

CABINET

28 MARCH 2018

CLOSURE OF DEANGATE RIDGE GOLF COURSE

Portfolio Holder:	Councillor Howard Doe, Deputy Leader and Portfolio Holder for Housing and Community Services
Report from:	Richard Hicks, Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive
Author:	Tomasz Kozlowski, Assistant Director, Physical and Cultural Regeneration

Summary

This report advises the Cabinet of the outcome of consideration of a call-in and related petitions by the Regeneration, Culture and Environment Overview and Scrutiny Committee on 12 March 2018, in relation to Cabinet decisions (23/2018 and 24/2018) to approve the closure of Deangate Ridge Golf Course and associated golf facilities on the basis of ongoing substantial financial loss, which is unsustainable, on 31 March 2018 and to instruct officers to begin detailed planning for consultation and development of a new sports centre for the Hoo Peninsula.

The Regeneration, Culture and Environment Overview and Scrutiny Committee has referred both decisions back to Cabinet for reconsideration as set out below.

A Special Cabinet meeting has been arranged to consider this matter before the start of the new financial year.

1. Budget and Policy Framework

- 1.1 The rules relating to call-in are set out in section 15 of Part 5, Chapter 4 of the Constitution.
- 1.2 On this occasion, the Regeneration, Culture and Environment Overview and Scrutiny Committee has agreed to refer both decisions back to Cabinet for reconsideration, in accordance with paragraph 15.6 of Part 5, Chapter 4 of the Constitution.
- 1.3 This report has been included on the Forward Plan in accordance with Section 10 (General Exception) of the Local Authorities (Executive

Arrangements) (Meetings and Access to Information) (England) Regulations 2012. This report has been circulated separately to the main agenda. Therefore, the Cabinet is asked to accept this report as urgent to enable consideration of the matter before the start of the new financial year (the next scheduled Cabinet meeting is due to take place on 10 April 2018).

2. Background

2.1 The Cabinet considered a report entitled Deangate Ridge on 6 February 2018 and made the following decisions:

Decision number: **Decision:**

23/2018 **The Cabinet approved the closure of Deangate Ridge Golf Course and associated golf facilities on the basis of ongoing substantial financial loss, which is unsustainable, on 31 March 2018.**

24/2018 **The Cabinet instructed officers to begin detailed planning for consultation and development of a new sports centre for the Hoo Peninsula.**

Note: In accordance with Council Rule 12.6, Councillor Filmer requested that his vote against decisions 23/2018 and 24/2018 be recorded in the record of decisions.

Reasons:

Currently, there is a need for an annual Council subsidy to operate the facility against a backdrop of a decline in the number of golf participants. On this basis, it is not possible to project a time when the centre will be self-sustaining.

It is the Council's intention to provide a modern sports centre for the Hoo Peninsula, which reflects the needs of present and future residents.

2.2 The above decisions were subsequently called in by six Members of the Council and referred to the Regeneration, Culture and Environment Overview and Scrutiny Committee for consideration. The reasons for the call in were as follows.

“Although we are not principally opposed to the decision for the council to declare Deangate Ridge surplus we have concerns around two key areas:

1. The total lack of consultation prior to making the decision, both as regards the issue generally but also some of the detailed specifics such as the placing of loved ones ashes and memorial plaques & benches.

2. The financial justification for making the decision has serious consequences for all of Medway Council's remaining Leisure facilities and creates uncertainty for staff and service users. This demands further scrutiny."

- 2.3 At the same time a petition was received containing 3725 valid signatures, entitled Save Deangate Ridge ", set out in the following terms:
- 'Medway Council propose to close the Deangate Ridge Golf Club in Hoo. They state that the club is running at a loss – average £200k per annum in the past 5 years. Whilst no one can suggest that the Council should be funding the Club at a loss, they have not demonstrated to local people that a fair attempt at trying to increase revenue has been undertaken. They have not opened up the club for other uses nor has there been any advertising campaigns to increase membership of numbers. They have not run well advertised golf days and competitions, not opened their doors for public events like fund days or considered other business models such as doubling up as a wedding venue. A cynic would wonder whether the Council has almost let it run into the ground to make the site viable for sale and redevelopment. This petition asks the Medway Cabinet to consider new business models to increase income or to tender the management of the Club to a private provider prior to a decision of closing the club as part of a viability assessment.'
- 2.4 Two letters were also sent to the Leader and Cabinet on behalf of the petitioners on 4 and 12 February 2018. A full response to the petition was sent to the petitioners prior to RCE Overview and Scrutiny Committee (see **Appendix C of Annex 1**).
- 2.5 Under the Council's Petition scheme the Director of Regeneration, Culture, Environment and Transformation and Deputy Chief Executive's provided a response to the Lead petitioner, which is set out in **Appendix C of Annex 1**. The Petitioners then asked for the petition to be referred for consideration by the Regeneration, Culture and Environment Overview and Scrutiny Committee under the Petition Scheme.
- 2.6 A special meeting of the Regeneration, Culture and Environment Overview and Scrutiny Committee was held on 12 March 2018. A report was included in the Agenda which provided details of the call in and the petition together with a copy of the Council's response to a number of requests for information on the matter under the Freedom of Information Act. Copies of the report and the addendum report are set out in full at **Annexes 1 and 2** respectively.
- 2.7 The minutes of the Committee's consideration of the call-in is set out in **Annex 3** to this report. At the meeting the Committee heard representations from six people on behalf of the petitioners and Councillor Filmer in his capacity as the ward member for Peninsula

ward. The petitioners' statements which were read out at the Committee meeting are attached at **Annex 4** for Cabinet Members' information.

2.8 The Committee agreed the following:

- a) that in the light of the additional information seen by the Committee, decision 23/2018 be referred back to Cabinet for further consideration.
- b) that decision 24/2018 also be referred back to Cabinet on the basis that implementation of this decision should be delayed pending the Cabinet's reconsideration of decision 23/2018.
- c) to note that the Cabinet report on decision 23/2018 will include the concerns raised by the petitioners

3. Key issues – advice and analysis

3.1 The Cabinet has been asked by the Regeneration, Culture and Environment Overview and Scrutiny Committee to reconsider the decisions 23/2018 and 24/2018.

3.2 The Cabinet is required to reconsider those decisions and to reach a final decision which may then be implemented. In reaching its decision, the Cabinet has been asked by the Overview and Scrutiny Committee to take into account the concerns raised by the petitioners.

3.3 A copy of the agenda and supplementary agenda for the Regeneration, Culture and Environment Overview and Scrutiny Committee are attached as Appendices to this report together with the full text of the statements made to the Committee by each petitioner. To assist the Cabinet, a summary of the key issues discussed by the Regeneration, Culture and Environment Overview and Scrutiny Committee is set out below, including the main points raised by the petitioners:

3.4 Lack of consultation with service users, the wider community and Golf England ahead of the decision being taken

3.4.1 One reason cited for the call- in of Cabinet decisions 23/2018 and 24/2018 was the lack of any public consultation ahead of these decisions being made both generally and in relation to some specifics such as the placing of loved ones ashes and memorial plaques and benches. The petitioners also raised a concern about the lack of consultation with the public and Golf England with reference to this representing a breach of the commitments given in the Code of Corporate Governance within the Council's Constitution and Best Value Statutory guidance

3.4.2 **Officer response:** As set out in the response to petitioners and further stated at the RCE Overview and Scrutiny Committee, the Chief Legal

Officer (and Monitoring Officer) has advised that there is no statutory legal duty to consult on the proposed closure of Deangate Ridge Golf Course, that no legitimate expectation of consultation can have existed, since the Council did not promise to consult.

- 3.4.3 He further advised that there is no established practice that all Cabinet decisions about the closure of facilities will involve consultation. The closure of the library in Bryant Road Strood and its subsequent renovation into the Medway Archives Centre is cited as a previous example whereby Cabinet action on service closure was undertaken without prior public consultation being undertaken.
- 3.4.4 The Cabinet decision to no longer operate a council golf course at Deangate Ridge with effect from 31 March does not preclude options for future golf provision being presented by interested parties, as part of the Local Plan consultation process.
- 3.5 **Risk of closure of other Leisure facilities at short notice**
- 3.5.1 One of the reasons for the call-in of these decisions was that the financial justification for making the decision to close the golf course has serious consequences for all of Medway Council's remaining Leisure facilities and creates uncertainty for staff and service users.
- 3.5.2 **Officer response:** There is an ongoing Council subsidy averaging more than £220,000 per annum for one sport at Deangate Ridge, compared with the subsidised provision across a diverse range of sports and physical activity in Medway Council sport centres.
- 3.5.3 At its meeting on 6th February, Cabinet asked officers to commence detailed planning for a modern new sports centre for the Peninsula. Comparison between recently developed multi-sport centres at Medway Park (£11m) and Strood Sports Centre (£2m) demonstrate the increased usage of multi-sport centres.
- 3.5.4 At its meeting on 6th February, Cabinet asked officers to commence detailed planning for a modern new sports centre for the Peninsula.
- 3.5.5 A modern multi-sports centre delivers significantly increased opportunities for residents of all ages, abilities and genders to engage in sport and physical activity when compared with a sports facility delivering one sport. This increased engagement provides a wider scope for healthy physical activity, supporting the Medway Council Plan priority to encourage healthy and active communities.
- 3.5.6 This correlates directly with the Sport England strategy 2016-2021 Towards An Active Nation which states: "When making major investments we will prioritise multi-sport facilities, recognising this will make it easier for families to play in the same place, ensure year round use and offer the best value for money to the public purse."

- 3.5.7 This also reflects the Government position in its document – Sporting Future: A New Strategy for an Active Nation. This states: “The impact of fantastic new sports facilities that can only be used for a single sport is likely to be less than one that can cater to a wider range of people who want to play different sports. New sporting infrastructure needs to accommodate the maximum possible number of sports so that people have the broadest choice of how to be active.”
- 3.5.8 Comparison between recently developed multi-sport centres at Medway Park and Strood Sports Centre demonstrate the increased usage of multi-sport centres.
- 3.5.9 As of March 1st, 2018 the membership numbers for each centre were as follows:
- Deangate Ridge – 212
 - Medway Park – 5,226
 - Strood Sports Centre – 2,174
- 3.5.10 Footfall for each sports centre in 2017 was circa
- Deangate Ridge – 144,500
 - Medway Park – 772,200
 - Strood Sports Centre – 336,300
- 3.5.11 In the budget setting for 2018/19 £50,000 for feasibility studies to be carried out on future sports centre provision for the Peninsula and the east of Medway was approved.
- 3.5.12 Based on the current figures at Medway Park and Strood it is anticipated new sub-regional sports centre provision for the Peninsula and east of Medway will increase both memberships and footfall in these areas, thereby increasing the range of sporting and physical activity options available to Medway residents and through this commercial usage reducing the subsidy required from the council.
- 3.5.13 Further multi-sport centres attract significant usage by customers aged 60+. Based on membership figures as of March 18th, 2018 the number of members aged 60+ across Medway Council sporting facilities was as follows:
- Deangate Ridge – 64
 - Medway Park – 331
 - Hoo Sports Centre – 79
 - Splashes – 106
 - Strood Sports Centre – 238.

3.6 Whether the decision to close the golf course should have been referred to full Council as it was outside the Council's Policy Framework or contrary to or not wholly in accordance with the Council's budget

3.6.1 **Officer response:** The comments of the Monitoring Officer and the comments of the Chief Finance Officer are set out as follows:

3.6.2 Comments of the Monitoring Officer

3.6.3 The Council's priorities are:

- Medway: A place to be proud of
- Maximising regeneration and economic growth
- Supporting Medway's people to realise their potential

3.6.4 To meet the above three priorities, the Council has identified a number of ways of working, which includes giving value for money.

3.6.5 The executive decision to close Deangate Ridge golf course is an operational matter and is consistent with the Council Plan (policy framework) with regards to giving value for money.

3.6.6 The Council Plan outcomes includes 'Healthy and active communities' and includes a programme to improve everyone's health and reducing inequalities. The proposal to begin detailed planning for the development of a new sports centre on the Hoo Peninsula to meet the modern needs of residents provides an opportunity to widen the type of sporting facilities on offer to be attractive to a wider group of individuals.

3.6.7 The decision of the Cabinet to close Deangate Ridge golf course is therefore considered to be wholly in accordance with the policy framework.

3.6.8 Comments of the Chief Finance Officer

3.6.9 The Council's 2017/18 budget approved by the Council on 23 February 2017 includes a subsidy of £43,000 in respect of Deangate Ridge golf course, with the overall 2017/18 net expenditure budget for Sport Leisure, Tourism and Heritage set at £1.554m.

3.6.10 The Council has subsidised Deangate Ridge golf course, accepting that the service operated at a net annual cost to the council for the past seven completed financial years as shown in the Cabinet report. In addition to this agreed level of subsidy the golf course has operated at a cost in excess of this agreed subsidy level for 2015/16, 2016/17 and is projected to do so for 2017/18.

3.6.11 The decision of the Cabinet to close Deangate Ridge golf course is therefore considered to be wholly in accordance with the budget.

3.7 **A decision on Deangate Ridge Golf course being taken ahead of public consultation on the draft Local Plan for Medway**

- 3.7.1 Petitioners felt that the timing of the decision to close the golf course had removed scope for effective and meaningful consultation under the Local Plan process where the public should be able to engage in the development of a vision and framework for the area which should include an opportunity for the public to express a view about retention of the golf course as an important community asset.
- 3.7.2 **Officer response:** Medway Council has a legal obligation to produce a balanced budget. The ongoing financial instability of Deangate Ridge with no realistic expectation of this position improving in the foreseeable future necessitated the need for a Cabinet decision.
- 3.7.3 The Cabinet decision is that the Council will no longer operate a golf course at Deangate Ridge. It makes no recommendation on the future use of the land on which the golf course currently operates.
- 3.7.4 Creating a clear Council position prior to public consultation on the draft Local Plan enables full and frank discussion about the future use. It does not preclude any future use of the land, including future operation of a golf course on the land by parties other than the Council.
- 3.7.5 Any option can be put forward for use of the land within the Local Plan public consultation. Once consultation is completed, all options will be considered before a preferred option is brought forward, as part of forthcoming stages of the Local Plan.

3.8 **Financial justification for the decision to close the golf course**

- 3.8.1 Concern was expressed that the financial information presented to the Cabinet as the basis of the recommendation for closure was weak and not compliant with CIPFA or HMRC guidelines. The petitioners suggested the Cabinet should have been provided with a more detailed breakdown of the revenue and capital costs and income streams associated with Deangate Ridge, comparative information for other Leisure facilities and a financial evaluation of a range of other options for the future running of the golf course. It was argued that social impact should also have been factored into the considerations put before the Cabinet in terms of the health and wellbeing of senior citizens
- 3.8.2 **Officer response:** The financial information provided in the Cabinet report listed both income and expenditure for Deangate Ridge for each financial year from 2010/11. The figures had central charges (costs levied by the Council to cover charges like Human Resources, Legal and other internal services) removed in order to provide Members with direct costs for the operation of the golf course.

- 3.8.3 Deangate Ridge does contain non-golf sports facilities, including previously having an on-site gym. However, in recent years both the income and expenditure on non-golf related activity is negligible. In 2016/17 the income generated from non-golf sports activities was £1,016 and in 2017/18 to date it has been £4,000. Similarly in expenditure terms the annual sum spent by Norse on grounds maintenance of non-golf sports activities is circa £7,000 per annum.
- 3.8.4 Following the Cabinet report, a Freedom of Information request asked for financial information for the past ten years. This is attached at **Annex 5**.
- 3.8.5 To provide a comparison with newly developed Medway Council multi-sports centres, below is the annual council subsidy with central charges removed. While central charges are normally included as part of the figures their removal is to provide like-for-like information to Members.
- 3.8.6 2016/17 financial comparison
- Deangate Ridge: £206,321 subsidy
 - Medway Park: £60,194 contribution
 - Strood Sports Centre: £169,755 subsidy (includes £77,000 capital borrowing repayment)
- 3.8.7 The financial comparison figures demonstrate that it is more cost effective for the Council to operate modern multi-sport centres, such as Medway Park, which also attracts greater membership numbers and higher footfall, as set out previously in the report. This accords with the Cabinet recommendation to begin detailed planning for a new modern sub-regional sports centre for the Hoo Peninsula, as well as the feasibility study on a new sports centre for the east of Medway.
- 3.8.8 As previously stated in the report, modern multi-sport centres also offer greater opportunities for senior citizens to enjoy a diverse range of sport and physical activity, as well as attracting greater interest across genders.
- 3.9 **Request for delay in implementation of the Cabinet decision to allow time for a business case and alternative options to be produced**
- 3.9.1 The Committee received representations that the Cabinet had failed to undertake a comprehensive options appraisal and consider associated business cases, which is a generally accepted principle of decision – making. Reference was made to non-compliance with CIPFA and HMRC guidelines and the Council’s Code of Corporate Governance in this regard.
- 3.9.2 The petitioners stated they did not expect the Council to continue to subsidise the golf course in the current financial climate, but requested a delay in closure to enable a range of options to be considered including:

- Other business models such as multiple uses, improved marketing, events, golf competitions, partnerships with other sports enterprises
- Outsourcing to an external partner
- Development as a mixed use sports and social environment by the Council or an external provider
- Designation as a Country Park or similar
- Use of legislation enabling registration as an asset of community value and/or the transfer of the service to the community.

3.9.3 **Officer response:** The sport and leisure department within the Sport Leisure, Tourism and Heritage service is tasked by Members to provide sport and physical activity for the benefit of the community. Within this remit it is asked to perform as a commercial organisation, wherever possible, while recognising it also has a social responsibility, which Members recognise through the annual operating subsidy provided.

3.9.4 The information provided to Cabinet in the report of 6th February and reiterated in this report demonstrates the ongoing financial instability of operating Deangate Ridge golf course. Increasing budget constraints across the council have focused attention and raised questions about the viability of the Council continuing to subsidise one sporting activity. Further the development and subsequent operation of Medway Park have demonstrated both greater financial viability and greater customer footfall of well-developed modern multi-sport centres.

3.9.5 Options raised for consideration by petitioners to the RCE Overview and Scrutiny Committee included:

3.9.6 **Other business models, such as multiple uses, improved marketing, events, golf competitions, partnerships with other sports enterprises**

3.9.7 **Officer response:** There has been significant marketing in previous years of activities, examples of which are attached in **Appendix C of Annex 1**. The report to RCE Overview and Scrutiny Committee also stated that additional golf competitions had been tried in line with suggestions from England Golf, Footgolf had been introduced to try to broaden the appeal, other sports activities – Deangate Meangate tough-mudder, archery tag, cross-country – events have been held, and links to running and cycling clubs have been developed. However, these have made no tangible improvement to the financial position

3.9.8 **Outsourcing to an external partner**

3.9.9 **Officer response:** It is highly likely an external provider will expect the Council to subsidise (most likely via a management fee) the level of loss currently being incurred by the Council from operating Deangate Ridge. Thus, while over the course of a long-term lease it may be

possible to gradually reduce the subsidy it will not resolve the budgetary pressure facing the Council for the foreseeable future.

3.9.10 Development as a mixed use sports and social environment by the Council or an external provider

3.9.11 Officer response: The remit of the sport and leisure department is to provide sport and physical activity provision. Attempts to develop non-sporting activity would not meet that remit and would detract from legitimate sporting development. It is also recognised that the Deangate Ridge golf clubhouse only has one function/social area. Thus, renting this out on a regular basis for non-sporting social engagements would mean golf customers would not be able to use it. This would be a particular problem on weekends when social functions are most likely to be held and when the golf course is at its busiest.

3.9.12 Designation as a Country Park or similar

3.9.13 Officer response: Transforming the golf course into a country park is an option that can be raised through the Local Plan public consultation. A feasibility study would not consider non-sporting uses.

3.9.14 Use of legislation enabling registration as an asset of community value and/or the transfer of the service to the community

3.9.15 Officer response: S81 of the Localism Act 2011 enables a relevant body including voluntary or community bodies to express an interest in assisting in providing a council service provided by the authority in the exercise of any of its functions, subject to time limits. However, this is unlikely to apply in the circumstances as the running of a golf course is not a statutory function of a local authority. S87 of the Localism Act 2011 requires local authorities to maintain a list of assets of community value which have been nominated by the local community, when listed assets come up for sale or change of ownership the Act gives community groups the time to develop a bid and raise the money to bid to buy the asset when it comes on the open market. The asset will be removed from the list after a period of 5 years. Should a nomination be received, the local authority would have to decide whether the asset meets the definition of land of community value.

3.10 Transparency and access to information

3.10.1 Concerns were expressed that the Cabinet had breached the law on access to information and publicity in connection with executive decisions.

3.10.2 Officer response: The Council is required to produce a balanced budget each year. This can require the Cabinet to make decisions, which require action outside the standard 28-day timetable. The pressure on the leisure budget and the projections of a worsening position, as the financial year progressed, necessitated Cabinet action.

- 3.10.3 The relevant law on public access to meetings and information relating to decisions of local authority executives is contained in The Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012.
- 3.10.4 The decision to close Deangate Ridge golf course was a key decision as defined in The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. Regulation 9 requires a notice to be published of the intention to make a key decision 28 clear days before the decision is made. In Medway this notice is provided in the Forward Plan of Cabinet key decisions which is published on the Council's website and in hard copy at Chatham Community hub 28 clear days ahead of each meeting of the Cabinet.
- 3.10.5 Regulation 10 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 makes a general exception where the publication of the intention to make a key decision under Regulation 9 is impracticable in which case the decision can be made as long as the Chairman of the relevant Overview and Scrutiny Committee has been informed by notice in writing of the matter about which the decision is to be made and the notice has been made available for public inspection and published five clear days before the decision is taken. A notice of the reason why compliance with regulation 9 was impracticable also has to be made available for inspection and published on the website. These requirements were met. The reason given for not providing 28 clear days' notice of the intention to make the decision to close Deangate Ridge golf course was because the proposals regarding the future of the golf course had not been finalised at the time for the publication of the Forward Plan 28 clear days ahead of the Cabinet meeting scheduled for 6 February 2018. This was as a consequence of the budget setting process timetable given that Cabinet recommended the final budget proposals on 6 February 2018 to Full Council for final consideration and approval on 22 February 2018.
- 3.10.6 Regulation 7 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 makes provision for access to the agenda and connected reports for public meetings of the Leader and Cabinet. A copy of the agenda and every report for a meeting must be made available for inspection by the public and on the Council's website at least five clear days before the meeting. This requirement was fully met in relation to the report on the future of Deangate Ridge golf course.

4. Chief Legal Officer's Comments

- 4.1 This report advises the Cabinet of the outcome of discussion at the Regeneration, Culture and Environment Overview and Scrutiny Committee as a consequence of the call-in of Cabinet decisions 23/2018 and 24/2018. Section 9F of the Local Government Act 2000 requires a local authority's executive arrangements to provide for Overview and Scrutiny Committees to have the power to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive (i.e. Leader and Cabinet). This includes the power to review or scrutinise a decision made but not implemented (known as the call-in procedure) and to recommend that the decision be reconsidered by the person who made it (in this case the Leader and Cabinet) or to arrange for scrutiny of the decision to be exercised by full Council. The decision(s) subject to call-in cannot be implemented until the conclusion of this process.
- 4.2 The options available to the Regeneration, Culture and Environment Overview and Scrutiny Committee on 12 March 2018 in relation to this matter were either to consider the matter and accept the Cabinet decision, to ask the Leader and Cabinet to reconsider the decision or to refer the matter to full Council for scrutiny and a decision on whether to refer the issue back to the Leader and Cabinet (subject to guidance in the Constitution on the circumstances in which this may be an appropriate course of action). The Constitution is clear that a decision can only be called in once.
- 4.3 On 12 March 2018 the Regeneration, Culture and Environment Overview and Scrutiny Committee decided to request the Leader and Cabinet to reconsider decisions 23/2018 and 24/2018 as set out in paragraph 2.4.1. The Cabinet is required to reconsider those decisions and to adopt a final decision which may then be implemented. The options open to the Cabinet at this point are to confirm and implement decisions 23/2018 and 24/2018 taken on 6 February 2018 or to decide on an alternative course of action having considered the comments from the Regeneration, Culture and Environment Overview and Scrutiny Committee.

5. Risk Management

5.1 Cabinet Members were advised of the following risk management issues in the Cabinet report on 6 February 2018:

Risk	Description	Action to avoid or mitigate risk	Risk rating
Staffing	Medway Council will no longer require staff to work at Deangate Ridge	There are vacancies within the Sport Leisure, Tourism and Heritage service, which enable the Council to offer redeployment to staff affected, subject to each individual's suitability for the roles available.	A3
Norse	The number of grounds maintenance staff employed by Norse will be affected by the closure of the course and any subsequent plans for the land	Along with any budgetary implications for the Council associated with the reduced SLA, the reduced requirement from Norse will need to form part of an ongoing discussion.	B3
Golf customers	Golfers will no longer be able to play at Deangate Ridge	There are a number of golf courses in Medway and surrounding areas, which will offer alternative playing options for affected customers.	A3
Site security	A vacant site may attract anti-social behaviour	Discussions are ongoing with Council colleagues to identify the most appropriate method for securing the site pending a decision about its future	A2

6. Financial and legal implications

- 6.1 Cabinet Members were advised of the following financial and legal implications in the Cabinet report on 6 February 2018:
- 6.1.1 Based on the 17/18 budget, the following saving of £78,829 is projected to be achieved if the facility were to close.
- 6.1.2 However, Members are asked to consider that, while the saving based on budget is as above this is forecast on an income target which is not being achieved. Even allowing for what has been a relatively good summer for golf income compared to the past couple of years and there is additional income from return of the catering function to Medway Council the actual shortfall for the current financial year is estimated to be circa £130,000.
- 6.1.3 This saving is net of the maintenance cost of £7,000 after closure (based on Norse figure). Projected seasonal maintenance is estimated at £25-£30,000 per annum, plus additional costs for security provision to safeguard the site and also future demolition costs for the buildings.
- 6.1.4 There is an additional income target of £136,000 to meet the £1m, 3 years savings target, agreed at the budget-setting round for in 2015, which will no longer be deliverable if the facility were to close. This would need to be reconsidered during the 18/19 budget setting process.
- 6.1.5 Any decision to close a facility such as Deangate is likely to generate a degree of public interest and raise the possibility of challenge, however given the financial position it is clearly something that the Council can consider. Additionally there may be claims made around the redeployment of staff, but provided the consultation and other steps are carried out these should not represent a significant risk.
- 6.1.6 There is no contractual requirement in the membership terms and conditions to provide golf club customers with a set period notice of closure.
- 6.1.7 A percentage of golf club members pay annually in advance and have expiry dates later than 31 March 2018. They would thus be entitled to a proportionate refund. The total sum of refunds is estimated at less than £2,000.
- 6.2 Cabinet members are advised that in reaching a decision on this matter you should consider the presentations made and the views expressed at the Regeneration, Culture and Environment Overview and Scrutiny Committee (set out in this report and the attached appendices) and balance the wider community interests.

- 6.3 In reaching their decision, Cabinet Members and officers must act reasonably taking into account all relevant considerations and ignoring irrelevant ones. There is a need to ensure that when making decisions the result is not one which is irrational in the Wednesbury sense (i.e. one which no reasonable local authority could have made).
- 6.4 The Council must have regard to its public sector equality duties when making decisions. This includes the requirement to undertake a Diversity Impact Assessment in relation to all significant changes to policies, procedures or practice, and to pay 'due regard' to the need to eliminate discrimination and promote equality with regards to race, age, disability and gender. A Diversity Impact Assessment is attached within **Appendix A (Cabinet report dated 6 February 2018) of Annex 1**.
- 6.5 Where the Council has a statutory discretion, rather than a duty, proposals should not put the Council in a position so that the discretion may not be exercised at all, even where there may be compelling reasons for exercising the discretion in a particular case.
- 6.6 Members need to balance the wider community interests against the benefit of financial savings that could be met by closing Deangate Ridge Golf Course. If having taken into account all relevant (and disregarding all irrelevant) considerations, Members are satisfied that it is reasonable to make the decision to close Deangate Ridge golf course, then they may properly and reasonably decide to do so.

7. Recommendations

- 7.1 The Regeneration, Culture and Environment Overview and Scrutiny Committee has asked the Cabinet to further consider decision no. 23/2018 in light of the additional information seen by the Committee.
- 7.2 The Regeneration, Culture and Environment Overview and Scrutiny Committee has asked the Cabinet to reconsider decision 24/2018 on the basis that implementation of this decision should be delayed pending the Cabinet's reconsideration of decision 23/2018.

8. Suggested Reasons for Decision

- 8.1 The Cabinet is required to respond to the recommendations from the Regeneration, Culture and Environment Overview and Scrutiny Committee.

Lead officer contact

Tomasz Kozlowski, Assistant Director Physical and Cultural Regeneration

T: 01634 338121

E: tomasz.kozlowski@medway.gov.uk

Background papers

Report to 6 February 2018 Cabinet meeting – Deangate Ridge

<https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=3702>

Appendices

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Annex 1 – Appendix A	Cabinet Report – 6 February 2018 including a Diversity Impact Assessment
Annex 1 – Appendix B	Letters to Cabinet dated 4 and 12 February 2018 (from Joanne Shorter on behalf of petitioners)
Annex 1 – Appendix C	Director's response to petition (including Marketing Plan)
Annex 2	Covering Addendum Report to Regeneration, Culture and Environment Overview and Scrutiny Committee 12 March 2018
Annex 2 – Appendix D	Freedom of Information requests and consolidated response
Annex 2 – Appendix E	Petitioner's written request for the petition to be referred to the Regeneration, Culture and Environment Overview and Scrutiny Committee
Annex 3	Minutes of Regeneration, Culture and Environment Overview and Scrutiny Committee 12 March 2018
Annex 4	Petitioners' statements read out at the meeting of the Regeneration, Culture

	and Environment Overview and Scrutiny Committee held on 12 March 2018
Annex 5	Financial information 2007/08 – 2016/17