



AGENDA ITEM: 7(2)

**EXECUTIVE OVERVIEW AND
SCRUTINY COMMITTEE:
3 July 2008**

Report of: Council Secretary and Solicitor

Portfolio Holder: Councillor Hammond

Contact for further information: Mrs Jacky Denning (Extn. 5384)

**SUBJECT: CALL IN ITEM – WEST LANCASHIRE COMMUNITY LEISURE
TRUST**

District Wide Interest

1.0 PURPOSE OF THE REPORT

1.1 To advise the Executive Overview & Scrutiny Committee of the reason for the call in of the decision on the above item, as set out in Minute No. 12 of the meeting of Cabinet held on 17 June 2008.

2.0 RECOMMENDATIONS

2.1 That the Committee determines whether it wishes to ask for a different decision.

2.2 That if the Committee does wish to ask for a different decision, the Committee indicates which of the options set out at paragraph 4.1 below, it wishes to pursue.

3.0 DETAILS RELATING TO THE CALL IN

3.1 The report attached as an Appendix to this report was considered at Cabinet held on 17 June 2008.

3.2 The following decision of Cabinet is contained at minute no. 12 :-

“12 WEST LANCASHIRE COMMUNITY LEISURE TRUST

Councillor Grant introduced the report of the Executive Manager Community Services which sought approval for discussions to commence with the West Lancashire Community Leisure Trust in respect of the management and operation of the proposed new leisure centre in Skelmersdale and to explore options to provide additional facilities through the Trust partnership.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it, together with the fact that Councillor Hammond had a personal and prejudicial interest and would not be taking any further part in the matter.

- RESOLVED:
- A That a Cabinet Working Group, comprising of the Leader, the Deputy Leader, the Portfolio Holders for Finance & Performance Management and Street Scene Management, be established to provide strategic direction to officers during the discussions with the Leisure Trust Partners.
 - B That the terms of reference for the Cabinet Working Group be as follows:
 - (i) To consider the financial and operational merits of a negotiated agreement with the West Lancashire Community Leisure Trust, extending the scope of leisure services provided by the Trust including the operational management of the proposed new wet and dry sport facility in Skelmersdale.
 - (ii) To report recommendations to Cabinet and Council.
 - C That the Deputy Chief Executive be given delegated authority, in consultation with the Cabinet Working Group, to enter into negotiations with the West Lancashire Community Leisure Trust and the Trust Partners Serco Leisure Operating Limited.
 - D That the Deputy Chief Executive be given delegated authority, in consultation with the Cabinet Working Group, to engage consultants and obtain expert legal and financial advice as appropriate, during negotiations with West Lancashire Community Leisure Trust and the Trust Partners Serco Leisure Operating Limited.
 - E That financial support, allocated from contingencies, up to a maximum of £35,000, to support recruitment of specialist consultants, external legal advice and to undertake independent financial appraisals for VAT and tax, be approved.

(Note: Councillor Hammond declared a personal and prejudicial interest in this item and left the meeting room whilst it was under consideration.)

3.3 The following reason for call was given in the requisition:

“Concern that a decision to negotiate a new contract solely with West Lancashire Leisure Trust is premature in light of the External Auditor’s plans to follow up on its 2005 report on the Council’s developing arrangements for performance management of the contract, and the subsequent findings of the 2007 CPA, which expressed concern about the arrangements. In addition, the internal audit plan includes an examination of partnership arrangements.”

3.4 The requisition also provided an alternative decision which was:

“That all other management arrangements at this stage be considered, in order to give the best chance for suitable arrangements in the long term in light of audit findings.”

3.5 The following Members of the Executive Overview & Scrutiny Committee signed the requisition for call-in in accordance with the provisions of Overview & Scrutiny Committee Procedure Rule 15:

Councillor Rice
Councillor Mawdsley
Councillor McKay
Councillor Furey
Councillor Nolan

4.0 CONCLUSION

4.1 Following consideration of the decision of Cabinet and the requisition for call in, the Executive Overview & Scrutiny Committee can decide if it wishes to ask for a different decision. If the Committee does not wish to ask for a different decision then the decision of Cabinet takes immediate effect. If the Committee does wish to ask for a different decision, it may:

- a. refer the decision back to Cabinet (as the decision making body) for reconsideration, setting out the different decision; or
- b. refer the matter to Council. If the matter is referred to Council and Council does not object then the decision of Cabinet will take effect immediately from that Council meeting date. If the Council does object, then the decision and the objection will be referred back to Cabinet (as the decision making body) for reconsideration.

4.2 The Secretary of State in his Guidance recommends that Overview & Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Appendices

Report of the Executive Manager Community Services.