



Environment and
Services Scrutiny
Committee

28 October 2016

10.00 am

Item

Public

**MINUTES OF THE ENVIRONMENT AND SERVICES SCRUTINY COMMITTEE
MEETING HELD ON 28 OCTOBER 2016
10.00 AM - 12.35 PM**

Responsible Officer: Tim Ward

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Present

Councillor Vince Hunt (Chairman)

Councillors Ted Clarke, Nigel Hartin, Roger Hughes, Christian Lea, Tim Barker (Substitute) (substitute for Dean Carroll), Gerald Dakin (Substitute) (substitute for Arthur Walpole), Jean Jones (Substitute) (substitute for Pamela Moseley), Roger Evans (Substitute) (substitute for Vivienne Parry) and Nicholas Bardsley (Substitute) (substitute for Keith Roberts)

31 Apologies for absence and substitutions

31.1 Apologies for absence were received from Councillor Dean Carol (Substitute Councillor Tim Barker), Councillor Pam Moseley (Substitute: Councillor Jean Jones), Councillor Viv Parry (Substitute: Councillor Roger Evans), Councillor Keith Roberts (Substitute: Councillor Nick Bardsley) and Councillor Arthur Walpole (Substitute: Councillor Gerald Dakin)

32 Disclosable Pecuniary Interests

32.1 Councillor Moseley, having declared an interest as a member of Shrewsbury Town Council, took no part in the meeting.

33 Public Question Time

33.1 There were no questions from members of the public

34 Member Question Time

34.1 The following question had been received from Councillor Roger Evans

Since it became clear that Shropshire Council's financial position implied that many services were now at risk, the Council's Administration has stated that it is seeking partnership with local organisations and Parish Councils to help find a way of

continuing services such as leisure facilities, libraries and museums. This approach has been much publicised and indeed used in several places already. On the one occasion when the Council made an unpopular decision without proper consultation with local interests, it was taken to judicial review, where the judgment found against the Council with costs.

Why then in the case of the swimming provision for Shrewsbury is the Administration hell-bent on ignoring its own consultation, which found that 68% of responders wanted the Pool to remain in the town centre? Why is it also ignoring the opinion of the Business Improvement District, an organisation which the Administration usually treats with considerable respect and which indeed is now mainly involved in the evolution of the Shrewsbury Vision? And why is it ignoring the wishes of Shrewsbury Town Council, which unanimously expressed its preference for a town centre location?

Why is it operating an adversarial model which places all the above (the popular will, the business interest and the local Council) in OPPOSITION to its preferred site? Why, instead of using Council resources and expertise to assist in finding a mutually acceptable solution, is it challenging all other parties to "come up with something better", and channelling its own resources into a single opposing business case? Why is it that any other organisation which finds the time, resources and expertise to put forward an alternative case, is to be met after 12 months' work by the Administration, with a vested interest in its own option, acting as Judge and Jury?

Response

Shropshire Council is not ignoring the outcomes of the public consultation and the opinion of the Shrewsbury BID and Shrewsbury Town Council. Quite the opposite, it is providing an opportunity for considered business cases to be developed by interested organisations that provide for a long term sustainable solution to swimming provision in Shrewsbury. To avoid the possibility of unnecessary and potentially expensive work being carried out by interested organisations in the development of incomplete business cases, the Council is suggesting an interim stage and is providing the opportunity to give early feedback and guidance.

Shropshire Council has previously commissioned and presented a range of detailed work that supports its recommendation that the preferred location for further swimming provision is at the Shrewsbury Sports Village. This recommendation is supported by a detailed evaluation against three questions: (1) Which options are deliverable and are the most affordable and sustainable; (2) Which options best meet the Council's vision and strategy for swimming provision; and (3) What are the social, environmental and economic impact and implications of the different options? However, rather than proceed to implement this approach it wants to provide other interested organisations with the opportunity to develop alternative proposals that better meet their aspirations for future pool provision.

The Council recognises that the process for the submission and evaluation of business cases must be open, fair and transparent, and this is described within the Terms of Reference. Part 4 of the Terms of Reference sets out details of the client

and project development team and states that “the client team will evaluate business cases provided by external organisations and the Council in an equal manner and using a similar methodology”.

35 Call In of Cabinet Decision - Improved Swimming Facilities for Shrewsbury

- 35.1 A report setting out the call in of the Cabinet decision regarding improved swimming facilities for Shrewsbury had been circulated.
- 35.2 The Legal Services Manager reminded Members that, if having considered the decision, the Committee was still concerned about it then they could refer it back to Cabinet for reconsideration, setting out in writing the nature of its concerns or refer the matter to Council. However if the Scrutiny Committee did not refer the matter back to Cabinet or Council, the decision would take effect on the closing of the Scrutiny Committee meeting.
- 35.3 The Director of Place and Enterprise tabled a paper (copy attached to signed minutes) which gave a response to each of the points raised in the call in. A Member expressed disappointment that the document had not been circulated prior to the meeting and asked for time to consider the information contained in the paper. It was agreed that the meeting would be adjourned to enable Members to consider the paper.

The meeting adjourned at 10.10am

The meeting resumed at 10.30am

- 35.4 A Member queried the need for the Council to have identified a preferred option for the siting of the swimming facility at this stage of the process given that a period of 12 months had been given for the receipt of other business cases. The Director of Place and Enterprise stated that it was necessary in the interests of fairness in order that all business cases were considered on an equitable basis.
- 35.5 In response to the point made regarding the refurbishment bid for the Quarry Pool not being excluded on the basis of location, or the number, size and configuration of its pools, the Director of Place and Enterprise stated that technically this was correct. In addition all business cases would need to show how they contributed to both future demands for swimming in the town and the Indoor Leisure Strategy, once it was confirmed, and that all business cases would be evaluated in accordance with the process and methodology set out in the Terms of Reference.
- 35.6 Several Members expressed concern that the Scrutiny Committee would not receive a report on the outcomes of the evaluation of all submitted business cases prior to a report being taken to Cabinet. The Director of Place and Enterprise informed Members that the statutory procurement regime and the Council's Constitution set out the framework to be followed within a procurement process and that it would be inappropriate for scrutiny to become involved in the process prior to the Officers' recommendation to Cabinet.
- 35.7 In response to a question regarding whether an organisation could take over the running of the site whilst leaving responsibility for the maintenance of the site with

Shropshire Council, the Director of Place and Enterprise stated that technically this was possible but that the financial viability of the proposal would need to be considered as part of the overall consideration of the business case.

- 35.8 In response to a query regarding the criteria for the evaluation of the business cases the Director of Place and Enterprise agreed to add some points of clarification to the web site to aid applicants in the development of their business cases.
- 35.9 It was proposed by Mr Evans and seconded by Mr Hartin that the decision be referred back to Cabinet stating the concerns set out in the call in notice. The proposal was lost 4 votes in favour and six votes against.
- 35.10 Mr Evans asked that a minority report be taken to Cabinet. The Legal Services Manager informed him that under the terms of the Constitution this would not be possible.
- 35.11 Mr Evans asked that consideration be given to the setting up of a Task and Finish Group to look at the subject of swimming provision.

36 Date/Time of next meeting

- 36.1 Members were reminded that the next scheduled meeting of the Committee would be held on 28 November 2016 at 2.00pm.