
MEETING	SCRUTINY MANAGEMENT COMMITTEE (CALLING IN)
DATE	30 JANUARY 2012
PRESENT	COUNCILLORS GALVIN (CHAIR), RUNCIMAN (VICE-CHAIR), CUNNINGHAM- CROSS, KING, MCILVEEN, POTTER, STEWARD AND WATSON (SUB FOR CLLR BARNES)
APOLOGIES	COUNCILLOR BARNES
IN ATTENDANCE	COUNCILLORS AYRE, D'AGORNE AND BARTON

40. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor King declared a personal non prejudicial interest in respect of agenda item 4 (Revision to the Council's Administrative Accommodation Strategy) as his daughter was the Cabinet Member responsible for the report.

Councillor Watson declared a personal non prejudicial interest in respect of agenda item 5 (The Community Stadium and Council Leisure Facilities: Procurement of Operator Arrangements) as he sponsored one of the York City Knights players.

41. PUBLIC PARTICIPATION/OTHER SPEAKERS

It was reported that no members of the public had registered to speak at the meeting under the Council's Public Participation Scheme.

42. MINUTES

RESOLVED: That the minutes of the last Scrutiny Management Committee(Calling In) meeting held on 4 April 2011 be approved and signed by the Chair as a correct record.

43. CALLED-IN ITEM: REVISION TO THE COUNCIL'S ADMINISTRATIVE ACCOMMODATION STRATEGY

Members received a report which asked them to consider the provisional decisions made by Cabinet at their meeting held on 10 January 2012. The report sought approval to revise the current approved administrative accommodation strategy following ongoing space planning in relation to the move to the new Council headquarters at West Offices.

Details of the Cabinet's decisions were attached as Annex A to the report and the original report to the Cabinet was attached as Annex B. The provisional decisions had been called in by Cllrs Galvin, Steward and Barton, on the grounds that:

1. *Not enough options are to be considered*
2. *The issue of the future use of the Guildhall was registered as a Scrutiny topic last year and has yet to report or even consider the item*
3. *Because of its important historical part in the governance of the City all members should be consulted and any decision must be taken by full Council*
4. *The report is very one sided with no consideration of member's wishes*

Members were asked to decide whether to confirm the provisional decisions (Option A) or to refer them back to the Cabinet for re-consideration (Option B).

Cllr Galvin addressed the meeting on behalf of the Calling-In Members. He expanded on the four reasons given for the call-in. It was confirmed that his comments related to the whole Guildhall complex and he requested deferment pending examination of all options and public consultation. Reference was also made to the 'Save our Guildhall' e-petition on the

Council's website and to the York Press campaign to protect the Guildhall's future with 58% of respondents in favour.

Officers responded to the points made, reiterating the reasons for the proposed change to the accommodation strategy whilst recognising the importance of the Guildhall complex. Details of the ongoing Conservation and Heritage Plan for the site was confirmed which would assist in progressing the development of future use. Reference was also made to the wider use of the Guildhall for civic occasions.

After a full debate, Cllr Galvin moved and Cllr Steward seconded that Option B be approved and the matter referred back to Cabinet for reconsideration, with a recommendation that the decision be deferred for the following reasons:

- Not enough options are to be considered.
- The issue of the future use of the Guildhall was registered as a Scrutiny topic last year and has yet to report or even consider the item.
- Because of its important historical part in the governance of the City all members should be consulted and public opinion sought with any decision being taken by full Council.

Two Members voted for this proposal and three voted against and the motion was lost. It was then

RESOLVED: That Option A be approved and that the provisional decisions of the Cabinet be confirmed.

REASON: In accordance with the requirements of the Council's Constitution.

44. CALLED-IN ITEM: THE COMMUNITY STADIUM AND COUNCIL LEISURE FACILITIES: PROCUREMENT OF OPERATOR ARRANGEMENTS

Members received a report which asked them to consider the decisions made by the Cabinet Member for Leisure, Culture and Social Inclusion at her Decision Session held on 10 January 2012. This related to the procurement process for the operation and maintenance of the Community Stadium and the Council's leisure facilities.

Details of the Cabinet Members decisions were attached as Annex A to the report and the original report to the Decision Session was attached as Annex B. The decisions had been called in by Cllrs Ayre, Reid, Firth and D'Agorne on the grounds that:

- *The procurement criteria will be crucial in shaping what kind of organisation is successful at the tendering stage and the facilities that will be provided at the stadium. The report considered by the Cabinet Member did not contain adequate details of the proposed tendering criteria or the weighting of each criteria and therefore the public have not been given a chance to scrutinise and comment on the proposals.*
- *It is not acceptable for such a major decision to be taken in private by the Cabinet Member or officers. The decision on the criteria should only be taken on the basis of a full report to Cabinet outlining the proposed criteria.*

Members were asked to decide whether to confirm the decisions (Option A) or to refer them back to the Cabinet Member for re-consideration (Option B).

Cllr Ayre addressed the meeting on behalf of the Calling-In Members. He expanded on the reasons given for the call-in pointing out that the procurement criteria was crucial in helping shape the facilities provided at the stadium by the successful bidder. He expressed concern that this was a community stadium but with no input from the public and requested the provision of a more detailed report to include details of the weighting given to the points listed at paragraph 4 of the report.

Cllr D'Agorne confirmed his full support for the call in for the reasons stated and as there were no proposals for public scrutiny. He expressed concerns at the commencement of the procurement process prior to receipt of planning permission. He also referred to a number of areas which appeared not to have been examined including social enterprise and the effect on fees and charges of existing Council leisure facilities.

Cllr Barton spoke in support of reference back of the recommendation to enable more in depth analysis of the issues involved to be carried out. He referred to a number of questions that the report failed to answer and felt that it was too soon for a

management procurement process to begin based on the contents of the report.

Officers responded to the points made, confirming that extensive feasibility work had been carried out and informal market testing undertaken to identify the optimum means of procuring and constructing the stadium following EU procurement guidelines. This robust process had drawn on advice received from professional procurement consultants and legal officers. It was confirmed that a report on the business case for the construction of the stadium would be considered at Cabinet in March 2012.

After a full debate, it was

RESOLVED: That Option A be approved and that the decisions of the Cabinet Member for Leisure, Culture and Social Inclusion be confirmed.

REASON: In accordance with the requirements of the Council's Constitution.

Cllr J Galvin, Chair

[The meeting started at 5.00 pm and finished at 6.50 pm].