



Thank you for your response to my original FOI request (17158) regarding the operational model for Haigh Hall. After carefully reviewing your reply, I have identified several areas requiring further clarification to address gaps in transparency and accountability. Please consider the following points as part of this follow-up request:

1 - Stakeholder Engagement and Communication

Your response stated: "The Council met with various stakeholders over a number of dates following the decision as part of our regular updates and the decision on the operating model was articulated then."

To better understand these engagements, I request the following:

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| <ol style="list-style-type: none">1. Stakeholder Identification: Please provide a list of the stakeholders who were informed about the decision, specifying their organisations, roles, or categories. If individual names cannot be disclosed, I request their titles or affiliations.2. Dates of Updates: Please supply the specific dates on which stakeholders were informed of the decision through updates or meetings.3. Content of Updates:4. Were these updates verbal, written, or both? If written, please provide copies of any written communication, meeting notes, or summaries where the decision was articulated.5. If no formal records exist, please explain how the council ensured transparency and accountability in these engagements.6. Feedback from Stakeholders:7. Did stakeholders respond to these updates? If so, I request summaries of any responses received.8. Please provide evidence of how the council incorporated stakeholder feedback into subsequent decision-making. | <ol style="list-style-type: none">1. Arts Council England, MHCLG, GMCA, volunteer groups, Haigh Courtyard Tenants, staff2. Various dates over the period of a number of weeks. These were not formal updates, the decision was communicated as part of regular updates along with other information.3. N/a4. Verbally communicated. There are no minutes of these meetings as they were regular update meetings and minutes were/are not taken5. Transparency and accountability as assured by providing key stakeholders with updates on the decision made6. N/a7. Stakeholders acknowledged the information and understood the rationale for the decision. These responses were verbal.8. Stakeholder feedback is considered throughout delivery of the project. |
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2 - Decision-Making Process

Your response indicated that the decision to proceed independently of Alchemy's recommendations was made under the Scheme of Delegation by the Senior Responsible Officer. However, given the scale and significance of this project, further clarification is needed:

1. Documentation of Rationale:
2. Please provide any documentation that outlines the criteria and rationale for rejecting Alchemy's recommendations.
3. What alternative governance or operational models were reviewed, and why were they deemed unsuitable?
4. Oversight and Scrutiny:
5. Why was this decision not formally presented to a council meeting for discussion or approval, given its importance and the level of public funding involved?
6. Please confirm whether any internal or external reviews were conducted to ensure appropriate governance and oversight of this decision.

1. N/a

2. Documentation not provided under s36(2) of the Freedom of Information Act as disclosure would, or would be likely to, inhibit— the free and frank provision of advice, or the free and frank exchange of views for the purposes of deliberation.

The report was provided to enable a decision to be made and gave officers views and advice on options and alternatives . Officers should be able to give advice on options freely to enable decision making to be based on all available evidence and information .

The qualified person's decision is attached which is required when this exemption is being relied on

3. All of the operational/governance models outlined in Alchemy's report were reviewed. Wigan Council retaining management of the hall whilst contracting a hospitality partner was deemed to be the most suitable.

4. N/a

5. There was no requirement to do so. Haigh Hall SMT Board ratified the decision.

6. This was an internal decision which did not require any reviews neither internally nor externally.

3 - Financial Transparency

The council's response withheld financial details about Alchemy's recommendations and the operational model under Section 43 of the Freedom of Information Act (commercial sensitivity). However, this appears inconsistent with the council's previous disclosure of financial details regarding AI and AI's involvement.

1. Request for Clarification: 1. N/a
2. Why has expenditure related to Alchemy been classified as commercially sensitive, while details of other financial arrangements (e.g., fees paid to AI and AI) have been disclosed? 2. In the previous FOI response we provided details of the cost of commissioning Alchemy, however financial forecasts, projected income etc is commercially sensitive information which is why this has not been disclosed.
3. Please explain the specific risks associated with disclosing Alchemy's financial details, particularly when compared to previously disclosed financial information. 3. The financial details associated with commissioning Alchemy have been disclosed.
4. Request for Expenditure Details: 4. N/a
5. Please provide the total breakdown of costs associated with Alchemy's consultancy work, including fees, expenses, and any additional charges. 5. The total cost of Alchemy's work was £22,525 of which the council paid £9,525. The remainder of the cost was covered by a grant from Arts Council England.

4 - Public Communication

Your response indicated that no public communication plans were made regarding Alchemy's recommendations or the council's decision to proceed independently. This raises questions about the council's commitment to transparency:

1. Rationale for Lack of Public Communication: 1. N/a
2. Why was the public not informed about such a significant decision, particularly given the public funding involved in the Haigh Hall project? 2. Key stakeholders were informed of the decision.
3. What plans, if any, does the council have to update residents on the operational model and its alignment with the Levelling Up Fund objectives? 3. The decision on the operating model does not impact on the original vision for Haigh Hall and therefore the council does not intend to share the decision wider than has already been shared. However, we are open and transparent when questioned on what the plans are around the operating model.

5 - Alignment with Levelling Up Fund Goals

Given the £20 million funding allocated to Haigh Hall, the public has a strong interest in understanding how the operational model aligns with the project's original goals:

1. Request for Clarification: 1. N/a
2. How does the current operational model align with the vision outlined in the Levelling Up Fund bid? 2. The current operating model aligns positively with the vision outlined in the Levelling Up Fund bid. MHCLG (the government body that administers the fund) are supportive of the decision and understand the rationale for the decision.
3. What measures are being taken to ensure the project meets its stated cultural and financial objectives? 3. We are scrutinised on a quarterly basis by funders MHCLG and NLHF. The quarterly report that we submit details performance and plans around cultural and financial goals. We also have an internal Haigh Hall board where performance is reported.

Public Interest Test

As Haigh Hall is a publicly owned asset supported by significant public funding, transparency in decision-making and governance is crucial. The council's approach to stakeholder engagement, financial disclosure, and public communication must align with its constitutional commitment to openness and accountability.

I trust the council will address these points comprehensively within the statutory time limit. If any exemptions apply, I request detailed justifications and an exploration of alternative ways to provide information that serves the public interest.

Record of the qualified person's opinion

Section 36 Freedom of Information Act 2000

The public authority		
1. Name of the authority	Wigan Council	
The qualified person		
2. Name (<i>see Notes below</i>)	Janet Davies	
3. Job title	Assistant Director-Legal, Governance and Elections Monitoring Officer	
4. Subsection of s36(5) under which the qualified person is authorised (<i>see Notes below</i>)	Monitoring officer	
Information on which opinion was sought		
5. Brief description of the information requested	Copy of documentation that was submitted re decision to chose operating model which gave advice and opinions	
6. Information was	shown to the qualified person	y
	described to the qualified person	n
Submission to the qualified person		
7. Date the opinion was sought	DD/MM/YYYY	
8. Subsection(s) of s36(2) or s36(3) on which the opinion was sought (<i>see Notes below</i>)	36(2)(a)(i)	n
	36(2)(a)(ii)	n
	36(2)(a)(iii)	n
	36(2)(b)(i)	y
	36(2)(b)(ii)	y
	36(2)(c)	y
	36(3) (neither confirm nor deny)	

9. Arguments put forward as to why prejudice/ inhibition would/ would be likely to occur	Advice and opinion on options given which was full and frank - evaluation of all options including risk , advantages and disadvantages , Council strategy and links, public approach and assessment .		
10. Counter arguments put forward	That the council should be transparent and share information.		
11. Any other factors taken into account			
The qualified person's opinion			
12. (see Notes below) The qualified person's opinion is that, if the information requested were disclosed, the prejudice/ inhibition specified in the following section(s) of the Freedom of Information Act 2000			
36(2)(a)(i)			y/n
would occur	y/n	would be likely to occur	y/n
for the following reasons:			
36(2)(a)(ii)			y/n
would occur	y/n	would be likely to occur	y/n
for the following reasons:			
36(2)(a)(iii)			y/n
would occur	y/n	would be likely to occur	y/n

for the following reasons:			
36(2)(b)(i)			y
would occur	y	would be likely to occur	y
for the following reasons: Officers had given advice and open evaluation of all options including long term and short term risks to enable decision to be made . It was given without restriction that might exist if it was to be shared publicly. Advice took account of factors that were considered confidential			
36(2)(b)(ii)			y
would occur	y	would be likely to occur	y
for the following reasons:Officers views based on internal procedures and work related experience were given freely and openly to allow a full critique of all options, some of which were sensitive . Had a full confidential critique expression of views /opinions not been provided as it was to be shared publicly the decision making process would have been restricted as not all available information would have been provided			
36(2)(c)			y/n
would occur	y/n	would be likely to occur	y/n
for the following reasons:			
36(3) (Neither confirm nor deny)			y/n
would occur	y/n	would be likely to occur	y/n

for the following reasons:

13. Date the opinion was given (<i>see Notes below</i>)	19/12/24
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14. Qualified person's signature (<i>see Notes below</i>)

J. David

Notes for completing this form

2. If the public authority itself, rather than an individual, has been authorised as the qualified person, the name is that of the authority's highest decision making body.

4. Please refer to section 36(5) of the Freedom of Information Act 2000 for the list of qualified persons. We also provide guidance on 'Who is the qualified person?' within our guidance [Section 36 – Prejudice to the effective conduct of affairs](#).

8. This lists the subsections of section 36 which you asked the qualified person to consider.

section 36(2)

(2) Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act—

(a) would, or would be likely to, prejudice—

(i) the maintenance of the convention of the collective responsibility of Ministers of the Crown, or

ii) the work of the Executive Committee of the Northern Ireland Assembly, or

(iii) the work of the Cabinet of the Welsh Assembly Government.

(b) would, or would be likely to, inhibit—

(i) the free and frank provision of advice, or

(ii) the free and frank exchange of views for the purposes of deliberation, or

(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

section 36(3)

(3) The duty to confirm or deny does not arise in relation to information to which this section applies (or would apply if held by the public authority) if, or to the extent that, in the reasonable opinion of a qualified person, compliance with section 1(1)(a)

would, or would be likely to, have any of the effects mentioned in subsection (2).

12. This lists the subsections of section 36 which the qualified person decided were engaged. Please tick the relevant subsection(s), and in each case indicate whether the prejudice or inhibition would or would be likely to occur and the reasons for this.

13. This is the date on which the qualified person gave their opinion. If you complete the form after that, the date you enter here must still be the date the opinion was given.

14. If the public authority itself, rather than an individual, is authorised as the qualified person, the form should be signed on behalf of the authority's highest decision making body. Please also print the name of the person signing on its behalf.