

<b>Bath &amp; North East Somerset Council</b>	
MEETING:	<b>Communities Transport and Environment Policy Development &amp; Scrutiny Panel</b>
MEETING DATE:	2 <sup>nd</sup> May 2017
TITLE:	<b>Call-in of decision E2939 Warm Water Swimming Provision within the refurbishment plans for Bath Sports and Leisure Centre and Keynsham Leisure Centre</b>
WARD:	ALL
<b>AN OPEN PUBLIC ITEM</b>	
<p><b>List of attachments to this report:</b></p> <p>Appendix 1 Cabinet Decision</p> <p>Appendix 2 Accompanying Report for the Decision (with Appendices)</p> <p>Appendix 3 Call-in Request</p> <p>Appendix 4 Call-in Guidance Note</p> <p>Appendix 5 Terms of Reference for the Call-in</p>	

## **1 THE ISSUE**

1.1 Any 10 Councillors not in the Council's Cabinet may request that a Cabinet or Single Member Decision made but not yet implemented be reconsidered by the person or body who made it. This is called a "call-in" and has the effect of preventing the implementation of the decision pending a review of the Decision by a Policy Development and Scrutiny Panel.

1.2 This report sets out the call-in by 13 Councillors of the decision relating to the warm water swimming provision within the refurbishment plans for Bath Sports and Leisure Centre and Keynsham Leisure Centre. The role of the Panel is to consider the issues raised by the call-in and to determine its response.

## **2 RECOMMENDATION**

THE PANEL IS ASKED TO:

- a. Consider the call-in request received (refer to Appendix 3).
- b. Approve the Terms of Reference of the Call-in which will be prepared after consultation with the Chair of the Panel (Appendix 5) subject to any further comments received from Panel members (as in paragraph 5.2.2 below).

- c. Decide if it requires any further information to enable it to make a determination of the call-in request and, if so, request this information and any contributions that will assist the Panel in determining the call-in either at this meeting or at a further meeting (e.g. from the Cabinet Members; Councillor(s) representing the call-in signatories; and any other internal or external contributors required by the Panel).
- d. Decide whether it will reach a conclusion about whether to uphold or dismiss the call-in; or refer the matter to the Council itself to undertake the role of the Panel, at this meeting or if a further meeting is required.
- e. If a further meeting is required to hear and determine the call-in, the Panel is asked to agree the date for this. The constitutional requirement is for that meeting to take place before the end of the 15<sup>th</sup> May (this timescale would not apply if the Panel decided to refer their role to the full Council).
- f. Undertake an examination of the call-in request in accordance with the proposed procedure set out in Appendix 5.
- g. Note that, following the examination, the Panel may either dismiss the call-in, uphold the call-in or refer the matter to Council to itself undertake the role of the Panel

### **3 FINANCIAL IMPLICATIONS**

3.1 The Panel should be aware that the Council's Constitution (Part 4E, Rule 13) requires that

3.2 *"Where an Overview and Scrutiny Panel makes a recommendation that would involve the Council incurring additional expenditure (or reducing income) the Panel has a responsibility to consider and / or advise on how the Council should fund that item from within its existing resources or the extent to which that should be seen as a priority for future years' budget considerations".*

3.3 It is important, therefore, in its consideration of the call-in that the Panel gives consideration to the alternative options available to the decision-maker and the financial consequences of these.

### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSALS**

4.1 A Call-in is a statutory process pursuant to the Council's Constitution Part 4E.

4.2 The topic of this Call-in is a decision regarding the provision for warm water swimming within the refurbishment plans for Bath Sports and Leisure centre and Keynsham Leisure Centre.

### **5 THE REPORT**

#### **5.1 BACKGROUND**

5.1.1 The decision which is now subject to a call-in request was a single member Cabinet Decision made on the 31<sup>st</sup> March and published originally on the Weekly List on the 24<sup>th</sup> February 2017 (Appendix 1) following consideration of the officer report (Appendix 2).

5.1.2 The Call-in request was received on 10<sup>th</sup> April and validated on 11<sup>th</sup> April. The Council Solicitor, on behalf of the Chief Executive, has validated the call in and confirms that it conforms to constitutional requirements in terms of time of receipt and number of Members validly subscribing to it. Appendix 3 sets out the reasons for the call-in request.

## **5.2 ASSESSING THE CALL-IN REQUEST**

5.2.1 The Terms of Reference (Appendix 5) will indicate the suggested scope of the Call-in. This will outline the information and contributions the Panel is advised to consider in order to determine the call-in. It will have been prepared in consultation with the Chair. Panel members are invited to comment on the terms of reference and any changes they request will be taken into account in an updated version which will be circulated at the meeting.

5.2.2 The Policy Development and Scrutiny Panel Chairs have approved guidance on the handling of call-in requests which make clear that there is a presumption that every validated call-in will proceed to a public meeting stage. The process for that meeting is set out in paragraph 5.3 below. If a second meeting of the Panel is required to complete the review it needs to take place no later than 15<sup>th</sup> May to comply with the constitutional requirement that the total period of overview and scrutiny involvement in a call-in must not exceed 21 working days.

## **5.3 SUGGESTED FORMAT FOR THE MEETING TO DETERMINE THE CALL-IN**

5.3.1 When the Panel determines the call-in, it is suggested that the following format be adopted:

- i. Remind itself of the issues to be considered and consider any additional written information supplied.
- ii. Hear from and ask questions of the Cabinet Member(s) and Lead (or other agreed) Officers.
- iii. Hear from and ask questions of Councillor(s) representing the call-in signatories.
- iv. Hear from and ask questions of any appropriate external contributors (a “panel” style contributors` session is suggested).
- v. Call-in Councillor and Cabinet member(s) have the opportunity to make comments on any new considerations that may have arisen during the debate.
- vi. Discuss and draw conclusions from the written and oral information presented.
- vii. Consider and formulate the Panel’s determination of the call-in.

## **6 RATIONALE**

6.1 The recommendations were suggested pursuant to the Council’s constitution

## **7 OTHER OPTIONS CONSIDERED**

7.1 Not applicable

## **8 CONSULTATION**

8.1 This report has been prepared following consultation with the Chair and Vice Chair of the Policy Development and Scrutiny Panel.

## 9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

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<b>Background papers</b>	<i>None</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	