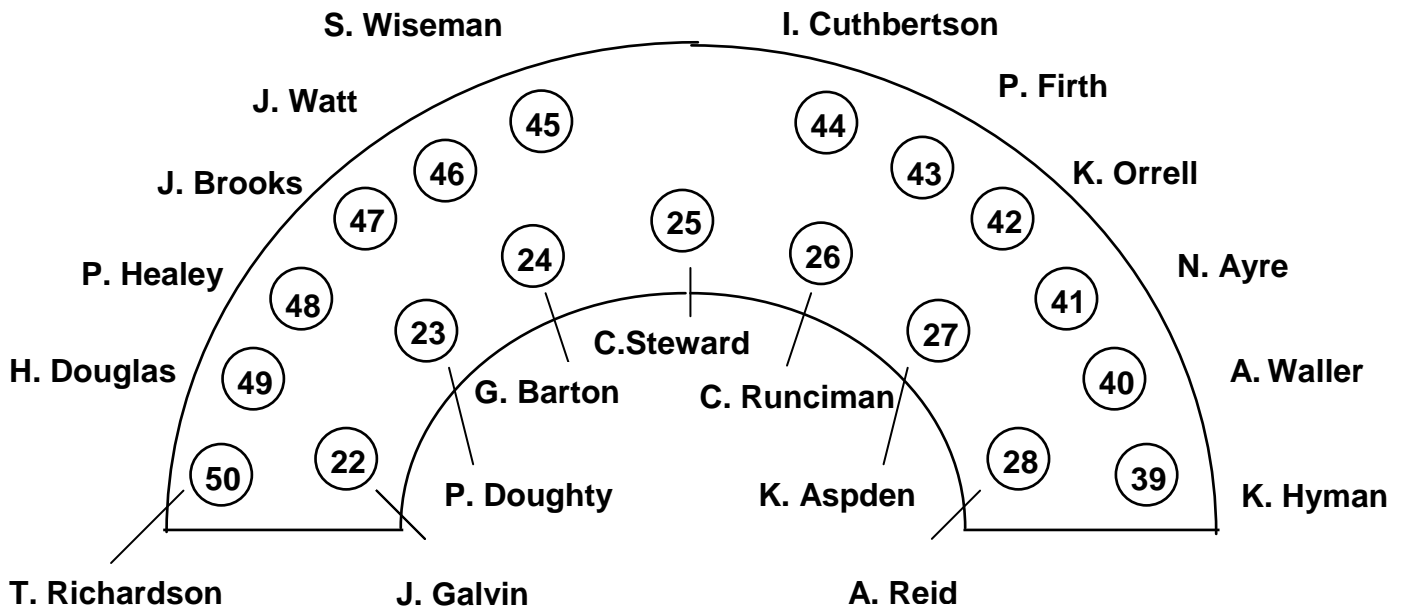


**CITY OF YORK COUNCIL
SUMMONS**

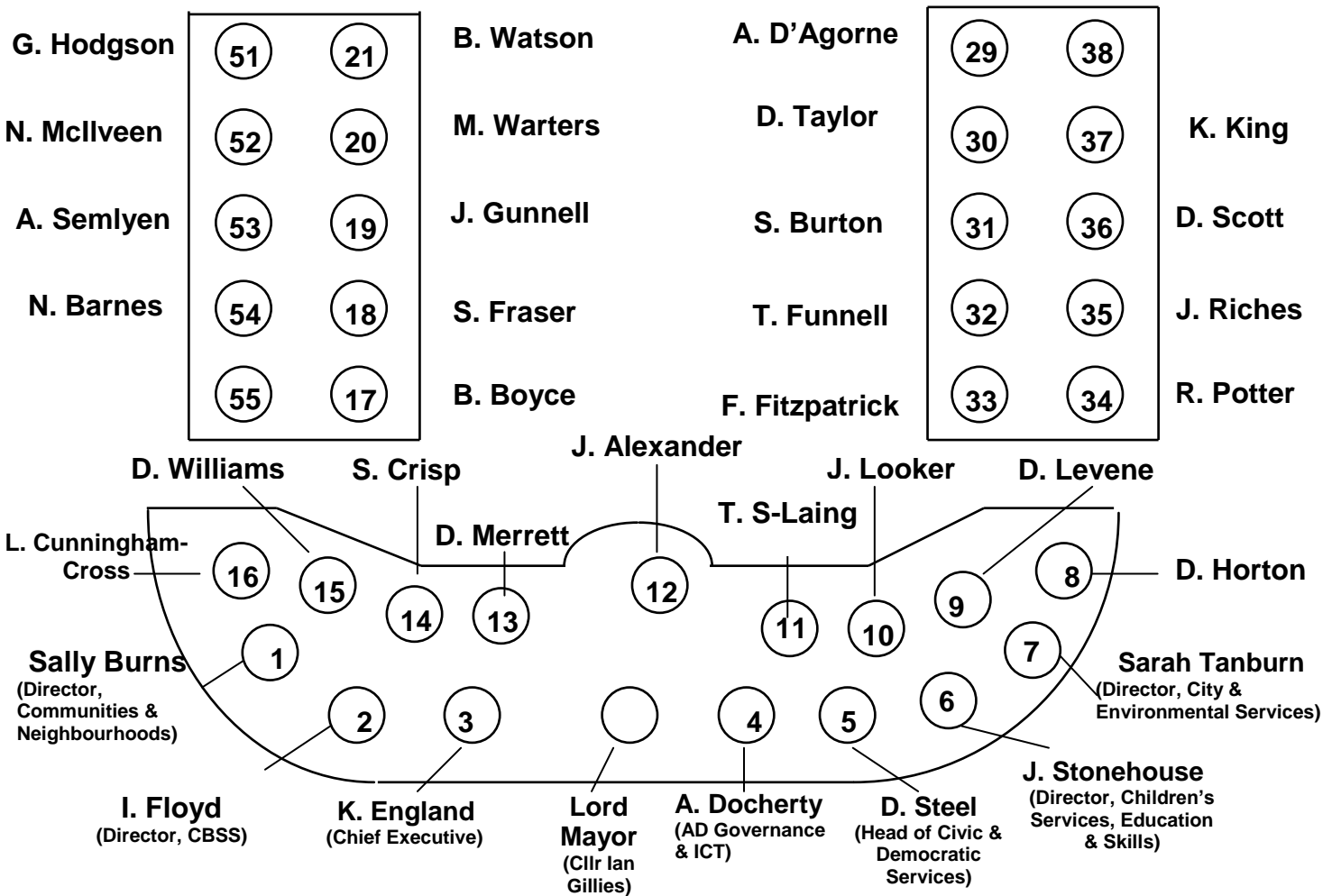
All Councillors, relevant Council Officers and other interested parties and residents are formally invited to attend a meeting of the **City of York Council** at the **Guildhall, York**, to consider the business contained in this agenda on the following date and time

Thursday, 11 December 2014 at 6.35 pm
or upon the conclusion of the previous Special Council Meeting

COUNCIL CHAMBER



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A G E N D A

1. Declarations of Interest

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes (Pages 1 - 72)

To approve and sign the minutes of the last Ordinary meeting of Council held on 9 October 2014 and the Extraordinary meeting held on 23 October 2014.

3. Civic Announcements

To consider any announcements made by the Lord Mayor in respect of Civic business.

4. Public Participation

At this point in the meeting, any member of the public who has registered to address the Council, or to ask a Member of the Council a question, on a matter directly relevant to the business of the Council or the City, may do so. The deadline for registering is **5:00pm on Wednesday 10 December 2014.**

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

WEBCASTING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the internet - at the start of the meeting the Lord Mayor will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Public seating areas will not be filmed by the Council.

5. Petitions

To consider any petitions received from Members in accordance with Standing Order No.7. To date, notice has been received of one petition to be presented by:

- (i) Cllr Runciman on behalf of local residents requesting the Council to recognise the significance of York's only large, unique, historic pool and to provide an adequate level of revenue funding to keep the pool open for at least the next 5 years to safeguard the health, fitness, safety and sporting needs of the local and wider community.

6. Report of the Cabinet Member (Pages 73 - 82)

To receive a written report from the Deputy Leader and Cabinet Member for Homes & Safer Communities, and to question the Cabinet Member thereon, provided any such questions are registered in accordance with the timescales and procedures set out in Standing Order 8.2.1.

7. Report of Cabinet Leader (Pages 83 - 86)

To receive and consider a written report from the Leader on the work of the Cabinet.

8. Election of Leader

To receive nominations for the appointment of a new Leader of the Council and Labour Group.

9. Recommendations of the Staffing Matters and Urgency Committee (Pages 87 - 88)

Meeting	Date	Recommendations
Staffing Matters & Urgency Committee	24 November 2014	Minute 53: Director and Assistant Director of Adult Services-Appointment Process and Remuneration

<http://democracy.york.gov.uk/ieListDocuments.aspx?CId=120&MId=8100&Ver=4>

10. Scrutiny - Report of the Chair of the Corporate and Scrutiny Management Committee (Pages 89 - 92)

To receive a report from Councillor Galvin, the Chair of the Corporate and Scrutiny Management Committee (CSMC) on the work of the CSMC.

11. Activities of Outside Bodies

Minutes of the following meetings of outside bodies, received since the last meeting of Council, have been made available for Members to view via the Council's website at

<http://democracy.york.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12959&path=0>

Copies may also be obtained by contacting Democracy Support Group at West Offices, Station Rise, York (tel. 01904 551088)

- North Yorkshire Pension Fund Sub-Committee - 20 February, 22 May, 10 July and 18 September 2014
- North Yorkshire Police and Crime Panel – 10 April and 17 July 2014
- York Teaching Hospital NHS Foundation Trust Council of Governor's – 11 June 2014
- Safer York Partnership/Drug & Alcohol Action Team Partnership Board – 31 July 2014
- North Yorkshire Fire & Rescue Authority – 24 September 2014

Members are invited to put any questions to the Council's representatives on the above bodies, in accordance with Standing Order 10(b).

12. Appointments to Committees and Outside Bodies (Pages 93 - 100)

To consider a report which sets out details of changes to membership of the Health and Wellbeing Board and an appointment to the Mental Health and Learning Disabilities Partnership Board.

13. Notices of Motion

To consider the following Notices of Motion under Standing Order 12:

A – Motions referred from the Cabinet in accordance with Standing Order 12.1(a)

None

B – Motions submitted for consideration directly by Council, in accordance with Standing Order 12.1(b)

(i) From Cllr Fraser

“Council welcomes the Government’s policy on integrated health and social care and local efforts to make this a reality for people in York, who should be central to NHS provision.

Council notes, however, the damaging impact of the £3bn Tory-Lib Dem Government’s top down reorganisation of the NHS, which is forcing local health economies to waste millions of pounds on pointless procurement exercises as they compete with the private sector for patient contracts.

This is all against a backdrop of severe financial pressure and significant historical underfunding of York’s healthcare system and mental health services in particular.

The cumulative effects on York patients include:

- Restricted access to certain treatments and procedures due to the Government’s insistence that the Vale of York Clinical Commissioning Group (VoYCCG) take on the historic debt of the former Primary Care Trust (PCT);
- The excessive waiting times for access to talking therapies for those experiencing mental ill health; and
- The imposition of funding cuts to York Hospital including reduced payment to the hospital for in-patient readmissions within 30 days and the imposition of an arbitrary threshold for A&E patient numbers above which the hospital only receives a percentage of the full tariff for emergency admissions.

Council resolves:

- To request the Chair of the Health Overview and Scrutiny Committee to make arrangements for Health Overview and Scrutiny Committee to consider conducting a review on the impact on local health services based on so called 'efficiency' savings and chronic underfunding of the NHS in York, to enable residents to understand what future services will look like over the period 2015-2020;
- To call on the city's two MPs to lobby for a fairer deal in funding for York's NHS;
- To publicly condemn the estimated £3bn unwanted and ineffective top down reorganisation of the NHS;
- To publicly support the NHS (Amended Duties and Powers) Bill which is being debated in Parliament and aims to halt privatisation in the health service by repealing sections of the Health and Social Care Act 2012 that enforce competition in the NHS;
- To note the Labour Party's commitment to increase NHS spending by £2.5bn per year mid way through the next parliament."

(ii) From Cllr Richardson

"Council agrees with concerns of residents that the Labour Cabinet has often forgotten it is there to serve residents and has failed to listen to their wishes and to properly engage. The Cabinet has too often been wrongly focused on grand plans outside the city and on vanity projects rather than on vital services such as salt bins, rubbish collection and potholes.

With the move to no overall control councillors resolve to work together to deliver the services residents want, deserve and respect. Council notes that Cabinet brought in a charge for second green bins and has discussed the potential for future additional charges. Council believes that council tax is the fee paid for services including rubbish collection and does not support additional charges. In particular the Council believes that a potential charge for the first green bin would be harmful to recycling rates as well as unfair to residents.

Therefore Council commits not to bringing in additional charges for the collection of residents' domestic rubbish for the life of the

present Council, and endeavours to maintain this commitment during the next Council.”

(iii) From Cllr Aspden

“Council Notes:

- The judgement of the Government Traffic Adjudicator, Stephen Knapp, that City of York Council had “no power” to issue PCNs (Penalty Charge Notices) under its Lendal Bridge trial.
- The decision of the Labour Cabinet to only repay PCN fines to those who apply for a refund and to close applications on the 31st December.

Council Believes:

That the Labour Cabinet must repay all the Lendal Bridge fines.

Council Resolves: To ask Cabinet to extend the 31st December deadline and to instruct officers to put in place a system for automatically repaying all Lendal Bridge fines.”

(iv) From Cllr D’Agorne

“Council notes with concern the growing number of local pubs that are closing and being threatened with conversion to supermarkets, in some cases without the opportunity for the local community to have a say in the process.

Council further notes the support of local MP’s High Bayley and Julian Sturdy and supports the intent of Early Day Motion 208,

"That this House believes that permitted development rights are leaving pubs in England vulnerable to demolition or conversion to a range of retail uses without planning permission; further believes, in light of evidence from the Campaign for Real Ale, that two pubs a week are converted to supermarkets, and that these planning loopholes are contributing to the loss of valued community amenities; is concerned that local people are being denied a say in the future of their neighbourhoods; and so urges the Government to bring forward amendments to the General Permitted Development Order 1995 so that any demolition or change of use involving the

loss of a pub would require planning permission."

In the short term, in order to provide local accountability, Council calls on Cabinet to follow the example of other councils by swiftly introducing an Article 4 exemption to GPDO 1995 so as to require application for planning permission for such change of use within the boundary of the City of York, starting with the Punch Bowl in the Groves as an urgent priority.

In addition Council supports the provision of advice to local groups on how to register their local pub as a 'community asset', identifying key social assets in local communities that need to be protected."

(v) From Cllr Simpson-Laing

"Council notes with concern that in the consultation document for the refranchising of *Northern Rail* and *Trans Pennine Express* there is a requirement for bidders to outline how they will remove the safety critical role of the guard from their services.

Council's response to the consultation for the refranchising argued that service reductions, staff reductions and ticket office closures are based on a false construct that regional rail is unaffordable, when in fact the problem is systemic under-investment.

Council is extremely concerned about the potential impact such a retrograde move would have on travellers to and from York and across the region in general. Passenger Focus research demonstrates that passengers perception of safety and security is greatly enhanced by the presence of conductors on trains.

Conductors provide an invaluable service to passengers providing:

- A vital customer service role including, travel information and assisting passengers with mobility issues to board and alight trains comfortably and safely at the many stations in the region that are not staffed.
- Dealing with issues of health emergencies, anti-social behaviour and reacting to safety and operational incidents.

Council is deeply concerned that the alcohol ban on a number of Saturday services, to and from York, will be unworkable without guards and the effect this will have on York's Visitor economy.

It is the view of Council that for some the removal of guards will make train travel to and from York less attractive.

Council therefore requests the Chief Executive to write to:

- *York, North Yorkshire and East Riding* and the *Leeds City Region* Local Enterprise Partnerships and to the City's two MPs to oppose the proposal to remove on-board conductors and request that they lobby for their retention
- contact the Department for Transport and relevant Government Minister to ensure on-board conductors are retained within the service specification."

14. Questions to the Cabinet Leader and Cabinet Members received under Standing Order 11.3(a)

To deal with the following questions to the Cabinet Leader and / or other Cabinet Members, in accordance with Standing Order 11.3(a):

(i) To the Cabinet Leader from Cllr Watson:

"By imposing the closure of Waterworld are you not prejudging the stadium planning application and placing your groups planning committee members into a preconceived decision?"

(ii) To the Cabinet Leader from Cllr Aspden:

"In view of the relatively low levels of unemployment in the city, what actions does the Cabinet intend to take over the next 4 months to address labour shortages in key sectors such as social care and the construction industry?"

(iii) To the Cabinet Leader from Cllr Steward:

"When did he become a believer in freezing council tax rather than increasing it?"

(iv) To the Cabinet Leader from Cllr Watson:

"What, if anything do you intend doing to address the concerns of the petitioners on the subject of Yearsley pool?"

(v) To the Cabinet Leader from Cllr Aspden:

“How much has the council paid to the Leeds City Region, the West Yorkshire Combined Authority and the local LEPs and how much of this has the authority received back (not promised, not national funding allocations) so far in increased investment in the city and its public services?”

(vi) To the Cabinet Leader from Cllr Steward:

“What will be the total cost of the council of the Lendal Bridge trial, including a breakdown of estimated officer time, once all fines have been refunded?”

(vii) To the Cabinet Leader from Cllr Steward:

“How much higher is the cost of the Lendal Bridge trial to the council due to the decision to initially only pay back people appealing?”

(viii) To the Cabinet Member for Leisure, Culture & Tourism from Cllr Barton:

“In view of the news that York City Knights are no longer to be involved in the Community Stadium does the Cabinet Member not think that she, personally, should have issued a full and detailed explanation to her fellow Councillors about what is happening here rather than abdicate the responsibility to Officers resulting in a less than totally explanatory email being circulated?”

(ix) To the Cabinet Member for Leisure, Culture & Tourism from Cllr D’Agorne:

What is the estimated total cost to York council tax payers for the proposed one day Tour de Yorkshire event in May 2015 and where will this money be found from?

(x) To the Cabinet Member for Leisure, Culture & Tourism from Cllr Barton:

“Following York City Knights withdrawal from the Community Stadium venture, has the Risk Assessment Document been

rewritten and any elements previously shown as “medium” upgraded to “high”?”

(xi) To the Cabinet Member for Leisure, Culture & Tourism from Cllr Barton:

“What is the estimated cost to the Council of the legal proceedings referred to in the recent Community Stadium project warning issued by Officers to Members?”

(xii) To the Cabinet Member for Leisure, Culture & Tourism from Cllr Cuthbertson:

“Listing each pool separately, for each month for the last 2 years what were the attendances at York swimming pools?”

(xiii) To the Cabinet Member for Leisure, Culture & Tourism from Cllr Cuthbertson:

“How many people attended this years Illuminating York events, how does this compare to 2013 and 2012, and what was the cost to the council of this event in each of the last three years?”

(xiv) To the Cabinet Member for Health & Community Engagement from Cllr Barton:

“Bearing in mind that less than 1% of the population attended the series of Community Engagement Meetings does not the Cabinet Member think it time to reinstate the previously higher levels of Ward Committee funding to give residents a real opportunity to actively “engage” in their Ward’s activities?”

(xv) To the Cabinet Member for Health & Community Engagement from Cllr Doughty:

“Conservative calling-in members welcome that the Labour Cabinet have been encouraged to reconsider their decision to close the youth and young adult service at Castlegate. Given the Health and Wellbeing Board strategy was previously ignored by Cabinet, can the Cabinet Member please explain how the HWBB exerts it's influence and impacts on the decision making of the Council and it's partners?”

(xvi) To the Cabinet Member for Health & Community Engagement from Cllr Ayre:

“As it is now nearly 18 months since the Council started to seek partners to provide and run the Lowfields Care Village, when was the “competitive dialogue” phase concluded, why did it take so long, and when does the Cabinet Member now expect work on site to start and the first homes to be occupied?”

(xvii) To the Cabinet Member for Health & Community Engagement from Cllr Waller:

“As the Cabinet Member has previously said that she is involved in each stage of the hand over of community centres, could she explain how they are being equipped to respond to the challenges of having no grant nor caretaker provision, and does she not think it would be fairer for community centres to have a similar level of support to the 'hubs' developed by the council including Space 217 in Lindsey Avenue?”

(xviii) To the Cabinet Member for Environmental Services, Planning and Sustainability from Cllr Doughty:

“Residents have recently reported that pre-sorted recycling has been cumulatively thrown into refuse vehicles for landfill rather than recycling on a number of occasions. Given this disheartening sight where citizen efforts are literally 'wasted', can the Cabinet Member please advise how many collection shifts have been lost this municipal year due to recycling vehicles being out of use and replaced with a standard refuse cart?”

(xix) To the Cabinet Member for Environmental Services, Planning and Sustainability from Cllr Waller:

“How many reports has the council received during the current year about trees and hedges overgrowing and impeding public roads and footpaths, what action does the council take to require owners to cut back these obstruction, what is the average time taken by owners to undertake this task, and what is the current longest outstanding complaint of this sort?”

(xx) To the Cabinet Member for Environmental Services, Planning and Sustainability from Cllr Reid:

“Could the Cabinet Member confirm how many residents have paid for a second green bin collection and how this compares to budget assumptions?”

(xxi) To the Cabinet Member for Transport from Cllr D’Agorne:

“What is the timescale now for establishing the Congestion Commission?”

(xxii) To the Cabinet Member for Transport from Cllr Reid:

“Of the Lendal Bridge refund requests processed to date how many (in total and as a percentage) have been for York postcodes, how many for the rest of the UK and how many for overseas addresses?”

(xxiii) To the Cabinet Member for Transport from Cllr Aspden:

“How many meetings were held and where with prospective tenderers for the East Coast Main Line franchise at which City of York Cabinet members and/or officials specifically made the case for retaining the franchise HQ in York and what was the reaction of each of the tenderers?”

(xxiv) To the Cabinet Member for Transport from Cllr Reid:

“How many faults have been reported on traffic signals in York so far this year, what is the total time that signals have been out of service, and how do these figures compare to the equivalent period last year?”

(xxv) To the Cabinet Member for Transport from Cllr Reid:

“In view of the fact that successive Cabinet Members for Transport have told previous Council meetings that they were trying to get more information about bus service reliability in York, could the current Cabinet Member now say - for each of the last 6 months - what reliability was achieved on stage carriage services (quoting commercial and subsidised separately) operating in the City?”

(xxvi) To the Cabinet Member for Transport from Cllr Runciman:

“At the last meeting the Cabinet Member for Transport said that the number of vehicles using different car parks would be assessed to determine the success or otherwise of the free morning parking trial and given this, would he now publish comparisons between the numbers using the free parking option and the numbers recorded prior to the trial, together with a month by month comparison of total car park usage and income comparing this year with last year?”

(xxvii) To the Cabinet Member for Transport from Cllr Reid:

“Would the Cabinet Member provide up to date information comparing the revenue derived from the Marygate Car Park, since it has had barriers introduced, with the equivalent period during the previous year?”

(xxviii) To the Cabinet Member for Transport from Cllr Reid:

“I understand that the Marygate barrier was not working on the 8th November. In total, how many faults on the barrier and payment mechanisms at the car park have been reported since the trial commenced and what has been the total loss in income?”

(xxix) To the Cabinet Member for Transport from Cllr Hyman:

“Could the Cabinet Member publish the monthly number of park and ride journeys made from each site – including the newly commissioned ones – comparing 2014 with 2013?”

(xxx) To the Cabinet Member for Transport from Cllr Waller:

“In light of planned cuts to the 2015/16 highways budget could the Cabinet Member outline any proposals to cut frontline staff and detail the consequential reduction in services in the ancient monument department, the blacksmiths department, the drainage department, the highways department or in yard foreman?”

(xxxii) To the Cabinet Member for Transport from Cllr Orrell:

“Will the Cabinet Member listen to local concerns and restore

gritting routes in Huntington on Brockfield Park Drive/Road and North Lane?”

(xxxii) To the Cabinet Member for Transport from Cllr Reid:

“Could the Cabinet Member confirm how much has been spent so far on the roll-out of 20mphs zones since 2011 and how much is planned to be spent in 2014/15?”

(xxxiii) To the Cabinet Member for Transport from Cllr Waller:

“Will the Cabinet Member restore the gritting routes to Hob Moor School along ‘little’ Green Lane and along the bus route through Kingsway West, Windsor Garth, Ascot Way, Danesfort Avenue and St Stephen’s Road?”

(xxxiv) To the Cabinet Member for Transport from Cllr D’Agorne:

“When will the induction loops for Fulford Rd/Broadway junction be installed, now that the resurfacing and lining has been completed?”

(xxxv) To the Cabinet Member for Transport from Cllr D’Agorne:

“What impact has the free parking scheme in the city centre had on occupancy levels, total income and pollution levels?”

(xxxvi) To the Cabinet Member for Transport from Cllr D’Agorne:

“Following the charge for Minster badges how many residents tickets have been issued compared with a similar period last year?”

(xxxvii) To the Cabinet Member for Education, Children and Young People from Cllr Brooks:

“What urgent action is the Cabinet Member taking in light of the very worrying findings of recently published research carried out in conjunction with Save the Children which put both York constituencies in the worst 25% of constituencies in the country for

ability to 'read well' at age 11?"

[Research recently published by Read on. Get on - a coalition of charities, parents, teachers and businesses, puts two York constituencies in the worst 25% of constituencies in the country for the percentage of children who can 'read well' at the age of 11: 64% in York Central and only 61% in York Outer]

(xxxviii) To the Cabinet Member for Education, Children and Young People from Cllr Waller:

“What work has been undertaken to assess the loss of services in the community as a consequence of the planned funding cuts to Children's Centres (especially the joint activity with local NHS staff) and does the Cabinet Member not feel that these cuts fly in the face of what the council has been claiming it is doing for vulnerable communities in the city?”

(xxxix) To the Cabinet Member for Finance and Performance from Cllr Doughty:

“It is noted that the new Labour group Leader has overturned the decision of his predecessor and Cabinet colleagues despite previously supporting their stance and will now ordinarily refund motorists fined under the disastrous Lendal Bridge fiasco. Can the Cabinet Member please confirm what the final total loss to the York council taxpayer will be including costs for administration of fines, refunds, signage and related operating costs?”

(xl) To the Cabinet Member for Finance & Performance from Cllr Ayre:

“What are the latest performance figures for Customer Services at West Offices listing each channel separately?”

(xli) To the Cabinet Member for Finance & Performance from Cllr Firth:

“What progress has been made with the sale of Oliver House and when can we expect it to be occupied by a new owner?”

(xlii) To the Cabinet Member for Finance & Performance from Cllr Waller:

“In those cases where residents report issues electronically why doesn't the Council confirm - to the person raising the issue - when any requested action has been completed?”

(xliii) To the Cabinet Member for Finance & Performance from Cllr Ayre:

“What progress has been made in upgrading reporting options available to residents using mobile devices so that they are at least on a par with commercial sites such as “My Council”?”

(xliv) To the Cabinet Member for Finance & Performance from Cllr Waller:

“The 2014/15 Finance Monitor 1 report noted an overall forecast overspend for 2014/15 of £2.3 million and continued shortfall and overspends in areas such as parking income (£400k), Learning Services (£110k), the EPH Project (763k). Could the Cabinet Member update council on the overall budget position and these specific areas?”

(xlv) To the Cabinet Member for Housing & Community Safety from Cllr Orrell:

“Could the Cabinet Member update councillors on the future plans for implementing additional Cold Calling Zones?”

15. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer for this meeting:

Name: Jill Pickering

Contact details:

- Telephone – (01904) 552061
- E-mail – jill.pickering@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**