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

14 June 2010

Report of the Head of Civic, Democratic and Legal Services

Called-in Item: A Low Emission Strategy for York

Summary

1. This report sets out the reasons for the call-in of the decisions made by the Executive on 8 June 2010 in relation to the a report which sought approval for the development of an overarching low emission strategy for York and provided an update on the Council's successful joint bid with Leeds City Council to become regional low emission champions. This covering report also outlines 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 Executive Meeting is attached as Annex 1 to this report. This sets out the decisions taken by the Executive on the called-in item, together with a list of Executive comments on the Scrutiny Committee's report. The original report to the Executive is attached as Annex 2.
3. Councillors Alexander, Gunnell and King have called in the Executive's decisions 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 that:
 - “(i) *The Executive has given no clear steer to officers in terms of urgently addressing the deteriorating air quality position in York in a meaningful way, given the extremely concerning levels of damage to health, nor even of specifying when the Low Emission Strategy is to be delivered by.*
 - “(ii) *Whilst recognising the need to co-ordinate the Air Quality and Carbon Management strategies, the Executive is*

- wrong to arbitrarily decide to subordinate the Air Quality strategy to the Carbon Management programme.*
- (iii) *The Executive should have elevated the status of the Air Quality Steering Group in order that regular progress reports go direct to the relevant Executive Members/Executive, as one important step in addressing the serious risk to health in the city from poor air quality.”*

Consultation

4. In accordance with the requirements of the Constitution, the Calling-In Members will be 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 decisions 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 decisions will take effect from the date of the SMC (Calling-In) meeting.
 - (b) To refer the matter back to the Executive, for them to reconsider their original decisions. If this option is chosen, the matter will be re-considered at a meeting of the Executive (Calling-In) to be held on 29 June 2010.

Analysis

6. Members need to consider the reasons for call-in and the basis of the decisions made by the Executive and form a view on whether there are grounds for reconsideration of those decisions.

Corporate Priorities

7. An indication of the Corporate Priorities to which the Executive's decisions are expected to contribute is provided in paragraph 32 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 decisions made by the Executive or refer the matter back for re-consideration at the scheduled Executive Calling-In meeting.

Reason:

11. 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** 10/6/10

Specialist Implications Officer(s) None

Wards Affected:

All

For further information please contact the author of the report

Annexes

Annex 1 – decisions of the Executive on the A Low Emission Strategy for York (extract from decision list published after the meeting on 8/6/10) and list of Executive comments on the report
Annex 2 – report to Executive meeting held on 8/6/10

Background Papers

Agenda and minutes relating to the above meeting (published on the Council's website)