

Report of the Assistant Director, Governance and ICT

Called-in Item: Tethered Horses – Proposed Policy Framework

Summary

1. This report sets out the reasons for the call-in of the decisions made at Cabinet on 4 December 2012 in relation to proposals for a proposed policy framework relating to tethered horses. The report to the meeting outlined proposals for the development of a joint protocol setting out how these issues could be managed by the Council and partner organisations within the legal framework and resources available.

This cover report sets out the powers and role of the Corporate and Scrutiny Management Committee in relation to dealing with the call-in.

Background

2. The Decision Sheet issued after the Cabinet meeting is attached as Annex A to this report. This sets out the decisions taken by Cabinet on the called-in item. The original report to the Cabinet on the called-in item is attached as Annex B to this report.
3. The Cabinet's decision has been called in by Cllrs Brooks, Watt and Warters for review by the Corporate and Scrutiny Management Committee (CSMC) (Calling-In), in accordance with the constitutional requirements for call-in. The following are the reasons given for the call-in:
 1. *The option approved by cabinet fails to initiate an EFFECTIVE course of action with the URGENCY needed to deal with the current real danger to motorists, cyclists and pedestrians posed by horses illegally tethered on verges i.e. the public highway.*

2. *The key risks associated with the cabinet report are stated as financial and reputation. There needs to be a greater consideration of the risk of public safety.*
3. *The report fails to inform whether or not the consideration of CYC purchasing land specifically for grazing horses will be a facility that can be accessed by all York residents who have or may wish to own horses. Given the equalities implications this analysis needs to be addressed.*
4. *The report fails to consider the potential animal health issues associated with tethered horses of uncertain vaccination history tethered adjacent to landowners stock.*

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 CSMC (Calling-In) Members in relation to dealing with this 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 Cabinet in respect of the report. If this option is chosen, the original decisions taken on the item by the Cabinet on 4 December 2012 will be confirmed and will take effect from the date of the CSMC (Calling-In) meeting; or
 - b. To make specific recommendations to Cabinet on the report, in light of the reasons given for the call-in. If this option is chosen, the matter will be reconsidered by Cabinet at a meeting of Cabinet (Calling-In) to be held on 18 December 2012.

Analysis

6. Members need to consider the reasons for call-in and the report to Cabinet and form a view on whether there is a basis to make specific recommendations to Cabinet 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 2011-15.

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 Cabinet or refer the matter back for reconsideration and make specific recommendations on the report to Cabinet.

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

10 December 2012

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 from the Cabinet meeting on the called-item.

Annex B – Report to the Cabinet on 4 December 2012.

Background Papers

None