

OVERVIEW AND SCRUTINY COMMITTEE

THURSDAY, 21 DECEMBER 2023

Present: Councillor S Webb (in the Chair)

Councillors: E Williamson (Vice-Chair)
K Harlow
H Land
R D MacRae
J M Owen
A W G A Stockwell
C M Tideswell
K Woodhead
R Bullock (Substitute)
R S Falvey (Substitute)
S P Jeremiah (Substitute)
H L Crosby

In the absence of the Chair, Councillor S Webb was voted as Chair for the meeting.

26.APOLOGIES

Apologies for absence were received from Councillors S Dannheimer, W Mee and E Winfield.

27.DECLARATIONS OF INTEREST

Councillor H Land declared a non-registerable interest in item 3 as she has a membership with Liberty Leisure, minute number 28 refers.

28.CONSIDERATION OF CALL - IN - KIMBERLEY SCHOOL LEISURE CENTRE

Discussion took place on roles of Members who had called-in the item and whether they were predetermined and therefore could not act as substitutes. It was agreed by the Members concerned that they would speak solely as Members who had called the item in, rather than as members or substitutes on the Committee.

Further discussion ensued regarding the need for the meeting to include information that could only be discussed with the exemption of public and press. It was agreed by Members that the meeting would adjourn for fifteen minutes in order to consider discussion on the items in open session.

On resumption of the meeting Members considered the public interest factors and agreed that although Constitution did not set out timelines for adjourned call-in meetings, the Committee would be acting in good faith and in the interest of the residents of the Borough by adjourning the meeting to allow for increased transparency.

It was proposed by Councillor H Land and seconded by Councillor R S Falvey that the meeting be adjourned until the next suitable date to allow for officers to consider which information could be disclosed in order for the resumption of the meeting to be open to members of the public. On being put to the vote, the proposal was carried. Following the vote, Members expressed the request for it to be noted that all Members had voted for the adjournment.

The meeting resumed on the next possible date which was 19 January 2024.

Following the adjournment, Kimberley School had agreed that the amount of financial assistance requested by the Council could be made available to the public. Furthermore, a redaction of the information provided by the Council's Human Resources Manager, enabled the report to be published and members of the public to attend the reconvened meeting.

At the reconvened meeting apologies were received from Councillor H Land and Members were asked to restate their declarations of interest, upon which there were no declarations apart from the statement from Councillor J M Owen who stated that she was not predetermined and could consider the subject matter with an open mind.

Councillors P J Owen, L A Ball, G S Hills and M Brown spoke as Members who had requested the call-in.

Statements included concerns around information that could not be published and the lack of transparency which was of detriment to the residents. It was suggested that the Equality Impact Assessments were incomplete and there had been a lack of consultation with local residents and users of the swimming pool. It was further suggested that the Swimming Club should be supported by all the parties involved.

A ten-minute adjournment was agreed to allow for Councillor G S Hills to consider the report. Following the adjournment, it was stated that further time would have been of value to the School's pupils and more consideration could have been given to different ways of dealing with the School.

Councillors A Cooper and W Mee spoke as Ward Members for the area concerned. Statements included a rebuttal that Kimberley Councillors had done nothing to assist with the situation, there had been a dialogue that had been instigated by the Ward Members following their election in May 2023. The wider national picture had to be recognised that over 1,000 swimming pools had closed since 2010. The potential loss of the centre would be a blow to the area, but there was a huge risk to the Council that the finances could run into millions of pounds. More pressure should be put on the MP as the Levelling Up money was ring fenced. It was hoped that the Town would host a state of the art facility in the future and residents were encouraged to contact local Councillors.

Councillors M Radulovic MBE and C Carr spoke as the decision maker and relevant Portfolio Holder.

It was stated that the request to hold the meeting in public had come from the Leader of the Council in order to maintain transparency around the subject. It was further stated that more time could not be spent on consideration as the School had issued a break notice to the Council. The Council had been seriously affected by lack of

funding by central government and a number of opportunities had been sought to work with the School, although the education trust had not been responsive.

Mr Zulfiqar Darr, the Council's Deputy Chief Executive, spoke as the relevant Officer responsible for the service area.

It was stated that there had been communication with the School but the substantial deficits could not be avoided. A working group would be formed to consider leisure provision in the Borough.

The Overview and Scrutiny Committee considered the statements and asked questions of the relevant Members. It was queried whether further information should have been made available to the Committee around the break clause.

Councillors M Radulovic MBE and C Carr were invited to sum up as the decision maker and relevant Portfolio Holder.

It was stated that the Council was not responsible for closing the swimming pool and everything was behind done to avoid this. The responsibility resides with East Midlands Educational Trust.

The Committee considered the options following the conclusion of the debate. It was proposed by Councillor A G W A Stockwell and seconded by Councillor J M Owen that the matter be referred to full Council for its views. On being put to the meeting, the proposal was defeated.

Following the vote, it was proposed by Councillor R S Falvey and seconded by Councillor S Jeremiah that the Committee take no further action, in which case the decision would take place immediately.

On being put to the meeting, the proposal was carried.

RESOLVED that the Committee take no further action, resulting in the decision from Cabinet as follows taking place immediately:

- 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.**