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

12 October 2009

Report of the Head of Civic, Democratic and Legal Services

Called-in Item: The Barbican Auditorium

Summary

1. This report sets out the reasons for the call-in of the decisions made by the Executive on 22 September 2009 in relation to an update report on plans to bring the Barbican Auditorium back into use. The report also explains the powers and role of the Scrutiny Management Committee in relation to dealing with the call-in.

Background

1. 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 Barbican item. The original report to the Executive is attached as Annex 2.
2. Councillors Scott, Crisp and B Watson 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 the Executive has failed to follow the recommendations of the Shadow Executive, inter alia:

- (i) It failed to specify community days as an essential criteria in marketing to prospective bidders;*
- (ii) It failed to specify community days as an important weighting in the scoring of bids; and*
- (iii) It abdicated responsibility by passing the decision on final criteria and weighting to the Chief Executive.”*

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 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 take effect from the date of the SMC (Calling-In) meeting.
 - (b) To refer the decisions back to the Executive, them to reconsider or amend in part their decisions. If this option is chosen, the matter will be re-considered at a meeting of the Executive (Calling-In) to be held on 13 October 2009.

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 is a basis 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 27 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:

To enable the called-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

Contact details:

Author:

Dawn Steel
Democratic Services Manager
01904 551030
email:
dawn.steel@york.gov.uk

Chief Officer Responsible for the report:

Quentin Baker
Head of Civic, Democratic and Legal Services

Report Approved Date 24/9/09

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 Barbican item (extract from decision list published 23/9/09)

Annex 2 – report to Executive meeting held on 22/9/09

Background Papers

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