

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, 14 July 2008
- Time:** 4.00 pm (*please note earlier time for this meeting*)
- 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 Strategic Policy Panel's remit can do so. The deadline for registering is

5:00 pm on Friday, 11 July 2008.

3. Minutes

(Pages 3 - 4)

To approve and sign the minutes of the Strategic Policy Panel meeting held on 9 June 2008.

**4. Referral of Called In Item: York (Pages 5 - 14)
Racecourse – Application for Lease
Extension and Amendments – Report
Back on the Results of Further
Negotiations**

This report asks Members to consider a decision taken by the Executive (Calling In) on 8 July in respect of York Racecourse, 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;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
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City of York Council

Committee Minutes

MEETING	STRATEGIC POLICY PANEL
DATE	9 JUNE 2008
PRESENT	COUNCILLORS WALLER (CHAIR), RUNCIMAN (VICE-CHAIR), JAMIESON-BALL, POTTER, SCOTT, GILLIES, TAYLOR, VASSIE (SUBSTITUTE FOR CLLR SUE GALLOWAY), HYMAN (SUBSTITUTE FOR CLLR STEVE GALLOWAY), GUNNELL (SUBSTITUTE FOR CLLR SIMPSON-LAING) AND KING (SUBSTITUTE FOR CLLR LOOKER)
APOLOGIES	COUNCILLORS STEVE GALLOWAY, SUE GALLOWAY, LOOKER AND SIMPSON-LAING

1. **DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

2. **PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

3. **MINUTES**

RESOLVED: That the minutes of the last meeting, held on 29 October 2007, be approved and signed by the Chair as a correct record.

4. **REFERRAL OF DECISION: CALLED IN ITEM: BACK PARK PETITION - EXECUTIVE RESPONSE**

Members considered a report concerning the referral of a decision made by the Executive (Calling In) on 13 May 2008, in respect of the Executive's original decision on 6 May on an item seeking their response to a petition about Back Park, which was presented to full Council in November 2007.

The report set out the decisions of the Executive and the Executive (Calling In), the reasons for the referral by Cllr Scott, as Leader of the Labour Group, and the powers and role of the Strategic Policy Panel (SPP) in dealing with the referral.

At the outset of the meeting, the following motion was moved by Cllr Waller and seconded by Cllr Jameson-Ball:

“The Strategic Policy Panel recommends that the Executive ask Officers for a report to be prepared for the Full Council meeting on 30th June containing a recommendation that the resolution of the Executive (Calling in) meeting on 13th May is included in the Capital Programme in relation to the Balfour Street Play Area.”

Following a debate on the issues, Cllr Scott moved, and Cllr Taylor seconded, an amendment to the above motion, as follows:

“Delete all after ‘recommendation’ in the 3rd line and replace with: ‘that the Balfour Street Play Area is removed from the Capital Programme’.”

After further debate, Cllr Gillies moved, and Cllr Runciman seconded, an alternative amendment to Cllr Waller’s motion, as follows:

“Delete all after ‘30th June’ in the 2nd line and replace with: ‘with appropriate options and recommendations regarding the Balfour Street Play Area and that no further action is taken until the outcome of that meeting is known’.”

Cllr Scott’s amendment was then put to the vote. 5 Members voted for and 5 against the amendment; one Member abstained. The Chair declined to use his casting vote and the amendment therefore fell.

Cllr Gillies’ amendment was then put to the vote. 6 Members voted for and 5 against the amendment, which was therefore declared carried.

Finally, the motion as amended by Cllr Gillies’ amendment was put to the vote. 6 Members voted for the amended motion and 5 voted against. Accordingly, it was

RESOLVED: That the Strategic Policy Panel recommends that the Executive ask Officers for a report to be prepared for the Full Council meeting on 30th June with appropriate options and recommendations regarding the Balfour Street Play Area and that no further action is taken until the outcome of that meeting is known.¹

REASON: In accordance with Constitutional procedures and to take account of the recommendations of the Scrutiny Management Committee (Calling In).

Action Required

1. Write report for Full Council

SA

A Waller, Chair

[The meeting started at 4.35 pm and finished at 5.25 pm].



Strategic Policy Panel**14 July 2008****Report of the Head of Civic, Democratic and Legal Services****Referral of Called In Item: York Racecourse –
Application for Lease Extension and Amendments –
Report Back on the Results of Further Negotiations****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 8 July 2008 in respect of the Executive's original decision in respect of York Racecourse's application for amendments to and extension of their lease, which was called in following the Executive meeting on 30 June 2008. It also explains the powers and role of SPP in relation to dealing with this referral.

Background

2. At their meeting on 30 June 2008, the Executive considered a report which presented the results of further negotiations between Council Officers and York Racecourse with regard to the granting of a new lease, incorporating a number of amendments. They decided:
 - “(i) That Option a) be approved and the existing lease for the Racecourse be surrendered in favour of a new 99 year lease from the end of the current season based on the changes summarised in paragraphs 2 & 3 of the report;*
 - “(ii) That a growth bid be submitted by the Director of Learning, Culture & Children's Services for the provision of temporary toilets on Race Days on an experimental basis starting from 2009, in the 2009-10 budget round;*
 - “(iii) That officers be instructed to negotiate with the Race Committee to ensure that the Cycle Rally is not compromised by extra race days.”*

3. The above decisions were subsequently called in and considered by the Scrutiny Management Committee (Calling In) on 7 July, which resolved:

“That Option B be approved and the decisions referred back to the Executive for reconsideration, with a recommendation that they:

- a) confirm their original decision to grant the new lease, in accordance with Resolution (i) from the meeting on 30 June;*
- b) recognise the contribution of York Racecourse to the economy of the City;*
- c) resolve that monies be provided by the Council, either from the lease income or by other financial provision, to combat anti-social behaviour by race-goers, including littering and toilets, and to provide proper policing;*
- d) resolve that a Traffic Masterplan be prepared to examine traffic issues for the whole area around the Racecourse, taking into account the new development at the Terrys factory site and the potential new community stadium.”*

4. The matter was duly re-considered at a meeting of the Executive (Calling In) held on 8 July, when the following decisions were made:

“(i) That the decisions taken by the Executive on this item on 30 June 2008 be confirmed.

(ii) That recommendations (a) (b) and (d) of the Scrutiny Management Committee (Calling In) be accepted and endorsed.

(iii) That, with regard to recommendation (c) of the Scrutiny Management Committee (Calling In):

- a) the issues of toilet provision and littering be referred to Officers to consider how performance can be improved in these areas, with the option of funding the provision of temporary toilets on Race Days out of reserves in the current year, if feasible,²*
- b) the issue of policing standards be the subject of further discussions with the local force commander.”*

5. Councillor Scott, as Leader of the Labour Group, has now requested that these decisions be referred to Strategic Policy Panel, in accordance with the constitutional requirements for referral, on the grounds that:

“the Executive failed to follow all the recommendations of the SMC of the 7th July. IN so doing the Executive have misdirected themselves.”

Consultation

6. 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

7. 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 8 July 2008, on the grounds 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 8 July, in the light of the reasons for referral.

The decision takes effect from the date of the Executive (Calling In) meeting; that is, 8 July 2008.

Analysis

8. 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.
9. An copy of 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

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

Implications

11. 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

12. 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

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

Recommendations

14. 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 8 July, 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 9/8/08

Specialist Implications Officer(s)

None

Wards Affected:

All



For further information please contact the author of the report

Annexes

Annex A – Minutes of the Executive (Calling In) meeting held on 8 July 2008.

Background Papers

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

- Executive – 30 June 2008
- Scrutiny Management Committee (Calling In) – 7 July 2008

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City of York Council

Committee Minutes

MEETING	EXECUTIVE (CALLING IN)
DATE	8 JULY 2008
PRESENT	COUNCILLORS WALLER (CHAIR), STEVE GALLOWAY, JAMIESON-BALL, REID, RUNCIMAN AND VASSIE
APOLOGIES	COUNCILLOR SUE GALLOWAY

1. **DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

2. **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the meeting should any discussion arise on part of Annex B to the report associated with agenda item 4 (Called-in Item – York Racecourse), on the grounds that it contains information relating to the financial or business affairs of particular persons, which is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

3. **PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

With the Chair's permission, a letter received from a member of the public, commenting on the minute of the Executive's decision on 30 June 2008, was circulated to Members.

4. **CALLED-IN ITEM - YORK RACECOURSE: APPLICATION FOR LEASE EXTENSION AND AMENDMENTS - REPORT BACK ON ON THE RESULTS OF FURTHER NEGOTIATIONS**

Members re-considered the decisions they had taken at the Executive meeting on 30 June 2008 with regard to the granting of a new lease to York Racecourse, following completion of the further negotiations between Officers and the Racecourse requested at an earlier meeting.

The Executive decisions on this item had been called in by Cllrs Fraser, Gunnell and Merrett and subsequently considered by the Scrutiny Management Committee (SMC) (Calling In) at a meeting on 7 July 2008. The SMC (Calling In) had resolved:

“That Option B be approved and the decisions referred back to the Executive for reconsideration, with a recommendation that they:

- a) confirm their original decision to grant the new lease, in accordance with Resolution (i) from the meeting on 30 June;*
- b) recognise the contribution of York Racecourse to the economy of the City;*
- c) resolve that monies be provided by the Council, either from the lease income or by other financial provision, to combat anti-social behaviour by race-goers, including littering and toilets, and to provide proper policing;*
- d) resolve that a Traffic Masterplan be prepared to examine traffic issues for the whole area around the Racecourse, taking into account the new development at the Terrys factory site and the potential new community stadium.”*

Having taken advice from Officers responsible for Property Services, City Strategy and Neighbourhood Services and debated the issues, it was

RESOLVED: (i) That the decisions taken by the Executive on this item on 30 June 2008 be confirmed.¹

REASON: To enable the lease to be entered into without further delay and for the reasons already recorded in respect of those decisions.

(ii) That recommendations (a) (b) and (d) of the Scrutiny Management Committee (Calling In) be accepted and endorsed.

REASON: Recommendations (a) and (b) do not conflict with the original decisions, while recommendation (d) can be dealt with under existing traffic planning processes, including the Traffic Management Plan for the Racecourse area, which is regularly reviewed and updated to reflect changing circumstances.

(iii) That, with regard to recommendation (c) of the Scrutiny Management Committee (Calling In):

- a) the issues of toilet provision and littering be referred to Officers to consider how performance can be improved in these areas, with the option of funding the provision of temporary toilets on Race Days out of reserves in the current year, if feasible;²
- b) the issue of policing standards be the subject of further discussions with the local force commander.³

REASON: a) These matters are already being dealt with by Officers in Neighbourhood Services, working in conjunction with York Racecourse.

b) York citizens already pay a precept to cover the cost of policing and it would not be desirable to set a precedent requiring additional payments to cover sporting events.

A Waller, Chair

[The meeting started at 2.00 pm and finished at 2.25 pm].

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