

Council Meeting – 15 December 2016

Motions, Recommendations and Amendments

A. Agenda Item 6 – Recommendations of Executive

Recommendations and Motions to be moved by Cllr Carr as follows:

Executive, 24 November 2016

78. Funding Major Transport Projects – West Yorkshire Transport Fund

Recommended: That Council agree to:

- (i) Formally join the West Yorkshire Transport Fund.
- (ii) Accept the financial liability that arises from joining the fund and to note that future increases in the levy would represent as unavoidable additional cost in future budgets. Although the precise figures could not be determined at this stage it would be within the parameters identified in the report which estimated an increase from the budgeted contribution of £500k per annum to £1m to £1.5m per annum in 2025.
- (iii) Delegate to the Deputy Chief Executive/Director of Customer and Corporate Services the finalisation of the legal agreement in consultation with the Leader of the Council, the Deputy Leader of the Council and the Finance Portfolio holder.¹

Reason: (i) To ensure the delivery of the York Outer Ring Road improvements and York Central Access Road and Station Gateway schemes.

(ii) To ensure proper financial planning within the authority.

(iii) To ensure that York's position is fully protected in line with the principles set out in the report.

79. Capital Programme – Monitor 2 2016/17

Recommended: That Council:

- (i) Agree to make adjustments resulting in a decrease in the 2016/17 programme of £29.080m as detailed in the report and contained in Annex A.
- (ii) Approve the loan of £1.110m the Council will provide to Yorwaste, as set out in paragraphs 23 – 29 of the report, to be funded from the Waste reserve and note that this will have no impact on the Council's overall borrowing levels.

Reason: To enable the effective management and monitoring of the Council's capital programme.

Executive, 7 December 2016

93. Burnholme Health and Wellbeing Campus: Key Decisions to further progress this development

Recommended: That Council agree to:

- (i) Add the estimated £4.727m of costs for the community and library facilities to the Capital Programme with the costs to be funded from the capital receipt received from the future disposal of surplus development land on the Site subject to obtaining DfE consent necessary for such disposal. No capital costs will be incurred until official confirmation of the DfE consent has been received.
- (ii) The estimated £200,000 of costs for urgent repairs and works to the sports facilities are added to the Capital Programme with the costs initially being funded from capital held for the use of the Older Persons' Accommodation Programme and subsequently being paid back from the capital receipt received from the disposal of development land on the Site.

Reason: To progress to delivering the Burnholme Health & Wellbeing Campus including the delivery of a Care Home as part of the Older Persons' Accommodation Programme.

94. Lowfield Green Development: Moving forward to deliver a care home, health facility and housing

Recommended: That Council agree the estimated £993,000 of costs for the enabling works and the access road needed to facilitate the development are added to the Capital Programme with costs initially being funded from capital held for the use of the Older Persons' Accommodation Programme and subsequently being paid back from the capital receipt received from the disposal of development land on the Site.

Reason: To progress with the Lowfield Green development and deliver additional care, health and housing facilities for the residents of York.

B. Agenda Item 8 – Motions on Notice

Motions submitted for consideration directly by Council, in accordance with Standing Order 23.1

(i) From Cllr Gillies

Review of Gaming Machines and Social Responsibility Measures

'Whereas Council

Notes the launch of the Government's 'Review of Gaming Machines and Social Responsibility Measures' consultation;

Further notes that rates of problem and at-risk gambling, particularly on gaming machines, have been found to be higher among loyalty card holders and where there are clusters of gaming shops;

Recognises that whilst York does not have a severe problem of clusters of betting shops per se it does host a large number of betting shops, some of which, particularly in the city centre, are in close proximity to each other and all of which have gaming machines;

Council therefore requests that officers respond to the Government's consultation and to include the following points:

To ask the Government to address the evidence and widespread public concern over the use and abuse of gaming machines by reducing gaming machine stakes to £2;

To represent that local authorities should be given more powers to manage and respond to clusters of gambling premises in their areas; and

To support the introduction by the Government of a statutory cumulative impact approach to gambling licensing, in line with its approach to alcohol licensing.'

Amendment from Cllr Kramm as follows:

At the end of the motion the **addition** of the following paragraph:

That Officers present to the Local Plan Working

- *options for policy improvements which prevents clustering of betting shops, pay day loan shops, and pawnbrokers in the city and town centres,*
- *possibilities to restrict the change of use to Sui Generis uses and to limit the presence of fixed odds betting terminals (FOBTs) in premises.*

For information the effect on the original motion of this amendment:

'Whereas Council

Notes the launch of the Government's 'Review of Gaming Machines and Social Responsibility Measures' consultation;

Further notes that rates of problem and at-risk gambling, particularly on gaming machines, have been found to be higher among loyalty card holders and where there are clusters of gaming shops;

Recognises that whilst York does not have a severe problem of clusters of betting shops per se it does host a large number of betting shops, some of which, particularly in the city centre, are in close proximity to each other and all of which have gaming machines;

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To represent that local authorities should be given more powers to manage and respond to clusters of gambling premises in their areas; and

To support the introduction by the Government of a statutory cumulative impact approach to gambling licensing, in line with its approach to alcohol licensing.

That Officers present to the Local Plan Working

- ***options for policy improvements which prevents clustering of betting shops, pay day loan shops, and pawnbrokers in the city and town centres,***
- ***possibilities to restrict the change of use to Sui Generis uses and to limit the presence of fixed odds betting terminals (FOBTs) in premises.'***

(ii) From Cllr Runciman

Local Pharmacies

'Council Notes:

- Local pharmacies in York and North Yorkshire provide a range of NHS services and ensure residents can get face-to-face professional healthcare advice without an appointment.
- Our pharmacies play an important role in promoting wellbeing such as healthy eating, smoking cessation, exercise, flu vaccination and sexual health.
- 96% of people can get to a pharmacy within 20 minutes, making them a health and social care asset close to where people live, work, and shop.

This Council is therefore extremely disappointed that the Department of Health (DH) proposes budget cuts of £200 million to pharmacies over the next two years to take effect from this month. This means a cut of 12% during the financial year and could lead to the loss of up to a quarter of pharmacies, putting extra pressure on our already strained GPs and hospitals.

The cuts to pharmacies come at a time of unprecedented pressure on wider health and social care services exacerbated by the following failures of the current Government:

- Giving the NHS less than half of the £10 billion it promised before last year's General Election
- Cutting public health budgets, including in York where our public health grant has been reduced by £1.2 million over the last two years
- A failure in the Autumn Statement to recognise or address the potential £2.6 billion national funding gap and growing crisis in social care

- Earmarking a further £420 million of potential cuts to local services through the 'Humber Coast and Vale' Sustainability and Transformation Plan (STP).

Council therefore resolves to write to the Secretary of State for Health, NHS England and Vale of York Clinical Commissioning Group detailing our concerns and demanding an immediate reversal of the pharmacy proposals, as well as outlining our growing anxiety about the wider picture for local health and care services.'

(iii) From Cllr S Barnes

Access to NHS Services

'Council notes:

- the financial crisis in health facing the NHS and City of York Council, whose public health funding has seen cutbacks in recent years;
- The decision of Vale of York NHS Clinical Commissioning Group (CCG) to ration access to NHS services by imposing conditions for surgery on some who smoke or who are obese;
- The expert clinical view put forward by the Royal College of Surgeons, and comments from its President, Clare Marx, who has labelled Vale of York NHS CCG's policy as 'frankly shocking'.

Council agrees with the CCG's aim to reduce levels of obesity and smoking prevalence among York residents, and recognises that individuals themselves must play a part and take responsibility for looking after their own health.

But Council believes the recent CCG policy change regarding the provision of surgery to patients who are obese, or who smoke, sets a dangerous precedent. A change to restrict and ration health services to specific groups of people is unfair.

Furthermore, Council believes this policy threatens to exacerbate existing health inequalities.

Council resolves:

- To write to Vale of York Clinical Commissioning Group (CCG), Sir Simon Stevens, Head of NHS England, and Jeremy Hunt MP, Secretary of State for Health objecting to this decision in the strongest possible terms;
- To request that the Executive commissions the Director of Public Health to assess the impact of this policy, including the impact on health inequalities, reporting back to Health and Adult Social Care Policy and

Scrutiny Committee, with options recommended to Executive for what the council can do to mitigate its impact on health inequalities.'

Amendment from Cllr Craghill as follows:

After 'health inequalities' in the last paragraph before 'Council resolves' **add** *'and is just one example of the sort of decisions which could limit access to NHS services for York residents as a result of the Government imposed Humber, Coast and Vale Sustainable Transformation Plan. There is still little clarity as to how the required £420 million saving will be made or which NHS facilities in the region will be closed or rationalised, jeopardising future free access for all.*

'In addition Council also notes there is clear opposition to the imposition of Sustainable Transformation Plans by an increasing number of Councils and Health and Well Being Boards, including Liverpool, Shropshire, Telford & Wrekin, Hammersmith & Fulham and Ealing.'

Under 'Council resolves' **add** a third bullet point:

'To write to the Head of NHS England and the Secretary of State for Health to express this Council's opposition to yet further cuts and service changes to the NHS through the Government imposed Sustainable Transformation Plans and to express this Council's unwillingness to work with the Humber, Coast and Vale STP without a fully accountable governance structure and transparent public consultation on how the £420 million will be saved and the impact it will have on patients in York and across the region.'

For information the effect on the original motion of this amendment:

'Council notes:

- the financial crisis in health facing the NHS and City of York Council, whose public health funding has seen cutbacks in recent years;
- The decision of Vale of York NHS Clinical Commissioning Group (CCG) to ration access to NHS services by imposing conditions for surgery on some who smoke or who are obese;
- The expert clinical view put forward by the Royal College of Surgeons, and comments from its President, Clare Marx, who has labelled Vale of York NHS CCG's policy as 'frankly shocking'.

Council agrees with the CCG's aim to reduce levels of obesity and smoking prevalence among York residents, and recognises that individuals themselves must play a part and take responsibility for looking after their own health.

But Council believes the recent CCG policy change regarding the provision of surgery to patients who are obese, or who smoke, sets a dangerous precedent. A change to restrict and ration health services to specific groups of people is unfair.

Furthermore, Council believes this policy threatens to exacerbate existing health inequalities ***and is just one example of the sort of decisions which could limit access to NHS services for York residents as a result of the Government imposed Humber, Coast and Vale Sustainable Transformation Plan. There is still little clarity as to how the required £420 million saving will be made or which NHS facilities in the region will be closed or rationalised, jeopardising future free access for all.***

'In addition Council also notes there is clear opposition to the imposition of Sustainable Transformation Plans by an increasing number of Councils and Health and Well Being Boards, including Liverpool, Shropshire, Telford & Wrekin, Hammersmith & Fulham and Ealing.'

Council resolves:

- To write to Vale of York Clinical Commissioning Group (CCG), Sir Simon Stevens, Head of NHS England, and Jeremy Hunt MP, Secretary of State for Health objecting to this decision in the strongest possible terms;
- To request that the Executive commissions the Director of Public Health to assess the impact of this policy, including the impact on health inequalities, reporting back to Health and Adult Social Care Policy and Scrutiny Committee, with options recommended to Executive for what the council can do to mitigate its impact on health inequalities.
- ***To write to the Head of NHS England and the Secretary of State for Health to express this Council's opposition to yet further cuts and service changes to the NHS through the Government imposed Sustainable Transformation Plans and to express this Council's unwillingness to work with the Humber, Coast and Vale STP without a fully accountable governance structure and transparent public consultation on how the £420 million will be saved and the impact it will have on patients in York and across the region.'***

(iv) From Cllr D'Agorne

Air Quality

'Council notes:

- That improving air quality is a key objective in the Council Plan and a matter of significant public concern;
- That recent data shows that between 94 and 163 people die prematurely in York each year due to the impacts of poor air quality (Local Air Quality Management Status Report 2016, City of York Council);
- That 50-70% of nitrogen dioxide pollution in York is from vehicle traffic, largely diesel vehicles and the annual average air quality objective for NO₂ is still being breached at numerous locations around the inner ring road (Local Air Quality Management Status Report 2016, City of York Council)
- A report by the Royal College of Physicians and the Royal College of Paediatrics and Child Health in Feb 2016 estimated that the adverse impact on public health caused by air pollution costs the UK economy more than £20bn per year – around 16% of the current annual NHS budget.
- The publication in December 2016 of draft guidelines by NICE (National Institute for Clinical Excellence) calling on local authorities to take a range of actions to reduce the impact of road traffic related pollution on health including putting air quality at the centre of Local Plans, introducing Clean Air Zones and reducing emissions from public transport.

Council further notes:

- That with the measures listed in York's Third Air Quality Action Plan (AQAP3) **in place**, together with the emission reduction measures through modal shift included in the Third Local Transport Plan (LTP3), the health based national air quality objectives for NO₂ would be met by 2021 in all the current air quality 'technical breach' areas in York.
- However, that while York has successfully secured 'Go Ultra-Low City' status and is making progress on establishing an electric charging network, there are significant actions identified in AQAP3 where a great deal still needs to be done to achieve targets. These include making tangible progress towards establishing a freight transhipment facility to keep delivery vehicles out of the city centre/urban areas, enforcement of anti-idling zones such as Rougier St, implementation of procurement requirements for council contracts, and firm plans for the establishment of a city centre Clean Air Zone by 2018.
- That the AQAP3 plan makes no strategic assessment of the likely growth in traffic by 2021 and beyond arising out of housing growth within the draft Local Plan.
- That the Council has a statutory public health responsibility to 'improve the health of the local population', with the overall management of air quality allocated to the Executive (section 3A, para. 2.1, no. 6 of the constitution).

Council therefore resolves to:

- Request an annual joint strategic report to Executive by the Director for Place Services and the Director of Public Health on the progress towards targets and further actions proposed for all the elements of the Third Air Quality Management Plan (AQAP3), including the proposed Clean Air Zone for public transport, the Low Emission Strategy and the elements of the Third Local Transport Plan which relate to improving air quality.
- Request a report to the Local Plan Working Group and Executive setting out how the emerging Local Plan will ensure that development does not detract from improvements in air quality in York. The completion of the city-wide transport model should include a cost/benefit analysis of the options for investment in a tram, light rail or guided bus way system to facilitate very low emission/zero carbon development, drawing on the experience of other cities in the UK and abroad.'

C. Agenda Item 12 – Recommendations of the Gambling, Licensing & Regulatory Committee, 7 November 2016

Recommendations and Motion to be moved by Cllr Douglas as follows:

18. City of York Council Community Governance Review

- Recommended:
- (i) That Heslington Parish Council should no longer be divided into wards and there be a single parish area represented by nine councillors.
 - (ii) That Council formally confirms that Heslington Parish should not be abolished, that its area and name should be unchanged and that it should continue to have a Parish Council.
 - (iii) That the name of Kexby Parish Council be changed to Kexby and Scoreby Parish Council.

Reason: To allow better local representation for the electors of the parishes.

D. Agenda Item 13 – Recommendations of the Audit and Governance Committee, 7 December 2016

Recommendations and Motions to be moved by Cllr Dew as follows:

39. Appointment of External Auditor

Recommended: That Council opt-in to the approved sector led body, Public Sector Audit Appointments Ltd (PSAA), to act as the appointing person for the appointment of external auditors for the council for five years commencing 1 April 2018.

Reason: To enable the council to take advantage of the national scheme for appointing external auditors.

40. Local Code of Corporate Governance

- Recommended:
- (i) That the current Code of Corporate Governance be removed from the Constitution.
 - (ii) That the revised Local Code of Corporate Governance, as attached at Annex A of the report, be adopted.
 - (iii) That any future changes to the Code of Corporate Governance be presented to the committee for consideration.

Reason: To ensure appropriate governance arrangements are in place.

E. Agenda Item 14 – City of York Joint Standards Committee

Recommendation and Motion to be moved by Cllr Runciman as follows:

Council is asked to;

- (i) establish a new Joint Standards Committee in place of the former Joint Committee set up on 8 October 2015 and to confirm the terms of reference for the new committee as set out in the attached. This follows the nomination of Sian Wiseman, Earswick Parish Councillor, as a parish council representative on the Joint Standards Committee.

- (ii) note that there remains a vacancy for a Parish Council representative on the Joint Standards Committee following the resignation of Mark Waudby and that arrangements are in place to seek a replacement.

F. Agenda Item 15 – Constitution – Scheme of Delegation

Recommendations and Motion to be moved by Cllr Carr as follows:

Members are asked to:

- a) Note and confirm the constitutional changes made by the Monitoring Officer under delegated powers following the recent restructuring.
- b) Agree the designation of the Assistant Director Customer Services and Digital as Proper Officer for registration functions
- c) Note the changes made to the Constitution to reflect the Leader's allocation of executive decision making responsibilities.

Reason: The Council is legally obliged to prepare and keep its constitution up to date.