



Meeting: **EXTRAORDINARY SCRUTINY COMMITTEE**
Date: **TUESDAY 20 JANUARY 2015**
Time: **4.00PM**
Venue: **COMMITTEE ROOM**
To: **Councillors J Crawford (Chair), Mrs W Nichols (Vice Chair),
Mrs L Casling, I Chilvers, M Dyson, M Hobson, D Mackay,
Mrs M McCartney and D Peart.**

Agenda

1. Apologies for absence

2. Disclosures of Interest

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

3. Call In – Decision E/14/62 – Selby Leisure Centre – Key Decision

To consider the report from the Democratic Services Officer (pages 1 to 8 attached).

Jonathan Lund
Chief Executive

Dates of next meetings
27 January 2015
25 February 2015 (Provisional)
26 March 2015

Enquiries relating to this agenda, please contact Palbinder Mann on:
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Report Reference Number: SC/14/11

Agenda Item No: 3

To: Scrutiny Committee

Date: 20 January 2015

Author: Palbinder Mann, Democratic Services Officer

Lead Officer: Karen Iveson, Executive Director (s151)

Title: Call In – Decision E/14/62 – Selby Leisure Centre - Key Decision

Summary:

This report asks the Committee to consider the Call In of the decision made in respect of report E/14/62 – Selby Leisure Centre which was made by the Executive at their meeting on 8 January 2015.

Recommendations:

The Scrutiny Committee are asked to consider the Call In and recommend one of the following options:

- **Refer the decision back to the Executive for reconsideration.**
- **Agree with the decision made by the Executive and take no further action.**
- **Refer the decision to Council.**

Reasons for recommendation

To ensure the Scrutiny Committee undertakes its role in holding the Executive to account in accordance with the Constitution.

1. Introduction and background

A Call In request has been received from Councillors J Crawford, Mrs M Davis, Mrs S Duckett, J McCartney and B Packham. The request asks the Scrutiny Committee to consider the decision made by the Executive at their meeting on 8 January 2015 in respect of report E/14/62 – Selby Leisure Centre. The report which was considered by the Executive is attached at Appendix B.

2. The Report

2.1 The Constitution states that Call In should only be used where Councillors have evidence which suggests that the decision-maker(s) did not take the decision in accordance with the principles set out in Article 13 of the Constitution. This is attached at Appendix A.

2.2 Report E/14/62 has been called in on the following grounds:

- All the relevant matters have not been fully taken into account in reaching a decision.
- That all the relevant rules and particularly the Council Procedure Rules, Financial Procedure Rules, Contract Procedure Rules and Access to Information Procedure Rules may not have been complied with.

2.3 The report E/14/62 is attached at Appendix B.

2.4 The Scrutiny Committee can decide on the following options when considering the Call In:

- The decision can be referred back to the Executive for reconsideration. Any reasons for this must be set out in writing, with other information which might be useful to the Executive when it reconsiders the matter also being provided.
- The Committee can agree with the decision by the Executive and therefore no further action will be required.
- The decision can be referred to Council for consideration.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

Any legal issues are covered in the original report E/14/62 which was considered by the Executive.

3.2 Financial Issues

Any financial issues are covered in the original report E/14/62 which was considered by the Executive.

4. Conclusion

The Committee is asked to debate the Call In and decide what course of action is appropriate.

5. Background Documents

N/A

6. Appendices

Appendix A - Article 13 of the Constitution – Decision Making

Appendix B – Executive Report E/14/62 – Selby Leisure Centre

Contact Officer:

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Article 13 – Decision-Making

13.1 Principles of decision-making

All decisions of the Council will be made in accordance with the following principles:

In the general public interest, and specifically to guard against the possibility of successful legal challenge to decisions made by the Council or by the Executive, it is necessary to demonstrate:

- (a) that the decision is within the powers of the Council;
- (b) that all relevant matters have been fully taken into account in reaching a decision;
- (c) That all relevant Rules and particularly the Council Procedure Rules, Financial Procedure Rules, Contract Procedure Rules and Access to Information Procedure Rules have been complied with;
- (d) that the decision has taken into account the provisions of the Human Rights Act;
- (e) that the decision is taken after due consultation with, and the appropriate professional advice from, all relevant officers;
- (f) that any councillor concerned has considered whether he/she has any declarable interest in the particular item and if necessary made a declaration of interest;
- (g) that the current scheme of delegation has been complied with;
- (h) that the decision has been taken in an open and transparent manner;
- (i) that the decision is clear in terms of its aims and desired outcomes;
- (j) that the decision has been taken in accordance with the Council's aims and strategies; and
- (k) that the decision is properly recorded and published within the appropriate timescale, together with declarations of interest and background papers.

Selby District Council

REPORT

Reference: E/14/62

Public – Item 9



To:	The Executive
Date:	8 January 2015
Status:	Key Decision
Report Published:	30 December 2014
Author:	Karen Iveson – Executive Director (and s151)
Executive Member:	Councillor G Ivey – Deputy Leader
Lead Officer:	Jonathan Lund, Deputy Chief Executive

Title: Selby Leisure Centre

Summary:

This report sets out the latest cost estimates for Selby Leisure Centre as work nears completion.

Additional work to the car park in front of the leisure centre has been added to the project in order to facilitate the development potential of the remainder of the site and provide a finished site to complement the opening of the new leisure centre.

When the decision was taken to add this work it was anticipated that this could be accommodated within the approved budget for the leisure centre project. However the extent of the works has been greater than envisaged and the contractor for the work has been replaced at short notice and consequently the costs are now in excess of the approved budget.

Latest estimates show a funding shortfall of £201k after inclusion of £390k in respect of the additional car park works. In order to cover the shortfall and retain a level of contingency for the leisure centre project it is proposed that £250k be allocated from the Programme for Growth.

Recommendations:

It is recommended that the budget shortfall be noted and that £250k be allocated from the Programme for Growth.

Reasons for the recommendations

To ensure the project is fully funded.

1. Introduction and background

- 1.1 This report sets out the latest cost estimates for Selby Leisure Centre as work nears completion.
- 1.2 Additional work to the car park in front of the leisure centre has been added to the project in order to facilitate the development potential of the remainder of the site for the proposed Leisure Village and to provide a finished site to complement the opening of the new leisure centre.

2. The Report

- 2.1 The current budget for the leisure centre is £7,329,048 including the All Weather Pitch (£296,998).
- 2.2 In September 2014 it was decided to vary the scope of works to include additional car park works to the front of the leisure centre, following proposals to redevelop the part of the site previously allocated for parking.
- 2.3 At that time the indicative estimate for the works totalled a maximum of £200k based upon outline plans, which could be accommodated within the contingency for the leisure centre. As the proposal offered better value and operational benefits to those proposed with the redevelopment plan, in consultation with the Programme for Growth Programme Board, the car park works were added into the leisure centre project.
- 2.4 Wates, the main contractor for the leisure centre project, were instructed to proceed with submitting a variation to the approved planning permission, developing the car park designs further to establish a firm price for the work and proceeding with the enabling works required.
- 2.5 As part of the detailed design of the car park, detailed costings have been prepared which show that the work required is now estimated at £390k.
- 2.6 The increase in estimate is due to a number of factors – the work required is more extensive than originally anticipated by Wates and their sub-contractor has since gone into liquidation meaning an alternative partner has had to be sourced at short notice, which has increased the cost further.
- 2.7 Whilst this cost is significantly more than the estimate when the variation to the construction contract was approved, it has been challenged by Turner and Townsend (the Council's project managers) and is considered to be reasonable given the circumstances.
- 2.8 Taking into account this additional cost and retaining a £49k contingency, there is currently a shortfall in the leisure centre budget of £250k. It is proposed that this be covered by the Programme for Growth.

3. Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1 The decision to allocate funds from within existing budgets is within the budget and policy framework of the Council and is a decision that can be taken by the Executive. However as it has arisen at short notice and is a key decision not on the forward plan, the provisions of Executive Procedure Rule 5.5 must be followed. The reason this report is urgent and cannot be deferred until February is in accordance with the Council's Financial Procedure Rules which require the shortfall in budget for the leisure centre to be reported to the Executive immediately.

Financial Issues

- 3.2 The financial implications are as set out in the report. In addition it should be noted that the inclusion of the car park works within the leisure centre project will mean that the cost of the proposed leisure village on the remainder of the site, will be less than they would otherwise have been, which will have a beneficial impact on the business case for that proposal when it comes forward for consideration.

Impact Assessment

- 3.3 Inclusion of the additional car park works within the leisure centre project will enable the remainder of the site to be developed in isolation from the newly opened leisure centre and therefore will impact positively on users of the centre.

4. Conclusion

- 4.1 The addition of car park works to the front of the new leisure centre in order to facilitate the proposed Leisure Village, has resulted in a budget shortfall for the leisure centre project. Completion of these works will benefit the operations of the leisure centre when it opens. Whilst this is adding to the cost of the leisure centre it will provide a cost benefit to the Leisure Village when that scheme comes forward for consideration. Therefore it is recommended that funds are allocated from the Programme for Growth to fund the additional car park works required to facilitate the Selby Leisure Village.

5. Background Documents

None

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Appendices:

None