



Overview and Scrutiny Committee Agenda

Wyre Borough Council
Date of Publication: 7 December 2020
Please ask for: Emma Keany
Democratic Services Officer
Email: emma.keany@wyre.gov.uk

Overview and Scrutiny Committee meeting on Tuesday, 15 December 2020 at 6.00 pm via WebEx.

Members of the public will be able to view the meeting via the Council's YouTube page (<https://www.youtube.com/WyreCouncil>).

1. Apologies for absence
2. Declarations of interest

To receive any declarations of interest from any councillor on any item on this agenda.

3. **Additional contract variation for Fylde Coast YMCA to facilitate the recovery of leisure centre provision- call-in**

The committee will consider the following decision made on 25 November 2020:

CAB.10 Decision:

"Cabinet approved an additional subsidy of £340,165 in 2020/21 for Fylde Coast YMCA to enable the reopening of fitness gyms and classes at Thornton and Garstang leisure centres and the reopening of Garstang pool to trial public appetite for a return to swimming once COVID-19 restrictions were lifted. Fleetwood and Poulton leisure centres were to be kept under monthly review with a view to reopening and would be reopened as soon as it was viable to do so.

Cabinet also approved the undertaking of a procurement exercise at a cost of £30,000 to bring in external support to help with the development of a longer term strategy for sustainable leisure provision in Wyre and delegated authority for this commission to the Corporate Director Communities"

The following documents are made available for the committee's consideration:

- (a) Call-in request form (Pages 3 - 6)
- (b) Minutes of the Cabinet meeting where the decision was taken, published on 25 November 2020 (Pages 7 - 10)
- (c) The report from the Cabinet agenda, published 17 November 2020 (Pages 11 - 16)
- (d) Wyre Borough Council Constitution- Rules of Procedure - Part 4.05/5 & 4.05/6 (Overview and Scrutiny Procedure Rules) (Pages 17 - 18)



'CALL-IN' REQUEST

Please complete this form to register a request for a decision of the Executive to be 'called in' for consideration by the Overview and Scrutiny Committee, in accordance with the Council's Constitution (Part 4.05 - *Overview and Scrutiny Procedure Rules* – paragraph 13).

Contact details

Name: Lorraine Beavers
Address: 27 Lindel Road, Fleetwood
Daytime telephone number: 07876388864
Email address: lorraine.beavers@wyre.gov.uk
Date call-in sent: 30 November 2020

Details of the decision to be called-in

Decision title: Additional contract variation for Fylde Coast YMCA to facilitate the recovery of leisure centre provision

Decision reference number: CAB.10

Date the decision was taken: 25 November 2020

Reasons for call-in and issues to be considered

(This will assist officers to ensure that the relevant issues are addressed during the Overview and Scrutiny Committee's consideration of the decision. Please use an additional sheet if necessary.)

1 Reasons for call-in (please give details):

- The decision by Cabinet did not properly consider all available options
- The recommended option that was approved by Cabinet was based on unsound information (para 4.2 of the Cabinet report refers).
- The decision by Cabinet was based on an incorrect assumption "that all residents will be able to access facilities within a reasonable travel distance".
- It's unclear whether the projected costs for 2021/22 were or weren't considered.
- It's unclear how reliable the 2021/22 projections are and also unclear how Wyre are expecting to meet those costs.

2 What issues would you like the Overview and Scrutiny Committee to consider? (please list):

2.1 Determine whether options other than those at para 5.2 of the Cabinet report should have been formally considered and documented in the report, eg. the option to re-open Fleetwood Pool instead of, or as well as, Garstang.

2.2 Using the information below, determine whether the statistics presented at para 4.2 of the Cabinet report were sound enough to make the decision that was actually taken.

Note: Because of what was presented (see below), the reader of the Cabinet Report is not comparing like with like, with the result that this unfairly favours Thornton and Garstang. Despite bringing these issues to the attention of Cabinet at its meeting on 25 November, there was no attempt to address these concerns, with the lack of soundness issue simply ignored:-

- The figures from all the centres and pool need to be levelled by taking into account:-
 - Thornton and Garstang reopening before Fleetwood and Poulton LC (dry side only)
 - adhoc closures, eg. Due to boiler problems
- Fleetwood and Poulton Leisure Centres are heavily dependent on their swimming pool offer, yet the significantly adverse impact on usage figures, caused by the pools being closed, has not been qualified in the text accompanying the data.
- In the report, Garstang LC and Garstang Pool are treated as separate entities, yet for Poulton and Fleetwood, the same isn't true. An argument was made based on the usage of Garstang LC compared to Poulton and Fleetwood, but that argument was not valid because the Garstang Pool figures (zero) were not incorporated with the LC, to put it on the same basis as Poulton and Fleetwood. Percentage comparisons should have been provided, and in this case the usage percentage for Garstang should have reflected the position for the LC and the pool (in line with Poulton and Fleetwood).
- No attempt has been made to document or even recognise the reasons for the lower usage figures at Poulton and Fleetwood, ie Thornton's Leisure Centre has a superior offering.

2.3 Determine what is a reasonable travel distance and whether or not the population of Wyre is best served by this decision in terms of pool provision:-

- Step 1 - determine what is a reasonable travel distance / time
- Step 2 – determine what percentage of the population could be reasonably served by the various options (based on step 1)

2.4 Factoring in the Committee's findings on para 2.3, determine whether or not the swimming requirements of the National Curriculum are being met.

2.5 Determine whether the projected costs for 2021/22 were, or should have been, considered. Also determine how reliable the projections are and how Wyre intends to meet such a requirement.

3 What outcomes are you seeking to achieve by calling-in the decision and/or what alternative actions do you wish the decision maker(s) to take?

- Call In considered by Wyre’s Overview & Scrutiny Committee.
- Production of an updated report
 - with all options and their associated financial impact fully documented.
 - with an alternative and sound set of statistics with a covering explanation for usage differences, to stop unfair comparison.
 - inclusion of new data showing for each option, the percentage of the population realistically within a reasonable travel distance of facilities
- Reconsideration of the decision based on an updated report containing all options.

Would you like to make a statement or representation in respect of your objection at the meeting that considers the call-in?

Yes No

Name of objectors (please print)

- 1 Cllr Lorraine Beavers (spokesperson)
- 2 Cllr Cheryl Raynor
- 3 Cllr Craig Armstrong
- 4 Cllr Mary Stirzaker
- 5 Cllr Holly Swales

N.B Please note that any request to call-in a decision must be supported by at least four individual members of the council.

If you wish to refer to any documents (apart from the Portfolio Holder/Cabinet report and the Cabinet Minute/Portfolio Holder Decision Notice) when the call-in is considered by the Overview and Scrutiny Committee you should, where possible, submit any such document(s) to the Democratic Services Team before the day of the meeting.

Please email this completed form to Roy.Saunders@wyre.gov.uk. Alternatively, you can return the form to the Democratic Services and Scrutiny Manager, Civic Centre, Breck Road, Poulton-le-Fylde, Lancashire, FY6 7PU.

If you have any queries or difficulties regarding completion of the form,
please contact the Scrutiny Officer on 01253 887606 or 887481.

For internal use only

Date request received:

Date committee meeting called:

Date of meeting:

Signature of the 'Proper Officer':



Cabinet Minutes

The minutes of the Cabinet meeting of Wyre Borough Council held on Wednesday, 25 November 2020 - Remote Access via WebEx.

Cabinet members present:

Councillor David Henderson, Leader of the Council
Councillor Alan Vincent, Deputy Leader and Resources Portfolio Holder
Councillor Roger Berry, Neighbourhood Services and Community Safety Portfolio Holder
Councillor Lynne Bowen, Leisure, Health and Community Engagement Portfolio Holder
Councillor Simon Bridge JP, Street Scene, Parks and Open Spaces Portfolio Holder
Councillor Michael Vincent, Planning and Economic Development Portfolio Holder

Apologies for absence:

None

Other councillors present:

Councillor(s) Armstrong, Lady D Atkins, Ballard, Fail, Le Marinel, Moon, O'Neill, Raynor, Swales, Stirzaker, Webster and Williams

Officers present:

Garry Payne, Chief Executive
Mark Billington, Corporate Director Environment
Marianne Hesketh, Corporate Director Communities
Clare James, Corporate Director Resources and Section 151 Officer
Duncan Jowitt, Democratic Services Officer
Emma Keany, Democratic Services Officer
Peter Foulsham, Democratic Services and Scrutiny Manager
Marianne Unwin, Assistant Democratic Services Officer
Steve Simpson, Head of ICT

No members of the public or press attended the meeting.

CAB.7 Apologies for absence

None.

CAB.8 Declarations of interest

None.

CAB.9 Confirmation of minutes

The minutes of the Cabinet meeting of 18 November 2020 were approved as a correct record.

CAB.10 Additional contract variation for Fylde Coast YMCA to facilitate the recovery of leisure centre provision

The Corporate Director Communities submitted a report asking Cabinet to approve a further contract variation with the Fylde Coast YMCA by way of additional funding of £340,165 in 2020/21 in order to ensure that they could continue to provide a leisure service provision in Wyre. This was additional to the £636,345 for Fylde Coast YMCA agreed previously.

Six non-executive councillors (Cllrs Beavers, Fail, Le Marinel, Raynor, Swales and Webster) and the six members of the Executive addressed the meeting in relation to the recommendations contained in the report.

Decision

Cabinet approved an additional subsidy of £340,165 in 2020/21 for Fylde Coast YMCA to enable the reopening of fitness gyms and classes at Thornton and Garstang leisure centres and the reopening of Garstang pool to trial public appetite for a return to swimming once COVID-19 restrictions were lifted. Fleetwood and Poulton leisure centres were to be kept under monthly review with a view to reopening and would be reopened as soon as it was viable to do so.

Cabinet also approved the undertaking of a procurement exercise at a cost of £30,000 to bring in external support to help with the development of a longer term strategy for sustainable leisure provision in Wyre and delegated authority for this commission to the Corporate Director Communities.

See subsequent **Call-in of Cabinet Decision** below.

The meeting started at 5.05 pm and finished at 5.44 pm.

Date of Publication of minutes : 25 November 2020

Options considered but rejected

Any alternative options that were considered but rejected, in addition to the reasons for the recommendations that were made, are included in the full reports.

When will these decisions be implemented?

All decisions will be put into effect five working days from the date of publication, unless a decision is "called-in" by any four members of the council within that period (see below).

Call-in of Cabinet Decision

The Cabinet decision **Additional contract variation for Fylde Coast YMCA to facilitate the recovery of leisure centre provision** was subject to a call-in on 1 December 2020

Date of publication of call-in notice: 1 December 2020

A meeting of the Overview and Scrutiny Committee was convened on Tuesday 15 December 2020 to consider the call-in. The agenda will be published one week before the meeting

The Overview and Scrutiny procedure rules state that Cabinet will take a final decision, whether amending the decision or not, within five working days of the publishing of the minutes of the Overview and Scrutiny Committee meeting.

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Report of:	Meeting	Date
Councillor Lynne Bowen, Leisure, Health and Community Engagement Portfolio Holder and Marianne Hesketh, Corporate Director Communities	Cabinet	25 November 2020

Additional contract variation for Fylde Coast YMCA to facilitate the recovery of leisure centre provision

1. Purpose of report

1.1 To approve a further contract variation with the Fylde Coast YMCA by way of additional funding of £340,165 in 2020/21. This is in addition to the previously agreed £636,345 for Fylde Coast YMCA in order to ensure that they can continue to provide a leisure service provision in Wyre.

2. Outcomes

2.1 Supporting the sustainable economic recovery of leisure centre facilities within Wyre both during and following the COVID-19 pandemic.

2.2 Improving the health and wellbeing of our communities.

3. Recommendations

3.1 To approve an additional subsidy of £340,165 in 2020/21 for Fylde Coast YMCA to enable the reopening of fitness gyms and classes at Thornton and Garstang leisure centres and the reopening of Garstang pool to trial public appetite for a return to swimming, once COVID-19 restrictions are lifted. The reopening of Fleetwood and Poulton leisure centres to be kept under monthly review and to be reopened as soon as it is viable to do so.

3.2 To approve £30,000 to undertake a procurement exercise to bring in external support to help with the development of a longer term strategy for sustainable leisure provision in Wyre and to give delegated authority for this commission to the Corporate Director Communities.

4. Background

4.1 Whilst COVID-19 continues to have a profound impact on the operation of the leisure sector, the YMCA are and have for some time been operating in a very competitive market with private sector gyms, pools and the growth of on-line provision and this too has had an impact upon the financial performance. A contract variation was agreed under emergency powers on 10 July 2020. This report agreed an additional subsidy of £488,845 to Fylde Coast YMCA to facilitate the reopening of gyms and classes at Wyre's leisure centres in Fleetwood, Thornton, Poulton and Garstang. Thornton and Garstang leisure centres reopened on 25 July 2020 and Fleetwood and Poulton leisure centres reopened on 3 August 2020. The YMCA Bowl reopened on 15 August. All three swimming pools – Fleetwood, Poulton and Garstang have remained closed.

4.2 Unfortunately COVID-19 has significantly affected the usage of the leisure centres since they reopened. Income has been less than the 60% that was forecast by the YMCA and direct debit memberships have halved. The table below shows current paying members compared with the previous two years.

Paying members at end of the month	Sept-18	Sept-19	Sept-20
Fleetwood L.C.	2,207	1,818	862
Garstang L.C.	553	496	439
Garstang Pool	485	427	96
Poulton L.C.	1,816	1,710	810
Thornton L.C.	2,373	2,120	1,456
Total	7,434	6,571	3,663

A third of memberships are still frozen until January 2021 but there is no guarantee that these members will return.

The table below shows total usage figures.

	2017/18	2018/19	2019/20	2020/21
	Usage – Full Yr	Usage – Full Yr	(April – Feb only)	Usage (July-Sept only)
Fleetwood L.C.	240,046	238,503	192,754	6,081
Garstang L.C.	59,808	58,056	58,671	6,781
Garstang Pool	53,298	58,661	52,230	0
Poulton L.C.	138,189	158,803	128,753	7,446
Thornton L.C.	376,238	341,913	271,266	31,735
Your Move	0	36,523	61,188	0
TOTAL	867,579	892,459	764,862	52,043

4.3 The low usage of the centres and the further national restrictions during the period 5 November to 2 December 2020 has meant that the YMCA

will not be able to deliver the service within the additional agreed subsidy levels. Whilst the YMCA have sought to maximise the use of central government support such as the furlough scheme, this, coupled with the additional support from the council to date, is not sufficient to provide the service to the end of March 2021. £100m of government funding for leisure centres has been announced but no details on the application process or criteria have yet emerged. As such, an urgent decision is required on the funding position to the end of March 2021. Should the council be successful in obtaining external funding then this could be used to support and speed up the re-opening of any facilities that remain closed.

- 4.4** As was mentioned in the report approved on 10 July 2020, a key factor in the recovery of the leisure centres was the general public's appetite to return to the YMCA or begin new memberships in these unprecedented times. It was noted that if users did not return to the facilities then we may need to review the decision to re-open all four leisure centres. The council has been closely monitoring the situation and the position now needs to be reviewed urgently based on the weaker than expected financial performance of the centres and the impact of the second national lockdown. Proportionally usage at Fleetwood Leisure Centre has been far lower than expected. Thornton remains the busiest site by far. The Garstang and Poulton centres are both well-used though smaller in scale.

5. Key issues and proposals

- 5.1** The YMCA has provided a number of updated options that take into account the centres being closed until 2 December 2020. They have used a forecast 'worst case scenario' where all centres achieve only 40% of their target membership income and they have also assumed expenditure increases by a modest 2% per annum. Current income is below 50% of the target achieved in a typical year and so this assumption seems reasonable.
- 5.2** The table below sets out the options considered and the associated additional funding required over the next two years. This is on top of the £783,845 already committed in 2020/21 (£636,345) and 2021/22 (£147,500).

Option	2020/21 £	2021/22 £	Total £
1) All centres and all pools	367,885	1,031,040	1,398,925
2) Dry side only at all centres	364,775	733,080	1,097,855
3) Thornton and Garstang leisure centres and Garstang pool only	340,165	489,470	829,635
4) All permanently closed	379,930	1,360	381,290

- 5.3** The Government has confirmed an extension to the furlough scheme allowing time for a full and detailed evaluation of a range of options to be considered. Whilst the ideal position would be the re-opening of all centres, including pools, without a return to pre-covid levels of demand or the certainty of ongoing government funding it is not considered viable to open all facilities at this present time. The recommended short-term proposal is therefore to focus on two centres – one urban (Thornton) and one rural (Garstang) and to also reopen the swimming pool at Garstang costing a further £340,165 in 2020/21. Thornton Leisure Centre has the highest number of paying members and Garstang Leisure Centre has retained the highest proportion of its members since it reopened. Garstang Pool is Wyre's most cost effective pool based of size and scale and it will allow us to determine the public's appetite to return to swimming and that of schools returning to swimming lessons. Proactive marketing campaigns will be undertaken working with the YMCA to encourage more Wyre residents to make use of the available facilities. This short term proposal will ensure that we can continue to provide leisure services across the east and west of the borough whilst the pandemic runs its course. It will also provide the YMCA with a clear focus and reduce the financial risk to the council. It is advisable to reopen a limited number of facilities initially and build on any progress made in growing the demand over a period rather than return to full provision too quickly and simply split the same level of demand across more facilities.
- 5.4** In order to develop a longer term sustainable leisure service for Wyre, it is recommended that a procurement exercise is undertaken to bring in external support to help with the development of a longer term strategy. We need to ensure that Wyre's leisure centre facilities remain fit for purpose in the context of quality, capacity and demand. They also need to be affordable in terms of the authority's capital commitments and revenue contribution. It is proposed that the Corporate Director Communities be given delegated authority to commence this piece of work and to ensure that there is engagement with all key stakeholders.
- 5.5** The equality impact of the short term proposal to re-open Thornton and Garstang leisure centres and Garstang pool, whilst keeping Poulton and Fleetwood closed, has been reviewed and this has highlighted that there may be negative impacts on protected characteristic groups, namely those of disability and age. However, as stated in paragraph 4.1, a range of private leisure provision is available in both the urban and rural areas of the borough including pools. Given the situation and the available options the review concludes that the recommendations in this report appear to be the most appropriate way to achieve the financial viability and sustainability of Wyre's leisure facilities within the budgets identified, in the short term. In this short term, available facilities will not be as local for some residents as they were pre-covid but all residents will be able to access facilities within a reasonable travel distance.

Financial and legal implications	
Finance	<p>The further additional subsidy of £340,165 will be met from the Covid-19 emergency grant funding received in 2020/21 as one-off funding to help mitigate the financial impact of the pandemic. Further government funding to support the reopening of the all the leisure centres will be sought.</p> <p>This is in addition to the £147,500 subsidy originally budgeted in 2020/21 and the £488,845 extra funding agreed in July under emergency powers (£636,345). The YMCA have also committed to invest £100,000 in 2020/21 to help meet the budget gap.</p> <p>In addition £30,000 of the Covid-19 emergency grant will be allocated to commission external support for determining a longer term leisure strategy post-Covid.</p>
Legal	<p>The delegation in this report ensures that the council can continue to carry out its functions during the coronavirus pandemic.</p> <p>Owing to the significant sums involved and the duty to safeguard public money, the council will explore with the YMCA a contract variation which gives the additional council funding some protection should the YMCA terminate the contract early or cease trading.</p>

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	✓
sustainability	✓
health and safety	x

risks/implications	✓ / x
asset management	✓
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new

working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Marianne Hesketh	01253 887350	Marianne.hesketh@wyre.gov.uk	17 November 2020

List of background papers:		
name of document	date	where available for inspection
None		

List of appendices

None

13. Call-In of Executive Decisions

- 13.1** When a decision is made by the Cabinet, or an individual member of the Cabinet, or a key decision is made by an Officer with delegated authority from the Cabinet, the decision shall be published, normally within two working days of being made. All members of Council will be sent copies, usually by email, of the records of all such decisions.
- 13.2** That notice will include the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless any four Members of the Council request that it be called in.
- 13.3** During that period, the Democratic Services and Scrutiny Manager shall call in a decision for scrutiny by the Overview and Scrutiny Committee, if so requested by any four Members of the Council, and shall then notify the decision-maker of the call-in.
- 13.4** The call-in request shall be submitted on a Call-In Request Form (attached as an Appendix to these procedure Rules), which shall be completed and received by the Democratic Services and Scrutiny Manager, in hard copy or by email, within the timescale specified in paragraph 13.2 above. The Call-In Request Form must include the names of the minimum of four supporters of the call-in, the councillor nominated as the spokesperson, the reasons for the call-in, the issues to be considered by the Overview and Scrutiny Committee and the desired outcomes. Any documents to be referred to at the meeting of the Overview and Scrutiny Committee should where possible be submitted to the Democratic Services and Scrutiny Manager in advance of the meeting.
- 13.5** A meeting of the Overview and Scrutiny Committee will be called after consultation with the Chairman of the Committee, and if possible within ten days of the call-in being received, unless there is a scheduled meeting of the Overview and Scrutiny Committee within a reasonable timescale.

The Call-In meeting

- 13.6** While the call-in meeting is a meeting that is open to the public to attend (unless a resolution is passed excluding the press and public under Part 1 of Schedule 12(a) of the Local Government Act, 1972, as amended by the Local Government (Access to Information) Variation Order 2006), there is no provision for public representation or public speaking.
- 13.7** The spokesperson shall be invited to present the reasons for the call in as documented on the call-in form and any suggested actions to be taken by the committee.
- 13.8** The Portfolio Holder shall be invited to respond to the call in by addressing the points raised by the spokesperson as documented on the call-in form.

- 13.9** The members of the Overview and Scrutiny Committee shall be given the opportunity to ask questions of the spokesperson and the Portfolio Holder. The spokesperson and the Portfolio Holder will have the opportunity to make any points of clarification.
- 13.10** When they have done so, the spokesperson and the Portfolio Holder will be informed by the chairman that they will have no further opportunity to make comments or ask questions and they will be asked to vacate their place at the meeting table.
- 13.11** Unless a resolution is passed to exclude the public and press because of the need to avoid the disclosure of exempt or confidential information for one of the reasons specified in Schedule 12A of the Local Government Act 1972 the committee will discuss the call in and decide what action to take in public.
- 13.12** The committee shall either support or not support the call in and shall state reasons for the decision.
- 13.13** If the Overview and Scrutiny Committee has agreed to support the call in it may refer the decision back to the decision making person or body for reconsideration setting out in writing the reasons for the committee's decision based on the evidence presented. The circumstances in which a call in will be reported to the Council and the process to be followed, if that occurs, are set out in the Budget and Policy Framework Procedure Rules. The decision maker shall then reconsider the matter within a further five working days, amending the decision or not, before adopting a final decision.
- 13.14** If, following consideration of an objection to a decision, the Overview and Scrutiny Committee does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting.

14. Urgent Decisions

- 14.1** The call-in procedure set out above shall not apply where the decision being taken by the Cabinet or a Portfolio Holder is urgent. See Part 4.02, paragraph 16, General Exception and paragraph 17, special urgency. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor must agree both that the decision proposed is reasonable in all circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both the Mayor and the Deputy Mayor, the Chief Executive's or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.