

---

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

**4 April 2011**

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

**Called-in Item: Draft Framework for Low Emission  
Strategy**

**Summary**

1. This report sets out the reasons for the call-in of the decisions made by the Executive on 15 March 2011 regarding a report which presented a draft framework for the York Low Emission Strategy, to be taken forward for public consultation in 2011. 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 A to this report. This sets out the decisions taken by the Executive on the called-in item. The original report to the Executive is attached as Annex B.
3. Councillors Gunnell, Merrett 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 as follows:

*(The draft LES Framework)*

- *is wholly inadequate given the number of premature deaths and ill health that worsening traffic related pollution is causing;*
- *offers no clear target for when health-based limits are to be achieved;*
- *provides no commentary on the effect of the different measures mentioned or on what impact the overall strategy will have;*
- *contains no proper discussion nor makes any positive recommendations for potentially the most effective solution to*

*the emissions problem of a Low Emission Zones (LEZ), as now used in London, Norwich, and 200 cities across Europe;*

- *and leaves the Council vulnerable to potential significant EU fines should the UK Government's current legislative proposal to pass down any EU fines on the UK to individual local authorities covering areas failing to meet the EU legislative requirements.*

### **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 22 March 2011.

### **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 48 of Annex B 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.

### **Contact details:**

#### **Author:**

Dawn Steel  
Democratic Services Manager  
01904 551030  
email:  
[dawn.steel@york.gov.uk](mailto:dawn.steel@york.gov.uk)

#### **Chief Officer Responsible for the report:**

Andrew Docherty  
Head of Civic, Democratic and Legal Services

**Report Approved**  **Date** 21 March 2011

**Specialist Implications Officer(s)** None

**Wards Affected:**

**All**

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

### **Annexes**

Annex A – decisions of the Executive on Draft Framework for York Low Emission Strategy (extract from decision list published after the meeting on 15/3/11)

Annex B – report to Executive meeting held on 15/3/11

### **Background Papers**

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