

**NORTH YORKSHIRE COUNTY COUNCIL**

**YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE**

**8 May, 2008**

**Call In of Decision By Executive Member - Children & Young People's Service  
Relating to Children's Services Provision in Eastfield and Middle Deepdale**

**1.0 PURPOSE OF REPORT**

- 0.1 To enable the Committee to consider whether it would wish to refer the decision relating to provision in Eastfield and Middle Deepdale back to the Executive Member - Children and Young People's Service or to the full Council and, if so, the nature of its concerns about the decision.

**2.0 THE DECISION OF THE EXECUTIVE MEMBER - CHILDREN & YOUNG PEOPLE'S SERVICE**

- 2.1 On 25 April 2008 the Executive Member made the following decisions:-

"That public consultation should take place on Children's Services provision in Eastfield (including Middle Deepdale), Scarborough".

- 2.2 A copy of the Report and Decision Record are attached as Appendices to this Report.

**3.0 THE CALL IN**

By 30 April, 2008 I had received written notice from 6 Members that they wished the decision of the Executive Member - Children and Young People's Service to be called in. The notice was signed by County Councillors Brian Simpson, Richard Hall, Caroline Seymour, Stuart Parsons, Bill Hoult and David Lloyd-Williams.

The reasons given for Call-in were:-

"We object strongly to secondary education provision not being included in the public consultation regarding Children's Services provision in Eastfield and Middle Deepdale. We also object to North Yorkshire County Council regarding the new extension of Eastfield as a separate housing estate and failing to recognize community cohesion issues in Eastfield.

By not including secondary education provision North Yorkshire County Council is putting George Pindar Community Sports College at a severe disadvantage in terms of possible Section 106 funding, which the College will miss out on if the new housing is not brought into its catchment area.

Not including secondary education provision on the public consultation denies the opportunity for a full public debate on the issues and has serious implications for the openness and transparency of local government and undermines the democratic process."

**4.0 THE ROLE OF THE OVERVIEW AND SCRUTINY COMMITTEE**

- 4.1 It is for the Committee to consider the decision which has been subject to call in and then to decide whether, or not, it wishes to refer it back to the decision making person or body (the Executive Member - Children and Young People's Service) for reconsideration, setting out in writing the nature of its concerns, or whether, or not, it wishes to refer the matter to full Council.
- 4.2 If the Committee does not refer the matter back to the Executive Member - Children and Young People's Service or refer it to the Council, the decision will take effect on the date of the Overview and Scrutiny Committee meeting. The relevant parts of the County Council's Overview and Scrutiny Committee procedure rules are set out below.

## **5.0 16. CALL IN**

Note: Powers of call in apply only to functions which are the responsibility of the Executive.

- (d) If, having considered the decision, the Overview and Scrutiny Committee wishes to do so, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council. If referred to the decision maker they shall then consider the matter, amending the decision or not, before adopting a final decision.
- (e) If following an objection to the decision, the overview and scrutiny committee does not refer the matter back to the decision making person or body the decision shall take effect on the date of the overview and scrutiny meeting.
- (f) Where the matter has been referred to full Council, but the Executive decides that the matter must be determined prior to the next Council meeting, they may proceed to determine the matter, and shall report the matter to the next Council meeting.
- (g) Subject to (f) above, if the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, (note: it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget) the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.

## **6.0 ISSUES TO BE DETERMINED**

- 6.1 That the Committee considers whether, or not, it wishes to refer the decision back to the Executive Member – Children and Young People's Service for reconsideration and, if so, the nature of the Committee's concerns, or whether the Committee wishes to refer the matter to full Council, or not.

CAROLE DUNN  
Head of Legal and Committee Services

County Hall  
NORTHALLERTON

30 April 2008  
JW/ALJ/JD

Background Documents      None

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