

Shareholders Committee

Committee

Monday, 3rd August, 2020

MINUTES

Present:

Councillor David Thain (Chair), Councillor Salman Akbar (Vice-Chair) and Councillors John Fisher, Bill Hartnett and Ann Isherwood

Officers:

Jayne Pickering and Claire Felton

Democratic Services Officers:

Amanda Scarce

1. APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES

There were no apologies for absence or named substitutes on this occasion.

2. DECLARATIONS OF INTEREST AND PARTY WHIP

There were no declarations of interest nor of any party whip.

3. MINUTES OF THE PREVIOUS MEETING

In considering the minutes Members raised a number of issues that they wished to be clarified and it was suggested that the following areas be included within the agenda of a future meeting of the Shareholders Committee in order to provide some clarity around the role of the Shareholders Committee.

Recruitment – Officers advised Members that the advertisement for the Managing Director post was being advertised with effect from 3rd August 2020 and the recruitment process would be carried out by the Board over the next 4-6 weeks. A recommendation would then be brought before this Committee for the final decision to be made. Councillor Thain, as Chair of this Committee, would observe the interview process in order to give some context behind the final suggested appointee. It was noted that a number of Members felt that they were not being given the opportunity to participate in the recruitment process, as had previously been the case with the former Managing Director. Officers explained that at that time a

.....
Chair

Shareholders Committee Committee

Monday, 3rd August, 2020

Board of Directors had not been appointed so the circumstances were different. Those Directors were now in place and had the experience and were therefore in a better position to take the recruitment of a new Managing Director forward.

Members suggested that it would be helpful for the Shareholders Committee Members to have a clear understanding of its definitive role and some concerns were raised about the amount of time which had elapsed between its meetings. It would also be helpful to have a clear understanding of each body and how they interacted with each other.

In respect of the Business Plan Members were advised that it had been agreed to carry out a full review of both this and the governance arrangements for Rubicon Leisure which it was anticipated would make the roles much clearer and define the role of the underpinning management team. It was noted that the Covid-19 pandemic and subsequent lockdown had impacted on the work being carried out and it was hoped this review would provide clarity for all concerned.

Reserved matters were discussed, and it was agreed that a review and changes now needed to be made to these, which would allow for clarity for all concerned.

It was noted that Councillors Akbar and Hartnett had not been in attendance at the previous meeting of the Shareholders Committee and they did not therefore vote on the minutes.

RESOLVED that

the minutes of the Shareholders Committee meeting held on 21st January 2020 be approved as a true and correct record.

4. FORGE MILL MUSEUM REPORT

The Executive Director, Finance and Resources thanked the Chair for allowing this report to be brought before the Committee at short notice and confirmed that it was a public document and available in the Additional Papers 2 agenda. Members commented on the lateness of receiving the report which had made it difficult for them to consider it in any great detail.

The Executive Director, Finance and Resources explained that the matter had been considered by the Board but that there were a number of areas, such as this which were reserved for a decision to be made by the Shareholders Committee. The report attached from

Shareholders Committee Committee

Monday, 3rd August, 2020

Rubicon Leisure detailed the difficulties in the reopening of the Forge Mill Museum in the current circumstances and proposed that it stayed closed until 30th November 2020 (when it would have ordinarily closed for the winter months). The rationale behind the request for this decision was detailed within the report but were largely due to the complexities of the building and the difficulties in putting social distancing measures in place. The financial implications were also detailed within the report and it was highlighted that a saving of £24k (as detailed in the table on page 4 of additional papers 2) would be made by the Museum remaining closed, which would therefore demonstrate better value for the company and the Council.

Members questioned whether the figures within the table took account of the reduction in the furlough payments being made from Central Government and Officers agreed to check this and confirm outside of the meeting. Members also asked whether there was an opportunity to receive a reduction in business rates due to the building being empty. Officers did not believe that this was possible but agreed to check and provide a response outside of the meeting.

It was clarified that the building was able to open under the revised Covid-19 guidelines but had chosen not to due to the difficulty in implementing the social distancing restrictions.

RESOLVED that

- 1) due to the operational and financial constraints of re-opening the Museum in July the Shareholders Committee agree as a variation to the Service Specification, that from July 2020 until 30th November 2020 the Museum remains closed and re-opens on 1st February 2021, subject to Government Advice on the re-opening of Museums; and**
 - 2) the legal changes to the operating contract be delegated to the Head of Legal, Democratic and Property Services and the Executive Director, Finance and Resources to implement be approved.**
- 5. OPEN AIR CINEMA REPORT**

The Executive Director, Finance and Resources explained that Rubicon Leisure were looking at new and innovative ways to continue to work, and had been approached by a local organisation to hire a section of the car park at the Abbey Stadium with a view to providing a multi-purpose outdoor leisure space. This would provide an opportunity for open air health and wellbeing classes to take place together with other walk in/drive in events organised

Shareholders Committee Committee

Monday, 3rd August, 2020

through an experienced external company. Details of where this would be positioned and details of the number of vehicles and seating available were highlighted at 3.2 of the report together with appropriate measures put in place in respect of social distancing and hand sanitation stations. Worcestershire Regulatory Services had also been consulted in respect of the noise impact and the Planning Team consulted to ensure the proposal met all the relevant regulations. Should the initial events be successful it was felt that this was something which could be built into the Business Plan in the future.

Members were pleased to see that Rubicon Leisure was coming forward with new and innovative ideas in these difficult times. A number of questions were raised, including the following:

- The process for choosing the external operator and who would be liable for any losses if the proposal was not successful. The Executive Director, Finance and Resources confirmed that there was no risk to the authority at all and that the external provider had approached Rubicon with a view to using the car park.
- Members questioned whether, should it be successful, there would be the opportunity to expand to other areas in the Borough, for example at Morton Stanley Park. It was explained that there were no plans for this as it needed to be in an area where access could be controlled in order to ensure a safe number of people attending.
- The number of events initially planned was three and it was anticipated that this would run from August to October 2020.
- If Rubicon were to take advantage of the staging which would be set up there would be a hire charge, but no other costs were payable.
- It was confirmed that the agreement with the external provider was still being finalised.

RESOLVED that

the Shareholders Committee agree to Rubicon Leisure facilitating the hiring of a section of the car park at the Abbey Stadium to be used as a multi-purpose outdoor leisure and entertainment space suitable for pre-booked/member fitness classes as well as walk in/drive in cinema, comedy, murder mystery, theatre and live music.

6. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that

Shareholders

Committee

Committee

Monday, 3rd August, 2020

Under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be exclude from the meeting for the following matters on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3 and 4 of Part 1 of Schedule 12 of the said Act, as amended

Minute Item No 12 – Financial Performance of Rubicon Leisure Ltd

Minute Item No 13 – Quarter 1 Performance Update 2020/21 – Rubicon Leisure Ltd

7. FINANCIAL PERFORMANCE OF RUBICON LEISURE LTD

The Executive Director, Finance and Corporate Resource presented a report in respect of the financial performance of Rubicon Leisure.

(During the consideration of this item Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to exclude the press and public prior to any debate on the grounds that information would be revealed relating to the financial and business affairs of any particular person (including the authority holding that information) and relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.)

8. QUARTER 1 PERFORMANCE UPDATE 2020/21 - RUBICON LEISURE LTD

The Executive Director, Finance and Corporate Resource presented a report in respect Quarter 1 Performance Update 2020/21 – Rubicon Leisure Ltd.

(During the consideration of this item Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to exclude the press and public prior to any debate on the grounds that information would be revealed relating to the financial and business affairs of any particular person (including the authority holding that information) and relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.)

Shareholders Committee

Monday, 3rd August, 2020

The Meeting commenced at 6.30 pm
and closed at 7.50 pm