

## **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. The effect of this decision was that the scrutiny topic was deemed to have been turned down before it was discussed by Scrutiny Management Committee.

### **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.
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 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

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**Chief Officer Responsible for the report:**

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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