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

7 July 2008

Report of the Head of Civic, Democratic and Legal Services

**Called-in Item: York Racecourse, Application for
Lease Extension and Amendments – Report Back on
the Results of Further Negotiations**

Summary

1. This report sets out the reasons for the call-in of a decision made by the Executive in relation to a report that presented the results of further negotiations between Council Officers and York Racecourse regarding the granting of a new lease and recommended that the lease now be granted.

Background

2. The relevant extract from the minutes of the meeting of the Executive held on 30 June is attached as Annex A to this report. The original report to the Executive is attached as Annex B.
3. Following publication of the Executive's decision (in a decision list published on-line on 30 June), Councillors Fraser, Gunnell 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 reason given for the call-in is:-

“That in making their decisions the Council's Executive gave inadequate consideration to the concerns of local residents.”

Consultation

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

Options

5. The following options are available to SMC (Calling-In) in relation to dealing with this call-in in relation to 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 decision will be re-considered at the meeting of the Executive (Calling-in) scheduled for Tuesday, 8 July 2008.

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 paragraph 20 of Annex B 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** 2/7/08

Specialist Implications Officer(s) None

None

Wards Affected:

All

For further information please contact the author of the report

Annexes

Annex A – decision of the Executive (extract from decision list) – 30 June 2008

Annex B – report to Executive – 30 June 2008