



**Notice of a public meeting of  
Corporate and Scrutiny Management Policy and Scrutiny  
Committee (Calling - In)**

- To:** Councillors Williams (Chair), Galvin (Vice-Chair), Crisp, D'Agorne, Fenton, Gates, Levene, Lisle and Reid
- Date:** Tuesday, 31 January 2017
- Time:** 5.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

**A G E N D A**

**1. Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

**2. Public Participation**

It is at this point in the meeting that members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Monday 30 January 2017**. Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

## **Filming, Recording or Webcasting Meetings**

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Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_f\\_or\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

### **3. Called-in Item: Yearsley Pool Review (Pages 1 - 10)**

This report sets out a brief background to the item 'Yearsley Pool Review' which has been called in for pre-decision scrutiny ahead of consideration by the Executive at their meeting on 16 March 2017. The report also outlines the options available to this committee under the agreed pre-decision call in arrangements.

### **4. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

#### Democracy Officer:

Name: Laura Clark

Contact Details:

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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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**Corporate & Scrutiny Management Policy &  
Scrutiny Committee (Pre-Decision Calling – In)**

**31 January 2017**

Report of the Assistant Director, Legal and Governance

**Called-in Item Pre-Decision: Yearsley Pool Review**

**Summary**

1. The report sets out brief background to the issue called-in and the role of and options available to this Committee, under the agreed pre-decision call-in arrangements.

**Background**

2. At its meeting in August 2015, the Executive agreed some operational guidelines for enabling and supporting a pre-decision call-in process. This supplements the pre-existing arrangements for post-decision call in and is intended to provide all backbench and scrutiny Members with opportunities to comment upon relevant upcoming Executive or Executive Member decisions.
3. In accordance with the arrangements for pre-decision scrutiny call-in, three Members (Councillors Boyce, Looker and D Myers) have called in the intended decision in relation to the Yearsley Pool Review, for the following reasons:
  - In advance of an Executive decision, to provide opportunities for closer scrutiny of, and seek assurances on, the financial model for the long term operation of Yearsley pool that to date have not been provided;
  - To understand how the Yearsley Pool Scrutiny Review, that was abruptly ended mid-review, has contributed to the review and recommendations due to be presented to the Executive;
  - Furthermore, to learn how the proposals put forward to the Executive will secure the futures of both Yearsley pool and the planned new swimming pool at Monks Cross.

## **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, together with the appropriate Executive member and officers.

## **Options**

5. In relation to dealing with this pre decision call-in, in accordance with the new agreed arrangements Members may choose to provide feedback to officers to be presented at a meeting of the Executive on 16 March 2017.

## **Analysis**

6. Members need to consider the reasons for call-in and any comments made at the meeting by speakers, as well as have regard to the information in the officer's report on this matter, which is attached to this report at Annex 1.

## **Council Plan**

7. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2015-19.

## **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 consider and handle the pre decision call-in. However, if it became clear to the Committee from information received that there were implications associated with any comments/recommendations it wished to make then it would be appropriate for the Committee to also recommend that any such implications be looked into, prior to the Executive making a decision which might be affected by those implications.

## **Risk Management**

9. There are no direct risk management implications associated with considering the call in of this matter. However, the Committee would be advised to invite the Executive to take account of any risks associated with any comments/recommendations which the Committee may wish to make on the matter in hand, prior to implementing any decision.

**Recommendations:**

10. Having considered the reasons for call-in, Members are asked to consider whether:
- i. They wish to make specific recommendations or comments to the Executive on the report, in light of the reasons given for the pre-decision call-in. If this option is chosen, their comments will be considered by the Executive at a meeting to be held on 16 March 2017.

Or;

- ii. They agree that there are no grounds to make specific recommendations or comments to the Executive in respect of the report.

**Reason:** To provide scrutiny's views on the report ahead of it being presented to the Executive.

**Contact details:**

**Author:**

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**Chief Officer Responsible for the  
report:**

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**Report  
Approved**



**Date** 23 January  
2017

**Specialist Implications Officer(s)** None

**Wards Affected:**

All



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

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**Corporate & Scrutiny Management Policy &  
Scrutiny Committee (Pre-Decision Calling – In)**

**31 January 2017**

Report of the Deputy Chief Executive and Director of Customer and Corporate Services

**Called-in Item Pre-Decision: Yearsley Pool Review**

**Summary**

1. The Yearsley Swimming Pool review, (the Review) has been ongoing since October 2015 and is still in progress. It is due to be complete in February and to be reported in full to the 16 March Executive.
2. The Council proposed to use the Review process to consider the most appropriate future means of operation of Yearsley Swimming Pool following the opening of the New Stadium Leisure Complex (NSLC) at Monks Cross. As part of this appraisal all options could be comprehensively examined, ensuring a cost effective solution is identified, without disruption to service delivery.
3. At the point of this call in work is still ongoing, but this report aims to describe the methodology of the Review and what is expected to be brought forward in detail within the March Executive full report.

**Background**

4. At the 2015/16 Budget Council Members approved the use of up to £0.3m New Homes Bonus per annum funding to maintain the operation of Yearsley Swimming Pool for up to five years. This allows Yearsley Swimming Pool to remain funded through to 2023/24.
5. In August 2015 the Executive agreed that this Review would commence in October 2015 and report back to the Executive when concluded.
6. The Review process has examined different potential operating models for the future management of the pool. This comprehensive assessment has sought to ensure a cost effective solution is identified with minimal disruption to service delivery.

7. The operation of Yearsley Swimming Pool was part of the original Stadium and city wide leisure procurement process and is already included in the Design, Build, Operate and Maintain (DBOM) Contract for the first two years up until the point that the stadium new leisure centre is operational with GLL.
8. Prior to the Review commencing, the Corporate and Scrutiny Management Policy & Scrutiny Committee (CSMPSC) agreed in January 2015 that an ad hoc scrutiny review be carried out on Yearsley Swimming Pool to investigate ways to reduce the subsidy given to Yearsley Swimming Pool, whilst securing its long term future. However, CSMPSC took the decision on 13 July 2015, to discontinue the scrutiny review on funding arrangements for Yearsley Swimming Pool.
9. The work of the scrutiny review and relevant reports are listed at the end of this paper. The progress made by the scrutiny review has been built upon to support this Review.

### **Consultation**

10. Over the past 2 years considerable consultation with a wide range of stakeholders has taken place in relation to the leisure procurement and the future of Yearsley Swimming Pool.
11. Consultation has focused on seeking alternative management arrangements for the pool, which has involved discussions with a number of organisations by senior officers.
12. Sharing of information has been a key part of the review, offering a transparent and open process to allow interested parties access to the data they need to be able to engage fully.
13. The sharing of data has allowed detailed reviews of income, expenditure, user figures, pool programming, building lifecycle and maintenance plans. This has been successful and led to financial efficiencies being identified.
14. The Yearsley Pool Action Group as the key community/user representative has been involved in the Review from the start with opportunities to influence and challenge the Review process.

### **Options considered for Yearsley Swimming Pool**

15. There are 3 main options that have been considered. These are:
  - a) Option A - GLL to continue to operate Yearsley Pool under the proposed DBOM Contract

- b) Option B – Seek a new community led organisation
- c) Option C – Working with an existing organisation to take on the management and operation

## **Analysis of Options**

### **Option A**

- 16. GLL has engaged with Council Officers and the Yearsley Pool Action Group during the review to discuss a number of different operational scenarios to continue to operate Yearsley Swimming Pool under the proposed DBOM contract.
- 17. The analysis of these scenarios has involved detailed financial modelling by GLL to determine not only the impact on the running cost of Yearsley Pool but the impact to the financial performance of Energise and the NSLC.
- 18. The report to the Executive will provide the detail of a number of scenarios for members' consideration, from continuing to operate the pool as it is run now, through to scenarios involving a reduction in opening hours.
- 19. The Yearsley Pool Action Group have been involved in the Review of these scenarios with GLL and influenced the development and detail of the final scenarios which will be presented. The impact to both the general public and aquatic clubs has remained at the forefront of the review and consultation with aquatic clubs has been carried out to test and understand the reality of any proposed changes.

### **Option B & C**

- 20. The Review has investigated a number of lines of enquiry, which has involved detailed discussions with organisations about taking on the management and operation of Yearsley Swimming Pool. Unfortunately the Council has not been able to develop any of the discussions into valid options for consideration; therefore Options B and C can not be taken forward.
- 21. The Yearsley Pool Action Group remains of the view that Yearlsey Swimming Pool should be managed by a professional organisation, rather than setting up a new community led group.

## **Conclusion of the Analysis of Options**

22. As it has not been possible to bring forward another operator for Yearsley Swimming Pool, the Review concludes Option A will be the only option available to Members.
23. Therefore, the implications noted below are with reference to the continued operation of Yearsley Pool by GLL.

## **Implications**

24. **Finance:** In February 2015 Members approved the use of up to £0.3m New Homes Bonus per annum funding to maintain the operation of Yearsley Swimming Pool for up to five years. The funding is required from the opening of the new leisure centre at the stadium, which will allow Yearsley Swimming Pool to remain funded through to 2023/24.
25. Funding from 2024/25 will need to be considered in the full context and affordability of the stadium and leisure DBOM contract which will be presented to the Executive later this year.
26. The financial analysis of the GLL scenarios for operating Yearsley Swimming Pool are still being worked on and will be detailed in the Executive report in March.
27. **HR:** The operational staff at Yearsley Pool will not be impacted by this Review as the staff will have already transferred to GLL on the commencement of the DBOM Contract.
28. **Legal and procurement:** Legal advice around Yearsley Swimming Pool has been sought throughout the development of the wider stadium and leisure procurement process. Expert legal advice is being taken and will ensure that the final outcome of the review is legally sound.
29. There are no known ITT, property or equality implications associated with the Review.

## **Risk Management.**

30. The main risk associated with the Yearsley Swimming Pool Review is that it is reliant on the DBOM contract to be implemented which is still subject to further Member approval.

## Recommendations

31. Members are asked to note the content of this report in relation to the call in submitted.

## Contact Details

<b>Authors:</b>	<b>Chief Officer responsible for the report:</b>	
Andy Laslett Strategic Services Manager (CANS) (01904) 553370	Ian Floyd Deputy Chief Executive and Director of Customer and Corporate Services	
<b>Report Approved</b> ✓	<b>Date:</b> 23 January 2017	
<b>Specialist Implications Officer:</b> Patrick Looker, Finance Manager		
<b>Wards Affected:</b>	<b>All</b>	✓

For further information please contact the author of the report

## Background Papers:

### Item 133 - Community Stadium and Leisure Facilities Report

(Executive 17 March 2016)

<http://modgov.york.gov.uk/ieListDocuments.aspx?CId=733&MId=8847>

### Item 5 - Community Stadium & Leisure Facilities Procurement

Update (Executive 27 August 2015)

<http://modgov.york.gov.uk/ieListDocuments.aspx?CId=733&MId=9018>

### Item 7 - Yearsley Pool Update Report on the Work of the former Ad Hoc Scrutiny Committee (Corporate & Scrutiny Management & Policy Scrutiny Committee 13 July 2015)

<http://modgov.york.gov.uk/ieListDocuments.aspx?CId=144&MId=8900>

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