

**Corporate and Scrutiny Management Policy and
Scrutiny Committee (Calling-In)**

3 January 2017

Report of the Assistant Director – Legal and Governance

Called-in Item: Park and Ride Service Operator Specification

Summary

1. This report sets out the reasons for the post decision call-in of the decisions made by the Executive on 7 December 2016 in respect of the Park and Ride Service Operator Specification. The Executive gave approval for Officers to commence a new tendering exercise to secure an operator for the York Park & Ride service from February 2018, based on an option which it was felt provided increased flexibility to the Park & Ride operators. This cover report sets out the powers and role of the Corporate & Scrutiny Management Policy & Scrutiny Committee in relation to dealing with the call-in.

Background

2. An extract from the Decision Sheet issued after the Executive meeting is attached as Annex A to this report. This sets out the decision taken by the Executive on the called-in item. The original report to the Executive on 7 December 2016 on the called-in item is attached as Annex B to this report.
3. The Executive's decision has been called in post decision by Councillors Craghill, D'Agorne and Kramm for review by the Corporate & Scrutiny Management Policy & Scrutiny Committee (CSMPSC) (Calling-In), in accordance with the constitutional requirements for call-in. The following are the reasons given for the call-in:
 - The recommended Option 2 will undermine Executive commitment made in Dec 2015 in Air Quality Action Plan 3 for the most frequent bus services in the city centre 'to be required to have zero emission capability by 2018' * Local Air Quality Management (LAQM) Annual Status Report 2016.

- By not requiring rapid transition from two routes to fully ultra-low-emission vehicle (ULEV) status on all routes within the first half of the contract, CYC will undermine its 2012 Low Emission Strategy, in particular the proposed Clean Air Zone due to be introduced by 2018 in order to achieve compliance with the health based objectives for air quality. This was explicitly called for in representations to the Executive but ignored in their decision to move ahead on Option 2.
- Recent draft guidance from NICE (National Institute for Clinical Excellence) to local councils making specific proposals about designating Clean Air Zones has not been considered in this decision. The Executive has a statutory public health responsibility to 'improve the health of the local population'. Given that between 94 and 163 premature deaths in York are attributed to the effects of air pollution, the Executive should ensure that the proposal is compliant with its approved Low emission strategy and draft Clean Air Zone to bring air pollution down to within safe limits.

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 CSMPSC (Calling-In) Members in relation to dealing with this post decision call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
 - a. To decide that there are no grounds to make specific recommendations to the Executive in respect of the report. If this option is chosen, the original decision taken on the item by the Executive on 7 December 2016 will be confirmed and will take effect from the date of the CSMPSC (Calling-In) meeting; or
 - b. To make specific recommendations to the Executive on the report, in light of the reasons given for the post decision call-in. If this option is chosen, the matter will be reconsidered by the Executive at a meeting of Executive (Calling-In) to be held on 26 January 2017.

Analysis

6. Members need to consider the reasons for call-in and the report to the Executive and form a view on whether there is a basis to make specific recommendations to the Executive in respect of the report.

Council Plan

7. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2015-19.

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 all the reasons for calling in this decision and decide whether they wish to confirm the decisions made by the Executive or refer the matter back for reconsideration and make specific recommendations on the report to the Executive.

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 21 December 2016

Specialist Implications Officer(s) None

Wards Affected: All

For further information please contact the author of the report

Annexes

Annex A – Extract from the Decision Sheet produced following the Executive meeting on the called-in item

Annex B – Report to the Executive of the Corporate Director of Economy and Place on the Park and Ride Service Operator Specification, 7 December 2016

Background Papers

None