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MEETING	SCRUTINY MANAGEMENT COMMITTEE (CALLING IN)
DATE	5 JANUARY 2009
PRESENT	COUNCILLORS GALVIN (IN THE CHAIR FOR ITEM 6; MINUTE 11 REFERS), ASPDEN, PIERCE (VICE-CHAIR, IN THE CHAIR FOR ITEMS 1-5; MINUTES 6-10 REFER), SCOTT, SIMPSON-LAING, TAYLOR, R WATSON AND I WAUDBY
IN ATTENDANCE	COUNCILLORS ALEXANDER, BOWGETT AND POTTER (AS CALLING-IN MEMBERS)

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## **6. 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. However, Cllr Simpson-Laing stated for the record that she was the Ward Member for Acomb Ward, to which the decisions on agenda item 6 (Minute 11 refers) related.

## **7. PUBLIC PARTICIPATION**

It was reported that three members of the public had registered to speak at the meeting under the Council's Public Participation Scheme, in relation to agenda item 5 (Holly Bank Area – Traffic Regulation Order).

Peter Kirton spoke in support of the decision taken by the Executive Member to approve the traffic restrictions, on the basis that this would enable the re-instatement of the no. 16 bus service on the 'Holly Bank loop' route, which was a service relied upon by many elderly residents in the area. He also expressed support for suggestions to introduce a 20 mph speed limit in order to alleviate problems with vibrations from buses reported by some residents.

Tony Cox also spoke in support of the Executive Member's decision, pointing out that local residents were in favour of the traffic restrictions by a majority of two to one. He urged Members to endorse the original decision, which would prevent illegal parking and support the Council's aim of encouraging greater use of public transport.

Susan Blore also spoke in support of the Executive Member's decision, on behalf of disabled residents affected by the re-routing of the bus service. She expressed the view that the problems faced by some residents in reaching the bus stop on Hamilton Drive outweighed any inconvenience that the parking restrictions might cause to residents with cars, most of whom had parking facilities on their own premises.

## 8. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during consideration of Annex 2E to agenda item 6 (West of York Household Waste Site – Land Option), 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 revised by The Local Government (Access to Information) (Variation) Order 2006).

## 9. MINUTES

RESOLVED: That the minutes of the meeting of the Scrutiny Management Committee (Calling In) held on 7 July 2008 be approved and signed by the Chair as a correct record.

## 10. CALLED-IN ITEM: HOLLY BANK AREA – TRAFFIC REGULATION ORDER OBJECTIONS

Members received a report which asked them to consider the decisions taken by the Executive Member for City Strategy, at a meeting of the Executive Member and Advisory Panel (EMAP) on 8 December 2008, in respect of the proposed introduction of waiting restrictions in the Holly Bank area of Acomb.

Details of the Executive Member's decisions were attached as Annex 1 to the report. The original report to the EMAP meeting was attached as Annex 2. The decisions had been called in by Cllrs Alexander, Crisp and Bowgett for the following reasons:

- *Ignoring most recent, recorded, tabulated and named will of residents as presented by ward Councillors. Almost 60% of local people do not support the proposed restrictions and just over 80% of residents of the roads affected by these restrictions also opposed*
- *Inadequate Council consultation (mainly that deadline for consultation had wrong year on it and so people did not realise they could still be involved in consultation process, despite deadline being extended).*
- *Introducing traffic regulations for a bus route that First says will be unsafe for passengers to board and disembark from.*
- *Not allowing Clive Grove to be incorporated into regulations, thus leading to increased parking along and on the corners of Clive Grove (leading to obstructions and poor visibility).*
- *Ignoring need for a 20mph speed limit along bus route to ensure that shaking of people's houses and windows leading to damage is reduced. Not incorporating measures to slow the possible increased speed of traffic that could cause accidents.*

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

Cllrs Alexander and Bowgett addressed the meeting on behalf of the Calling-in Members. They also circulated a written report prepared by Cllr Alexander, outlining consultation undertaken by the Holgate Ward Members and a set of proposals suggested as a basis for negotiation. These included the introduction of a 20 mph speed limit on the bus route, the relocation of 'no waiting' restrictions to the Clive Grove side of Holly Bank Road and limiting the times of the restrictions to 10 am - 4 pm, instead of 7 am - 7 pm.

Following questions and a full debate Cllr Watson moved, and Cllr Galvin seconded:

*"That the decisions of the Executive Member be confirmed, and that the following observations be made:*

- a) *If the no. 16 bus service is not re-introduced on the 'Holly Bank loop' route, then the traffic restrictions should be removed.*
- b) *Consideration should be given to the introduction of a 20 mph speed limit on the course of the re-introduced bus route."*

This motion was then put to the vote. Four Members voted for the motion and four voted against. The Chair then used his casting vote against the motion, which was consequently declared LOST.

Cllr Scott then moved, and Cllr Taylor seconded:

*"That the decisions be referred back to the Executive Member to reconsider, taking into account the observations made by the Holgate Ward Members and the observations made by this Committee that:*

- a) *the traffic regulations should not be implemented unless the no. 16 bus service is re-instated on the 'Holly Bank Road loop' and*
- b) *that consideration should be given to the introduction of a 20 mph speed zone in the area."*

This motion was then put to the vote. Four Members voted for the motion and four voted against. The Chair then used his casting vote in favour of the motion, which was consequently declared CARRIED. Members agreed that the referral back would be to the Executive (Calling In) meeting already arranged for 6 January, rather than to the next EMAP meeting.

RESOLVED: That Option B be approved and that the decisions be referred back to the Executive Member to reconsider, at the Executive (Calling In) meeting on 6 January 2009, taking into account the observations made by the Holgate Ward Members and the observations made by this Committee that:

- a) the traffic regulations should not be implemented unless the no. 16 bus service is re-instated on the 'Holly Bank Road loop' and
- b) that consideration should be given to introducing a 20 mph speed zone in the area.

REASON: In accordance with the Constitutional procedures for called-in decisions and to deal with the issues raised by the Calling-in Members.

**11. CALLED-IN ITEM: WEST OF YORK HOUSEHOLD WASTE SITE - LAND OPTION**

Members received a report which asked them to consider the decisions taken by the Executive, at their meeting on 23 December 2008, in respect of proposals to carry out an appraisal of land at Harewood Whin as the preferred site for a replacement Household Waste Recycling Centre for the West of the City.

Details of the Executive's decisions were attached as Annex 1 to the report. The original report to the Executive meeting was attached as Annex 2. The decisions had been called in by Cllrs Scott, Potter and Merrett for the following reasons:

- *The Executive has failed to consider properly or at all the comments of the Shadow Executive.*
- *The Executive has misdirected itself when considering its decision of 9 September.*
- *The Executive has reached a decision which the Full Council would not agree with.*
- *The decision of the Executive is fundamentally flawed.*

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

Cllr Potter addressed the meeting on behalf of the Calling-in Members. She expanded upon the reasons for the call-in, stating that the report to the Executive had not considered all the alternative options nor taken into account the views of residents, the fact that the existing Household Waste Site was popular and well used and the risks of development in the Green Belt.

Following questions and a full debate Cllr Scott moved, and Cllr Pierce seconded:

*"That the decisions be referred back to the Executive for the reasons stated by the Calling-In Members, with a particular recommendation that the Executive develop a waste management strategy before deciding on what recycling facilities are required."*

On being put to the vote, the above motion was declared CARRIED and it was

**RESOLVED:** That Option B be approved and that the decisions be referred back to the Executive for the reasons stated by the Calling-In Members, with a particular recommendation that the Executive develop a waste management strategy before deciding on what recycling facilities are required.

**REASON:** In accordance with the Constitutional procedures for called-in decisions and to deal with the issues raised by the Calling-in Members.

J Galvin, Chair

R Pierce, Vice Chair

[The meeting started at 4.40 pm and finished at 7.00 pm].