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

**4 May 2010**

**Report of the Head of Civic, Democratic and Legal Services**

**Called-in Item: Traffic Congestion Final report Part 1**

**Summary**

1. This report sets out the reasons for the call-in of the decisions made by the Executive on 13 April 2010 in relation to the a report which presented the findings of the Traffic Congestion Ad Hoc Scrutiny Committee following their review of Traffic Congestion in York. This covering 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 Executive Meeting is attached as Annex 1 to this report. This sets out the decisions taken by the Executive on the called-in item, together with a list of Executive comments on the Scrutiny Committee's report. The original report to the Executive is attached as Annex 2.
3. Councillors D'Agorne, Hudson and Merrett have called in the Executive's decisions 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 that:

*“Just noting the Traffic Congestion Ad Hoc Scrutiny's (interim) final report on the terms stated is not an appropriate or adequate response and the Executive should consider the various recommendations and say yes or no to them, or make amended argued decisions as appropriate.”*

## **Consultation**

4. In accordance with the requirements of the Constitution, the Calling-In Members will be 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 decisions 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 decisions will take effect from the date of the SMC (Calling-In) meeting.
  - (b) To refer the matter back to the Executive, for them to reconsider their original decisions. If this option is chosen, the matter will be re-considered at a meeting of the Executive (Calling-In) to be held on 5 May 2010.

## **Analysis**

6. Members need to consider the reasons for call-in and the basis of the decisions made by the Executive and form a view on whether there are grounds for reconsideration of those decisions.

## **Corporate Priorities**

7. An indication of the Corporate Priorities to which the Executive's decisions are expected to contribute is provided in paragraph 11 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 decisions made by the Executive or refer the matter back for re-consideration at the scheduled Executive Calling-In meeting.

### Reason:

11. 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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**Chief Officer Responsible for the report:**

Head of Civic, Democratic and Legal Services

Report Approved  Date

**Specialist Implications Officer(s)** None

**Wards Affected:**

All

**For further information please contact the author of the report**

### Annexes

Annex 1 – decisions of the Executive on the Traffic Congestion Final Report Part 1 (extract from decision list published after the meeting on 13/4/10) and list of Executive comments on the report

Annex 2 – report to Executive meeting held on 13/4/10

### Background Papers

Agenda and minutes relating to the above meeting (published on the Council's website)