

ECONOMY & CULTURE SCRUTINY COMMITTEE

12 DECEMBER 2022

Present: Councillor Wong(Chairperson)
Councillors Berman, Brown-Reckless, Cunnah, Henshaw,
Jenkins, Lloyd Jones, Thomson and Naughton

42 : APOLOGIES FOR ABSENCE

None received.

43 : DECLARATIONS OF INTEREST

Cllr Thomson declared a personal interest in Item 5 in relation to her work with the Royal Welsh College of Music and Drama.

44 : MINUTES

The minutes were agreed subject to the following corrections:

October Meeting – Cllr Berman attended, remotely
November Meeting – Cllr Jenkins attended, remotely

45 : CARDIFF BAY REGENERATION UPDATE

The Chairperson advised that this item enabled the Committee to undertake pre-decision scrutiny of the report to Cabinet, attached at Appendix A of its papers.

The scope of the scrutiny is set out at point 4 of the cover report and includes the proposed approach to disposal of land, how proposals fit with the wider regeneration plans for Cardiff Bay, financial, legal and risk implications for the Council, what the next steps are, and the recommendations to Cabinet.

Members were reminded that this item contains confidential information at Appendices 2,3,4,6,7,8 and 9 of Appendix A –and these should not be referred to in open session.

The Chairperson welcomed:

- Cllr Goodway – Cabinet Member – Investment and Development
- Neil Hanratty – Director of Economic Development
- Chris Barnett – Operational Manager – Major Projects.

The Chairperson invited the Cabinet Member to make a statement, after which Officers provided a presentation on the information in the public domain.

Members were invited to ask questions to the panel on the information in the public domain as follows.

Nordic Urban Sea Pool and Finnish Sauna Attraction.

Members were pleased to note that as part of negotiating the lease, officers will make the case for reduced cost/ free sessions for children and young people as well as sessions specifically focused on meeting the needs of all communities in Cardiff, such as women only sessions.

Members noted that the westerly Graving Dock will remain accessible to the public.

Members were advised that water quality is maintained via a UV treatment system and that the planning process will include a robust environmental assessment.

Discussing TAN 15, Members noted that there were no TAN15 flooding implications, because of the Barrage providing protection.

Proposed Skyview Tower.

Members were pleased to note that there would be no impact on the public footpath providing access to the Red Dragon Centre and that there is no impact on the WMC for both projects.

Members noted that the works in themselves would improve the public realm and that further works would be undertaken to improve the greening of the area, with more details provided in the Atlantic Wharf update, due to Cabinet in early Spring.

AGREED: that the Chairperson, on behalf of the Committee, writes to the Cabinet Member conveying the observations of the Committee when discussing the way forward.

46 : ST DAVID'S HALL

The Chairperson advised that this item provided Members with an opportunity to undertake pre-decision scrutiny of the report to Cabinet on St David's Hall.

The scope of the scrutiny is set out at point 4 of the cover report and includes exploring the Outline Business Case, the options, the proposed consultation with the public and staff, financial, legal, property, HR and risk implications, the timeline and next steps, and, critically, the recommendations to Cabinet.

The Chairperson welcomed Cllr Joel Williams, who was attending to participate in the scrutiny in his role as Chair of the Policy Review and Performance Scrutiny Committee, which has oversight of property and HR.

Members were reminded that this item contains confidential information at Appendices 1-7 of Appendix A and were asked not to refer to these in open session.

The Chairperson welcomed:

- Cllr Burke – Cabinet Member – Culture, Parks & Events
- Kathryn Richards – Head of Culture, Tourism, Events and Venues
- Neil Hanratty – Director of Economic Development
- Ruth Cayford – Operational Manager - Creative Industries and Culture
- Chris Barnett – Operational Manager – Major Projects
- Donna Jones – Assistant Director – County Estates
- Anita Batten – Operational Manager - HR

The Cabinet Member was invited to make a statement after which Officers provided a presentation of the public slides.

After the presentation, Ceri Williams, Cardiff Civic Society, addressed the Committee, raising concerns about the proposals. Following his presentation, Cllr Burke, Cabinet Member, thanked Mr Williams for his input.

Members were invited to ask questions to the panel on the information in the public domain, as follows.

Funding

Members noted that the funding available for St David's Hall does not meet the current operating or maintenance costs and that this situation is worsening, given the pressures on the Council's overall budget and the 2021 Condition Survey findings.

Members were keen to understand whether funding routes had been explored, and noted that previously, the Council had approached Welsh Government to request funding for St David's Hall and this approach was declined. Officers agreed to provide the Committee with details on when Welsh Government was approached, what the initial approach covered, and the response received.

Members also noted that funding from the Arts Council of Wales ceased in 2017 and subsequent discussions indicate they do not have sufficient funds to meet the capital maintenance costs of St David's Hall.

Members were advised that the 2016 OJEU Competitive Dialogue process did not identify any external operators willing to take on the maintenance liabilities for St David's Hall.

Process

Members noted that the process is to negotiate a property lease, with the freehold remaining with the Council.

Members were advised that officers are negotiating with AMG to agree a proposed contract, if, following consultation, the Cabinet are minded to proceed with the proposed contract, a VEAT (Voluntary Ex-Ante Transparency) Notice will be issued - the VEAT Notice enables the public and competitors to see the proposed contract and associated documentation and for competitors to issue a challenge. Officers provided assurance that all associated documentation will be included in the VEAT Notice.

Negotiations to date:

Members explored various aspects of the current negotiations and noted:

AMG are offering to invest £23M in years 1-3.

RAAC planks – replaced within years 1-3.

Sandy Brown, acoustics consultants, have assessed the proposed improvements to understand the impact on the acoustics of St David's Hall.

Classical programme

60 days in peak season is non-negotiable; the Council will not go below this.

The Council is negotiating for additional days in the off-peak season, including, but not limited to, 25 days to cover Cardiff Singer of the World and the Welsh Proms.

The proposed contract will include a schedule of events.

Arts Active – the existing 3 staff will remain with the Council, based in the Education Directorate.

TUPE applies – HR advised Members that: Staff pensions are a contract right and are not subject to change; Staff salary scales and the staff structure can be altered, if there are sound economic, operational or technical reasons; however, if AMG are aware of these reasons now, they have a responsibility to inform the Council so that it forms part of the official TUPE consultation process.

Members asked whether it would be possible to negotiate a ticket sales levy and noted Officer's responses that a lot of investment is required to maintain the classical programme and commitments that go alongside that, as well as the building, and that the Council needs to give AMG every opportunity to fulfil these.

Members sought to understand whether AMG will be a Living Wage Employer at St David's Hall, and were grateful to Officers, for offering to find out and inform Committee.

Members were aware of the concern amongst stakeholders and the public that proposed changes to the interior of St David's Hall's auditorium will affect the acoustics and sought a way forward on this.

Consultation

Members were interested to understand the level of consultation to date and noted:

The Council has been speaking to classical programme stakeholders since last April.

The Council has engaged with Cardiff Music Board and Members were informed that the Board was broadly speaking understanding and sympathetic to the position facing the Council and the proposed way forward.

The Council would continue to engage stakeholders.

Members sought to clarify why public consultation on the St David's Hall proposals will form part of the planned budget consultation, rather than a specific standalone consultation. Committee heard that this was to do with cost and efficacy and that the

Council would be consulting on a number of savings proposals, given the funding gap facing the Council.

With regard to the budget consultation, Members noted that this would include engagement with the Youth Council. Members suggested that information promoting the budget consultation be displayed in St David's Hall, so patrons are aware of it and are signposted to participation routes; Members were grateful that this suggestion was accepted.

Confidential Information

Members urged that Officers look again at what information needs to remain confidential and work to put as much as is possible into the public domain. Members recognised documentation would be available as part of the VEAT Notice process but believe it would be better to release as much information as is possible, as early as is possible within the limits of commercial confidentiality, as this promotes transparency and openness and thus helps support local democracy.

Future report to Cabinet

Members noted there would be a future report to Cabinet, anticipated for March 2023, which would include the findings of the consultation and an assessment of best value of the AMG offer, to enable Cabinet to take a decision on the way forward.

Members noted that a Child Rights Assessment would be undertaken and included in the report to Cabinet, as Committee's Youth Council representative, highlighted is required.

Members wished to urge Officers to take the time that is necessary to ensure that the best way forward is secured.

RESOLVED – That the public be excluded from the meeting at this point during consideration of this item as the Committee discussed exempt information of the description contained in paragraph 14 of Part 4 and paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972. The public may be excluded from the meeting by resolution of the Committee pursuant to Section 100A(4) of the Local Government Act 1972 during discussion of this item.

AGREED: that the Chairperson, on behalf of the Committee, writes to the Cabinet Member conveying the observations of the Committee when discussing the way forward.

47 : BROADBAND

The Chairperson advised that this item provided Members with an opportunity to undertake pre-decision scrutiny of the report to Cabinet, attached at Appendix A of the papers.

The scope of the scrutiny is to explore the proposals contained in the report to Cabinet, including the approach to prioritising premises and the proposed procurement approach, the need for collaborative working, the financial and legal implications for the Council, whether there are any risks to the Council, what the next steps are, and, critically, examine the recommendations to Cabinet.

The Chairperson welcomed:

- Cllr Weaver – Cabinet Member – Finance, Performance and Modernisation
- Mandy Evans – Project Manager

The Cabinet Member was invited to make a statement after which Members were asked for any questions, comments or observations.

Members welcomed the £7.7M Welsh Government funding to improve digital infrastructure to poorly served premises in Cardiff and commended Officers for their work to develop a successful bid.

Members explored whether there could be premises missed, with gaps between this project and the proposed 5G roll-out programmes of commercial suppliers. Members noted that it is Welsh Government's responsibility to liaise with commercial suppliers and that they closely monitor changes in their programmes and roll-out. Members noted Welsh Government will then liaise with the Council regarding premises not included in commercial 5G roll-out programmes, and that these premises will be included in the Local Broadband Fund project. Therefore, there should be no gaps.

Members noted that there are poorly served premises across Cardiff and that this project would seek to address as many as possible within the available funding. Members noted premises would be prioritised using the Welsh Index of Multiple Deprivation, coupled with the need to achieve Best Value with roll-out programmes to maximise the number of premises that can be included in this project.

Members noted that this project is focused on improving the digital infrastructure and that this should in turn increase the availability of social tariffs, as more commercial suppliers will be able to access premises, and that this increased competition will drive up the number of suppliers in Cardiff that offer social tariffs.

AGREED: that the Chairperson, on behalf of the Committee, writes to the Cabinet Member conveying the observations of the Committee when discussing the way forward.

48 : WORK PROGRAMME UPDATE

The Principal Scrutiny Officer outlined the key information from the report including a request from Environmental Scrutiny for a Joint Scrutiny Committee on Flatholm, a Visit to Cardiff Yacht Club (Date to be arranged) and an overview of the work programme.

RESOLVED: to note the report.

49 : CORRESPONDENCE REPORT

RESOLVED: to note the report.

50 : URGENT ITEMS (IF ANY)

None received.

51 : DATE OF NEXT MEETING

18th January 2023 at 4.30pm.

The meeting terminated at 9.25 pm