



Wednesday, 13 December 2023

Dear Sir/Madam

A meeting of the Overview and Scrutiny Committee will be held on Thursday, 21 December 2023 in the Council Chamber, Council Offices, Foster Avenue, Beeston, NG9 1AB, commencing at 7.00 pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To Councillors:	S Dannheimer (Chair)	J M Owen
	W Mee (Vice-Chair)	A W G A Stockwell
	E Williamson (Vice-Chair)	C M Tideswell
	H L Crosby	S Webb
	K Harlow	E Winfield
	H Land	K Woodhead
	R D MacRae	

A G E N D A

1. APOLOGIES

To receive apologies and to be notified of the attendance of substitutes.

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. CONSIDERATION OF CALL - IN - KIMBERLEY SCHOOL LEISURE CENTRE (Pages 3 - 6)

To consider the following call-in resulting from a Cabinet decision taken on Tuesday 5 December 2023.

4. EXCLUSION OF PUBLIC AND PRESS

The Committee is asked to RESOLVE that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2, and 3 of Schedule 12A of the Act.

4.1 KIMBERLEY SCHOOL LEISURE CENTRE APPENDIX 2, 3 AND 4 (Pages 7 - 18)

Report of the Monitoring Officer

CONSIDERATION OF CALL IN - KIMBERLEY SCHOOL LEISURE CENTRE

1. Purpose of report

To consider the following call-in resulting from a Cabinet decision taken on Tuesday 5 December 2023.

2. Recommendation

The Committee is asked to CONSIDER the call-in and RESOLVE accordingly.

3. Decision: Cabinet, 5 December 2023 - Minute Number 103.1

RESOLVED that:

1. **The Kimberley school request for funding as specified in the exempt report to cover their estimated Leisure Centre deficits over 3 financial years, be rejected.**
2. **The Kimberley School request that the Council provides uncapped contributions towards the repairs costs, including the pool plant replacements and future price increases in utility and supplies costs, not included in their assumptions, be rejected.**
3. **Liberty Leisure continues to discuss the delivery of a ‘dry-side’ gym facility to be managed at the school site, be approved.**
4. **The Council’s Leisure Officer and Liberty Leisure seek alternative leisure sites in the north of the Borough and report back to Cabinet on any viable opportunities, be approved**

4. The decision has been called-in by the following Members:

Councillors P J Owen, L A Ball BEM, D D Pringle, G Hills and M Brown.

5. The reasons for the call-in are as follows:

“We consider the decision is not in the public interest – loss of a major leisure facility without appropriate consultation with stakeholders.

In relation to the above we consider that the following principles of decision-making have been breached:

- Evaluate alternative options – no relative alternative presented
- Undertake consultation as required or as may be appropriate – lack of public consultation, equality impact assessment circulated at meeting with insufficient time to consider

- Obtain and consider professional advice as may be required or appropriate – no evidence given regarding effects on health.”

The following papers have been provided for the consideration of the Committee:

Appendix 1 – Call-in Procedure

Appendix 2 – Cabinet Report OFFICIAL(SENSITIVE)

Appendix 3 – Letter from Kimberley School OFFICIAL(SENSITIVE)

Appendix 4 – Equality Impact Assessment OFFICIAL(SENSITIVE)

6. Background Papers

Nil.

Report of the Monitoring Officer

**PROCEDURE FOR THE OVERVIEW AND SCRUTINY MEETING
FOLLOWING THE CALL-IN REQUEST**

1. After the Chair opens the meeting the Members who asked for the decision to be called in will be asked to explain their reasons for the request and what they feel should be reviewed
2. On matters of particular relevance to a particular Ward Members who are not signatories to a Call-In have the opportunity to make comments on the Call-In at the meeting, such speeches not to exceed five minutes each. Ward Members will take no further part in the discussion or vote. Ward Members must register their request to speak by contacting the Monitoring Officer by 12 noon on the day prior to the relevant hearing;
3. The decision-maker and any relevant Portfolio Holder(s) will then be invited to make any comments;
4. The relevant Head of Service or their representative will advise the Overview & Scrutiny Members on the background and context of the decision and its importance to achieving Service priorities;
5. The Scrutiny Members will ask questions of the Members and Officers in attendance
6. The decision-maker and any relevant Portfolio Holder(s) will be invited to make any final comments on the matter.
7. The Overview & Scrutiny Committee, after considering the evidence presented to the meeting, will make one of the following decisions:
 - a) to take no further action, in which case the decision will take effect immediately;
 - b) refer the decision back to the decision-maker for reconsideration, setting out the nature of the Committee's concerns; the decision-maker must then re-consider the matter within a further 10 working days, taking into account the concerns of the Overview & Scrutiny Committee, before making a final decision;
 - c) to refer the matter to full Council for its views.
8. If, following a request for Call-In, the Overview & Scrutiny Committee does not meet as set out above, or does meet but having decided to refer the decision fails to do so, the decision will take effect on the date upon which the Overview and Scrutiny Committee meeting should have taken place, or the expiry of that further 7 working day period during which the decision should have been referred.

If the matter is referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no place to make decisions in respect of a Cabinet decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-maker, together with the Council's views on the decision. That decision-maker shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet or a Committee a meeting will be convened to reconsider the decision within 10 working days of the Council's request. Where the decision was made by an individual, the individual will reconsider the decision within 10 working days of the Council's request.

9. If the Council objects to the decision but does not refer the decision back to the decision-maker, the decision will become effective on the date of the Council meeting at which the Council considered and referred the decision.
10. If a decision is referred to the Council and the Council fails to meet for the purpose of considering the decision, the decision will take effect on the expiry of the period during which the Council meeting should have been held.

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