

Report of the Head of Civic, Democratic and Legal Services

Review of Leisure Facilities Strategy (Swimming)

Summary

1. This report sets out the reasons for the referral of the decision made by the Executive relating to Review of Leisure Facilities Strategy (Swimming). It also explains the powers and role of Strategic Policy Panel in relation to dealing with this referral.

Background

2. At the meeting of the Executive held on 23 October 2007, the following decision, also set out at Annex A to this report, was made:
 - (i) That Option C be agreed: that is, to reconfirm the Council's commitment to the partnership with the University and also to plan for an additional city centre pool to meet further identified needs, subject to detailed agreement on the terms of the Council's contribution and in particular:
 - the University adopting a project plan that will deliver the pool by 2011
 - satisfactory arrangements being set out regarding location of and public access to the pool.
 - (ii) That approval be given to revise the respective schemes within the capital programme to take account of:
 - allocating the pools programme contingency budget as set out in paragraph 77 of the report
 - the additional prudential borrowing set out in paragraph 78
 - allocating the overall procurement budget as set out in paragraph 75.

REASON: So that a clear and agreed strategy can be taken forward with immediate progress to create excellent swimming facilities in York and options developed for a central location for a further pool.

3. Subsequent to that decision, Councillor Scott, Leader of the Labour Group, then requested that this item be referred to Strategic Policy Panel in accordance with the constitutional requirements for referral. On giving his reasons for referral below, Councillor Scott submitted that the Executive misdirected itself when it decided to follow the recommendation before it and chose Option C.

(a) We consider that it should have chosen Option b(ii) with an added recommendation that an all party working party be established which would report back to the appropriate EMAP and/or Executive Committee with a view to the implementing the decision to build a City Centre Swimming Pool, identifying the appropriate location and design brief.

(b) We consider all parties should have the opportunity to comment, vote and make a recommendation to the Executive.

Consultation

4. In accordance with the requirements of the Constitution, the Member who referred the item has been invited to speak at the meeting of the Strategic Policy Panel.

Options

5. The following options are available constitutionally to Strategic Policy Panel in relation to dealing with this referral :

(a) To make a recommendation that the Executive confirm the decision of the Executive on 23 October 2007 in the sense that Strategic Policy Panel does not believe there is any basis for reconsideration.

(b) To make a recommendation that the Executive reconsider or amend in part their decision of 23 October in the light of the reasons for referral.

The decision takes effect from the date of the Executive meeting (30 October 2007).

Analysis

6. Members need to consider the reasons for referral 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 issues in this report do not relate to the council's current Corporate Priorities for Improvement.

Implications

8. 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 referral.

- **Finance**
- **Human Resources (HR)**
- **Equalities**
- **Legal**
- **Crime and Disorder**
- **Property**
- **Other**

Risk Management

9. There are no risk management implications associated with the referral of this matter.

Recommendations

10. Members are asked to consider the referral and reasons for it and decide whether they wish to confirm the decision made by the Executive at its' meeting on 23 October, or recommend that the Executive reconsider or amend in part their decision in the light of the reasons for referral.

Reason:

To enable the referral to be dealt with efficiently.

Contact details:

Author:

Dawn Steel
Democratic Services Manager
01904 551030
email:
dawn.steel@york.gov.uk

Chief Officer Responsible for the report:

Colin Langley
Interin Head of Civic, Democratic and Legal Services

Report Approved**Date** *24/10/07***Specialist Implications Officer(s)**

None

Wards Affected:**All**

For further information please contact the author of the report

Background Papers

Executive report – 23 October 2007

Annexes

Annex A – decision of the Executive – 23 October 2007

Annex B - Executive report – 23 October 2007