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Meeting	Corporate Services, Climate Change and Scrutiny Management Committee (Calling In)
Date	11 March 2024
Present	Councillors Fenton (Chair), Baxter, J Burton (from 5.11 pm), Healey, Rowley, Steels-Walshaw, K Taylor (from 5.16 pm), Clarke (Substitute for Cllr Merrett), Fisher (Substitute for Cllr Widdowson), Wann (Substitute for Cllr Ayre), Crawshaw (Substitute for Cllr Myers), Rose (Substitute for Cllr Kelly) and Knight (Substitute for Cllr Waller)
Apologies	Councillors Merrett, Ayre, Kelly, Myers, Waller and Widdowson

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#### 14. **Declarations of Interest**

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

Cllr Fisher noted, in relation to item 4 (Called-in item, Bus Service Review), that he was in possession of a bus pass.

#### 15. **Minutes**

Resolved: That the minutes of the last meeting held on 12 February 2024 be approved as a correct record.

#### 16. **Public Participation**

It was reported that there had been four registrations to speak at the meeting under the Council's Public Participation Scheme.

Caleb Pell spoke on Item 4 (Called-in item: Bus Service Review) and raised concerns regarding cuts in bus services and the impact that could have on modal shift. He noted that cuts to

services did not support the council's objective to reduce car journeys.

Barbara Boyce, a former Sheriff, spoke in relation to Item 5 (Called-in item: Civic Protocols Review). She made a number of recommendations including reducing the role of Sheriff, a more economical vehicle, a reduction in the number of Guild events, the role of Lord Mayor (LM) should be more secular, and being prescriptive with the LM charities should be avoided. She also raised the possibility of the Mansion House being managed externally.

David Carr, a former LM, also spoke in relation to Item 5. He cautioned against any reduction in allowances for the civic party as this could lead to the role being filled only by those that could afford to do it, he also suggested the limousine could be sponsored 'discretely'. He raised concerns that the elected Mayor for York and North Yorkshire Combined Authority may overshadow the role of LM. Finally, he suggested that the civic party could be reduced to two people; the LM and Sheriff.

Honorary Alderman Brian Watson, a former LM, also spoke in relation to Item 5 (Called-in item: Civic Protocols Review). He raised concerns regarding the operation of the Mansion House as the LM's official residence and questioned the fire risk assessment relating to the use of the lift.

## **17. Called-in Item: Bus Service Review**

Members considered a report which set out the reasons for the call-in of the decisions made by the Executive on 20 February 2024 in respect of the above matter, along with the committee's remit and powers in relation to the call-in.

The decisions were contained in the extract from the relevant Decision Sheet at Annex 1 to the report. The original report and associated annexes A to F were attached at Annex 2. The decisions had been called in by Cllrs Pearson, Steward and Hollyer for the following reasons:

- *The stated policy objective of the Draft Local Transport strategy is to increase bus patronage by 50% – the consultation that has been produce for the Local Bus Service Update shows that this decision would result in a*

*reduction in bus patronage. It only proposes modifications to the services and makes no attempt to deliver on patronage uplift required in the administration's draft transport strategy.*

- *The Executive rushed through the consultation over the Christmas period which reduced the amount of engagement with the public that the consultation had generated. The report shows that the cuts proposed will lead to a reduction in patronage and the views of residents and bus users have been ignored in the decision making process.*
- *The report makes no reference to the consultation on the reduction in patronage and there is no policy discussion on the effects of the reduction in bus patronage. The Bus Service Review was available in December but was not consulted on. The review contained a number of factual errors, and omissions in key details which are not a basis on which to make an informed decision. It judges accessibility just on the bus stop locations served and frequency of calls and not about where the buses go and the journeys people want to make at the times they need to make them, it does not mention or refer to the increased transport deprivation this change would cause. There is also no reference or consideration given to the 10 to 15 year plan that the council has to submit to government on their long term vision for buses in York.*

The Calling-in Members, Cllr Pearson, Steward and Hollyer, each addressed the committee in turn, expanding on their reasons for the call-in and then responding to questions from Members.

The Deputy Leader and Executive Member for Economy and Transport then addressed the committee regarding his decisions, and responded to questions. Officers responsible for the report to Executive spoke to clarify aspects of their report and to answer questions.

[5.59 – 6.01pm, Cllr Steels-Walshaw left the meeting]

Finally, Cllr Pearson summed up on behalf of the Calling-in Members and the Executive Member summed up the Executive position.

During the above process, it was confirmed that:

- There was no government funding for concessionary fares.
- The 1100 responses to the consultation was considered by officers to be a reasonable return, and in line with other consultations.

Under the provisions of the council's constitution at the time the call-in was made, Members were asked to state individually whether they considered the core principles identified in the call-in request (Annex 3) had been breached or not. The following options were available:

- In the event of the majority of Members finding no breach, the call-in request would be immediately closed with no further action unless the Committee identifies any areas worthy of future exploration by the scrutiny function.
- In the event of the majority of Members finding a breach, the called in decision would be referred back in full for further consideration at the next appropriate meeting of the Executive.

With five Members finding there had been a breach, and eight Members finding there had not been a breach, the call-in fell and it was:

Resolved: That the call-in request be closed.

Reason: To determine the outcome of the alleged breach in Executive decision making.

[6.53 - 7.01 pm, the meeting adjourned for a comfort break.]

## 18. **Called-in Item: Civic Protocols Review**

Members considered a report which set out the reasons for the call-in of the decisions made by the Executive Member for Finance, Performance, Major Projects and Equalities in consultation with the Executive Leader including Corporate Services, Policy, Strategy and Partnerships on 21 February 2024 in respect of the above matter, along with the committee's remit and powers in relation to the call-in.

[7.02 pm Cllr Rose re-joined the meeting.]

The decisions were contained in the extract from the relevant Decision Sheet at Annex 1 to the report. The original report was attached at Annex 2. The decisions had been called in by Cllrs Mason, Steward and Orrell for the following reasons:

- **Key Decision** *This should have been a key decision as a minimum; the Lord Mayoralty affects all wards and all members of the council. They are by statute the first citizen of the city and York's Lord Mayor is second only to the City of London, holding the title Right Honourable (which only York and London do within England). The ancient right to appoint a Mayor comes from royal charters dating back to 1212 and the office is of immense standing in York, the UK and internationally. Any change to how the office operates is significant to our city and the country. In regard to the office of Sheriff, York is one of only a small number of cities who retain the right to appoint a sheriff independently of the Crown. This right comes from royal charters and letters patent. The office of Sheriff of York dates back to 1396 and its current legal standing is as a "Local Officer of Dignity".*

*The paper makes changes to the roles of the Lord Mayor and Sheriff which affect the constitution in regard to their duties, in particular "To act as an ambassador for the City locally, nationally and internationally", "actively promoting and supporting local business and economic activity", "actively promoting and supporting local tourism", "residency in the Mansion House". This alone should have meant a full council decision.*

*Article 7, 3.2 of the constitution helps define Key Decisions as:*

- c) whether the decision is likely to be a matter of political or other controversy*
- d) the extent to which the decision is likely to result in or attract substantial public interest.*

*It was clear such significant changes to the Mayoralty and Shrievalty of England's second civic city, which had no consultation whatsoever, would meet the above criteria.*

- **Consultation and Analysis** *Lack of consultation is of great concern. There are only 3 members of the council with any experience of civic office, none were consulted. Other interested parties were not engaged with, including the Civic Trust and former Lord Mayors and Sheriffs. Indeed, no group leaders, councillors or the public, charities or businesses were consulted. There was no consultation with other CYC officers in terms of the Lord Mayor's and Sheriff's roles in promoting economy development or with organisations such as Visit York in regard to tourism. The only consultation was with the incoming Lord Mayor, who at the point of the decision being made was not known to the public and their views were not shared in the paper. No alternatives or comparisons were given.*
- **Equalities Impacts** *The lack of any equalities impact assessment meant the executive member could not take account of how these changes will affect members with disabilities or those with poorer socioeconomic backgrounds. A full EIA should have been provided.*
- **Lack of Financial Detail** *Details regarding the actual costs were not articulated. The paper fails to offer any detailed financial breakdowns or budgets. There is no cost benefit analysis against monies spent or context on positive impact. The executive member gave the media a figure of £53k ahead of the meeting, but at the meeting a different figure of £130k was given by officers.*

*The proposed savings are not articulated, with the exception of the reduction in allowances. The paper fails to properly describe where and how the savings will be made and their impacts.*

*The paper made no mention of purchasing new "badges of office", nor any costs, yet at the meeting officers said new civic regalia was being commissioned. The executive member was not given any financial costings for these when agreeing this.*

The Calling-in Members, Cllr Mason, Steward and Orrell, each addressed the committee in turn, expanding on their reasons for the call-in and then responding to questions from Members.

The Executive Member for Finance, Performance, Major Projects and Equalities and the Leader then addressed the committee regarding their decisions, and responded to questions. Officers responsible for the report to Executive spoke to clarify aspects of their report and to answer questions.

Finally, Cllr Mason summed up on behalf of the Calling-in Members and the Executive Member summed up the Executive position.

During the above process, it was confirmed that:

- There was no expectation that the number of events attended would be reduced, a list had been produced of the funded events, and the events calendar would be agreed with the incoming LM.
- The LM would continue to choose their own charities, in line with the newly codified protocols.
- The decision had been made at the Executive Member's decision session due to the recognised importance of the civic office. The Monitoring Officer had provided advice that in his view the decision would not have a significant impact on two or more wards and was therefore not a key decision.

Under the provisions of the council's constitution at the time the call-in was made, Members were asked to state individually whether they considered the core principles identified in the call-in request (Annex 3) had been breached or not. The following options were available:

- In the event of the majority of Members finding no breach, the call-in request would be immediately closed with no further action unless the Committee identifies any areas worthy of future exploration by the scrutiny function.
- In the event of the majority of Members finding a breach, the called in decision would be referred back in full for further consideration at the next appropriate meeting of the Executive.

With six Members finding there had been a breach, and seven Members finding there had not been a breach, the call-in fell and it was:

Resolved: That the call-in request be closed.

Reason: To determine the outcome of the alleged breach in Executive Member decision making.

Cllr S Fenton, Chair

[The meeting started at 5.06 pm and finished at 8.50 pm].