

**Scrutiny Management Committee  
(Calling – In)**

**30 January 2012**

**Report of the Assistant Director, Governance and ICT**

**Called-in Item: The Community Stadium and Council Leisure  
Facilities: Procurement of Operator Arrangements**

**Summary**

1. This report sets out the reasons for the post-decision call-in of the decisions made by the Cabinet Member at her Decision Session for Leisure, Culture and Social Inclusion held on 10 January 2012. The report sought authority from the Cabinet Member to initiate the procurement process for the operation and maintenance of the Community Stadium and the Council's leisure facilities. This cover report sets out the powers and role of the Scrutiny Management Committee in relation to dealing with the call-in.

**Background**

2. An extract from the decision list published after the Cabinet Member Decision Session is attached at Annex A to this report. This sets out the decisions taken by Cabinet Member on the called-in item. The original report to the Cabinet Member on the called-in item is attached as Annex B to this report.
3. Cllrs. Ayre, Reid, Firth and D'Agorne have called the matter in for review by the Scrutiny Management Committee (SMC) (Calling-In) in accordance with the constitutional requirements for post-decision call-in. The reasons given for the call-in are 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.*

## **Consultation**

4. In accordance with the requirements of the Constitution, the calling-in Members have been invited to attend and/or speak at the Call-In meeting, as appropriate.

## **Options**

5. The following options are available to SMC (Calling-In) in relation to dealing with this call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
  - (a) To confirm the decisions of the Cabinet Member, on the grounds that the SMC (Calling-In) does not believe there is any basis for reconsideration. If this option is chosen, the decisions will be confirmed and will take effect from the date of the SMC (Calling-In) meeting.
  - (b) To refer the matter back to the Cabinet Member, for her to reconsider her original decisions. The reference back may include specific recommendations to the Cabinet Member. If this option is chosen, the matter will be re-considered at a meeting of the Cabinet (Calling-In) to be held on 14 February 2012.

## **Analysis**

6. Members need to consider the reasons for call-in and the report to the Cabinet Member and form a view on whether there is a basis to

make specific recommendations to the Cabinet in respect of the report.

### **Council Plan**

7. The intention to deliver the Community Stadium is set out in the Council Plan 2011-2015 in order to deliver 'an improved community infrastructure'. This in turn supports one of the key five priorities, 'Build Stronger Communities'. In addition the Council has signed up to the Co-operative Councils initiative as part of its core capabilities. This procurement exercise has the potential to deliver a social enterprise operator.

### **Implications**

8. There are no known Financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to determine and handle the call-in.

### **Risk Management**

9. There are no risk management implications associated with the call in of this matter.

### **Recommendations:**

10. Members are asked to consider the call-in and reasons for it and decide whether or not they wish to make specific recommendations on the report to the Cabinet.

**Reason:** To enable the called-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

### **Contact details:**

#### **Author:**

Dawn Steel  
Democratic Services  
Manager  
01904 551030  
email:  
[dawn.steel@york.gov.uk](mailto:dawn.steel@york.gov.uk)

#### **Chief Officer Responsible for the report:**

Andrew Docherty  
Assistant Director Governance and  
ITT

**Report  
Approved**



**Date** 19/01/12

**Specialist Implications Officer(s)** None

**Wards Affected:**

All

**For further information please contact the author of the report**

**Annexes**

Annex A –Decision of the Cabinet Member on the called in item (copy of the decision list published on 10 January 2012)

Annex B – Report to the Cabinet Member Decision Session for Leisure, Culture and Social Inclusion on 10 January 2012

**Background Papers**

Agenda relating to the above meeting (published on the Council's website).