
MEETING	SCRUTINY MANAGEMENT COMMITTEE (CALLING IN)
DATE	13 JULY 2009
PRESENT	COUNCILLORS HEALEY (CHAIR), FUNNELL (VICE-CHAIR), ORRELL, SCOTT, SIMPSON- LAING, TAYLOR, WAUDBY AND ASPDEN (SUBSTITUTE)
APOLOGIES	COUNCILLOR R WATSON

5. 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. No interests were declared.

6. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during consideration of part of Annex B to agenda item 5 (Called In Item: Effective Organisation Programme – Efficiency Review), on the grounds that it contains information relating to the financial or business affairs of a particular person, which is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

7. MINUTES

RESOLVED: That the minutes of the Scrutiny Management Committee (Calling In) meeting held on 15 June 2009 be approved and signed by the Chair as a correct record.

8. PUBLIC PARTICIPATION

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

9. CALLED-IN ITEM: EFFECTIVE ORGANISATION PROGRAMME – EFFICIENCY REVIEW

Members received a report which asked them to consider the decisions made by the Executive on 7 July 2009 in relation to a report setting out the initial findings of a review undertaken by the Council's efficiency partners, Northgate Kendrick Ash (NKA), and proposing a programme of work to ensure the provision of efficient and effective Council services.

Details of the Executive's decisions were attached as Annex A to the report. The original report to the Executive was attached as Annex B. The decisions (specifically, nos. (iii) and (iv)) had been called in by Cllrs Scott, Gunnell and Simpson-Laing for the following reasons:

"The Executive has agreed to the recommendations in paragraphs 58 and 59 [of the original report] against the advice of the Shadow Executive."

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

Cllr Scott spoke on behalf of the Calling In Members, explaining that they were objecting both to the failure to examine alternatives to the risk / reward model of payment to NKA and to the fact that the Executive had delegated authority to Officers without explaining precisely which powers had been so delegated. In response to questions from Members, the Director of Resources confirmed the advice he had given at the Executive meeting; namely, that the recommendations in the report, as approved by the Executive, conferred no additional powers on Officers and that all decisions in relation to the programme would be made in accordance with the Constitution. With regard to the risk / reward model, this was based upon set fees and if NKA achieved more than the required efficiencies the Council, not NKA, would benefit.

Members debated each Executive decision separately. Cllr Scott then moved, and Cllr Simpson-Laing seconded, that **decision (iv)** be referred back to the Executive for reconsideration (Option B), with a recommendation that it be amended so as to remove the reference to delegation of authority. Four Members voted for this proposal and four voted against. The Chair then exercised his casting vote for the proposal, which was declared CARRIED.

Cllr Scott then moved, and Cllr Simpson-Laing seconded, that **decision (iii)** be referred back to the Executive for reconsideration, with the recommendation that it be amended to enable the Executive to retain all authority with respect to financial commitments. Four Members voted for this proposal and four voted against. The Chair then exercised his casting vote against the proposal, which was declared LOST, and it was

RESOLVED: (i) That, in respect of decision (iv), Option B be approved and the decision be referred back to the Executive for reconsideration, with a recommendation that it be amended to read as follows:

"That the governance arrangements for the Programme be approved, including the management of efficiency arrangements and the development of detailed proposals for years 2 and 3 by the Executive Board."

REASON: In accordance with the procedures for called-in decisions and to clarify the fact that Members will retain their Constitutional responsibility for decisions on the Efficiency Programme.

(ii) That, in respect of decision (iii), Option A be approved and the decision be confirmed.

REASON: In accordance with the procedures for called-in decisions and the reasons recorded in the minutes of the Executive meeting on 7 July 2009.

10. CALLED-IN ITEM: THE ANNUAL RISK MANAGEMENT REPORT 2009

Members received a report which asked them to consider the decisions made by the Executive on 7 July 2009 in relation to a report providing information on the outcomes of risk management arrangements across the Council and seeking approval for a revised risk management policy and strategy.

Details of the Executive's decisions were attached as Annex A to the report. The original report to the Executive was attached as Annex B. The decisions had been called in by Cllrs Scott, Gunnell and Simpson-Laing for the following reasons:

"The Executive failed to take a decision on the issue of reducing parking charges as detailed in the first row of the table on page 138 [Annex A to the report to Executive].

The Executive has a duty to support the local economy and in not taking the decision to reduce car parking charges has failed to do so."

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

Cllr Simpson-Laing spoke on behalf of the Calling In Members, outlining and expanding upon the reasons given for the call in. Officers at the meeting explained that the contents of Annex A to the Executive report reflected the output of departmental workshops on the effects of the economic downturn and the reference to reducing car parking charges had not been intended as a recommendation to the Executive.

After a full debate, Cllr Scott moved, and Cllr Simpson-Laing seconded, that the decisions be referred back to the Executive for reconsideration (Option B), with a recommendation that they, or the Executive Member for City Strategy, take a decision on whether to reduce car parking charges, particularly for residents of the City of York. Four Members voted for this proposal and four voted against. The Chair then exercised his casting vote for the proposal, which was therefore declared CARRIED, and it was

RESOLVED: That Option B be approved and that the decisions be referred back to the Executive for reconsideration, with a recommendation that they, or the Executive Member for City Strategy, take a decision on whether to reduce car parking charges, particularly for residents of the City of York.

REASON: In accordance with the procedures for called-in decisions,
and in the interests of supporting the local economy.

P Healey, Chair

[The meeting started at 5.00 pm and finished at 6.05 pm].