
**Scrutiny Management Committee
(Calling – In)**

6 April 2009

Report of the Head of Civic, Democratic and Legal Services

**Called-in Item: 2009/10 City Strategy Capital
Programme Budget Report**

Summary

1. This report sets out the reasons for the call-in of a decision made by the Executive on 31 March 2009 regarding the schemes within the City Strategy Capital Programme planned for delivery in 2009/10 and options for the use of additional funding from the Regional Funding Allocation. The report also explains the powers and role of the Scrutiny Management Committee in relation to dealing with the call-in.

Background

2. An extract from the decision list published after the relevant meeting of the Executive is attached as Annex 1 to this report. This sets out the decision taken by the Executive on 31 March. The original report to the Executive meeting is attached as Annex 2.
3. Following publication of the Executive's decision, Councillors Scott, Potter and Merrett called in the decision for review by the Scrutiny Management Committee (SMC) (Calling-In), in accordance with the constitutional requirements for post-decision call-in. The reasons given for the call-in are as follows:-

"The Executive has misdirected itself in that:-

1. *It failed to follow the recommendations of the Shadow Executive*

2. *The Executive's decision directly contradicts its own Local Transport Plan policy, specifically:*

'In making land use and transport-related decisions and implementing local transportation measures, regard has been

given to the council's 'hierarchy of transport users' where pedestrians and cyclists are at the top of the hierarchy and car users are at the bottom'.

(excerpt - Page 38, City of York Council Local Transport Plan 2006-11 - see also Table 5.1, York's 'Hierarchy of Transport Users', page 46)."

Consultation

4. In accordance with the requirements of the Constitution, the calling-in Members have been invited to attend and/or speak at the Calling-In meeting, as appropriate.

Options

5. The following options are available to SMC (Calling-In) in relation to dealing with this call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
 - (a) to confirm the decision of the Executive, on the grounds that the SMC (Calling-In) does not believe there is any basis for reconsideration. If this option is chosen, the decision takes effect from the date of the SMC (Calling-In) meeting;
 - (b) to refer the decision back to the Executive, for them to reconsider or amend in part their decision. If this option is chosen, the matter will be re-considered at the meeting of the Executive (Calling-In) scheduled for 7 April 2009.

Analysis

6. Members need to consider the reasons for call-in and the basis of the decision made by the Executive and form a view on whether there is a basis for reconsideration of that decision.

Corporate Priorities

7. An indication of the Corporate Priorities to which the Executive's decision is expected to contribute is provided in paragraphs 51 and 52 of Annex 2 to this report.

Implications

8. There are no known financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to determine and handle the call-in:

Risk Management

9. There are no risk management implications associated with the call in of this matter.

Recommendations

10. Members are asked to consider the call-in and reasons for it and decide whether they wish to confirm the decision made by the Executive or refer the matter back to the Executive for re-consideration.

Reason:

To enable the called-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

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Report Approved Date

Specialist Implications Officer(s) None

None

Wards Affected:

All

For further information please contact the author of the report

Annexes

Annex 1 – decision of the Executive (extract from decision list published 31/3/09)

Annex 2 – report to Executive meeting on 31/3/09