

REPORT TO:		Cabinet	
DATE:		21 June 2023	
REPORT OF:		Cllr Paddy Short, Chair of the Resources Overview and Scrutiny Committee	
REPORT AUTHOR:		Ben Caulfield, Policy and Scrutiny Officer	
TITLE OF REPORT:		Outcome of the Call-In of the Cabinet Decision – Hyndburn Leisure Transformation – Investing in the Health of Hyndburn	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	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 22nd March 2023 and considered by the Resources Overview and Scrutiny Committee on 18th April 2023:

“That Cabinet:

Agrees to replace the current Mercer Hall Leisure Facility and Wilson Pavilion with a new facility at Wilson Playing Fields, as detailed in paragraph 4.5 and supported by the Site Options Analysis Study;

And;

Agrees to progress feasibility work to repurpose Mercer Hall, to ensure that it remains a community asset.”

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 released the Cabinet decision in full for implementation.**

3. Reasons for Recommendations and Background

- 3.1 At its meeting on 22nd March 2023, Cabinet considered the following item “Hyndburn Leisure Transformation – Investing in the Health of Hyndburn”. 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 31st March 2023 by two members of the Resources Overview and Scrutiny Committee. The Call-In was sponsored by Councillor Colin McKenzie. 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 18th April along with the minutes of that meeting. They can be found here <https://democracy.hyndburnbc.gov.uk/ie/ListDocuments.aspx?CId=132&MId=2779&Ver=4> or in the appendix.
- 3.3 Councillor Colin McKenzie presented the reasons for the Call-In to the Committee. Councillor Marlene Haworth 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 Marlene Haworth and Miles Parkinson, Chief Executive of Hyndburn Leisure, Executive Director (Legal) and Executive Director (Resources).
- 3.5 As part of the summing up process, outlined in the Council’s call-in procedure, Cllr Colin McKenzie recommended:
“To refer the decision back to Cabinet for reconsideration, based on the reasons outlined in the call-in form and discussed in today’s meeting”
- 3.6 The recommendation was seconded by Cllr Bernard Dawson. The recommendation received 2 votes, with 5 votes against and 2 abstentions.
- 3.7 Councillor Danny Cassidy then recommended, having considered all the information provided, that the Committee release the Cabinet decision in full for implementation. The recommendation was seconded by Cllr Paddy Short and received 5 votes in favour, 2 votes against and 2 abstentions and was therefore carried.

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**

Financial implications (including any future financial commitments for the Council)	None arising from this report
Legal and human rights implications	The Council's rules for consideration of a call-in, reflected in the Council's Constitution (Part 4C) where observed.
Assessment of risk	Not applicable to this report
Equality and diversity implications <i>A Customer First Analysis 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 18th April 2022*

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=132&MId=2779&Ver=4>

7.2 *Agenda, reports and minutes of Cabinet on 22nd March 2023*

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2701&Ver=4>

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.