
Meeting	Corporate and Scrutiny Management Committee (Calling In)
Date	26 September 2014
Present	Councillors Galvin (Chair), Burton, Fraser, Horton, Runciman (Vice-Chair), Healey (as a substitute for Cllr Steward), Riches (as a substitute for Cllr Potter), Ayre (in place of former Cllr Jeffries) and Fitzpatrick (as a substitute for Cllr King)
Apologies	Councillors King, Potter and Steward
In Attendance	Councillors Alexander, Boyce, Crisp, Cuthbertson and Steward

10. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal interests not included on the register of interests, any prejudicial interests or any disclosable pecuniary interests which they might have in respect of the business on the agenda. No additional interests were declared.

11. Public Participation

It was reported that there had been four registrations to speak at the meeting under the Council's Public Participation Scheme and that the Cabinet Leader had also requested to speak.

Jason McGill, Chairman of York City Football Club (YCFC) addressed the committee. He explained in detail to the committee what the consequences of delaying the project would be for the club. He stated that the new Community Stadium would provide a sustainable future for the club together with increased commercial opportunities which would not just benefit the professional sports teams but also the wider community.

Frank Ormston, Chair of York Minstermen, one of York City's supporters' groups, addressed the committee. He stressed that the new stadium was a necessity for the survival of the football club which would give it the chance it needed to survive and prosper and remain as a community asset for generations to come. He expressed the view that the new, well planned

and sustainable stadium would provide a viable home for both professional sports clubs and would help propel professional sport in the city in the future.

Fiona Evans spoke on behalf of Yearsley Pool Action Group (YPAG). She stated that the proposals threatened not only the future of Yearsley Pool but also had potentially damaging consequences for the future provision of water sports and fitness swimming across the entire city and region. She expressed concerns that the decision had been rushed through without the necessary consultation with user groups and without accurate and relevant information being provided to councillors and the wider public. She stressed the enormous health, safety and sporting benefits the large pool provided to the community and the hope that it would be preserved for the well being of future generations.

Patrick Crowley, Chief Executive of the York Teaching Hospital NHS Foundation Trust addressed the committee. He stated that the new stadium and community hub would allow the hospital to deliver services, both independently and in partnership with York St John University and City of York Council as well as providing training and development opportunities. Expertise and costs could be shared as partnership arrangements extended to the public sector and other community focused organisations in and around the city. The new complex would enable the delivery of health related services in an integrated way, in a high quality and modern venue and in an accessible location.

Councillor Alexander, Cabinet Leader, responded in detail to concerns which had been raised. He advised that the community facilities would provide a community destination residents could be proud of and they would create the financial viability for the stadium to operate and be self sustainable. With regard to the future of Yearsley Pool, he had advised YPAG and publically that there were no plans to close this pool, but that a review would take place and the council would work with the community and Greenwich Leisure Limited (GLL) to reduce the ongoing public subsidy. As part of the detailed planning application, there would be an impact assessment on the city centre. The business plan has been shared with opposition members and due diligence over the bids had been carried out by the Director of Finance. He advised the Committee that John Guildford of York City Knights had now written to the Council and agreed terms and indicated that he was prepared to sign the deal.

12. Minutes

Resolved: That the minutes of the last meeting of the Committee held on 27 August 2014 be confirmed as a correct record and signed by the chair.

13. Called-In Item: Community Stadium and Leisure Facilities Update

Members received a report which asked them to consider the decisions made by the Cabinet at their meeting on 9 September 2014 in relation to the procurement for the Community Stadium and City Leisure Facilities contract. The report reminded Members that the call in reasons did not include Cabinet's separate recommendation to Council for the approval of £4m Prudential Borrowing for capital investment in replacement leisure facilities as call in rules did not apply to matters referred to Council for decision.

Two pieces of information had been circulated to the committee in advance of the meeting. The first of these was a statement from Patrick Crowley, Chief Executive of York Teaching Hospital NHS Foundation Trust, in support of the scheme. The second was an email from Councillor Brian Watson, Independent Guildhall Ward Councillor, in which he expressed his support for the original scheme but raised concerns at the new proposals including concerns over the future of swimming in the city and the introduction of retail and its effect on the city centre.

Details of the Cabinet's decision were attached as Annex A to the report and the original report to the Cabinet meeting attached as Annex B.

The decision had been called in by Councillors Ayre, Cuthbertson and Orrell on the following grounds:

- The failure to publish a business plan, an analysis of the four bids or any detail on the commercial land deal.
- The failure to consult key groups such as the users of Waterworld or local residents in Huntington.
- The lack of any evidence of genuine community input on the proposals or proper cross-party discussion.
- The failure to commit to keeping Yearsley Pool open in the long-term.
- The concerns raised publically by the chairman of York City of York Council Knights.
- The lack of an assessment of the impact the new proposals will have on the city centre.

Councillor Cuthbertson addressed the meeting on behalf of the calling in Members. He explained that they had called in the decision due to the failure to engage with residents and elected members and a failure to put forward proposals with a proper public business case or proof that they offered value for money. He raised concerns about the outcome of the procurement process, the future of York City Knights and that Huntington residents had not been consulted and users of Waterworld had not been consulted with regard to the future of swimming facilities in York. He sought a commitment to keeping Yearsley open long term and to consult residents with regard to current proposals. In response to a question from Members, he confirmed that the reason for calling in the decision had been to get access to the information at the point of decision and not to delay the project.

Councillor Crisp, Cabinet Member for Leisure, Culture and Tourism, responded in some detail to each of the reasons for call . She advised that due diligence had been undertaken by the project team and the council's finance and legal staff confirming that the bid submitted provided a comprehensive business case. The scheme had been subject to the most extensive consultation over the years. With regard to the future of Yearsley Pool she drew Members attention to the information contained in the report and stated that GLL would review the options for Yearsley once they had operated it for a period of time. York City Knights had now removed any statement and were currently in positive and advanced final negotiations over the matter and had now agreed terms and agreed to sign. The proposed retail element of the project would be focused on uses that were complimentary to the stadium and associated sport and leisure facilities and proposals would seek to minimise any impact on the city centre.

The Chair advised Members that it was not possible to discuss the business case in detail or funding at this meeting. With regard to consultation, both the Community Stadium Manager and Cabinet Member confirmed that a large amount of consultation had already taken place but advised that it was not right to consult further at this stage in the process in order not to jeopardise the procurement process.

The Community Stadium Manager also responded to concerns raised about the procurement process and the business case set out in the bid document. In addition, he emphasised that options for a sustainable future for Yearsley Pool would be considered and that the proposals combined a range of commercial and community uses, as well as retail.

Some Members acknowledged the information provided by both the Cabinet Member and officers in response to the reasons for call in. They

expressed their support for the project and reminded the committee of the risks of delaying the project as outlined by the Cabinet Leader and Cabinet Member.

Other members confirmed that while they still had concerns over the proposals, they continued to support the stadium and the majority of what was contained in the proposals. They asked that the council gave a commitment to keeping Yearsley Pool open in the long term and to undertaking further consultation with residents regarding the proposals for the stadium project.

Members were then asked to decide whether to confirm the decision made by Cabinet (Option A) or to refer it back to the Cabinet for re-consideration (Option B).

After a full debate, it was:

Resolved: That Option A be approved and that the decision of Cabinet be confirmed.

Reason: In accordance with the requirements of the Council's constitution.

Councillor Galvin, Chair

[The meeting started at 5.00 pm and finished at 6.30 pm].

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