

Item No: 1	Classification: Open	Date: March 12 2007	Meeting Name: Overview & Scrutiny Committee
Report Title:		Call-in: Leisure Centre Investment Strategy (Executive February 13 2007)	
Ward(s) or Group affected:		All	
From:		Head of Overview & Scrutiny	

RECOMMENDATION

1. That overview & scrutiny committee considers a call-in request relating to the decision taken by the Executive on February 13 2007 in respect of the Leisure Centre Investment Strategy.

BACKGROUND INFORMATION

2. On February 13 2007 the executive considered a report on the Leisure Centre Investment Strategy (attached as an appendix). The executive agreed:
 1. That it be noted that the most affordable option for funding major investment in leisure given the Council's ongoing revenue pressures and constraints, is by way of the Council's own capital resources.
 2. That it be noted that the regeneration programmes for Canada Water and Elephant and Castle have the potential to provide state of the art leisure centres in these locations in the medium term.
 3. That it be noted there is commitment, enthusiasm and vision for a community hub in Camberwell and potential to develop the leisure centre building as a facility which brings a range of services including leisure facilities under one roof.
 4. That a £12.3 million phased refurbishment programme for the Council's leisure centres be agreed to be included in the capital programme to be agreed by Council on 21st February 2007.
 5. That the investment programme be phased to take maximum advantage of the potential for the Council's regeneration programmes to provide new facilities in the long term and allow for exploration of the feasibility of the community hub option at Camberwell.
 6. That the first phase of development focus on the refurbishment of Dulwich Leisure Centre and Surrey Docks Watersports Centre (at costs of £5.0 million and £2.3 million respectively) be agreed:

- Dulwich on the basis of there being no obvious regeneration opportunities in the area to develop a new centre and because it services a population in the south of the borough which would have no alternative centre if the existing centre were not refurbished and had to close. Given the current location and lack of competing facilities, Dulwich also has potential to attract and sustain a greater number of new customers.
 - Surrey Docks Watersports Centre on the basis that it is a unique facility for training in sailing, canoeing and other watersports in South London. Through refurbishment, it has the potential to move from a deficit to a breakeven position and ultimately make a modest surplus for reinvestment in the facility and to subsidise the cost of watersports training.
7. That an additional £5.0 million be included in the Council's refreshed Capital Programme to fund investment in the Camberwell, Elephant and Castle and Seven Islands leisure centres and for Southwark Park whilst detailed longer-term regeneration plans are worked up.
 8. That a small amount of capital be set aside within this capital budget to ensure that Peckham Pulse keeps operating as the high quality flagship centre.
 9. That officers engage with local stakeholders to explore all options for a Community Hub in Camberwell at the Camberwell Leisure Centre site. The objective being to create a facility which is vibrant and attracts a large number of visitors by providing a range of services from under one roof and which also acts as a focus for regeneration of the area.
 10. That more detailed proposals for the provision of new leisure facilities as part of the Elephant & Castle and Canada Water regeneration schemes be developed as part of the wider regeneration proposals and submitted to the executive at a later date through the new major projects board.
 11. The options be further explored for re-provision/refurbishment and funding Camberwell Leisure Centre by working with community stakeholders and the market and proposals submitted to the executive by September 2007 taking into account any reconfiguration of leisure centre provision that might arise from the further work on leisure centres in regeneration schemes.
 12. That in the light of recommendation 1, the process of negotiating investment in the leisure centres by Fusion in return for a 25-year contract be ended.
 13. That an evaluation of the arrangements for future management of the leisure centres be undertaken and that the findings of such evaluation are reported to the executive in March 2007.
 14. That the sum of up to £600K be set aside within the capital budget being approved towards the refurbishment of Southwark Park Sports Complex pending exploration of partnership and match funding options.

15. That the director of environment and housing provide a report back on progress with regard the Camberwell Leisure Centre in 6 months.
3. On February 20 2007 the Chair of Overview & Scrutiny Committee - Councillor Fiona Colley - and four members of the Committee (Councillors Barrie Hargrove, Tim McNally, Dominic Thorncroft and John Friary) requested call-in of the decisions on the following grounds:

“Due consultation and the taking of professional advice from Officers

4. Since 2002, officers from LB Southwark have been working with Fusion to organise a funding/lease package to provide investment for the leisure centres in Southwark including Camberwell.
5. The community in Camberwell has spent this time working with officers and Fusion to scrutinise (in so far as possible) the process to ensure that the planned investment strategy for Camberwell would meet with their needs.
6. As recently as December 2006, local councillors and others were given the impression that the strategy with Fusion would go ahead, and that as Camberwell is most in need of investment, significant funds from this arrangement would be ear marked for Camberwell.
7. However, leading campaigners for the Leisure centre were not officially informed that this work had been abandoned, nor were local councillors, before this investment strategy was published prior to the executive meeting on 13 February 2007.
8. This lack of consultation with the community is inappropriate given the seriousness of the decision for the community in Camberwell.

Presumption in favour of openness

9. In making the decision, the executive has shown a lack of openness in two regards
- Paucity of communication and consultation with local councillors and key community groups when making a huge change about the direction of the council's plans for Camberwell Leisure Centre
 - Making the decision based on market research and a business case for investment that has not been made public, and is unsubstantiated by fact in the report to executive on 13 February 2007”

KEY ISSUES FOR CONSIDERATION

10. Requests for call-in should normally only be made if there is evidence that the decision was not taken in accordance with the principles of decision making as set out in the Constitution:
- Proportionality (i.e. the action must be proportionate to the outcome);

- Due consultation and the taking of professional advice from Officers;
- Respect for human rights;
- Presumption in favour of openness;
- Clarity of aims and desired outcomes;
- The link between strategy and implementation must be maintained;

Decision-making generally should have reference to the policy framework and be in accordance with the budget.

11. The Overview and Scrutiny Procedure Rules require the Committee to consider any call-in request and in particular whether or not the decision might be contrary to the policy framework or not wholly in accordance with the budget. Advice should be sought from appropriate Chief Officers including the Monitoring Officer and the Chief Finance Officer.
12. If, having considered the decision and all relevant advice, the Overview & Scrutiny Committee is still concerned about it, then it may either:
 - refer it back to the decision-making body *[or officer to whom responsibility for that decision was delegated]* for reconsideration, setting out in writing the nature of its concerns; or
 - refer the matter to Council Assembly if the decision is deemed to be outside the policy and budget framework.
13. The Executive Member with relevant portfolio responsibilities has been advised of this meeting.

LEGAL & FINANCIAL IMPLICATIONS

14. Rule 18.6 of the Overview and Scrutiny Procedure Rules requires a call-in to be requested by the Chair or Vice-Chair of the Overview and Scrutiny Committee plus three members of the Committee; the call-in request has been validly made in accordance with this rule.

BACKGROUND DOCUMENTS

Background Papers	Held at	Contact
Executive – Agenda & minutes	Town Hall, Peckham Road, London SE5 8UB	Paula Thornton Constitutional Team 020 7525 4395

Audit Trail

Lead Officer	Shelley Burke, Head of Overview & Scrutiny	
Report Author	Peter Roberts, Scrutiny Project Manager	
Version	Final	
Dated	02/03/2007	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes	-
Executive Member	No	