced and the level of grant could vary. If SWAP was given the £1.25 million that had been set aside for the service overhaul, it would not need to ask for the grant. She advised that after the initial proposal, the next step would have been to produce a five-year plan.

Councillor Williams noted that as part of the Cabinet report officers had included risk implications, which showed the possible likelihood of any risk. He suggested the SWAPs proposal had not accounted for any potential risks.

Ms Truscott stated that the biggest financial risk would be a lack of capital. She reiterated that if the council were to give SWAP the capital funding of £1.25 million it could use some and then keep some of it as reserves. The group would invest in the physical structure over a three-year period, for much less than Southern Green.

Councillor Rindl had heard Ms Truscott speak about the importance of the playgrounds for community engagement and community cohesion. She was troubled by the SWOT analysis and the current attitude of the service. She asked Ms Truscott to comment on her statement that community engagement was pivotal to the site but then stated that it did not work.

Ms Truscott responded that an overhaul of attitudes was required. The current service had had issues in certain areas. It had not promoted joined up working, which SWAP would wish to introduce. She referred to work carried out in other local authority areas.

Following a question from Councillor Khan about detailed feedback on the proposal, Ms Truscott advised that none had been received. The group had been told that the proposal was admirable and ambitious, but the figures did not add up. The council would not achieve its savings. However the council was interested in the volunteering aspect. She said that she would have welcomed feedback.

Councillor Martins asked whether SWAP would put in a tender application if the council decided to retain the sites.

Ms Truscott confirmed that if the tender process was available to SWAP it would submit a tender. However, SWAP would need some capital funding to provide a good service. The council's proposal to provide a service for certain parts of the year could be more ambitious. Three Rivers run a service throughout the year except for a few weeks and it was run on a much smaller budget.

Councillor Martins said that his background was business development and looking at the plan could understand why the council might feel that there were some terrific ideas but there was a potential lack of funding. He asked Ms Truscott if she could confirm the hours the service would be run and following her comments about the £1.25 million, on what basis she had made that statement. In addition he asked about the annual spend of SWAP.

Ms Truscott explained that she had made the comments based on her experience and her involvement in these processes. She had good connections with people and companies that built the equipment. She knew a lot of people who did this type of work for a living. She said that she had estimated about £150,000 per playground per year would be required. She recognised that this was a large amount of money; this could be reduced to a lower figure, possibly under £100,000. Once the charity was established it would be possible to apply to other funding opportunities.

Councillor Khan asked whether the group was willing to work with officers and Cabinet members on a way of working within budget and provide a viable play service.

Ms Truscott agreed the group was prepared to work with the council. This had been the reason SWAP had been set up. Whatever budget was set by the council

the group would work within. In addition it would aim to raise further funds. They would be happy to work with whatever budget to maintain the facilities.

Councillor Hastrick had noted the comments about other funding opportunities, but many of them required match-funding. She asked whether there was any intention to charge parents for the services.

Ms Truscott said that the introduction of charges would be the last resort. Many adventure playgrounds did charge. This would deter parent from using the service. As a charity the group would be able to ask for charitable donations. Fundraising events could also be arranged, for example Christmas discos.

Councillor Martins commented that across the country adventure playgrounds were closing down and new models were developing.

Ms Truscott said that she was aware of the closures and Play England and other organisations were actively fighting against it. New models had not succeeded. She referred to North East Somerset where following the closure there had been a 48% swing in crime in certain areas, particularly housing estates. She suggested that the council's schemes were likely to eventually become under used and run down. In the future there would then be the opportunity for people to say these sites were not worthwhile and should be removed. Islington had placed a deed on the land to prevent the land being built on at a later date. If the council wanted to continue with its decision then it needed to put a deed on the land to protect it for children for eternity. This would prevent it being sold and then built on.

Councillor Collett said she wished to commend SWAP for the ideas in the proposal. She had noted that the budget showed a 44% reduction in hours and less staff. She asked how this would work.

Ms Truscott explained that the reduction in hours would mean that excess staff were removed. This would remain until at least additional funding could be acquired. She was aware that during school hours only early year's children were available. There was an excess of play provision for children between 0 and five years and lack of provision for children 10 years and older. The intention would be to use the space during school hours as a community space or nursery. The intention would be to keep the hours similar to the present time but with less play staff. The staff would need to be well qualified and well trained; plus they would need to maintain their CPD. She explained about the staffing arrangements for the adventure playground where she currently worked.

The Chair thanked Ms Truscott for speaking to the scrutiny committee and responding to the councillors' questions. The Chair invited the scrutiny

committee to put questions to the three councillors, who had called in the decision.

Councillor Martins said that the main driver for Cabinet's decision was finance. He asked if the councillors could explain why they thought Cabinet was wrong.

Councillor Joynes responded that Cabinet had not looked at the possibility of an alternative. She had asked for the criteria. The criteria was not given to those people producing the SWAPs proposal. The proposal had been put together based on their experience in other places. The proposal should have initiated a discussion. The response was dismissive and did not give any detail. The group had given as much information as they felt they could at that time. A five year plan would come after the initial proposal. She said that she was aware the council needed to save money, but it was also how the council used its budget to the best advantage. She said this provided an opportunity to consider an alternative.

Following a response from Councillor Martins, the Chair stated that he felt Councillor Joynes had answered the question. It had to be remembered that the council had £20 million in reserves which could be used for 'rainy days'.

Councillor Williams asked how confident the councillors were that SWAP could meet its financial commitment. He felt this was a grey area.

Councillor Bell said that if the council had been willing to talk to SWAP, he agreed it was an ambitious plan, but it was a basis to work on. The financial arrangements could be discussed and a compromise found. There would still be an adventure playground. He said that he did not agree with cuts to vital play workers.

Councillor Joynes added that a hypothetical question had been asked. The council was also using hypothetical figures as it did not know how much the demolition would cost. She felt it was necessary to examine the £800,000. They had heard evidence from an expert that the council was being taken for a ride. She asked the scrutiny committee to give it a chance. A tight timescale had been set and they had been given no information.

Councillor Collett asked Councillors Bell and Joynes if, in their roles as county councillors, they had approached the county council, which was responsible for children's services, and asked if they would be part of the proposal.

Councillor Joynes said that she had contacted children's services but had not had a reply. Ms Truscott confirmed SWAP had been in contact with the county

council. Councillor Bell added that he had contacted the Head of Children's Services and he was aware that there had been discussions with SWAP.

The Chair thanked the councillors for their presentation and responding to questions from the scrutiny committee and portfolio holder.

The Chair invited the officers and portfolio holders to speak to the scrutiny committee about Cabinet's decision and the call-in.

The Director of Finance reminded the scrutiny committee of the current Medium Term Financial Strategy. The council had a £3 million budget gap over this year and the next two years, which would continue to grow. There was a significant pressure on an ongoing basis. The current proposal provided a saving of £250,000 in 2017/18, which would reduce the costs of this service area. These savings had been included in the budget report agreed at Council in January 2016.

The Director of Finance referred to the SWAP proposal before the scrutiny committee. There were issues surrounding the capital and revenue funds. The draft guidance referred to by Councillor Joynes came into being on 1 April 2016. Previously councils had been able to use some capital receipts for revenue budgets by applying to the Secretary of State. Generally the applications had been connected to restructure costs. She quoted the types of expenditure referred to in the guidance. The guidance also mentioned councils having a policy on the flexible use of capital receipts. This policy needed to be agreed in the preceding year a council might wish to use the capital receipts. Watford Borough Council had not agreed a policy as it had not been anticipated that it would be required.

The Director of Finance stated that the £1.25 million for the adventure playgrounds could not be used on revenue expenditure. The SWAP proposal would require the £1.25 million to be used as revenue expenditure. There would be an additional pressure put on the council's budgets in 2017/18 and 2018/19. It would add an additional £600,000 to the budget gap already identified. This had been taken into account as part of the financial evaluation of the proposal. There was a reliance on external funding from the council, grants or fundraising. The fundraising level looked fairly high for the new organisation. The financial information did not contain any details about income from fees. It was not robust as there was a lack of information. The Director of Finance added that she had extended the information within the proposal over a five year period. Based on the business case before members, she had estimated there would be a £65,000 loss. In years four and five, when the council funding had been estimated to cease, there would be a shortfall of £130,000 each year. This had also been part of the financial evaluation of the SWAP proposal.

The Head of Community and Customer Services referred the scrutiny committee back to the Cabinet minutes of 10 October 2016. As part of the process there had been a consultation with staff, when it had been explained that the service needed to make savings. The way forward needed to provide a sustainable service which would be open all year round. The process included the time period it had to be carried out. Following references to the £800,000 tender, he explained that this was an estimate. He had to ensure the required works were delivered within that budget. The key focus was to provide sustainable playgrounds into the future that could meet the required revenue savings.

Councillor Collet, Portfolio Holder for Community, noted that SWAP had used a template from the internet which, it was said, could be completed within two hours. She was therefore concerned with the amount of effort that may have been put into completing the business plan. The proposal was ambitious in its suggestion that it estimated raising £80,000 in the first two years. This meant that the organisation would need to raise £769 every week. The plan did not show any overheads for the nursery and other proposed activities. There was 44% less opening hours and half of the current play staff. Hertfordshire County Council was responsible for children's services. It had also had cuts from central government. Under the Education Act and the Child Care Act, the county council had to ensure there were sufficient provisions for parents and carers and related activities. Watford Borough Council was not responsible for those services. However, the council was proposing to invest in play areas and making sure they were accessible for all children. The SWAP proposal required a large amount of investment from the Council which it could not afford. She would prefer to protect the adventure playgrounds for the foreseeable future, with new equipment and a place that families could take their children to seven days a week throughout the year. They would be open to the wider Watford community.

Councillor Taylor, Portfolio Holder for Client Services, stated that the purpose of the call-in was whether the council had given due consideration to the SWAPs proposal. It had been received at the council on 9 August. It had been considered by the Culture and Play Section Head, the Head of Community and Customer Services and the Managing Director. It was then considered at the Cabinet meeting on 10 October. The portfolio holders had to take the advice of the council's officers seriously. Cabinet considered the proposal and made its decision.

The Chair asked for an explanation why there had been no consultation or meeting arranged when the proposal had been put forward. It could have been explained that the proposals were not achievable. Moving forward from this

meeting it might be possible to look at the proposal and see what could be achieved.

The Head of Community and Customer Services responded that, as part of the staff consultation on the proposed savings, staff were invited to submit suggestions which were given due consideration. The proposal was received by the Culture and Play Section Head, who then met him and the Managing Director. It was also reviewed by the Director of Finance. Having considered it, the proposal could not be recommended for approval. A decision had to be made on the information presented as part of that process. There were other examples in previous staff consultations where staff had made alternative suggestions and plans had been changed. In this particular case the proposal had not met the criteria and therefore could not be accepted.

Councillor Khan questioned whether the supervised service would be retained if the funding was available.

Councillor Collett responded that if money was not an issue, she would want to keep supervised play. On hearing the Director of Finance's comments, she had to think about the whole of Watford. She was relieved that it was possible to keep the playground open. There would be more difficult funding questions ahead.

Councillor Khan asked that if they wanted to keep supervised play, then would it not have been worth meeting SWAP to discuss the proposals and make them viable.

Councillor Taylor said that members knew the council had to make £3 million of savings. The Director of Finance had said that this proposal would make a loss and therefore it was not a feasible scheme. It would be irresponsible of any administration not to make the required savings.

Councillor Khan suggested that if he had been part of the administration he would have approached the group with the Director of Finance and found out what would have been feasible.

Councillor Taylor reminded the scrutiny committee that the call-in was whether the council had considered the proposal, which it had.

Councillor Khan commented that 'due consideration' would have been to explore the proposal. His second question was to ask if the long term implication of not having a supervised playground had been considered. There would be a 'short term gain for long term pain'.

Councillor Collett stated that Watford Borough Council provided many free events. They were published in the council's publications and on social media. There were many parks within Watford, where parents took their children to play. The council had chosen to transform play and to keep the adventure playgrounds open, enabling more children to access them.

Councillor Walford asked why the council was not offering play services the same as other authorities, for example Islington.

The Head of Community and Customer Services responded that Watford was different as it was a district council. It did not have responsibility for children's services functions. This was highlighted in the county council's letter, which was attached to the agenda. There was a difference in the indices of multiple deprivation for children between Watford and Islington. Islington was the second most deprived for income deprivation affecting children whereas Watford was 194th. Watford did not have the same responsibilities or duties that Islington had for children's services. In addition it did not have the same demands on it.

Councillor Rindl said that council reports usually included potential risks and an assessment on possibility. In the first three years, the SWAP business proposal relied on funds from the council. The Director of Finance had explained how it was difficult to spend capital funding on services. As it was pivotal to the plan, she asked for an opinion how unlikely or likely that those grants would be given to the group.

The Director of Finance responded that it would be a decision for councillors to make. She advised that her role was to present financial advice to councillors and for them to consider it.

Councillor Williams said that his question related to financial risk. The business plan had been available for more than two weeks. If there had been more financial business planning within it, the advice may have been different. The plan appeared to be risky. He asked for information about liability for the site, for example whether it would be the organisation or the council.

The Head of Community and Customer Services explained that the liability would depend on the nature of the lease between the council and the service provider. Councillors would also need to consider the reputational risk of the council, depending on how the two organisations were aligned to each other.

The Chair said that he believed it would be similar to SLM or Veolia

Councillor Khan asked whether the portfolio holders had consulted the county council about supervised play and for support in funding it. The portfolio holders had not met SWAP to discuss the proposal.

Councillor Collett referred to the letter from the county council and how it had set out its responsibilities. In response to Councillor Khan's second question, Councillor Collett said that Watford Borough Council was looking at a different type of play. It wanted to protect the provision for 20 years. She had been presented with information from the county council and the council's own officers. She understood the county council's responsibilities. The council could not commit to spending large amounts of money. The playgrounds would be open 24 hours a day.

Councillor Martins noted the council intended to spend £1.2 million enhancing the facilities. He asked how they would be maintained once the scheme had been implemented. In addition, the main issue appeared to be that the playgrounds would not be supervised. He commented that in his ward, Central, there was a skate park and a multi-use games area, both of which were unsupervised. These areas worked well, self-supervised. He asked officers if there were other examples of unsupervised areas working well, as that may allay parents' fears.

The Head of Community and Customer Services informed the scrutiny committee that once the new facilities had been built, they would become part of the contract with Veolia, who maintained the other parks and play equipment within the town. The council would still be providing play activities at Easter and for six weeks in the summer. The details of these schemes had yet to be determined. There were a significant number of play spaces across the borough that did not have significant problems.

Councillor Bell asked the portfolio holder when she realised she would have to make this difficult decision to demolish the two playgrounds. He also questioned whether she had visited Harwoods and Harebreaks and spoken to parents, children and staff.

Councillor Collett said that when officers had shown her the new proposals, she had seen the opportunity to create a new type of play. She would have been upset if the proposal had been to build houses on the site. She had spoken to a friend who lived near the Harebreaks site, who felt it was tired and had been the same for years. She had also spoken to children aged 13 and they had said they did not want to use the current site and they felt too old for it. They wanted to meet their friends and talk.

In response to Councillor Bell's second question, Councillor Collett said that she had been to both locations. Prior to being a portfolio holder she had visited many playgrounds in Watford. She had contacted the council as a parent to ask about the play facilities available. She had visited Harebreaks but the gate was locked.

Councillor Bell asked whether the portfolio holder had spoken to Three Rivers District Council and looked at their play facilities.

Councillor Collett confirmed that she had spoken to Councillor Sara Bedford and explained the situation in Watford.

In response to a further question from Councillor Bell, Councillor Collett advised that the site would be demolished in order to improve it. She preferred to think of it as making things better. She said that she was happy about the proposals for the adventure playgrounds. She also had to think about the future of the other residents of Watford.

Councillor Bell questioned if there could have been a compromise, would it have been better to talk to SWAP. This would have helped to keep the adventure playgrounds. In the future they would just be playgrounds. It would have been good if they had talked to parents and residents. It appeared to people outside that the Mayor and portfolio holders were not listening to what people wanted to see. He felt it would be better to use the £1.25 million to enhance the adventure playgrounds.

Councillor Collett responded that there were many parks and playgrounds in Watford. She knew many parents took their children to the various parks in the borough. She was pleased the council was investing in the parks. In an ideal world there would be no cuts to come and no one would be affected. She would love to say that these sites would not be affected. The council was in a difficult position and had to appease everyone. She said to Councillor Bell that he was aware cuts were coming that would affect people in their daily lives.

Councillor Joynes referred back to the reasons for calling in the decision. She said part of it asked if the council had looked at ways other councils ran this type of service. Three Rivers and Dacorum Borough Council seemed to make things work. There may have been a way through. She also referred to the question of flexible funding. There had been two full Councils since April and councillors could have been asked to vote on a flexible funding policy.

Councillor Taylor responded that the Labour group could have put motions to full Council about the matter. The council wanted services that were open all the time. He noted Councillor Joynes had mentioned Three Rivers, but that council

did not have any adventure playgrounds. Watford had more green flag parks than any other local authority in Hertfordshire. Recently he had visited an adventure playground in Rotherham, which was unstaffed and had no fencing round it. He said the council was aware of other schemes. He said the point of the call-in was if the Executive had considered other options and he confirmed it had.

Councillor Joynes commented that SWAP were only given two sentences their proposal had been rejected. There was very little information in the Cabinet report.

Councillor Taylor replied that there were 12 paragraphs in the Cabinet report about the SWAP proposal.

Councillor Mills stated that play was not youth work. The county council's comments about youth work and Youth Connexions were not related to this matter. She referred to Councillor Martins' comment about the skate park and said that it was located in the town centre with police and people around and therefore there would not be any problems.

The Chair thanked the officers and portfolio holders for presenting the information on behalf of the Executive and responding to councillors' questions.

The Chair commented that that during the discussion he had heard the council was enhancing and putting £1.2 million in to the playgrounds. They would be open 24 hours; however children could not use them during the day whilst they were at school. He also referred to the issue of children with disabilities. He questioned how they would be supervised in an unsupervised playground. When he was growing up he used to go to supervised play schemes. There was bullying but the supervisors stopped it as soon they were aware it was happening. If playgrounds were unsupervised there would be nobody available to stop the bullying. The scrutiny committee needed to take all of this into consideration. There needed to be more work done on the scheme and then make the decision properly. He said the council should talk to the people who put in the SWAP proposal.

Councillor Martins said that he had a question to put to the legal officer. The discussion had included comments about continuing talks with the group after a decision had been made by the scrutiny committee if it were to ratify Cabinet's decision. His second question was whether the council could designate the land as play space and if that could be recommended by the scrutiny committee or outside of the meeting.

The Legal and Democratic Section Head said that in response to the first question, he would ask councillors how they would wish to engage with the group or any other third party. If a service was put out to tender it would be advertised in accordance with the normal procurement rules for that process. Discussions may be held with parties who wished to participate.

Councillor Martins stated that he was considering recommending that Cabinet's decision was ratified; as he did not feel Cabinet had done anything wrong. However, he could see merit in capitalising those facilities by engaging with third parties.

The Chair clarified Councillor Martins' suggestion with him. Councillor Martins responded that he felt the Cabinet decision should be ratified but if there was a possibility of keeping the SWAP proposal and discussions about it continuing.

The Legal and Democratic Section Head advised that if the scrutiny committee ratified Cabinet's decision, in his opinion a decision had been made about the proposal and that the proposal, as far as the adventure playgrounds were concerned, would be over. However, if SWAP wanted to contact the council about future proposals, he could not see a legal reason to stop that happening.

In response to a further question from Councillor Martins, the Legal and Democratic Section Head confirmed that the scrutiny committee could not ratify the decision and ask Cabinet to continue a dialogue with SWAP about the adventure playgrounds.

Councillor Khan disagreed with Councillor Martins' comments as the portfolio holders had said they had not engaged with a party that was trying to make this scheme work. There had been no deliberation or scrutiny of the proposal. If Cabinet had been motivated they should have met the group. This was a failure in that particular process. He stated he would be making a proposal that the decision should be returned to Cabinet and it would open up the opportunity to have discussions. The scrutiny committee should make a decision as an independent group.

Councillor Khan moved that "the decision be sent back to Cabinet to seriously look at alternative methodologies and discuss with SWAP and other interested parties to run a supervised adventure play area throughout the year".

Councillor Williams responded that he still felt that based on the information to Cabinet and this committee there was not the confidence that the group could overcome the risk factors. He felt it was a risk too far.

Councillor Dhindsa said he considered the motion gave Cabinet the option to sit down and discuss the proposal. Cabinet and officers would be able to ask how the risks could be eliminated. The group may be able to explain how they would overcome any risks. Cabinet could then make a decision after that; they would have discussed the proposal with the group. He asked the scrutiny committee to consider the families and children that used the sites. He considered the motion to be reasonable. He added that the playgrounds may not be there forever, if people did not use them.

In accordance with Standing Committee Procedure Rules, paragraph 4.2, Councillor Shah requested that it be recorded in the minutes how Members cast their votes.

Those Members voting for the motion

Councillors Dhindsa, Khan and Shah

Those Members voting against the motion

Councillors Fahmy, Hastrick, Martins, Rindl, Walford and Williams

There were no abstentions.

The motion was declared to be LOST by 3 votes to 6.

Councillor Hastrick moved “that Cabinet’s decision be ratified.”

In accordance with Standing Committee Procedure Rules, paragraph 4.2, the Chair, Councillor Dhindsa, requested that it be recorded in the minutes how Members cast their votes.

Those Members voting for the motion

Councillors Fahmy, Hastrick, Martins, Rindl, Walford and Williams

Those Members voting against the motion

Councillors Dhindsa, Khan and Shah

There were no abstentions.

The motion was declared to be CARRIED by 6 votes to 3.

RESOLVED –

that Cabinet’s decision be ratified.

The Chair thanked everyone.

Chair

The meeting started at 7.00 pm
and finished at 9.05 pm