
**Scrutiny Management Committee
(Calling – In)**

5 January 2009

Report of the Head of Civic, Democratic and Legal Services

**Called-in Item: West of York Household Waste Site –
Land Option**

Summary

1. This report sets out the reasons for the call-in of a decision made by the Executive on 23 December 2008 regarding proposals to carry out an appraisal of land at Harewood Whin as the preferred site for a replacement Household Waste Recycling Centre to serve the west of the City. The report also explains the powers and role of the Scrutiny Management Committee in relation to dealing with the call-in.

Background

2. An extract from the decision list published after the relevant meeting of the Executive is attached as Annex 1 to this report. This sets out the decision taken by the Executive on 23 December. The original report to the Executive meeting is attached as Annex 2.
3. Following publication of the Executive's decision, Councillors Scott, Potter and Merrett called in the decision for review by the Scrutiny Management Committee (SMC) (Calling-In), in accordance with the constitutional requirements for post-decision call-in. The reasons given for the call-in are as follows:-
 - *The Executive have failed to consider properly or at all the comments of the Shadow Executive*
 - *The Executive have misdirected itself when considering its decision of 9 September*
 - *The Executive have reached a decision which the Full Council would not agree with*
 - *That the decision of the Executive is fundamentally flawed.*

Consultation

4. In accordance with the requirements of the Constitution, the calling-in Members have been invited to attend and/or speak at the Calling-In meeting, as appropriate.

Options

5. The following options are available to SMC (Calling-In) in relation to dealing with this call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
 - (a) to confirm the decision of the Executive, on the grounds that the SMC (Calling-In) does not believe there is any basis for reconsideration. If this option is chosen, the decision takes effect from the date of the SMC (Calling-In) meeting;
 - (b) to refer the decision back to the Executive, for them to reconsider or amend in part their decision. If this option is chosen, the matter will be re-considered at the meeting of the Executive (Calling-In) scheduled for 6 January 2009.

Analysis

6. Members need to consider the reasons for call-in and the basis of the decision made by the Executive and form a view on whether there is a basis for reconsideration of that decision.

Corporate Priorities

7. An indication of the Corporate Priorities to which the Executive's decision is expected to contribute is provided in paragraphs 11, 12 and 13 of Annex 2 to this report.

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 the call-in and reasons for it and decide whether they wish to confirm the decision made by the Executive or refer the matter back to the Executive for re-consideration.

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**

Specialist Implications Officer(s) None

None

Wards Affected:

All

For further information please contact the author of the report

Annexes

Annex 1 – decision of the Executive (extract from decision list published 23/12/08)

Annex 2 – report to Executive meeting on 23/12/08