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| MEETING   | SCRUTINY MANAGEMENT COMMITTEE<br>(CALLING IN)   |
| DATE      | 26 NOVEMBER 2007  |
| PRESENT   | COUNCILLORS BLANCHARD (VICE-CHAIR, IN THE CHAIR), KIRK, R WATSON, MOORE (present during agenda item 5 only - Minute 5 refers), SIMPSON-LAING, SCOTT, TAYLOR AND HUDSON (SUBSTITUTE FOR CLLR GALVIN) |
| APOLOGIES | COUNCILLOR GALVIN   |

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### **1. DECLARATIONS OF INTEREST**

The Chair invited Members to declare at this point in the meeting any personal or prejudicial interests which they had in the business on the agenda. Cllr Hudson declared a personal, non-prejudicial interest in agenda item 4 (York Racecourse – Application for Lease Extension and Amendments), as a member of York Racecourse.

### **2. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the meeting during consideration of Annex 2 to Appendix B to agenda item 5 (York Racecourse, Application for Lease Extension and Amendments), on the grounds that it contains information relating to the financial or business affairs of particular persons, which is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

### **3. PUBLIC PARTICIPATION / OTHER SPEAKERS**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

Cllr Merrett, as one of the Calling-in Members and Ward Member for Micklegate Ward, addressed the meeting in support of the calling-in. He re-iterated the comments made by the Shadow Executive on the York Racecourse item at their meeting on 14 November, in particular the need to address the public order and traffic issues arising in residential areas as a result of activities at the Racecourse. He stated that the opportunity to address these issues as part of negotiations over the lease should not be missed and asked the SMC either to initiate a scrutiny review to look at how negotiations should be handled or to advise the Executive to adopt the Shadow Executive's recommendations.

#### 4. MINUTES

RESOLVED: That the minutes of the meeting of the Scrutiny Management Committee (Calling In) held on 8 January 2007 be approved and signed by the Chair as a correct record.

#### 5. CALLED IN DECISION: YORK RACECOURSE – APPLICATION FOR LEASE EXTENSION AND AMENDMENTS

Members received a report which asked them to consider the decision of the Executive, at their meeting on 20 November 2007, regarding a request from the Race Committee to extend and amend their lease of York Racecourse. Members were reminded that the Scrutiny Management Committee (Calling In) had the option either to confirm the decision of the Executive (Option A) or to refer it back to the Executive for further consideration (Option B).

Full details of the Executive's decision were attached as Appendix A to the report. The original report to the Executive, on which their decision had been based, was attached as Appendix B. In summary, the Executive had decided:

- to grant the extension and amendments to the lease;
- to ask Officers to investigate options for providing a set of temporary toilets on major race days;
- to keep the other issues raised by ward members under review and addressed as part of any proposed changes to licensing arrangements and planning permissions and / or during traffic management reviews;
- that any further refinement of the 'off course' race management arrangements be submitted as a revenue growth bid.

This decision had been called in by Cllrs Scott, Merrett, Fraser, Gunnell and King, for the following reasons:

*"The Executive should have referred the lease back to Officers for further negotiation and / or should have ensured that monies were earmarked from the monies received to ensure that the issues raised by the Shadow Executive were addressed."*

After a full discussion, which took into account the comments made by Cllr Merrett as a Calling-in Member, Cllr Scott moved, and Cllr Simpson-Laing seconded, the following motion:

"That Option B be approved and the decision referred back to the Executive for further consideration, with the recommendation that the Executive:

- (i) Refer the lease back to Officers for further negotiations, in order to:
  - a) Seek an automatic allocation from the lease income to cover ward matters, including:
    - toilets;
    - policing;
    - local traffic management;

- *benefits for residents by means of a reduced cost of entry to the Racecourse for York Card holders.*

*b) Investigate the possibility of providing access to the Racecourse from the southern side of the site.*

*(ii) Agree, if it is found to be inappropriate to deal with these issues via the lease, on a sum of income from the lease to be automatically set aside to address the ward matters in Micklegate specified in (i)a) above."*

Cllr Taylor then proposed, and Cllr Scott agreed, that the motion be amended to include the following additional recommendation to the Executive:

*"Ask Officers to investigate measures being taken in other cities to deal with public order issues arising from sporting events."*

The motion, as amended, was then debated and voted upon. The result of the vote was 5 for the motion and 3 against. It was therefore

RESOLVED: "That Option B be approved and the decision referred back to the Executive for further consideration, with the recommendation that the Executive:

(i) Refer the lease back to Officers for further negotiations, in order to:

a) Seek an automatic allocation from the lease income to cover ward matters, including:

- toilets;
- policing;
- local traffic management;
- benefits for residents by means of a reduced cost of entry to the Racecourse for York Card holders.

b) Investigate the possibility of providing access to the Racecourse from the southern side of the site.

(ii) Agree, if it is found to be inappropriate to deal with these issues via the lease, on a sum of income from the lease to be automatically set aside to address the ward matters in Micklegate specified in (i)a) above.

(iii) Ask Officers to investigate measures being taken in other cities to deal with public order issues arising from sporting events.

REASON: The SMC is of the view that the Executive decision should be re-considered to take into account the issues raised by the Calling-in Members.

P Blanchard, Chair

[The meeting started at 5.00 pm and finished at 6.20 pm].

