

George Crozer

"It would be easy for you to imagine that this is all about golf c and golfers, and that we are here to demand that the golf course is never closed..... If that is your expectation, please understand that that is not the case.

Deangate is a lot more than a golf course... evidenced by Medway's own footfall figures showing an average of 11,000 people per month.. Deangate is a place where elderly people and local groups from the villages and beyond ..gather for a drink, a cup of tea and a meal, where families celebrate christenings, birthdays public holidays and grieve at wakes. It is a place where mothers and fathers bring their children to play golf, use the driving range, play Footgolf where people of disability can now access and enjoy site facilities.

More than anything, we are here because of our concerns about the democratic process, how the Council makes its decisions and the transparency and honesty of that process."

Before the Cabinet Meeting held on 6th February 2018, members of the Cabinet were informed in writing that aside from the loss of public amenity there are also other major public concerns.

The lack of options and weak supporting evidence,

The lack of infrastructure to support redevelopment,

The impact on wildlife,

The rushed nature of this recommendation,

The lack of consultation,

All in their own right of MAJOR PUBLIC CONCERN.

Many substantiated reasons for these concerns were detailed in this letter, but sadly neither the Cabinet nor Medway Council Officer responded but instead chose to ignore it... The letter also confirmed that an online petition to 'Save Deangate Ridge' had been signed over 2000 times by the public in its first 3 days. The number of signatories to the petition continues to rise and currently stands at over 6000

The letter respectfully requested that the decision over Deangate Ridge be delayed until Officers of the council had produced a Compliant Business Case report, reviewing all options available for the future of the Golf Club.

BUT NO !. Cabinet went forward in total disregard of public concern and agreed closure.

We will over the next 25 minutes demonstrate why the Cabinet should have taken action on the 4th of February to acknowledge our concerns and postponed this decision.

I will begin by explaining the ramifications of this decision and its links to the **Medway Local plan** and **Deangate Ridge** within the National Planning Policy Framework.

The government's own guidance about Local Plans says:

- "Local Plans set out a vision and a framework for the future development of the area. The Local Plan should make clear what is intended to happen in the area over the life of the plan, where and when this will occur and how it will be delivered.

- "Local planning authorities develop a Local Plan by assessing the future needs and opportunities of their area, developing options for addressing these and then identifying a preferred approach. **This involves gathering evidence, and effective discussion and consultation with local communities**"
- So, the imminent Local Plan consultation [starts next Friday](#) This was to be the chance for the community to engage with the **official** process of planning and the vision and framework for the future development of Medway, Including where this key community asset at Deangate fits into that vision.
- And yet, instead of including the future of such an important community asset in that consultation, as you would expect within the spirit of the Local Plan process, Medway Council moved as quickly as it possibly could to close it, removing that opportunity for public consultation.
- To be clear, we are NOT saying that Deangate should remain open no matter what happens, or that Deangate should never become a site for housing. This campaign is NOT about that. It is about how the Council makes its decisions and engages with the community it represents, and the impact on its trust in the democratic process.

- So here is the problem! In its Local Plan Development Strategy Consultation, signed off by Cabinet this week, the Council says "The plan must be positively prepared to address the needs of the area, and provide an effective development strategy that is consistent with a comprehensive ranging evidence base".

- It also says the plans for a massive development programme around Hoo St Werburgh, Chattenden and Deangate would require "a **masterplan led approach**".

But instead of having a genuine chance to help shape that masterplan and how Deangate fits into it, we have been presented with a fait accompli.

In the Local Plan papers signed off by Cabinet last Tuesday, **EVERY** option put forward by Medway Council for Deangate is to allocate it for development. Where is the consultation in that? Where is the chance for the community to explore that as part of the vision-making process for Medway?

How do you expect local people to engage in the Local plan process when the fate of this important local facility has been so obviously predetermined without considering all the options available to maintain and develop Deangate as a centre we can be proud of.

Joanne De La Porte

SPEAKER 2 – Jo'e

Joanne	Governance Breaches in Agenda Item 10 Deangate Report - Engagement, options analysis and finances	Medway Council Constitution, HMRC Business development Guidelines, CIPFA Good Governance, Cabinet Code of Corporate Governance. Localism Act <u>Public's right to information under the Local Government Act 1972</u> <u>Abuse of Section 100A-D of Local Government Act 1972</u> Additionally - Medway Council have failed to professionally manage this valuable community asset and have therefore failed in their duty to monitor and manage government finances.
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On 4th February and 12th February letters were sent to Medway Cabinet outlining extensive breaches identified in the Agenda Item 10 report. The Report, its content and the governance that sits behind it, is the sole focus of our campaign at this time.

Both letters requested that the Deangate Ridge decision be delayed until a compliant Business Case had been produced reviewing ALL options available for the future of the Golf Course.

All letters demonstrated why the report was not compliant and breached the Medway Constitution and various statutes – these letters can be found in today's Agenda appendix.

Medway Cabinet chose to disregard our concerns and did not acknowledge them at all. They forged ahead to agree closure of Deangate Ridge and approved funding to carry out a feasibility for constructing a new sports facility elsewhere in Medway.

Options - It is the responsibility of the Medway Council to develop a compliant Business Case to weigh up the costs and benefits of ALL viable options available. The Public do not feel that a comprehensive analysis of options has been undertaken.

The Cabinet assessed just two options:

- Golf Club remains open but runs at a loss
- Golf Club closes

In the letter of response to our Petition the Officer of the Council stated '*a balance had to be struck between providing ongoing subsidy to the golf course, while alternative business models were explored with no guarantee they would generate the required improvement in income revenue streams et al*'.

Medway Council have had at least 7 years of running at a financial loss to explore other options. When the Marketing Campaigns over the past 4 years were failing, the Council had a DUTY to explore these other options and models yet chose not to do so. Please refer to Core Principle D1 of the Constitution.

No other options were considered for Deangate Ridge. Our next two speakers will demonstrate as a minimum what these options should have included.

Finance - The financial assessment given in the Agenda Item 10 Report is not CIPFA or HMRC compliant and should not have been used to form the basis of the Cabinet decision:

- 1) It is simply a profit and loss summary with no other factors considered.
- 2) A full financial analysis of all short listed options available should have been included in the report.

As a minimum the financial assessment should have included Capital expenditure including works that we know had a direct operational impact on the income generation of the course, revenue costs, fixed, variable, semi-variable and step costs, sunk costs and full economic costs. The reporting was closed book with little

substance and biased towards only one option being an acceptable outcome. This did not make this the right or best outcome.

As you will hear moving forward, there are many other options for consideration that could remove the financial burden of Deangate Ridge from Medway Council.

Unlike Item 1.2 of the Medway Council Code of Corporate Governance, Medway did not act in the public interest – they set an Agenda and moulded the options to suit.

The signatories of the petition cannot and will not accept that postponing the Cabinet decision whilst other financing options are explored would be the 'break point' for the Council 18/19 finances. Medway Council have not met their constitutional obligations and should now set aside funds to do so.

Engagement - Medway Council have informed us that it is not a mandatory requirement for them to carry out public engagement as part of the Deangate Ridge decision making process. We must make the Council aware of its obligations under its own Constitution: *Core Principle B: B1, Core Principle B3, Core Principle D – D1, Part 4 of Leader and Cabinet Rules – Item 2.3.*

The Medway Constitution clearly outlines the requirements in its entirety for engagement of Key Stakeholders. Medway Council HAVE NOT on any occasion consulted with the public with regards to Deangate Ridge and this lack of consultation and engagement is a clear breach of the Councils *Code of Corporate Governance* and the *Councils Constitution for Leader and Cabinet Rules*.

What grounds for urgency lead to the Council and Cabinet to decide that NO CONSULTATION would be carried out – the public and press had alerted them to the EXTREMELY high level of interest. Surely they should have felt obligated?

Sections 100A-E of the Local Government Act 1972 provide for rights to access to local authority meetings. Section 100B provides for access to agendas and reports. Section 100D provides for access to background papers. All such documents must be "open to inspection by members of the public at the offices of the council" at least five clear days before the meeting. The 5 days time limit is only applicable for extenuating situations. Medway Council gave the following reason for only 5 days notice:

'It was not possible to include this report on the Forward Plan with 28 days' notice because the proposals regarding the future of the golf course had not been finalised at the time of the publication of the Forward Plan'

Why was this seen as urgent by Medway Council? – What would the impact of the 28 days have on the Council other than one months Revenue? The Council was very aware of the public interest yet still chose to move forward at 5 days notice.

This is completely unacceptable and we deem this as an abuse of the General Exception clause and abuse of Cabinet power.

We are simply asking that Medway Council do their job properly – if the outcome is the same – Close Deangate – then the public will have to accept this – but only because all other options were exhausted and unsuccessful. We believe that this is a major failing of the Medway Cabinet – to make a decision based on a non-compliant report. They were duly notified of the breaches yet chose to dismiss and ignore this information.

Stephanie Malone

We believe that the analysis and options appraisal should have also included two further options as part of the Agenda Item 10 report.

Option 6 - Outsource full management of Deangate Ridge Golf Club to a Private Provider

The council should have carried out soft market testing vis a vis long term operational arrangements for the golf course, ancillary golf facilities, bar and catering. They should have contacted at least four golf course operators in the business.

From research it is clear that there are a number of organisations operating in this arena and many of them are successfully managing golf courses on behalf of council's across the south east (including the London Boroughs of Bromley, Ealing, and Hillingdon, Crawley Borough Council, Horsham District Council and Maidstone Borough Council and Barnehurst). Many of these organisations have committed investment in the courses in return for a long term operating lease that varies in general between 15 – 25 years. It is also clear that a number of other local authorities are currently considering outsourcing their management arrangements.

Not only does this type of agreement relieve the Local Authority of its long term financial burdens, but in many cases generates income for the Council. The procurement for such a scenario is generally no longer than 12 months and as such the Council would be in a position to report additional income generation against the 19/20 Budget and Financial plan. We do acknowledge that there are costs associated with procurement of this type but in business planning a 'spend to save' agenda would be viewed positively by the public especially as it would enable the longer term retention of Deangate Ridge as a Golf Course and community facility. The likelihood is that any future operator would expand on the existing provisions and it is clear from the public engagement carried out by the Save Deangate Ridge Steering Group to date that the local community would encourage additional health, well being and social offerings on the site.

Option 7 - Conversion of Deangate to Parkland or Country Park with community facilities either by Medway Council or under Community Right to Bid under the Localism Act

If the Golf Course was to close, as a municipal site it should be considered for other community facilities. This is regardless of any plans that Medway Council have for a speculative feasibility into a new sports centre which may or many not ever be built and will come with a very high Capital cost to the public purse.

The beautiful Deangate Ridge site is perfect for a natural open parkland or a Country Park with cafeteria and community hub – the landscape and buildings already exist therefore our view would be to utilise these assets.

Options would be available to adopt a Shorne Country Park approach or similar where the cafeteria and shop could be outsourced to an operator, or run by the community or the Council providing Medway Council with an income that could in turn be used for the maintenance of the site.

'National Parks England' state that National Parks contribute to the mental and physical health of the nation. They provide a place for escape, adventure, enjoyment, inspiration and reflection and are used by many millions of people. They provide places to replenish the soul.

The former gym on the Deangate site with minimal Capital works would ideally lend itself to a great community building which could be used for exercise classes for all ages, art classes, business meetings, community meetings, school holiday nature clubs etc etc – the list is endless. Should the community take over the management of this building they would also have the opportunity to bid for various grants to ensure that all demographics of the community benefit.

This combined with the athletics site, tennis courts and football fields would provide the residents of the Peninsula and beyond with a fantastic alternative sports and well being offering – on a beautiful site with buildings that already exist with only minimal costs to the public purse.

Vikki Finneran

Insufficient Options appraisal

If you look at Section 3 of the Cabinet report, called 'Options', it actually contains no explanation of any options at all. This further emphasises the extremely glib, superficial and in parts erroneous information presented to the Cabinet on the 6th Feb.

In order to furnish the Cabinet with the correct information for it to make an informed decision a proper set of options should have been set out. This is a basic, generally accepted principle of decision making, and the Council do use it - as evidenced in the January 2012 paper to Cabinet when the decision was made to transfer the management of the former Stirling Centre to The Kings School, a range of options and the impact of each option was presented for debate.

Indeed, the government's Best Value Statutory Guidance states that in their responsibility to be accountable to the public, councils must consider options of how to reshape a service or project when considering its closure.

No options were presented to Cabinet in the report.

For this reason, we propose that Deangate remains open for business for 6 months across the busy summer period to enable a revised report to Cabinet which sets out a proper options appraisal, in line with government statutory guidance.

Since 2011 Medway Council has championed its Better for Less Programme, transforming the way it delivers services. The whole Medium Term Financial Plan is predicated on the successful outcomes of this programme yet the principles of it have not been applied at all in carrying out any form of options appraisal on the proposal to close Deangate.

Option 1 – Do Nothing – we agree that in the light of permanent funding cuts and increasing demands on services, this option is unsustainable, not only for Deangate, but for all discretionary functions the council provides like the theatres and other sporting venues – although these have not been identified or listed in priority order in the report.

Option 2 - As a minimum, the Cabinet should have formally considered the potential to outsource the provision of golf and other leisure activities at Deangate to an external provider, as has already happened successfully with many of the leisure venues in Medway. There is a proven market of operators who are successfully managing golf venues on behalf of councils in the south east and all over the country. This is a win-win for the council – the financial risk is removed and sits with the provider who then has a vested interest in making the asset a success by

maximising participation in the core sport and diversifying the business by way of hosting events etc. but the council still meets its aspirations to promote sport.

In some cases the operator can actually make a revenue contribution back to the council by way of profit share, and in most cases the operator invests capital into the site to make improvements to the facility in return for a long term operating lease.

Option 3 - During the last 7 years when it was apparent to the council that the Deangate subsidy was unsustainable (despite the on site works which created visitor uncertainty), many of these commercial type activities could have been adopted; there is anecdotal evidence of difficulty in contacting the centre to make bookings, of potential customers being declined when enquiring about the availability of venue hire for functions, and of direct debit payments not being collected from members. We have heard how many residents in the immediate locality are unaware of what activities and facilities are on offer at Deangate. This doesn't sound like a well managed service and it should have been high on the list for a Better for Less review before now.

Option 4 - under the Localism Act of 2012, the community have a **right to challenge** – a community body, or a parish council, or a partnership of both can submit an expression of interest to run the service themselves on behalf of the local authority if they think they can deliver it better and/or cheaper, or to better suit local needs. The Council MUST consider an expression of Interest made by the community, and the provision of leisure activities at Deangate is a relevant service and hence would be open to a community right to challenge.

However – crucially – if the authority has taken the decision to stop providing the service then this community right to challenge can be rejected.

This is why under the Best Value Statutory Guidance authorities have a duty to consult before considering decommissioning services, to actively engage community organisations and service users so that they have a chance to use this legislation.

Option 5 – Community Asset Transfer and Community Right to Bid – again under the Localism Act of 2012, communities can nominate buildings or land to be listed as an Asset of Community Value, if its principal use furthers the community's social wellbeing or social interests (including sporting or recreational interest). If a listed asset comes up for sale then the sale may be deferred for 6 months to enable a community group to put a bid together to buy the site. The site must stay on the register for 5 years.

The Save Deangate from Closure community Group will apply to Medway Council to nominate Deangate Ridge Golf Course as an asset of community value should none of the options 1 o 4 above come to fruition.

Tom Crozer

The Agenda item 10 report to Cabinet sought to establish that the financing of the Deangate Ridge Complex is **unsustainable** and that the cause is **solely** due to a national decline in golf participation. A subsequent response to our petition also referred to 'extensive efforts to increase revenue' having been made, including the involvement of the marketing and communications department.

At no point has the Council defined what a "**sustainable financial situation**" is. Given that many municipal services run at a subsidized loss, an indicator **might be** the figures for Medway Park or Strood Leisure centre – Do these run at a surplus? The Finance Director's response to the Labour Group Call In indicates an £11 million investment in Medway Park and a £2 million investment at Strood Leisure Centre but none for Deangate.

The report misleads by implying limited usage by only 282 people yet footfall figures show a usage of over 11,000 per month. The Council's consultants were also fed this misinformation and it influences their quoted recommendations. They ignore the "Core Customers" the PAY & PLAY who deliver the remaining 75% of the turnover. They appear not to offer any definition of sustainability nor any initiatives for improving the finances.

After a challenge it was revealed that the extract quoting alternative local provision incorrectly included Oast Park (which is actually closed) and Gravesend Golf Centre (which does not actually have a certified golf Course). It also included **member owned courses** which **are not** a comparable provision.

The decline in golf participation since the boom times has bottomed out according to England Golf surveys, with growth now being reported by many clubs. It is still the 5th biggest participation sport in the UK. England Golf have **NOT been consulted** on the proposed closure even though they are the National ruling body.

The Diversity Impact assessment **does not** pick up on the high numbers of the 60 plus age group and that the senior price concession at Deangate is unmatched anywhere nearby. The sport provides the **second highest** social impact on health and well being of all the activities provided by the community leisure facilities, partly because of its popularity with senior citizens.

As Joanne has said, the process used and the formatting of the Agenda Item 10 report was non compliant. In addition, the content is not balanced, contains crucial misinformation and errors. It is written to support a predetermined outcome. Petitioners suspect that the officers have been required to collude with a favoured political outcome.

Many of the Golf courses which have closed are proprietary businesses set up in boom times by entrepreneurs. For example, Broke Hill GC at Knockholt has the same owners as Chelsfield Lakes GC less than a mile away. Their rationalization was triggered by an opportunity for development on the Broke Hill site. Municipal facilities in our region have remained open by adapting to market conditions and using other business models. Medway's traditional in-house approach is very much the exception.

Medway Council has allowed the complex to run at a deficit for seven years, there is no evidence that a sustainability measure was ever established as the driver for business development. This would be done for a private sector business unit. Thus, a proper context in which to assess likely and actual contribution of marketing initiatives did not exist .

The well meaning projects that were listed for 2014 to 2017 were not of the scale needed to overcome a £200,000 deficit. Meangate events achieved a sustainable brand status likely to provide future surpluses as one off set up costs have been incurred.

Footgolf provided useful extra turnover, including catering. Its success shows the extent of revenue lost by the delayed commissioning of the new par 3 golf course, **a core earner**. The dysfunctional course maintenance relationship with Medway Norse was blamed **repeatedly** for these delays and also for the failure to present the 18 hole course to the consistent, cosmetic quality that is needed to attract and retain golfs core customers. The product **did not match** the description on the Council's web site and promotional materials such as these.

(give out copies of the surplus printed handouts large black)

Management attention was diverted away from the income available from the core pay and play facilities, whilst a number of PR rich events were given precedence and the funding.

There has been an obsession on cost reduction to the detriment of the overall business performance.

The unwillingness to take up the option to collaborate with England Golf ,even after meeting with them, shows an **arrogant disregard** of the extensive and free support services that are used across the country.

(Hand out copy of England golf brochure)

We ask that the Council work with the community it represents and the key stakeholder agencies to conduct a proper investigation of current and new products, which can be offered to new and existing customers. We are firmly convinced that a successful and financially sound Golf, sports and community amenity can be created. Deangate Ridge can be.....and **should** be the pride of Medway.

Ron Sands

I want to emphasise that we are NOT stood here saying that the golf course must stay open no matter what happens, come [hell or high water](#). This is not what this is about. This is about our elected representatives dealing openly, transparently and honestly with its community.

If the process and governance that has lead to the Medway Cabinet agreeing to close Deangate Ridge is left to go unchallenged, it opens the door and sets a terrible precedent for future decision making. The Agenda Item 10 Report is not compliant. The decision making process was not compliant. The urgent manor that Medway Council propelled this decision forward at 5 days notice was not compliant and an abuse of the exemption clause. How can we the public have faith in democracy when it is abused at this level? We the voters hand our faith and trust over to our Councillors in the agreement that they follow due diligence at all times. We may not always agree with decisions made by our Councillors but we are intelligent enough to know that what suits one doesn't necessarily suit another. We respect that decisions can be difficult and controversial. What we can not respect and never accept is when elected representatives do not comply with their own Constitution, decision making governance and laws set in place to protect both elected parties and the public.

Prior to the cabinet meeting held on the 6th February 2018 Medway Cabinet were written to and clearly shown in a detailed and evidenced letter why a postponement of the decision was required due to various breaches. At no time were concerns of future housing estates or development mentioned. The community were shocked to the core that Medway Council were making such a far reaching decision without any consideration to alternative options. No response was garnered leading us to be here tonight.

If Medway Council had come to us and said, hey, look guys, we've given Deangate our best shot, we're in a financial pickle, can we have a sensible and reasonable debate about the future for Deangate and the wider area, we would have engaged. But the way it has been handled appears underhand, shady, deceptive, and calculated. This issue should have been part of the Local Plan allowing for it to be dealt with honestly and openly with the community; that chance was denied.

Behind the backdrop of the non-compliant report and decision making process many members of the community have begun to speculate about their elected parties. With the Medway Local Plan consultation and public engagement due to commence, this could not happen at a worse time. Surely Medway Council realise that public engagement is the key to the Medway Plan success moving forward? Actions taken by Medway Council in the past 8 weeks have done nothing but fuel the communities doubts about democratic process. For example, given that Medway Council knew it was about to close Deangate, why did it commission Norse to undertake an expensive and unplanned programme of major clearance of the golf course? Why did the Council then claim this was 'routine maintenance' when there was nothing routine about it? - the golf course management didn't even know it was going to happen. How can this spending of considerable amounts of public money be squared with the Council's public position that Deangate needed to close because it was losing money? We don't know for sure who signed off that spend, or how it is accounted for in the budgets.

In conclusion we the signatories of the 'Save Deangate Ridge Golf Club' respectfully request that the closure of Deangate Ridge Golf Club is postponed allowing a suitable time frame for all other options to be considered to ensure Medway Councils compliance to the *HMRC Business Development Guidelines (5 Case Model)*, *CIPFA Good Governance compliance*, *Medway Council's Constitution and Medway Cabinets Code of Corporate Governance*, *Public's Right to information under the Local Government Act 1972 and others* to ensure an unbiased outcome/ decision and that the public are appropriately consulted prior to a future Cabinet meeting to agree an outcome for the Golf Course.

If the Medway Council choose to move forward without postponement, it sets a terrible precedent and greatly impacts the public's faith in democracy.