

<b>REPORT TO:</b>		Cabinet	
<b>DATE:</b>		07 December 2022	
<b>REPORT OF:</b>		Cllr Patrick McGinley, Chair of the Resources Overview and Scrutiny Committee	
<b>REPORT AUTHOR:</b>		Ben Caulfield, Policy and Scrutiny Officer	
<b>TITLE OF REPORT:</b>		Outcome of the Call-In of the Cabinet Decision – Leisure Transformation Project: Consultant Appointment	
<b>EXEMPT REPORT (Local Government Act 1972, Schedule 12A)</b>	<b>No</b>	Not applicable	
<b>KEY DECISION:</b>	<b>No</b>	If yes, date of publication:	

## 1. Purpose of Report

- 1.1 To inform Cabinet of the outcome of the Call-In of the following Cabinet Decision, made by Cabinet on 21<sup>st</sup> September 2022 and considered by the Resources Overview and Scrutiny Committee on 20<sup>th</sup> October 2022:

**“Agrees to appoint Hyndburn Leisure to provide consultancy services and advice to the Council in respect of the Leisure Transformation Project and associated projects (such as the UK Shared Prosperity Fund and the proposed Arts and Cultural Investment Board) on the terms set out in the report;**

**Agrees to waive the Council’s Contract Procedure Rules in respect of the proposed appointment for the reasons set out in the report; and**

**Delegates authority to the Executive Director (Legal & Democratic Services) to prepare and settle the terms of the deed of appointment of Hyndburn Leisure in respect of the above.”**

## **2. Recommendations**

- 2.1 Cabinet notes that, after consideration of the call-in relating to the decision outlined in paragraph 1.1, The Resources Overview and Scrutiny Committee release the Cabinet decision in full for implementation.**

## **3. Reasons for Recommendations and Background**

- 3.1 At its meeting on 21<sup>st</sup> September 2022, Cabinet considered the following item “Leisure Transformation Project: Consultant Appointment. Cabinet made the decision outlined in paragraph 1.1 of this report.
- 3.2 In accordance with the Call-In procedure for Cabinet decisions, the procedure was activated on 7<sup>th</sup> October 2022 by two members of the Resources Overview and Scrutiny Committee. The Call-In was sponsored by Councillor Scott Brerton. Several reasons were given for the Call-In. Full details are provided in the Call-In Form, which was included with the agenda for the Resources Overview and Scrutiny Committee on 20<sup>th</sup> October along with the minutes of that meeting. They can be found here <https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=132&MId=2727&Ver=4>
- 3.3 Councillor Scott Brerton presented the reasons for the Call-In to the Committee. Councillor Miles Parkinson presented the reasons for the original decision, and responded to the points made on the Call-In.
- 3.4 Committee members submitted questions, with responses provided by Councillors Miles Parkinson, Marlene Haworth and the Deputy Chief Executive.
- 3.5 As part of the summing up process, outlined in the Council’s call-in procedure, Cllr Scott Brerton recommended:
- “To refer the decision back to Cabinet for reconsideration, based on the reasons outlined in the call-in form”
- 3.6 The recommendation was seconded by Cllr Bernard Dawson. The recommendation received only 2 votes, with 7 votes against.
- 3.7 Therefore the Chair recommended that having considered all the information provided to the committee, to release the Cabinet decision in full for implementation. The recommendation was seconded by Cllr Paddy Short and received 7 votes in favour.

## **4. Alternative Options considered and Reasons for Rejection**

- 4.1 The Council’s Call-In procedure gives Scrutiny Committee’s three options when dealing with a Call-In decision:

To release the Cabinet decision in full for implementation;

To release the Cabinet decision in part for implementation, and refer the outstanding part of the decision back to the decision making body for reconsideration, setting out in writing the nature of its concerns; or

To refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. The decision maker shall then reconsider amending the decision or not, before adopting a final decision.

## 5. **Consultations**

5.1 None

## 6. **Implications**

<b>Financial implications (including any future financial commitments for the Council)</b>	None arising from this report
<b>Legal and human rights implications</b>	The Council's rules for consideration of a call-in, reflected in the Council's Constitution (Part 4C) where observed.
<b>Assessment of risk</b>	Not applicable to this report
<b>Equality and diversity implications</b> <i>A <a href="#">Customer First Analysis</a> should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	Not applicable to this report

## 7. **Local Government (Access to Information) Act 1985: List of Background Papers**

7.1 *Agenda, reports and minutes of the Resources Overview and Scrutiny Committee on 20<sup>th</sup> October 2022*  
<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=132&MId=2727&Ver=4>

7.2 *Agenda, reports and minutes of Cabinet on 21<sup>st</sup> September 2022*  
<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2748&Ver=4>

***If the report is public, insert the following paragraph. If the report is exempt, contact Member Services for advice.***

**8. Freedom of Information**

- 8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.