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**Scrutiny Management Committee**

**8 January 2007**

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

**YORK WEST SWIMMING FACILITIES – CALLED-IN  
DECISION FROM EXECUTIVE**

**Summary**

1. This report sets out the reasons for the call-in of the decision made by the Executive relating York West Swimming Facilities. It also explains the powers and role of Scrutiny Management Committee (SMC) in relation to dealing with the call-in.

**Background**

2. At the meeting of the Executive held on 19 December 2006, the decision set out at Annex A to this report was made, to agree a way forward for either refurbishing or replacing Edmund Wilson swimming pool.
3. Subsequent to that decision, Councillors Evans, Smallwood and B Watson then called-in the decision for review by SMC in accordance with the constitutional requirements for post-decision call-in. The reasons given for the call-in are as follows:-
  - (a) Despite claims, the consultation is not a fair representation of York residents views. The fact that only parts of the west side of the city were consulted is not representative, as residents from other parts of the city are also going to use this pool;
  - (b) The replacement pool is smaller and has limited spectator facilities, despite initial proposals for a much better facility;
  - (c) The adequacy of a reduced pool width to maintain the current level of swimming lessons without taking time out of public swimming has not been demonstrated, nor has the impact of reduced lessons on swimming for school pupils been ascertained;

- (d) The information on alternative provision for the York Baths Club and spectator swimming in York were not clear enough and are potentially completely inadequate;
- (e) The decision on these proposals should not precede confirmation that the University proposal is adequate and deliverable within the timescales stated.

### **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 relation to the constitutional and legal requirements under the Local Government Act 2000:
  - (a) to confirm the decision of the Executive in the sense that SMC does not believe there is any basis for reconsideration. If this option is chosen the decision takes effect from the date of the SMC meeting;
  - (b) to refer it back to the decision taker to reconsider or amend in part their decision (ie: the provisional Executive meeting on 9 January 2007).

### **Analysis**

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

### **Corporate Priorities**

- 7. The aims in facilitating this call-in consideration accord with the key principles of improving the Council's organisational efficiency.

### **Implications**

- 9. There are no known implications in relation to the following in terms of dealing with the specific matter before Members, namely to determine and handle the call-in.
  - **Finance**
  - **Human Resources (HR)**
  - **Equalities**
  - **Legal**
  - **Crime and Disorder**

- **Property**
- **Other**

### **Risk Management**

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

### **Recommendations**

11. 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 it back to them for reconsideration.

### **Reason:**

To enable the called-in matter to be dealt with efficiently.

### **Contact details:**

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Head of Civic, Democratic and Legal Services

**Report Approved**



**Date** 22.12.06

### **Specialist Implications Officer(s)**

None

**Wards Affected:**

All



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

### **Background Papers**

Executive report – 19 December 2006

### **Annexes**

Annex A – decision of the Executive – 19 December 2006

Annex B - Executive report – 19 December 2006