

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:

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 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