

Strategic Policy Panel

To: Councillors Waller (Chair), Runciman (Vice-Chair), Steve Galloway, Sue Galloway, Jamieson-Ball, Looker, Potter, Scott, Simpson-Laing, Gillies and Taylor

Date: Monday, 9 June 2008

Time: 4.30 pm

Venue: The Guildhall, York

AGENDA

1. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Public Participation

At this point in the meeting, members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the remit of the Strategic Policy Panel can do so. The deadline for registering is **5:00 pm on Friday, 6 June 2008.**

3. Minutes (Pages 3 - 6)

To approve and sign the minutes of the last meeting of the Strategic Policy Panel, held on 29 October 2007.

4. Referral of Decision: Called In Item: Back (Pages 7 - 12)
Park Petition - Executive Response

This report asks Members to consider a decision taken by the Executive (Calling In) on 13 May 2008 in respect of Back Park Petition, which has been referred to the Strategic Policy Panel by the Leader of the Labour Group.

5. Any other business which the Chair considers urgent under the Local Government Act 1972

Democracy Officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 551027
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

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If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

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Holding the Executive to Account

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
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- Public libraries get copies of **all** public agenda/reports.

City of York Council

Minutes

MEETING	STRATEGIC POLICY PANEL
DATE	29 OCTOBER 2007
PRESENT	COUNCILLORS STEVE GALLOWAY (CHAIR), SCOTT (VICE-CHAIR), GILLIES, JAMIESON-BALL, KING, POTTER, TAYLOR, WALLER, ASPDEN (SUBSTITUTE), VASSIE (SUBSTITUTE) AND SIMPSON-LAING (SUBSTITUTE)
APOLOGIES	COUNCILLORS FRASER, REID AND SUE GALLOWAY

1. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any interests they might have in the business on the agenda. The following personal, non-prejudicial interests were declared:

- Cllr King, as a member of the Young People's Working Group
- Cllr Vassie, as a regular user of Yearsley Pool
- Cllr Waller, as a governor of York High School.

2. PUBLIC PARTICIPATION

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Philip Crowe spoke in relation to agenda item (Review of Leisure Facilities Strategy (Swimming)), on the issue of potential sites for a new city centre pool. He suggested that the Park Side / Terry Avenue site, which was not one of those listed in the report, would be highly suitable to accommodate a community pool, being close to bus routes and within walking distance of a number of residential areas. He urged Members to re-visit their ideas for this site, which was currently earmarked for residential use.

In response to these comments, Officers confirmed that any proposed site for the pool would require a full appraisal before its suitability could be judged and that there were flood defence and other issues around the Park Side / Terry Avenue site which would have cost implications for any development there.

3. REVIEW OF LEISURE FACILITIES STRATEGY (SWIMMING)

Members considered a report concerning the referral of a decision made by the Executive on 23 October 2007 on an item entitled "Review of Leisure Facilities Strategy (Swimming)". The report set out the details of the Executive's decision, the reasons for the referral by Cllr Scott, Leader of the Labour Group, and the powers and role of the Strategic Policy Panel in dealing with the referral.

The following motion (Motion 1) was put by Cllr Scott and seconded by Cllr Potter:

“That the Executive be recommended to choose Option b(ii) in the report of 23 October (withdraw from the partnership with the University and build a new Council community pool instead, costing around £6m), with an added recommendation that an all party working group be established which would report back to the appropriate EMAP and / or Executive Committee with a view to implementing the decision to build a City Centre Swimming Pool, identifying the appropriate location and design brief.”

On being put to the vote, the motion was declared **lost** (by 6 votes to 5).

Cllr Scott then put, and Cllr Potter seconded, the following motion (Motion 2):

“That the Executive be recommended to resolve:

1. *That the Council reconfirm its commitment to the partnership with the University on the following minimum conditions being met:-*
 - a) *That the University pool is completed and open to the general public by 31st December 2011;*
 - b) *That the location of the University pool is agreed with the Council and is in such a location as not to deter public use;*
 - c) *That the hours of casual public use be no less than enjoyed at the proposed Oaklands and existing Yearsley pools and shall include peak time public access for the life time of the pool.*
 - d) *That the charging structure for public access shall:-*
 - (i) *be no greater than the highest charge charged by the Council;*
 - (ii) *provide a like discount for York Card holders and concessionary groups as in Council run pools;*
 - (iii) *provide a like discount at the same level as offered for family swimming in Council run pools.*
2. *That the Council reaffirm its commitment to providing swimming in the City Centre at the earliest opportunity by setting up an all party Working Group to investigate possible locations, partnerships and funding. The Working Group to report to the appropriate EMAP at 6 month intervals.*

The vote on this motion was **inconclusive** (5 votes to 5).

The parties' voting positions on the above two motions were as follows:

	Lib Dem	Labour	Conservative	Green
Motion 1	Against	For	Against	For
Motion 2	Against	For	Abstained	For

Cllr Gillies, on behalf of the Conservative Group, indicated that he would be prepared to support the Executive's original decision, subject to the following conditions being incorporated into the formal resolution:

- A completion date of no later than 2011 must be secured
- Access for residents must meet the Council's requirements

- The pricing structure must be commensurate with other Council owned pools
- Full details of the operating costs of the facility, and any Council liability related to such costs, must be agreed in principle before contracts are signed
- The provision of at least a 'community' pool in the City Centre area must remain an ambition of the Council, and we should actively seek partners to provide such a facility.

On behalf of the Liberal Democrat Group, the Chair indicated that he supported the inclusion of these conditions.

It was then

AGREED: That the Executive re-convene to consider their decision in the light of the opinions expressed by Members of the SPP.

REASON: In accordance with Constitutional requirements.

S F Galloway
Chair

[The meeting started at 4.30 pm and finished at 5.35 pm.]

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Strategic Policy Panel

9 June 2008

Report of the Head of Civic, Democratic and Legal Services

Called In Item: Back Park Petition – Executive Response

Summary

1. This report sets out the reasons for the referral to the Strategic Policy Panel (SPP) of the decision taken by the Executive (Calling In) on 13 May 2008 in respect of the Executive's original decision in respect of Back Park Petition, which was called in following the Executive meeting on 6 May 2008. It also explains the powers and role of SPP in relation to dealing with this referral.

Background

2. At their meeting on 6 May 2008, the Executive considered a report which asked them to respond to a petition presented to full Council in November 2007, seeking the removal of Back Park from the list of land for possible sale. They decided:

“(i) That the receipt of the petition, and the status of the land at issue, be noted.

“(ii) That Officers be asked to undertake an area asset management review in the Leeman Road area.

REASON: To ensure that the communities assets in this area are optimised and the highest quality of public provision achieved.”

3. Those decisions were subsequently called in and considered by the Scrutiny Management Committee (Calling In) on 12 May 2008, which decided to refer the decisions back to the Executive for reconsideration, with a recommendation that they make the following additional resolution:

“That this parcel of land be removed from the list of disposals, pending the outcome of the area asset management review.”

4. The matter was duly re-considered at a meeting of the Executive (Calling In) held on 13 May 2008, when the following decision was made:

“That the decision of the Executive on 6 May 2008 be amended to include the following additional resolution:

‘(iii) That the Executive will not approve the sale of any land in the Leeman Road area until the asset management review has been completed.’”

3. Councillor Scott, as Leader of the Labour Group, has now requested that this decision be referred to Strategic Policy Panel, in accordance with the constitutional requirements for referral, on the grounds that the Executive (Calling In) did not fully accept the recommendations of the Scrutiny Management Committee (Calling In).

Consultation

4. In accordance with the requirements of the Constitution, the Member who referred the item has been invited to speak at the meeting of the SPP.

Options

5. The following options are available constitutionally to the SPP in relation to dealing with this referral :
 - (a) To make a recommendation that the Executive confirm the decision of the Executive (Calling In) on 13 May 2008 in the sense that SPP does not believe there is any basis for reconsideration.
 - (b) To make a recommendation that the Executive reconsider or amend in part their decision of 13 May in the light of the reasons for referral.

The decision takes effect from the date of the Executive (Calling In) meeting; that is, 13 May 2008.

Analysis

6. Members need to consider the reasons for referral and the basis of the decision made by the Executive (Calling In) and form a view on whether there is a basis for reconsideration of that decision.

7. An extract from the minutes of the Executive (Calling In) meeting is attached as Annex A to this report. This indicates the basis upon which the decision now under consideration was taken.

Corporate Priorities

8. The issues in this report do not relate to the Council's current Corporate Priorities for Improvement.

Implications

8. There are no known implications in relation to the following in terms of dealing with the specific matter before Members, namely to determine and handle the referral.

- **Finance**
- **Human Resources (HR)**
- **Equalities**
- **Crime and Disorder**
- **Property**
- **Other**

Legal Implications

9. The Head of Civic, Democratic & Legal Services (Council's Monitoring Officer) will advise upon any relevant legal implications at the meeting associated with the reconsideration of this matter.

Risk Management

10. There are no risk management implications associated with the referral of this matter.

Recommendations

11. Members are asked to consider the referral and reasons for it and decide whether they wish to confirm the decision made by the Executive (Calling In) on 13 May, or recommend that the Executive reconsider or amend in part their decision in the light of the reasons for referral.

Reason:

To enable the referral to be dealt with efficiently and in accordance with the Constitution.

Contact details:

Author:

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Chief Officer Responsible for the report:

Quentin Baker
Head of Civic, Democratic and Legal Services

Report Approved



Date 29/5/08

Specialist Implications Officer(s)

None

Wards Affected:

All



For further information please contact the author of the report

Annexes

Annex A – Extract from the minutes of the Executive (Calling In) meeting held on 13 May 2008.

Background Papers

Reports to and minutes of the following meetings (all available on the Council's website):

- Executive – 6 May 2008
- Scrutiny Management Committee (Calling In) – 12 May 2008

City of York Council

Committee Minutes

MEETING	EXECUTIVE (CALLING IN)
DATE	13 MAY 2008
PRESENT	COUNCILLORS STEVE GALLOWAY (CHAIR), ASPDEN, SUE GALLOWAY, JAMIESON-BALL, REID, RUNCIMAN, SUNDERLAND, VASSIE AND WALLER

225. CALLED IN ITEM: BACK PARK PETITION - EXECUTIVE RESPONSE

Members re-considered the decision they had taken at the Executive meeting on 6 May 2008 in respect of a petition submitted to full Council in November 2007 seeking the removal of Back Park, in Balfour Street, from the list of leisure land for potential sale.

The Executive decision in respect of this item had been called in by Cllrs Crisp, Alexander and Bowgett and subsequently considered by the Scrutiny Management Committee (SMC) (Calling In) at a meeting on 12 May 2008. The SMC (Calling In) had resolved:

“That Option B be approved and the decision referred back to the Executive for reconsideration, with the recommendation that they make the following additional resolution:

‘That this parcel of land be removed from the list of disposals, pending the outcome of the area asset management review.’”

Having taken advice from the Head of Civic, Democratic and Legal Services, the Chair indicated that the Executive did not have the power to remove items from the list of capital disposals, as this was a matter reserved to full Council. However, the Executive could confirm its intention not to sell any land in Leeman Road until the area asset management review had been completed.

RESOLVED: That the decision of the Executive on 6 May 2008 be amended to include the following additional resolution:

“(iii) That the Executive will not approve the sale of any land in the Leeman Road area until the asset management review has been completed.

REASON: In accordance with the requirement to re-consider the original decision of the Executive and in order to respond to the issues raised by the Calling-in Members and discussed at the SMC (Calling In) meeting.

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