

**SPECIAL MEETING OF HIGHWAYS AND COMMUNITY INFRASTRUCTURE
COMMITTEE: MINUTES**

Date: Friday 26th June 2015

Time: 10:30am-12.50pm

Present: Councillors Ashwood, Connor, Criswell, Gillick, Hickford (Chairman), Hunt, McGuire (substituting for Councillor Butcher), Mason, Reeve (Vice-Chairman), Rouse, Scutt, Taylor and Williams

In attendance: Councillors Ashcroft, Bullen, Bywater, Cearns, Downes, Giles, Harford and Hipkin

Apologies: Councillor Butcher (Councillor McGuire substituting)

117. DECLARATIONS OF INTEREST

Councillor Scutt declared an interest as a user of Cambridge Central Library in relation to item 119.

118. PETITION

There were no petitions.

119. CAMBRIDGE LIBRARY ENTERPRISE CENTRE – REVIEW OF DECISION

Councillor Mason raised a point of order on why the minutes of the Highways & Community Infrastructure Committee meeting on 2nd June were not being considered, especially as there were five pages of minutes on the subject of the Cambridge Library Enterprise Centre. The Director of Law, Property & Governance advised that because this was a special meeting, the Committee was not required to deal with those minutes, they would be considered at the next formal meeting. However, it was confirmed that it was acceptable to refer to those draft minutes, which had been already published.

Councillor Scutt raised a point of order on who had called this special meeting. The Chairman advised that he had called the meeting, in consultation with the Executive Director (Economy, Transport & Environment).

The Executive Director (Economy, Transport & Environment) gave a brief introduction to the report. He reminded Members that this issue had previously been considered at Highways & Community Infrastructure (H&CI) Committee meetings on 17th March and 2nd June, and also at the General Purposes Committee on 14th April. Following the decision taken to proceed with the project at the H&CI meeting on 2nd June, further information had been made available relating to an individual who had acted as the lead contact with the Council during the negotiations with Regus Kora. The

report updated Members on that issue, but contained no specific recommendation on what action should be taken.

There were three public speakers, all speaking in opposition to the Regus Kora proposal:

Dr Alison Powell posed a number of questions to officers, specifically clarification on the following points:

- (i) the time period over which 'further saving' of £200,000 would need to be found;
- (ii) whether the figure of £200,000 projected income included the 'guaranteed service charge' of £80,000, and whether this was per annum or in total;
- (iii) the basis on which the projected income forecast/target of £200,000 had been calculated, and the sources of evidence that had been used to make that projection;
- (iv) the relationship between the current income from room hire (£38,000 in 2014) and the projected income from the CLEC proposal i.e. would the income from room hire be over and above the £80,000 estimated income from Regus Kora;
- (v) the relationship between the cuts to the library service budget of around 65% in the period 2010 to 2018 and cuts to other parts of the ETE budget, i.e. were other areas of Economy, Transport & Environment subject to reductions of a similar magnitude.

Responding to those questions, the Head of Community & Cultural Service and the Executive Director (ETE) advised:

- (i) + (ii) the £80,000 savings/income had been set for 2015/16, with an additional £25,000 for 2016/17 and a further £100,000 in 2017/18. These figures were cumulative i.e. they totalled savings/income of £205,000 over three years;
- (iii) that room hire was included in the guaranteed £80,000 service charge from Regus Kora. This was calculated on a pro rata basis on floor space;
- (iv) the evidence for the projected income forecast was set out, in broad terms, in the confidential appendices to the report considered at the March Highways & Community Infrastructure meeting, and was largely based on Regus's experience from elsewhere e.g. at a similar centre in the Netherlands. Finance officers had checked to see if the projections were realistic. It was also confirmed that the Library Service had opportunities to make income from room hire at other sites e.g. at Huntingdon Library in the space vacated by the café;
- (v) savings across ETE as a whole had been identified in Business Plans agreed by either Cabinet or through the Committee system. Looking forward, over five years ETE would take a 40% cut across all services, which was a significant reduction. Libraries were likely to take a slightly higher reduction than some other areas.

In response to a Member question, Dr Powell confirmed that she nor any other members of the public had had opportunity to see the confidential appendix to the March report, referred to in (iv) above.

Addressing the Committee, Phil Rodgers advised that he had found out the information about the Kora Director disqualification himself by searching publically available documents on the Companies House website. He had done this because he was trying to understand why the Council had been working so exclusively with just one organisation on the library project, and seemingly in such secrecy. He stressed that he found no evidence of any improper relationship between Kora and anyone at the Council. However, he urged Committee Members to rescind the decision they had taken on 2nd June, especially in the light of the potential reputational risks identified in the report.

He pointed out that Cambridge Central Library was the fourth busiest library in the country, with around 850,000 visits per year. He did not believe that the public could have confidence in a project involving Kora, given the information that had been uncovered, especially with a precious asset such as the Central Library. He asked that Councillors find other ways of addressing the serious budget shortfalls they faced, and to ensure that in future there was a more open and transparent process when such decisions were being made.

In response to Member questions, Mr Rodgers:

- confirmed that other than reputational risks, he was unsure of what other risks the Council might face with progressing with the CLEC project, as he did not have the benefit of the access of the business case set out in the confidential appendix to the March H&CI Committee report;
- advised that he had not found out anything about ongoing or prospective legal proceedings in the personal research that he had undertaken.

A Member thanked Mr Rodgers for his diligence and for bringing this matter to the Committee's attention.

Mrs Hilary Goy addressed the Committee. She advised that she had following this matter with mounting concern, and her main issues related to revenue and reputation:

Revenue was central to the whole project, to achieve the income/ savings that had to be made. However, as raised by previous speakers, the £200,000 projected income was not guaranteed. She was pleased to see the undertaking to investigate other options in the report, and felt that the existing income earned from the meeting room was a positive indicator.

Reputation was a vital concern to the Council, and she felt that without it, Members – and their decisions - had no credibility. In this way, officer advice reflected on Members, and transparency and confidence was required on the company. She urged Members to take the opportunity to make the right decision for Cambridgeshire.

Councillor Cearns spoke as the Local Member for Cambridge Central Library. He thanked the public for attending, and the three speakers for their eloquent presentations. He apologised on behalf of this Council, commenting that no other apology had been forthcoming, and observed that whilst the library was situated within his Division, it served the whole of Cambridgeshire. Given that the Council

was facing an unprecedented financial crisis, he felt that it was crucial to have an honest and mature conversation with residents on the implications of cuts, and it was not the time to close doors. He urged the Committee to rescind its decision and find a solution to address the financial issues, and he hoped that the Council learned to be more open with the public.

The Chairman asked Committee members to put forward any questions they had for officers:

A Member raised questions on the “Significant Implications” section of the report, specifically:

4.1 – *“there are no alternatives identified that are expected to meet the level of income forecasted for the CLEC”* suggesting that there were other alternatives that could make up the shortfall.

4.2 – *“the individual’s disqualification ... is not a valid reason to not proceed with an agreement with Regus Kora”* – as the individual was a key member of the team, surely this was a key reason for reputational damage and potentially lead to adverse publicity on the potential success of the proposal?

4.3 – *no further issues for equality and diversity*: the Member pointed out that going ahead with the project would lead to higher and lower shelves throughout the library, potentially leading to difficulties for those with mobility issues. There was also the issue of the move that the Adult Career Service would necessitate if the CLEC project went ahead, and staff from the Adult Career Service had expressed strong concerns about this.

4.4 – *no further engagement and consultation issues*: given the public response, there were clearly engagement and consultation issues.

4.5 – *no Localism and Local Member engagement issues*: there were clearly significant implications, which had been raised by the Local Member Councillor Cearns.

Responding, the Executive Director (ETE) advised that these significant implications related to the specific decision. The Head of Community & Cultural Services had clearly outlined the consultation processes at the H&CI meeting on 2nd June. It had been made clear that there would be no reduction in books, and that an enhanced Adult Careers Service would remain on site. In terms of resource implications, the £200,000 savings had been identified in the Council’s Business Plan for at least two years. Whilst this savings could not be absolutely guaranteed if the project went ahead, the same was true for any other income stream identified in the Business Plan, and the figure was based on Regus Kora’s experience of similar projects elsewhere. Whilst the project would require £300,000 capital investment, this investment would be repaid over a period of time by Regus Kora. With regard to the individual’s disqualification not being a material consideration, it was reiterated that the contract would not be with the individual, but with the company. Who and an individual disqualification was not in itself a reason not to undertake the project. It was also clarified that the status of individuals was not part of the due diligence process, but the company as a whole.

With regard to the shelf heights, the Head of Community & Cultural Services advised that a Community Impact Assessment carried out on this project, and even with the additional shelf height, shelves would be well within national guidelines, and shelves would certainly not be higher or lower than those at many other libraries. She also confirmed that the Adult Careers Service had been involved throughout the negotiations, and she was not aware of any extant concerns.

A Member asked officers questions on the due diligence exercise, specifically

- what checks the Council had carried out on Regus Kora;
- whether this involved checking any records from Companies House;
- with hindsight, would officers be reviewing how they undertake due diligence exercises in future;
- whether further checks would be carried out on assertions made by the individual who had claimed that he was the International Managing Director of Kora, when he was not a Director of a UK company at all?

The Executive Director (ETE) advised that a range of financial and other checks were carried out as part of the due diligence exercise. These did not include checks on individuals involved in the Regus Kora group, because as previously explained, any arrangement would be with the company and not individuals. It was for Members to decide how they wanted to proceed with this issue forward, but officers were satisfied that the appropriate checks had been undertaken.

A Member noted that a Freedom of Information request had revealed that there had been 37 meetings between Council representatives and Regus Kora. He asked how many meetings had involved staff? He also asked whether Kora had any intention to change their tax status, and what the cost would be to the Council if the £300,000 capital repayment if the project did not make a profit. Responding, the Head of Community & Cultural Services advised that there had been numerous meetings with staff throughout the negotiations with Regus Kora. Staff were always being asked for ideas and suggestions for making improvements to services, and the Implementation Group meetings had included staff from all the teams impacted by the proposals. Regus Kora had not been asked if they intended to change their tax status. She confirmed that the capital repayments over 10 years were not dependent on profits.

A Member referred to information given as a result of a second Freedom of Information request, regarding the Risk Log for the CLEC proposal. The information provided stated *“please note that this risk log was created by Kora and their contractors, shared with Council for the purpose of monitoring risk”*. He asked if this information formed part of the Council’s normal risk register, or was made available to Members in any way. Officers confirmed that this was the internal risk register for this specific project. It was not confidential but was not normally shared more widely than with those involved in the project.

With regard to budget cuts across ETE, a Member pointed out that the library service had lost over 30% of staff over 2 years, which was more than most teams in ETE. The Executive Director commented that the library service was more staff intensive compared to other services, which was why cuts to the libraries budget usually

resulted in job losses. Many services within ETE were more capital focused, and he reiterated that there would be significant cuts (£10.3M) across all ETE services over the next three years.

A Member asked if officers had met with any other representatives from Regus Kora, and also expressed concern about officers making decisions on behalf of the Council. It was confirmed that Council officers had met with a wide range of colleagues from Regus, Kora, and their partners across Europe.

A Member thanked speakers, and reminded Members that this project formed part of the Business Plan that most Councillors had voted in favour of. It was also noted that since the meeting on 2nd June, there was no material change to the recommendation made last time, the only change was the information on the director disqualification. It was also noted that over the next five years, ETE was looking at budget reductions in excess of 40% across all services, and the key areas of expenditure were noted. For the Library Service specifically, this amounted to a reduction of £1.83M over a budget of approximately £4.5M.

A Member commented that no attention had been paid to alternatives, and it was absolutely vital that library staff were involved. She also pointed out that it would not be possible to accommodate the third floor informal meeting facilities with the second floor 'quiet' space. In response, officers commented that they had developed outline alternatives, and these had been reported to the Committee in March. Many staff suggestions to reduce costs and gain income had already been implemented. There would still be space on the third floor where members of the public could meet and talk. In response to a question on finances, it was confirmed that Regus Kora would be obliged to repay the annual £30,000 capital repayment charge.

Councillor Criswell, speaking on behalf of the Conservative Group, said that the Group was disappointed and embarrassed by the latest development. The Group was trying to maintain a sustainable library service, avoid library closures and bring involve the public by being as open as possible. The Conservative Group was not happy that the due diligence had been done to their satisfaction, and whilst acknowledging the points made about not researching individual company directors, felt that Councillors needed as much information as possible. They were also unhappy that the Committee system had failed them on this occasion, observing that the proposal had been considered by the cross-party Spokes meeting a full month before the March Committee meeting, and there had been no concerns raised by his Labour or Liberal Democrat colleagues at that point. It was vital that policies and proposals were actively reviewed and developed through the Spokes system for the Committee system to work and for officers to be given a clear steer. He also highlighted that there would be tougher decisions to be made over the next five years, and it was vital that the Spokes/Committee system worked effectively, and full information was available. He also thanked the speakers for their contributions, especially the ideas put forward by Dr Powell at the 2nd June Committee meeting.

A Member highlighted vital role libraries play in Cambridgeshire, and that they were effectively the 'Cinderella' service within the H&CI Committee, despite playing a key role in reducing the call on benefits. He observed that around 80% of the Council's

budget was basically welfare, and the library service was dependent on the many volunteers who supported its services.

An amendment to recommendation (b) was put forward by Councillor Rouse and seconded by Councillor Connor. Other Members made changes to the wording and a majority of Members voted in favour of the Motion:

- (b) that the decision be rescinded, and to request the Executive Director (ETE) identify alternative options for increasing income at Cambridge Central Library and the library service as a whole, by working with library staff, library users and an elected Member Group to explore all options which may include developing a cultural and education centre for Cambridge Central Library and the county.

There was a debate around the use of the word 'rescind', and whether it was within the Committee's power to rescind a decision, especially as the decision had been called in through the Decision Review process and a special meeting of full Council was scheduled for 9th July to review the decision. In response, the Director of Law, Property & Governance advised that the Decision Review process was a separate process to the normal workings of the Committee, and effectively operated in parallel. He confirmed that the Committee still had the competence and authority to rescind a decision. Councillor McGuire raised a point of order, pointing out that it was perfectly reasonable for a Committee to rescind a decision in the light of new information.

A Member sought clarification on the legal advice given, asking what the consequences were for the full Council meeting on 9th July. The Director of Law, Property & Governance advised that he had already provided the Member with a detailed written response on this issue, but for the benefit of the Committee and the public advised that there were two separate processes: the Committee was fully authorised to rescind its decision, and if it chose to do so, there would no longer be an extant decision, and the Council meeting on 9th July would be cancelled. However, it was possible for five Councillors to call an Extraordinary meeting of full Council, but not under the auspices of the Decision Review process.

The Member asked who could cancel the full Council meeting on 9th July, suggesting that it would be injudicious for the Director of Law, Property & Governance, the Head of Democratic Services, the Highways & Community Infrastructure Committee or the Councillors who called for that Decision Review to cancel that meeting. She pointed out that the Decision Review process had been initiated by Members before the Director disqualification issue had arisen, because Members had many other concerns relating to the process, and those concerns remained, particularly around the various issues on the lack of Member involvement in the process. The Director of Law, Property & Governance advised that as the Council's Monitoring Officer, if the decision was rescinded, he would cancel the Council meeting as there would be no purpose to it taking place. He reiterated that five Councillors could call an Extraordinary meeting of Council, but that would not be part of the Decision Review process.

Another Member commented that this was not a party political matter, and in the public interest, if there was a consensus to rescind the decision, then there would be

no sense in calling a Council meeting to debate a decision that had been rescinded. Other Members stressed that there remained numerous, broader issues that needed to be examined by a wider group of Members through a full Council meeting.

A Member asked if the decision was taken to rescind the decision, whether the Council would be subject to claims for damages or similar action from the Regus Kora Group. The Director of Law, Property & Governance advised that whilst this was a possibility, it was difficult for him to foresee the grounds on which any such action could be based.

A number of Members commented that there was general consensus across the Committee that it was appropriate to rescind the decision to enter into the CLEC project with Regus Kora. However, differing views were put forward on how to address the broader implications raised by this issue.

Other individual Member comments included:

- challenged Councillor Criswell's comment about this decision being a failure of the Committee system, suggesting that the fact that the Committee was reconsidering its decision showed how effective the Committee system was. He strongly urged Members to vote in favour of rescinding the decision, with the understanding there would be further investigations on the decision making processes;
- commented that it was public money that was being discussed, and the fact that there was confidential information that could not be shared more widely with the public put a greater responsibility on the Committee Members to get this right, and it was clear that the due diligence exercise had not been carried out to Members' satisfaction. The Member stressed that Councillors had a duty to the whole of Cambridgeshire, and should bear in mind that e.g. it cost £31,000 per annum to run Littleport library, £125,000 to run Ely Library, and Councillors had hard decisions to make;
- suggested that Cambridge Central Library's main customer base – sixth form students – seemed to have been ignored, probably because of the lack of income opportunities from that group. The Member also commented favourably on the Committee system, highlighting other major projects that had been introduced under the Cabinet system. The Chairman reminded Members that Spokes had been informed of the CLEC proposals a month before the 17th March H&CI meeting, and no concerns had been raised at that point;
- commented that whilst he had originally supported the proposal to increase the commercial use of Central Library, subsequent revelations about the lack of transparency which surrounded the development of this proposal, and procedural issues around this, had made him withdraw his support. The Member was particularly concerned that information on the proposal had not been shared with Members until the original report and been shared with Spokes, prior to the March Committee meeting. He also expressed disappointment that the Director of Law, Property & Governance's decision to cancel the Council meeting requested by 26 Members;
- acknowledged the pressure on officers, and the importance for Members supporting them, and welcomed the debate.

Councillor Scutt proposed an additional Motion, which was seconded by Councillor Taylor:

- “(c.) Recommend that Full Council consider, debate and determine upon the issues that led to the Call-in of the 2 June 2015 decision of the Highways & Community Infrastructure Committee, going to matters not limited to:
- (1) a confidential agreement entered into by a Council officer;
 - (ii) extensive meetings held without advice to Council or Councillors;
 - (iii) due diligence processes;
 - (iv) any other relevant issue leading to the Call-in.”

A number of Members spoke on the additional Motion. Some commented that whilst supporting the proposal to fully investigate the broader issues in principle, they did not agree with the mechanism proposed, feeling that the amendment clouded the decision to rescind the original decision.

Following a show of hands, the Motion fell.

The Committee agreed to consider the two recommendations separately:

It was resolved unanimously to:

- (a) Note the recently available information regarding the proposed arrangement with Kora and reconsider its decision on 2nd June as to whether to enter into an agreement with Kora (part of the Regus Group) to create and run the Cambridge Library Enterprise Centre (CLEC).

It was resolved by a majority:

- (b) that the decision be rescinded, and to request the Executive Director (ETE) identify alternative options for increasing income at Cambridge Central Library and the library service as a whole, by working with library staff, library users and an elected Member Group to explore all options which may include developing a cultural and education centre for Cambridge Central Library and the county.

Chairman