



**Notice of meeting of
Barbican Ad Hoc Scrutiny Committee**

To: Councillors Looker (Chair), Firth, King, Morley, Watt and Taylor (Co-opted Non-Statutory Member)

Date: Wednesday, 21 November 2007

Time: 5.00 pm

Venue: The Guildhall, York

AGENDA

1. Declarations of Interest

At this point, members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is Tuesday 20 November 2007 at 5.00 pm.

3. Scoping Report

(Pages 3 -
12)

This report sets out a timetable for work and suggested officer involvement for the scrutiny review to investigate the arrangements surrounding the sale of the Barbican site and identify key lessons for the future in the event of developments of a similar nature or scope being proposed.

4. Any Other Matters which the Chair decides are urgent under the Local Government Act 1972

Democracy Officer:

Name: Simon Copley

Contact details:

- Telephone – (01904) 551078
- E-mail – simon.copley@york.gov.uk

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

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If you would, you will need to:

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- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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Holding the Executive to Account

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
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Barbican Ad-Hoc Scrutiny Committee

21 November 2007

Scoping report

Purpose of Report

1. This review will investigate the arrangements surrounding the sale of the Barbican site. The purpose of this will be to learn some key lessons for the future in the event of developments of a similar nature or scope being proposed.

Background

2. At Scrutiny Management Committee (SMC) on 23 July 2007 members were asked to consider a proposed new Scrutiny topic which had been registered by Cllr Joe Watt. The original topic registration form can be seen at Annex A. The Scrutiny Officer had prepared a feasibility report on this proposal in which it was recommended that this topic should not become the focus for a review. This report this can be seen at Annex B.
3. At this meeting members agreed that the scale of the topic as proposed was too wide ranging for review. They requested that Cllr Watt attend the next meeting of SMC to discuss the possibility of a review tailored to learn key lessons and achieve improvements in handling future developments of a similar scale and nature.
4. Cllr Watt attended the meeting of SMC held on 17 September 2007 and agreed that his topic submission be revised as mentioned above. This will not include any review of swimming provision as this work is being undertaken by a commissioned review which will be reported to the Executive.
5. Members agreed to carry out the revised review proposed by Cllr Watt with the following objectives:
 - a. To understand why the contract in relation to the sale of the Barbican site was not signed, sealed and delivered until May 2003.
 - b. To understand the public consultation process which took place and the resulting decisions.
 - c. To understand the changes in land values with a view to establishing whether best value was actually achieved in this case.

- d. To assess whether decisions taken in relation to the sale resulted in a loss of capital to the Council.
6. SMC members have been consulted to ask if they agree that the wording of a) above should be changed (because the sale was not completed until 2007) to “To understand why the contract in relation to the sale of the Barbican site was not signed, sealed and delivered until after May 2003”.

Consultation

7. This review should be carried out in consultation with the Property Services team, the Assistant Director for Lifelong Learning and Leisure and any other colleagues or relevant parties who members consider to have information relevant to this review.

Timetable For Review

8. Members will need to research the following:
- a. The decision to sell the Barbican site and the consultation which took place. This will require liaison with the Assistant Director for Lifelong Learning and Leisure.
 - b. Whether the timing of these decisions affected the value of the site and the capital received by the council from the sale. This will require liaison with the Head of Property Services.
9. The timetable for this review could be:

21 November 2007	This meeting
November/December 2007	Informal discussions between members and relevant officers or other individuals or organisations
January 2008	Interim report to formal meeting with input from Property Services and Leisure Services
January/February 2008	Discussions re possible recommendations to Executive
February 2008	Formal meeting to agree draft final report.

Options

10. Members may agree the above timetable for work with any additions or alterations which they think are appropriate.

Implications

11. Financial, Human Resources, Equalities, Legal and other implications will be considered relating to the recommendations which will be contained in the final report of this sub-committee. There will be some financial implications in carrying out the work of the scrutiny review, but this cannot be quantified at the present time until Members' intentions in relation to research or consultative work are known.

Corporate Priorities

12. This review is relevant to the Corporate Value of encouraging Improvement in everything we do.

Risk Management

13. A risk might be the failure to include relevant information because appropriate consultees were not included in the initial research. The only other possible risk would be the failure of members to keep to the agreed timetable and focus of this review which could adversely affect the opportunity to make recommendations to the Executive.

Recommendations

14. It is recommended that members consider the timetable of work as proposed in 9 above and agree:
 - (a) the proposed timetable and officer involvement
 - (b) any additional tasks, events, consultations or information which might be required

Reason: To ensure compliance with scrutiny procedures, protocols and workplans.

Contact Details

Author:
Barbara Boyce
Scrutiny Officer.

Chief Officer Responsible for the report:
Colin Langley
Acting Head of Democratic and Legal Services

**Scoping Report
Approved**

Date 12/11/07

Specialist Implications Officer(s) *None*

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers: None

Annexes

Annex A - Topic registration form

Annex B - Feasibility report

Topic no 142

Scrutiny topic registration form

Fields marked with an asterisk * are required.

* Proposed topic: The sale of the Barbican and subsequent development of swimming facilities in York.

* Councillor registering the topic Watt - Councillor Joe Watt

Please complete this section as thoroughly as you can. The information provided will help Scrutiny Officers and Scrutiny Members to assess the following key elements to the success of any scrutiny review:

How a review should best be undertaken given the subject
Who needs to be involved
What should be looked at
By when it should be achieved; and
Why we are doing it ?

Please describe how the proposed topic fits with 3 of the eligibility criteria attached.

	Yes?	Policy Development & Review	Service Improvement & Delivery	Accountability of Executive Decisions
Public Interest (i.e. in terms of both proposals being in the public interest and resident perceptions)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Under Performance / Service Dissatisfaction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In keeping with corporate priorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Level of Risk	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Service Efficiency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* Set out briefly the purpose of any scrutiny review of your proposed topic. What do you think it should achieve?

1. Review the performance of the Executive since May 2003 to determine if the sale of the Barbican represented 'Best Value for Money'.
2. Identify why York does not have a competition standard swimming pool.
3. Review current and future swimming pool provision in York to determine if it is sufficient for the City's needs and meets the requirements of the 'Leisure Facilities

Strategy'.

4. Examine proposed swimming pool locations to determine if these best meet the needs of York citizens.
5. To consider if the administration was reckless or took too high a risk when, in May 2003, it initiated a consultation process leading to its adopting a community pool option, which promised greater development of the area.

* Please explain briefly what you think any scrutiny review of your proposed topic should cover.

1. The administration's decision process since May 2003.
2. Whether best value for money was achieved.
3. The overall provision of swimming facilities in York.
4. The accessibility of swimming facilities in York.
5. The need for a swimming pool in proximity to the City Centre.
6. Whether York will have sufficient 'Competition Standard' swimming facilities - particularly in the run-up to the 2012 Olympics.
7. The degree of risk taken by the incoming administration in May 2003 by changing the previous administration's plans for the barbican sale.
8. Whether the decisions taken by the administration resulted in the loss of revenue and a competition standard pool to the citizens of York.

* Please indicate which other Councils, partners or external services could, in your opinion, participate in the review, saying why.

Nil

* Explain briefly how, in your opinion, such a review might be most efficiently undertaken?

By the Scrutiny Committee: 1. Questioning the key Executives and council officers involved. 2. Examining pertinent reports and meeting minutes.

Estimate the timescale for completion.

- 1-3 months
- 3-6 months
- 6-9 months

Support documents or other useful information

Date submitted: Friday, 22nd June, 2007, 9.07 pm

Submitted by: Councillor Joe Watt



Scrutiny Management Committee**23 July 2007****Sale of the Barbican and swimming facilities in York– Feasibility Study****Summary**

1. In June 2007 Cllr Joe Watt registered a proposed new scrutiny topic regarding the sale of the barbican and the subsequent development of swimming facilities in York. A copy of the topic registration form is enclosed at Annex A.
2. A similar scrutiny proposal was registered in April 2006 by Cllr Janet Looker. However in the same month Cllr Looker had also put a motion to Council requesting that Council set up an Ad-hoc Scrutiny Committee. The motion, including an amendment from Cllr Andrew d’Agorne, was not approved.

Criteria

3. Public Interest – there is evidence that complaints were made about the sale of the Barbican and also there was considerable media interest in the past. Members must consider whether or not there is still strong public interest in the subject or whether it would indeed be now in the public interest to review this topic.
4. Corporate Priorities – Members might consider that the proposed topic is relevant to the Corporate Priority to “improve the health and lifestyles of the people who live in York , in particular among groups whose level of health is the poorest”.
5. National, local or regional significance – the provision of leisure facilities can be considered to be of local and regional significance.
6. Under performance or service dissatisfaction – there are concerns about the provision of swimming and leisure facilities in the city.
7. Level of risk – so far as is known there are no risks which could be alleviated by the investigation of this topic, other than the possibility of seeking to avoid costly delays being incurred in similar projects. There may be a view that the delay in completing the sale and the costs of legal fees were a risk at the time,

as might have been the sale of the Kent Street site.

8. Service efficiency –so far as is known there are no aspects of service efficiency which would benefit from this review being carried out.

Consultation

9. Political group leaders and relevant officers were asked to comment on the feasibility of carrying out this scrutiny review.
10. The leader of the Liberal Democrat Group was concerned that reprising all the events of a project that started seven years ago would be extremely time consuming. He thought that officer time spent on this might be to the detriment of other work – including the review on swimming and leisure and the implementation of the pools modernisation and replacement programme. The scope of this report on the Leisure Facilities Strategy can be seen at Annex B.
11. He suggested that the District Auditor’s report of 2006 and a summary of the sequence of events might enable the proposing member to clarify exactly what he would like to be reviewed. A copy of the District Auditor’s report can be seen at Annex C.
12. The Leader of Labour Group was worried that this scrutiny review would duplicate work that is currently in progress as part of the leisure and swimming review. He also mentioned the District Auditor’s report and states that this did not have any issues over the sale. He was of the opinion that this topic may now be past its “sell-by date”.
13. The Leader of the Conservative Group supports carrying out this review as a way of finally drawing a line under the entire Barbican project. He commented that the review of swimming and leisure facilities will take place in the future and therefore will not answer the questions being asked now about the Barbican site.
14. In his opinion the only duplication of work would be over the consideration of the District Auditor’s report but he suggests considering evidence brought forward at that time.
15. Cllr Andy d’Agorne, Leader of the Green Group, did not think that anything useful in terms of performance improvement could emerge from carrying out this scrutiny review. He was not sure that anything new could be learned from the process.
16. Charlie Croft, Assistant Director for Lifelong Learning and Leisure considers that the proposal met all of the criteria for scrutiny review. However he points out that the request to look at the decisions that have been made about the Barbican since 2003 have been extensively covered already. The process and

reporting of the decisions made have been in the public domain via various Executive Reports, the High Court and the District Auditor.

17. He also emphasised that the request to review current and future provision would overlap directly with the work on the Leisure Facilities Strategy Review which is due to be considered by the executive in the near future. This would not necessarily require a great deal of extra work, but would cause a confusion of processes for the same subject matter to be reviewed in two forums at the same time.

Conduct of Review

18. This scrutiny topic registration is requesting review of the decision making processes that led to the sale of the Barbican site and whether it achieved value for money plus reviewing swimming and leisure facilities in York.
19. This suggests that any review could be carried out in two parts – Part 1 to relate to the past history of the Barbican site and Part 2 to relate to the present and future leisure facilities in the city

Implications

20. There are no known financial, HR, Equalities, Legal, Crime & Disorder, IT, Property or other implications associated with this recommendation other than the estimate of the Assistant Director (Lifelong Learning and Leisure) who considers that to bring the whole history together in a single narrative would take around ten hours. This would mainly be the responsibility of Property Services staff so the head of Property Services may have a different opinion. There would also be the time taken to prepare for and attend meetings of an Ad-hoc Scrutiny Sub-Committee if it was formed. The Head of Property Services has been asked to attend this meeting to inform members about any other resource implications which he is aware of.

Risk Management

21. In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

22. On balance, based on the evidence presented, members are advised not to proceed with this scrutiny review.
23. However, if members wish to proceed it would be advisable to focus on:

The key learning points which can be gained from the decision making process which led to the sale of the Barbican site. Whether or not there is anything to be learned which would inform the way any future development of a similar size and nature should be handled.

Contact Details

Author:

Barbara Boyce
Scrutiny Officer

Chief Officer Responsible for the report:

Suzan Hemingway
Head of Legal, Civic and Democratic Services

**Feasibility Study
Approved**

Date *Insert Date*

Specialist Implications Officer(s)

None

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers: None

Annexes:

Annex A – Scrutiny Topic Registration Form

Annex B – Scope of Leisure Facilities

Annex C – Review District Auditor’s Report dated August 2006