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

**26 October 2009**

**Report of the Head of Civic, Democratic and Legal Services**

**Called-in Item: Swimming Facilities**

**Summary**

1. This report sets out the reasons for the call-in of the decision made by the Executive on 6 October 2009 in relation to a report produced in response to a motion approved by Council on 9 July asking the Executive Member for Leisure, Culture and Social Inclusion to bring information to the Council meeting in October on a range of issues relating to swimming facilities in York. The report also explains the powers and role of the Scrutiny Management Committee in relation to dealing with the call-in.

**Background**

1. An extract from the decision list published after the relevant Executive Meeting is attached as Annex 1 to this report. This sets out the decision taken by the Executive on the Barbican item. The original report to the Executive is attached as Annex 2 and the Shadow Executive's comments on the report are attached as Annex 3.
2. Councillors Scott, Crisp and B Watson have called in the Executive's decision 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 Executive:*

- *Did not respond to the advice of the Shadow Executive*
- *Has left an open-ended arrangement with £2m of taxpayers' money with the University, which could mean a pool never materializes*
- *Failed to start the process for delivering a city centre pool*
- *Failed to create a 'leisure reserve'.”*

## **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 decision of the Executive, on the grounds that the SMC (Calling-In) does not believe there is any basis for reconsideration. If this option is chosen, the decisions take effect from the date of the SMC (Calling-In) meeting.
  - (b) To refer the decision back to the Executive, them to reconsider or amend in part their decision. If this option is chosen, the matter will be re-considered at a meeting of the Executive (Calling-In) to be held on 27 October 2009.

## **Analysis**

6. Members need to consider the reasons for call-in and the basis of the decisions made by the Executive and form a view on whether there is a basis for reconsideration of those decisions.

## **Corporate Priorities**

7. An indication of the Corporate Priorities to which the Executive's decisions are expected to contribute is provided in paragraph 35 of Annex 2 to this report.

## **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 they wish to confirm the decision made by the Executive or refer the matter back for re-consideration at the scheduled Executive Calling-In meeting.

## 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:

Quentin Baker  
Head of Civic, Democratic and Legal Services

Report Approved  Date 15/10/09

Specialist Implications Officer(s) None

Wards Affected:

All

For further information please contact the author of the report

## Annexes

Annex 1 – decisions of the Executive on the Swimming Facilities item (extract from decision list published 6/10/09)

Annex 2 – report to Executive meeting held on 6/10/09

Annex 3 – comments of the Shadow Executive on the above report

## Background Papers

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