

APPENDIX 5 - TERMS OF REFERENCE

Call-in of the Cabinet decision: E2939

Introduction

A single Cabinet Member decision was taken by Cllr Veal on the 31st March 2017, and resolved that:

- The Council provide teaching pools at both facilities, with warmer water (30-32 c), than the main pool at a depth of 0.9 – 1m which is the standard depth and temperature for a pool of this type. These pools to be designed in partnership with Sport England to ensure they meet the accessibility guidelines as far as reasonably practical within the constraints of a refurbishment.
- The provision of these facilities constitutes a reasonable adjustment based upon the respective needs of the core users and the needs identified by the WWISE group while maximising the use for all users and minimising the risks to safety of users, capital and revenue impacts and deterioration of premises that operating a permanent dedicated warm water facility would entail.

On the 10th April a call-in notice was received, signed by 13 Councillors, objecting to this decision. A copy of the call-in request is attached at Appendix 3 of the formal agenda papers. The call-in petitioners are concerned on the following grounds:

1. The proposed depth of the teaching pool (0.9m – 1m) will be insufficient for the needs identified by WWISE.
2. Therefore the provision of these facilities does not constitute a 'reasonable adjustment' based upon the respective needs of the core users and the needs identified by WWISE.

Relevant PDS Panel

The 'call-in' request has been referred to Bath & North East Somerset Council's Communities, Transport & Environment Policy Development & Scrutiny Panel to review the decision.

Call-in Meeting

At the Panel meeting on 2nd May 2017 the Panel will investigate and determine the matter. They will assess in detail the reasons for the Cabinet decision and consider the objections stated in the call-in notice via a range of information from Councillors, Officers and members of the public (further details below).

Objective

The objective of the Call-in review is to determine whether or not the resolution made by the Cabinet Members should:-

- Be referred back to the Cabinet for reconsideration [**'Uphold' the call-in**]
- Proceed as agreed by the Cabinet [**'Dismiss' the call-in**], or
- Be referred to Full Council to undertake the role of the Panel [*the ultimate decision would still remain with the Cabinet*].

Method

To achieve its objective, the Panel will investigate the original decision and the objections stated in the call-in notice. The Panel will hear statements from members of the public who have registered to speak about both the substance and processes behind the decision. Public statements will be limited to 3 minutes per speaker. It will also require attendance and/or written submissions from:-

- Representative Councillor(s) for the call-in request – Cllr Dine Romero
- Lead Cabinet Member – Cllr Veal (Cabinet Member for Community Services), and key service officers

Outputs

The Panel's view and supporting findings will be made publicly and will include:

- Minutes & papers from public Panel call-in meetings.
- A summary note will be provided, setting out the result of the call-in meeting

Constraints

The Panel will only address questions from the 2 points received within the call-in notice.

- **Timescales.** The Panel must hold its initial meeting within 14 working days of the call-in being verified to consider the call-in request. The Panel has a total of 21 working days to reach its decision.
 - Initial Public Meeting must be held by 4th May [14 working days from receipt of validated call-in request]
 - If meeting adjourned, second public meeting must be held 15th May [21 working days from receipt of validated call-in request]
 - If referred directly to the Cabinet, a response must be received by 17th May [10 working days from date of 1st meeting]
 - If adjourned and then referred to the Cabinet, a response must be received by 26th May [10 working days from date of 2nd meeting]
- **Resources.** The call-in process must be managed within the budget and resources available to the Panel.

- **Council Constitution.** Part 4E, Rule 13 requires that “*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*”. Section 3.1 of the cover report (formal agenda papers) provides further explanation.