

<p>Non-Executive Report of the:</p> <p>Overview and Scrutiny Committee</p> <p>3 March 2022</p>	 <p>TOWER HAMLETS</p>
<p>Report of Janet Fasan Divisional Director Legal and Monitoring Officer</p>	<p>Classification: Unrestricted</p>
<p>Call-In Leisure Estate Investment Plan</p>	

Originating Officer(s)	Joel West, Democratic Services Team Leader (Committee)
Wards affected	Shadwell

CONSIDERATION OF THE CALL IN

A call in request has been received on the decision of Cabinet, 9 February 2022 on the Leisure Estate Investment Plan. In accordance with the Council's call in procedure rules, the matter is referred to the OSC for its consideration and to decide whether to refer the matter back to Cabinet for further consideration.

The following procedure is to be followed by the Committee for consideration of the Call In:

- i. Chair to invite a call-in member to present call-in.
- ii. Chair to invite members of the Committee to ask question.
- iii. Chair to Invite Cabinet Member to respond to the call-in.
- iv. Chair to invite members of the Committee to ask questions.
- v. Followed by a general debate.

It is open to the OSC to either resolve to take no action (which would have the effect of endorsing the original Cabinet decisions), or to refer the matter back to the Cabinet for further consideration setting out the nature of its concerns and possibly recommending an alternative course of action.

RECOMMENDATION

That the Overview and Scrutiny Committee (OSC) considers:

1. The contents of the attached report, review the Cabinet's decision (provisional, subject to call in) arising; and
2. Decide whether to accept the decision or to refer the matter back to the Cabinet with proposals and reasons.

INTRODUCTION

On 9 February 2022 Cabinet considered a report on Leisure Estate Investment Plan. As a result of discussions on the report it was **RESOLVED**:

1. To agree that officers further develop a ten-year detailed investment plan, as part of an overarching 30-year rolling programme for the whole Leisure estate based on the model set out in this report, to be brought back to Cabinet in summer 2022.
2. Subject to approving the Council's 2022-23 Budget Report and Medium Term Financial Strategy 2022-25, which contains a request for £25.163m of capital funding for this project over the next three financial years, agree to the building of a new leisure centre on the St George's Leisure Centre site at a total cost of c. £35m.
3. To approve further work to investigate options for investing in the leisure facilities on the John Orwell Sports Centre site.
4. Subject to approving the Council's 2022-23 Budget Report and Medium-Term Financial Strategy 2022-25, which contains a request for £3m of capital funding for these works, agree to address the existing condition needs of the rest of the leisure estate in the financial years 2022/23, 2023/24 and 2024/25.
5. Subject to agreement of the need to develop a ten-year detailed investment plan, authorise the establishment of a programme team with external consultancy support to oversee the development of the investment plan through to Cabinet approval in c. July 2022, in line with the resource schedule in Appendix 1 to the report, with a funding requirement of c. £130,000 for external support. This is included in the £25.163m referred to in recommendation 2 above.
6. Subject to approving the Council's 2022-23 Budget Report and Medium Term Financial Strategy 2022-25, to allocate funding to build a new leisure centre, authorise the procurement of an architect and multi-disciplinary design team to take the design and construction of a new build proposal through to RIBA Stage 4 and gain planning permission, in line with the resource schedule in Appendix 1 to the report, with a funding requirement of c. £1.3m for that phase, as set out in the capital budget report being considered separately at this Cabinet meeting. This is included in the £25.163m referred to in recommendation 2 above.

7. To authorise the Corporate Director Children and Culture to instruct the execution of any necessary documentation and agreements required to give effect to recommendation 6 following an appropriate procurement process
8. To note the Equalities Impact Assessment set out in Paragraph 4.1 of the report.

Decisions 2, 6 and 7 above have been 'Called-In' by Councillor Andrew Wood (signed also by Councillors Peter Gold; Rabina Khan; Harun Miah and Kabir Ahmed). This is in accordance with the provisions of the Overview and Scrutiny Procedure Rules of the Council's Constitution.

In accordance with the OSC Protocols and Guidance adopted by the Committee at its meeting on 4th June 2013, any Member(s) who present(s) the "Call In" is (are) not eligible to participate in the general debate.

REASONS FOR THE CALL IN

The call in requisition from the Councillors noted above has provided two reasons for the call-in. The reasons are replicated below:

Reason 1

The proposed remedy of a desktop review to consider the refurbishment options does not match what residents believe was discussed at the Cabinet meeting as regards analysing the two options of:

- a. Re-opening the pool for a short period of time to allow design and planning to proceed on its replacement in order to reduce the length of time that Shadwell & Wapping are without swimming provision***
- b. Re-opening the pool for an extended period of time has been determined to be too expensive but there is no independent confirmation of that and it is not supported by the published Condition Survey & Report for the Mechanical & Electrical Services Installation (whose appendices on cost were redacted)***

The RECORD OF THE DECISIONS OF THE CABINET had this section added to the recommendations

"The Cabinet In respect of Recommendations 2, 6 and 7 the Mayor agreed for officers to undertake a 'desktop review' (simultaneously with preparation works being undertaken) to consider the value for money of any representations made by 25 March to refurbish as opposed to rebuild the St George's Leisure Centre. A briefing on this work would be presented to the Mayor who will provide an update to a summer Cabinet meeting on whether an alternative course of action was now being considered."

Also of note is this pre-decision scrutiny question

“The Wapping resident’s group ‘Friends of St Georges Pool’ want permission to have access to the building to carry out a detailed independent feasibility and refurbishment improvement study to establish whether the proposal to build a new pool is better value for money for the council. Will the council allow this?”

The Councils response was

“The Council has been clear about the need to proceed to decisions in relation to St George’s Leisure Centre in a timely way. It would therefore not be appropriate to grant access to the site for investigations that have not been commissioned or approved by the Council, to a timescale which would run beyond the point at which decisions should be made.

The Council asked the London region office of Swim England to review its proposals for St George’s Leisure Centre to provide an independent view of the same. Their response to the question whether the site should be refurbished or redeveloped was as follows: “Our preference would be to support the redevelopment proposal as it will assist in providing the local community with a sustainable facility thus reducing operational costs and carbon emissions.”

It was not clear if Swim England actually visited the site.

Lastly the Condition Survey & Report for the Mechanical & Electrical Services Installation at St Georges Swimming Pool and its appendices were not clear that the building could not be saved.

Reason 2

To make clear the justification to lose 25% of the main pool by replacing the 33 yard (33.3 meters) long main pool together with its diving capabilities with a 25-meter pool of similar width and no diving in any new building

It is noted that the training pool would be bigger, but this is still a loss in swimming provision at a time when the population is increasing.

There would also be a loss in diving capacity.

At no point has it been made clear why we MUST move from 33 meters to 25 meters even if it is non-standard (similarly we are not shortening the York Hall pool)

In an email to Cllr Andrew Wood, Sports England said when asked in December 2021 “Does Sports England only support 20, 25 or 50 meter long pools?’ They responded by saying:

“Before we can answer the question, the key starting point is determining locally what provision is needed for the future? Have Tower Hamlets developed any strategy and evidence base to support this

facility? From a strategic facilities and planning point of view, Sport England are not aware of this project?"

They were not explicit that it had to be 25 or 50 meters

The Mayor said that the National Lottery would not fund a non-standard pool length, but it is not clear that we are seeking such funding and why the National Lottery would not support such a pool.

It raises the question are we building a new leisure centre or a replacement pool with additional leisure facilities?

ALTERNATIVE COURSE OF ACTION PROPOSED

The call in requisition from the Councillors noted above has provided a proposed alternative course of action for each of the two reasons above. The proposed alternative courses of action are replicated below:

Alternative course of action – Reason 1

- a. To allow independent experts in to review the two refurbishment options, as have been assembled by the Turks Head team*
- b. To make clear what the costs of re-opening the baths for a limited period until demolition is ready to start in 2024/25? The £9.9 number quoted seems to assume considerable work is required but given that Tiller cost £0.5 million to re-open it is unclear why there is such a difference especially if the work only has to last 2 to 3 years.
To do further work to establish the structural integrity of the building especially the roof section.*

Alternative course of action – Reason 2

- a) For the Council to publish the guidance it has received that says that it cannot build a non-standard length pool i.e. 33 meters.*
- b) That if this specific guidance is unclear, to publish its strategy that justifies a net loss of main swimming pool capacity and diving at a time when the population is growing.*
- c) To include the option of a 33-meter-long pool + diving capacity versus a 25-meter-long pool in the next phase of public consultation*

RECOMMENDATION

That the Overview and Scrutiny Committee:

1. Considers the contents of the attached report and review the decision (provisional, subject to Call In) arising; and
2. Decide whether to accept the decision or to refer the matter back to the Cabinet with proposals and reasons.