
MEETING	SCRUTINY MANAGEMENT COMMITTEE (CALLING IN)
DATE	14 JUNE 2010
PRESENT	COUNCILLORS GALVIN (CHAIR), MERRETT (VICE-CHAIR), FIRTH, ALEXANDER, ORRELL, SIMPSON-LAING, TAYLOR AND R WATSON (SUB FOR CLLR WAUDBY)
APOLOGIES	COUNCILLOR WAUDBY
IN ATTENDANCE	COUNCILLORS D'AGORNE, KING, PIERCE AND SCOTT

1. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Merrett declared a personal non-prejudicial interest in Agenda Item 5 (Water End Cycle Scheme Evaluation) as an honorary member of the Cyclists' Touring Club, a member of Cycling England, a member of the York Cycle Campaign and as the Authorities Cycling Champion.

Councillor Simpson-Laing declared a personal non-prejudicial interest in Agenda Item 6 (A Low Emission Strategy for York) as she lived adjacent to a possible future Air Quality Management Area.

Councillor Alexander declared a personal non-prejudicial interest in Agenda Item 6 (A Low Emission Strategy for York) as he lived on Holgate Road which had been mentioned in the report as a high pollution area.

2. PUBLIC PARTICIPATION

It was reported that there had been two registrations to speak at the meeting under the Council's Public Participation Scheme. It was agreed that these would be taken under the individual agenda items.

3. MINUTES

RESOLVED: That the minutes of the last meeting of the Scrutiny Management (Calling In) meeting held on 4 May 2010 be approved and signed by the Chair as a correct record.

4. CALLED IN ITEM: 20 MPH SPEED LIMIT PETITIONS FOR SOVEREIGN PARK AND DODSWORTH AVENUE

Members received a report, which asked them to consider the decisions made by the Executive Member for City Strategy on 1 June 2010 in response to the receipt of two petitions requesting 20mph speed limits. The first covering Sovereign Park and the second for Dodsworth Avenue.

Details of the Executive Members decisions were attached as Annex 1 to the report. The original report to the Executive Member Decision Session was attached as Annex 2. The decisions had been called in by Councillors Horton, Pierce and Simpson-Laing on the grounds that:

“Despite the fact that the proposal ‘ticks all the boxes’ of the criteria arbitrarily imposed by the Executive Member at the end of 2009 other than no reportable accidents in the last 3 years, the Executive Member has refused to move the item up the priority list where many of the suggested schemes above it fall short of meeting many of the criteria. The lack of recordable accidents is down to the fact that the estate has only been occupied in the last 3 years and the highways only adopted recently making the criterion difficult to meet.

The Executive Member’s insistence that until the city-wide consultation on 20 mph schemes across the City’s residential areas is concluded, he is not prepared to move on any 20 mph scheme.”

Members were invited to decide whether to confirm the decisions of the Executive Member (Option A) or to refer them back to the Executive for reconsideration (Option B).

Councillor Horton addressed the meeting on behalf of the Calling-In Members. He confirmed that the call in only related to the request for a 20mph speed limit at Sovereign Park. He went onto reiterate the reason given for the calling in and detailed how Sovereign Park met and in some cases exceeded the prioritisation criteria for the implementation of such a scheme. He pointed out the overwhelming public support.

Representations in support of the scheme were received from a resident of Sovereign Park. She referred to the high percentage of young families living on the estate and confirmed that the Community Police Officer had witnessed a number of incidents involving children and vehicles in the area. She also referred to the road layout, which included blind bends and a lack of pavements, which exacerbated the dangers near to the play area. She pointed out that the petition, had received 233 signatures with 87% in support of the scheme.

Officers referred to references at the Executive Member Decision Session to injury accidents not being recorded on unadopted highways. Confirmation had now been received from the Police that injury accidents were recorded on unadopted highways but that these were not included in

the official statistics provided to the DfT and that no injury accidents had been reported in Sovereign Park in the last 3 years.

Following further discussion Cllr Galvin moved and Cllr Simpson-Laing seconded, that Option B be approved and the matter referred back to the Executive insofar as it related to Sovereign Park (Minute 6 (ii) of Executive Member Decision Session) with a strong recommendation that a 20mph zone be implemented on this development. On being put to the vote, this proposal was declared CARRIED and it was

RESOLVED: That Option B be approved and Resolution 6 (ii) only relating to Sovereign Park be referred back to the Executive with a strong recommendation that a 20mph zone be implemented at Sovereign Park.

REASON: In accordance with the requirements of the Council's calling-in procedure and the reasons given for the calling-in.

5. CALLED IN ITEM: WATER END CYCLE SCHEME EVALUATION

The Committee considered a report which asked them to consider the decisions made by the Executive Member for City Strategy on 1 June 2010 following on from the outcome of the Water End cycle scheme and the effectiveness of the scheme in encouraging increases in cycling levels.

Details of the Executive Members decisions were attached as Annex 1 to the report. The original report to the Executive Member Decision Session was attached as Annex 2. The decisions had been called in by Councillors Douglas, King and Scott on the grounds that:

"The Executive Member misdirected himself

- He failed to approach the report objectively and to make proper enquiries of the Officers*
- He failed to consider the definition of a "success" of the cycling scheme*
- He failed to consider whether the traffic implications of the cycling scheme are proportionate and legitimate consequence of the scheme*
- He failed to take any positive action to alleviate the problems identified by residents of Westminster Road and the Avenue*
- He failed to honour his commitment to re-instate the left hand turn lane at the Clifton Green Junction as promised at the City Strategy EMAP of October 2008*
- He failed to consider the reputational issues identified in the report to the City Strategy EMAP of October 2008 and to take steps to resolve them.*

The Executive Member has pre-determined his response to the Scrutiny Committee report before it has been before the Executive Committee.

The Executive Member has reached a decision that no reasonable Executive Member could have reached.”

Members were invited to decide whether to confirm the decisions of the Executive Member (Option A) or to refer them back to the Executive for reconsideration (Option B).

Representations were heard from a resident of Westminster Road who referred to the dramatic increase in traffic on Westminster Road/The Avenue following changes made by the Council at the Water End junction. He referred to recommendations in the Highway Design Guide and requested Members to support point closure without delay, which the majority of residents supported to improve conditions for local residents.

Councillor Scott then firstly addressed the meeting on behalf of the Calling-In members. He referred to a report to the October 2008 EMAP when a commitment had been given to undertake traffic studies and reinstate the Water End junction if rat running became a problem. He therefore requested point closure with a rising bollard to avoid further disruption to local residents. Another ‘calling in’ member, Cllr King then addressed the meeting before Cllr Pierce outlined the views of the Scrutiny Task Group on Water End, as the Chair.

Cllr Merrett moved, and Cllr Simpson-Laing seconded, that Option B be approved and Resolutions 5i) to iv) (Water End Cycle Scheme) referred back to the Executive with a recommendation that the Executive Member be asked to: confirm the terms under which he considered the Water End cycle scheme a success and to reconsider resolutions ii) to iv) in the light of the emerging final report of the Councillor Call for Action Task Group. On being put to the vote, this proposal was declared CARRIED.

Members then raised significant concerns that resolution v) had, in effect pre-empted the Executives consideration of the final CCfA Task Group report and recommendations.

Cllrs Merrett and Simpson-Laing moved and seconded a proposal not to refer back resolution v) specifically to enable the Executive to give its full consideration to the final report of the Scrutiny Task Group on 6 July 2010 formally under the constitutional process. In addition they proposed that this meeting formally minuted its concerns regarding the Executive Members decision to indicate, prematurely, his views on the ‘Water End’ Scrutiny Task Groups recommendations. Those proposals were put to the vote and agreed

RESOLVED: i) That Option B be approved and resolutions 5 i) to iv) be referred back to the Executive with a recommendation that they request the Executive Member to:

- Confirm the terms under which he considered the Water End Cycle scheme a success as referred to in resolution i) of the minutes of the City Strategy Executive Member Decision Session;
- Reconsider the decisions in the light of the emerging final report of the Councillor Call for Action Task Group and specifically to indicate how resolution ii) would address the consequences for residents of Westminster Road and The Avenue.
 - ii) That resolution v) be not referred back but this Committee express its strong concern that in effect the Executive Member had pre-empted the proper constitutional and full consideration by the Executive of the final CCfA Task Group report and recommendations, on 6 July 2010.

REASON: In accordance with the requirements of the Council's calling-in procedure and the reasons given for the calling-in.

6. CALLED IN ITEM: A LOW EMISSION STRATEGY FOR YORK

Members received a report, which asked them to consider the decisions made by the Executive on 8 June 2010 in response to 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.

Details of the Executives decisions were attached as Annex 1 to the report. The original report to the Executive Member Decision Session was attached as Annex 2. The decisions had been called in by Councillors Alexander, Gunnell and King on the grounds 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.”*

Members were invited to decide whether to confirm the decisions of the Executive Member (Option A) or to refer them back to the Executive for reconsideration (Option B).

Councillor King addressed the meeting on behalf of the Calling-In members. He pointed out that the Council's carbon reduction targets were not being met and that air quality in the city had worsened. He referred to a number of breach areas and to the number of premature deaths caused by this pollution. He stated that drastic action was immediately required to bring levels to acceptable limits.

Officers confirmed that they were in position to develop the strategy by the end of the year and that currently measures were being put in place in an effort to improve air quality in the city.

Councillor Alexander then moved, and Cllr Merrett seconded, that Option B be approved and the matter be referred back to the Executive with a recommendation that the Executive should note the urgency of developing a Low Emissions Strategy for York and request its production before November with the strategy detailing by when the various standards, actions and targets should be met. On being put to the vote, this proposal was CARRIED and it was

RESOLVED: That Option B be approved and the matter be referred back to the Executive with a request that they should note the urgency of developing a Low Emissions Strategy for York and request its production before November with the strategy detailing by when the various standards, actions and targets should be met.

REASON: In accordance with the requirements of the Council's calling-in procedure and the reasons given for the calling-in.

CLLR J GALVIN, Chair

[The meeting started at 5.00 pm and finished at 7.20 pm].