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## CORRESPONDENCE FOLLOWING THE COMMITTEE MEETING

**Committee** ECONOMY & CULTURE SCRUTINY COMMITTEE

**Date and Time of Meeting** WEDNESDAY, 31 MAY 2023, 4.30 PM

Please find below correspondence sent by the Committee Chair following the meeting, together with any responses received.

For any further details, please contact [scrutinyviewpoints@cardiff.gov.uk](mailto:scrutinyviewpoints@cardiff.gov.uk)

7 **Correspondence following Committee Meeting**(Pages 3 - 14)

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Date: 02 June 2023

Councillor Burke  
Cabinet Member  
Cardiff Council  
County Hall  
Cardiff  
CF10 4UW

### Public Letter

Dear Councillor Burke,

### **ECONOMY & CULTURE SCRUTINY COMMITTEE – 31 MAY 2023- ST. DAVID'S HALL: NEXT STEPS**

Our thanks to you, all the officers who attended, and to Scott Couzens and Rebecca Pendlebury, Bevan Brittan LLP, both for their attendance and for their patience in navigating the technical difficulties encountered with their remote attendance.

Members have asked that I pass on the following comments and observations on the public information; I have sent a separate confidential letter capturing our comments on the exempt information.

During the public part of the meeting, Members explored a number of areas and our thoughts on these are detailed below:

#### **Soft Marketing Exercise**

Members note KC advised the Council to undertake a market exercise to confirm best value. Members note the soft marketing exercise ran for 6 weeks, which is comparable to the PQQ stage of a procurement process and should therefore have been sufficient time for organisations to express interest and submit bids. Members note no bids were submitted and that the independent bodies that conducted the exercise on behalf of the Council – JLL and Mott McDonald – have informed the Council they believe this is because of the fundamental issue of St. David's Hall's building liabilities.

## **Property Transfer**

Members note the KC advice that the transfer of St. David's Hall to AMG qualifies as a property transfer rather than requiring a procurement process and that publication of the VEAT notice enables other organisations to challenge this if they wish to do so.

## **VEAT notice**

Members welcome the assurance that the VEAT notice will be published for 28 days, as previously recommended by this Committee, instead of the legal minimum of 10 days. Members were pleased to hear Neil Hanratty's statement that a press release will be issued alongside the VEAT notice and that the press release will contain key details, such as the 80-90 days classical programme commitment. Members believe that this is necessary to ensure the public are aware of these key elements and suggest that the press release as a minimum include the information provided on the public slides of the presentation to Committee.

## **Availability of Information**

Members sought to understand what information would be available alongside the VEAT notice to enable organisations to decide whether they wished to complain or challenge the process. We note the advice from Bevan Brittan LLP that organisations will be able to seek disclosure of relevant documents, which will be provided to them albeit with some specific parts redacted if required.

## **Classical Programme and Community Events**

Members were pleased to note that the current classical programme would be retained, with a requirement in the lease for AMG to make St. David's Hall available for 80-90 days per annum, the higher number being when Cardiff Singer of the World is being hosted. Members asked for the current number of days of provision for the classical programme and thank Ruth Cayford for her offer to provide these figures post-meeting. Members note that there is the opportunity for additional days to be made available if the calendar permits. Members were pleased to hear that the Arts Active team will remain with the Council and continue their work. Members note a Memorandum of Understanding will detail the classical and community programme, which will provide a similar offer to recent provision, and set out the management arrangements for these, including the establishment of a Key Stakeholders Advisory Group.

### **Key Stakeholder Advisory Group**

Members were pleased to hear that a wide range of relevant stakeholders, including the Council, will form part of the Advisory Group working together to deliver the classical programme and community events. Given the Council is part of this group, Members sought clarification as to whether the work of this Group would be available for scrutiny and were pleased to hear that it would be, and that scrutiny may assist their aim to improve the classical programme.

### **Liabilities and Obligations**

Members note the lease will set out the building obligations on AMG and that these will therefore be legally binding, with the Council able to take action if these are breached. Members were pleased to hear there would be an annual monitoring process to ensure these lease conditions are being met.

### **Ticket Prices**

Members note that the lease does not reference ticket prices, as this falls outside the remit of a property transfer. Members note that ticket prices are market-led.

### **Live Nation and AMG**

Members note Neil Hanratty's assurance that the proposed transfer of St. David's Hall to AMG is separate to the work of Live Nation on the Indoor Arena and that there is no commercial connection between the two arrangements.

### **Competition and Markets Authority**

Members note Neil Hanratty's statement that, as far as he is aware, the Council has not received any indication from the Competition and Markets Authority that it may look into the proposed St. David's Hall transaction.

### **Minority View:**

Cllr Brown-Reckless has exercised her right, as set out in the Council's Constitution, to request that her minority view be recorded, as set out below:

*As part of the VEAT process, the lease and information relating to employment should be made public.*

It is noted that the VEAT notice enables the lease and information relating to employment to be made available to any organisation that wish to challenge the transfer process.

This letter requires a response, please, to the following:

**Request:**

To provide in writing the current number of days of provision for the classical programme at St. David's Hall.

Once again, thanks to all for attending and explaining the next steps for St. David's Hall. Members have made time at our meeting on 11 July 2023 for pre-decision scrutiny of the next scheduled report to Cabinet on this matter. Members expect to receive the report to Cabinet and all relevant appendices, including the Memorandum of Understanding, with their committee papers, on 5 July, to ensure Members have the six clear days required by legislation to read and properly prepare for this scrutiny. I ask that you task officers to work to ensure this.

Yours sincerely,



**COUNCILLOR PETER WONG  
CHAIR, ECONOMY & CULTURE SCRUTINY COMMITTEE**

cc Members of the Economy & Culture Scrutiny Committee  
Group Leaders - Cllr Robson, Cllr Berman, Cllr Gibson  
Gavin McArthur – Chair, Governance & Audit Committee  
Neil Hanratty Kathryn Richards Chris Barnett Ruth Cayford  
Donna Jones Eirian Jones  
Scott Couzens – Bevan Brittan LLP  
Rebecca Pendlebury – Bevan Brittan LLP  
Mel Jackson Clair James  
Chris Pyke Tim Gordon Jeremy Rhys



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**SWYDDFA CYMORTH Y CABINET  
CABINET SUPPORT OFFICE**

Fy Nghyf / My Ref : CM49801

Eich Cyf / Your Ref :

Dyddiad / Date: 14 June 2023

Cllr Peter Wong  
Cardiff Council  
County Hall  
Alantic Wharf  
Butetown  
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Annwyl / Dear Peter

**E&C Scrutiny - St Davids Hall Public Letter**

Thank you for your letter dated 2 June 2023, outlining the Economy and Culture Scrutiny Committee's comments and observations from the public part of the meeting held on 31 May 2023 relating to the next steps for securing a new operator for St David's Hall.

I would like to thank the Committee for its detailed scrutiny and acknowledge the Committee's recognition of the matters addressed in the letter. I am happy to confirm that the report to Cabinet and all relevant appendices, including the Memorandum of Understanding will be made available for the Committee to review in the normal way as part of the proposed report to Cabinet in July 2023.

I can confirm that the VEAT notice was published on 5 June 2023.

In response to the Committee's request relating to details of the annual classical programme it is not straight forward to answer as no two years are identical. However, in a typical year the number of classical concerts could range from 32 to 43 events based on data from recent years (not including lock down).

The Council recognises that community concerts are also a valued and important part of the St David's Hall programme. The AMG proposal agrees to protect up to 80 days per annum for the classical and community programme, which is in line with what SDH currently delivers. In addition to the 80 days, a further 10 days has been secured to accommodate the BBC Cardiff Singer of the World competition every other year. I have attached a document to provide details of the protected programme which is based on a typical year's classical/community programme.

*Your information is processed under the Data Protection Act 2018 to fulfil Cardiff Council's legal and regulatory tasks as a local authority. For further information on what personal data we hold and how long we keep it for, please view our Privacy Policy; [www.cardiff.gov.uk/privacynotice](http://www.cardiff.gov.uk/privacynotice) If you have concerns about how your data has been handled, contact the Council's Data Protection Officer via [dataprotection@cardiff.gov.uk](mailto:dataprotection@cardiff.gov.uk). Your information has been shared with Xerox in order to contact you today. For further information on how Xerox manage personal data, please view Privacy Policy; [www.xerox.co.uk/en-gb/about/privacy-policy](http://www.xerox.co.uk/en-gb/about/privacy-policy)*

**GWEITHIO DROS GAERDYDD, GWEITHIO DROSOCH CHI**

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg, Saesneg neu'n ddwyieithog. Byddwn yn cyfathrebu â chi yn ôl eich dewis, dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

**WORKING FOR CARDIFF, WORKING FOR YOU**

The Council welcomes correspondence in Welsh, English or bilingually. We will ensure that we communicate with you in the language of your choice, as long as you let us know which you prefer. Corresponding in Welsh will not lead to delay.



**STRONGER  
FAIRER  
GREENER**



The new operator proposal has been developed to optimise the highest quality classical and community programme, supported by an enhanced Academy music offer for the first time in Wales.

We look forward to working with you on the next stage of the process, to secure an exciting and vibrant future for St David's Hall.

Yn gywir / Yours sincerely

A handwritten signature in black ink, appearing to read 'jen', written in a cursive style.

**Cynghorydd / Councillor Jennifer Burke**  
**Aelod Cabinet dros Ddiwylliant, Parciau, Digwyddiadau a Lleoliadau**  
**Cabinet Member for Culture, Parks, Events and Venues**

# Indicative Classical/Community Programme

(Based on the programme over a number of previous years)

No	Week	Month	Entity	Description	Type	Booking Period
1	1	JAN	LTC	TBC		18
2	3	JAN	BBC	ICS - BBC NOW (1)	Orchestra	18
3	4	JAN	ICS	ICS - Welsh National Opera Orchestra (2)	Orchestra	18
4	4	JAN	TBC	TBC		18
5	6	FEB	LTC	TBC	Orchestra	18
6	8	FEB	LTC	Organ Recital	Recital	18
7	8	FEB	BBC	ICS - BBC NOW (3)	Orchestra	18
8	8	FEB	TBC	TBC		18
9	9	MAR	ICS	ICS - Philharmonic Orchestra (4)	Orchestra	18
10	9	MAR	BBC	BBC Rehearsal for St David's Day	Rehearsal	18
11	9	MAR	Gubbay's	Zimmer v Williams	Orchestral	18
12	9	MAR	BBC	BBC NOW St David's Day Concert	Orchestra	18
13	10	MAR	RWCMD	RWCMD Harp Ensemble	Ensemble	18
14	10	MAR	ICS	ICS - City of Birmingham Symphony Orchestra (5)	Recital	18
15	10	MAR	CPO	Cardiff Philharmonic Orchestra	Orchestra	18
16	10	MAR	CCVG	CCVG - Music Service	Music Groups	18
17	10	MAR	CCVG	CCVG - Music Service (Has two consecutive days)	Music Groups	18
18	12	MAR	Charity	Charity Concert with Male Voice Choir	Male Choir	18
19	12	MAR	ICS	ICS - BBC NOW (6)	Orchestra	18
20	12	MAR	CCVG	Cardiff Council & Vale of Glamorgan Orchestras	Orchestra	18
21	12	MAR	CCVG	Cardiff Council & Vale of Glamorgan Orchestras	Orchestra	18
22	13	APR	BBC	ICS - BBC NOW (7)	Orchestra	18

23	13	APR	LTC	TBC	Orchestra	18
24	14	APR	TBC	Orchestra de Cymru		18
25	14	APR	LTC	TBC	Orchestra	18
26	17	MAY	LTC	TBC	Orchestra	15
27	17	MAY	RPO	Royal Philharmonic Orchestra (8)	Orchestra	15
28	18	MAY	BBC	ICS - BBC NOW (9)	Orchestra	15
29	18	MAY	BBC	Set-up	Orchestra	15
30	19	MAY	ICS	ICS - The Halle (10)	Orchestra	15
31	19	MAY	TBC	TBC		15
32	20	MAY	LTC	TBC	Orchestra	15
33	20	MAY	WNO	ICS - Welsh National Orchestra (11)	Orchestra	15
34	20	MAY	ICS	ICS - The Halle (12)	Orchestra	15
35	21	MAY	LTC	TBC	Orchestra	15
1	22	JUN		Cardiff Singer of the World - Set up (Bi-annual Event)	Classical Singer	24
2	22	JUN		Cardiff Singer of the World - Set up (Bi-annual Event)	Classical Singer	24
3	22	JUN		Cardiff Singer of the World - Set up (Bi-annual Event)	Classical Singer	24
4	22	JUN		Cardiff Singer of the World - Set up (Bi-annual Event)	Classical Singer	24
5	22	JUN		Cardiff Singer of the World - Set up (Bi-annual Event)	Classical Singer	24
6	22	JUN		Cardiff Singer of the World - Set up (Bi-annual Event)	Classical Singer	24
7	22	JUN		Cardiff Singer of the World - Set up (Bi-annual Event)	Classical Singer	24
8	22	JUN		Cardiff Singer of the World - Set up (Bi-annual Event)	Classical Singer	24
9	22	JUN		Cardiff Singer of the World - Heat 1	Classical Singer	24
10	23	JUN		Cardiff Singer of the World - Heat 2	Classical Singer	24
11	23	JUN		Cardiff Singer of the World - Heat 3	Classical Singer	24
12	23	JUN		Cardiff Singer of the World - Heat 4	Classical Singer	24
13	23	JUN		Cardiff Singer of the World - Song Prize Final	Classical Singer	24
14	23	JUN		Cardiff Singer of the World - Rehearsal for final	Classical Singer	24
15	23	JUN		Cardiff Singer of the World - Rehearsal for final	Classical Singer	24
16	23	JUN		Cardiff Singer of the World - Final	Classical Singer	24
17	29	JUL		Welsh Proms (7 days)	Orchestra	15
18	29	JUL		Welsh Proms	Orchestra	15
19	29	JUL		Welsh Proms	Orchestra	15

20	29	JUL		Welsh Proms	Orchestra	15
21	29	JUL		Welsh Proms	Orchestra	15
22	29	JUL		Welsh Proms	Orchestra	15
23	31	JUL		Welsh Proms	Orchestra	15
24	31	JUL		Welsh Proms	Orchestra	15
25	31	JUL		National Youth Orchestra of Wales	Orchestra	15
36	40	OCT	BBC	ICS - BBC NOW (13)	Orchestra	15
37	40	OCT	TBC	TBC		15
38	41	OCT	ICS	ICS - Brno Philharmonic Orchestra (or visiting orchestra) (14)	Orchestra	15
39	42	NOV	LTC	TBC	Orchestra	15
40	43	NOV	RWCMD	RWCMD Symphony Orchestra	Orchestra	15
41	43	NOV	CPO	Cardiff Philharmonic Orchestra	Orchestra	15
42	43	NOV	Gubbay's	Best of John Williams	Orchestra	24
43	44	NOV	WNO	ICS - Welsh National Opera Orchestra (15)	Orchestra	24
44	44	NOV	Brit Legion	Wales Festival of Remembrance	Orchestra	24
45	44	NOV	LTC	TBC	Orchestra	24
46	46	NOV	ICS	ICS - Belgian National Orchestra (16)	Orchestra	24
47	46	NOV	TBC	TBC		24
48	47	NOV	LTC	TBC	Orchestra	24
49	48	DEC	ICS	ICS - Sinfonia of London (17)	Orchestra	24
50	48	DEC	TBC	TBC		24
51	48	DEC	LTC	TBC	Orchestra	24
52	49	DEC	LTC	RWCMD - Festival of Brass	Orchestra	24
53	49	DEC	CPO	Cardiff Philharmonic Orchestra	Orchestra	24
54	49	DEC	ICS	ICS – The Sixteen (18)	Orchestra	24
55	49	DEC	CCVG	CCVG Christmas Showcase	Orchestra	24
56	49	DEC	Charity	Treorchy Male Voice Choir in aid of Tenovus	Orchestra	24
57	49	DEC	WNO	WNO Orchestra - The Messiah	Orchestra	24
58	50	DEC	Choir	City Voices	Choir	24
59	50	DEC	BBC	BBC NOW Carol Concert	Orchestra	24
60	50	DEC	BBC	BBC NOW Christmas Celebration	Orchestra	24

### **Classical Programme**

The offer from AMG for the Classical/Community Programme has 60 contracted days per annum in the peak period (October-May) and 20 contracted days in the off-peak period (June-Sept) set out as a legal obligation within the lease. Every other year the off-peak obligation extends from 20 days to 30 days (an additional 10 days) to accommodate the BBC Cardiff Singer of the World. The dates outlined above are indicative dates based on previous calendar years but sets the principle of programme timing and allocates defined weeks for the programmer(s) to work with AMG to allocate events.

There will be an opportunity to accommodate further classical/community events during the off-peak period (where the calendar allows) but there will be no obligation within the lease for AMG to do this.