

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, 28 June 2007 at 6.35 pm

A G E N D A

1. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Minutes (Pages 1 - 22)

To approve and sign the minutes of the ordinary Council meeting held on 12 April 2007 and the Annual Council meeting held on 24 May 2007.

3. Civic Announcements

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

4. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the remit of Council may do so. Anyone who wishes to register, or requires further information, is requested to contact the Democracy Officer for this meeting. Contact details are listed at the foot of this agenda. The deadline for registering is **5:00pm on Wednesday 27 June 2007**.

5. Petitions

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

- i) Cllr Potter, on behalf of the residents of Morrit Close, requesting that bungalows be built on the Council land adjacent to their homes.

6. Notices of Motion (Pages 23 - 38)

To consider the following Notices of Motion under Standing Order 11:

A – Motions referred from the Executive in accordance with Standing Order 11(a)(i) *(copies of the relevant report to the Executive are attached and an extract from the Executive minutes will be circulated at the meeting)*

(i) From Cllr Scott

“Council instructs Council officers as a matter of urgency to seek to retain the option of a pool on the Kent Street site. To enable the re-provision of a pool on the site this Council asks

- a) That officers take no active steps to promote the sale of the site, save as might be required by law;
- b) That officers enter into negotiations to withdraw from the agreed sale.
- c) The £2m funding currently earmarked for a University Pool to be retained by the Council for pump priming a pool development at the Kent Street site or other appropriate city centre location.
- d) Officers provide a report which examines alternative design solutions for a replacement pool including examining
 - i) whether an agreement can be reached with the car park owner for car parking facilities to provide the customer parking off the coach park site, or
 - ii) the possible release of the end bay of the car park, and
 - iii) the redesigning of the previously proposed pool etc to provide front servicing to remove the need for the access road to the back.”

B – Motions submitted for consideration directly by Council, in accordance with Standing Orders 11(a)(ii)

(ii) From Cllr SF Galloway

“Council:

- a) Notes the publication of the important *Future York* report on the economic well being of the City
- b) Places on record its thanks to Christopher Garnett and the other members of the Future York Group for the time that they have invested and the quality and depth of the report that they have produced.
- c) Welcomes the underlying conclusion of the report which is an endorsement of the economic strategy that has been pursued by the Council on behalf of the City for the last few years
- d) Urges residents and local businesses to consider and make their views known on the recommendations made in the report so that when the Council comes to consider its reaction, it can do so confident that, any refinements

which may be necessary to the City's economic strategy, will have the support of the local community."

(iii) From Cllr Orrell

- a) "Council extends a welcome to the new Chief Constable Graham Maxwell and looks forward to further cementing the constructive partnership with his staff which has led to significant reductions in crime levels in our City over the last 2 years.
- b) Whilst Council recognises the financial pressures being felt by many public agencies including the Police, it would be deeply concerned if any reduction in "front line" neighbourhood or reactive policing resources were advocated as a way of tackling any budget deficit.
- c) Council looks forward to discussing with the new Chief Constable how it may cooperate in addressing some of the more intractable issues in the City including the levels of violent crime, traffic speeds & anti social behaviour generally together with the causes, consequences and possible remedies for drug and alcohol abuse."

(iv) From Cllr Potter

"The York Older People's Assembly, a registered charity representing the majority of York citizens over 50, call upon the City of York Council to urgently consider a grant of £6,000 so as to add to monies received by the Assembly from the North Yorkshire & York Primary Care Trust.

This will enable the Assembly is able to employ a part-time member of staff for 16 hours per week at Scale 4 (Local Government scales).

This will allow the Assembly to: -

- 1) Expand its contacts with older people in their own settings.
- 2) Aid its applications for alternative funding sources.
- 3) Embed and extend current work plans.
- 4) Ensure that it remains the key representative body for older people in the City of York Council area.
- 5) Be the key City of York Council focus of consultation with

older people in the City.

6) Ensure Council services meet the needs of its older citizens.”

(v) From Cllr Galvin

“That an additional Council Meeting be held at or around the end of July to enable any Council business to be dealt with effectively between the current June and October cycles.”

7. Report of Executive Leader and Executive Recommendations (Pages 39 - 40)

To receive and consider a written report from the Leader on the work of the Executive, and the Executive recommendations for approval, as set out below:

Meeting	Date	Recommendations
Executive	26 June 2007	Minute 20 – 2007/08 Best Value Performance Plan (BVPP) and Year-End Performance Review of 2006/07 Minute 21 – Statement of Accounts Minute 22 - Corporate Procurement Strategy 2007-2010

(minutes to be circulated at the meeting)

[Copies of the Statement of Accounts (subject to validation) are available for inspection at Guildhall Reception and in the Members’ Library. Hard copies will be circulated to Members on 22 June 2007.]

8. Report of Executive Member (Pages 41 - 46)

To receive a written report from the Executive Member for Neighbourhood Services, and to question the Executive Member

thereon, provided any such questions are registered in accordance with the timescales and procedures set out in Standing Order 8(2)(a).

9. Questions to the Executive Leader and Executive Members received under Standing Order 10(c)

To deal with the following questions to the Executive Leader and / or other Executive Members, in accordance with Standing Order 10(a):

- (i) To the Executive Member for City Strategy, from Cllr Vassie:
“Can the Executive Member report on the success of the relaunched Yozone card?”

[Deferred from the meeting on 12 April 2007 as the guillotine had fallen.]

- (ii) To the Executive Member for Adult Social Services, from Cllr Fraser:
“In the light of continuing failures to maintain services to customers reliant on Home Care, and the recent decision to re-tender part of the contract in the West locality, will the Executive Member for Adult Social Services take responsibility for the inadequate implementation of her decision to reorganise the service?”

[Deferred from the meeting on 12 April 2007 as the guillotine had fallen.]

- (iii) To the Executive Member for Youth and Social Inclusion, from Cllr Gunnell:
““Will the Executive Member for Youth and Social Inclusion explain why the young people of Strensall and Haxby feel excluded?”

[Reworded question submitted in place of one deferred from the meeting on 12 April 2007 as the guillotine had fallen.]

- (iv) To the Executive Leader, from Cllr Potter:
“What action is being taken to ensure that the LPSA2

targets relating to violent crime, vehicle interference, reducing the reporting of noise nuisance and people feeling free from crime and violence will be met so that grant income can be maximised and reinvested into community safety?"

- (v) To the Executive Leader, from Cllr Holvey:
"Would the Leader confirm the current levels of unemployment in the City and compare them with rates over the last few years? Would he provide information on how wage levels are changing in the City and particularly with regard to the traditionally low paid sectors?"
- (vi) To the Executive Member for City Strategy, from Cllr Simpson-Laing:
"Will the Executive Member for City Strategy promise to undertake a review of the Council's Conservation Team in light of the known and expected development that is to come forward in the City over the next decade?"
- (vii) To the Executive Member for City Strategy, from Cllr Simpson-Laing:
"Can the Executive Member for City Strategy explain why the City's Variable Message Signs are not being used to promote modal shift, report on Air Quality and advertise Council Transport Campaigns?"
- (viii) To the Executive Member for City Strategy, from Cllr Simpson-Laing:
"Would the Executive Member for City Strategy join with me in welcoming the Government's latest initiatives on Climate Change, which called for Local Authorities to adopt their own local strategies and inform members when she expects the first papers to go to City Strategy?"
- (ix) To the Executive Member for City Strategy, from Cllr D'Agorne:
"In the light of the 'Future York' recommendations on dualling of the outer ring road, will the Executive Member provide its members and new council members with the Executive summary of the Halcrow Outer Ring Road study, reported to EMAP on July 6th 2005? Could she advise us

what has changed since the conclusion of this report (commissioned by the council) that 'The full dual option results in similar time user benefits to that of upgrading roundabouts... but has a much lower benefit to cost ratio'?"

- (x) To the Executive Member for Neighbourhood Services, from Cllr Potter:

“Can the Executive Member inform Council what plans are being put in place to ensure the roll out of recycling to terraced and flatted areas, and hard to reach properties in the City, in order that residents who live in these types of properties receive a recycling service that is equitable with the rest of the City?”

- (xi) To the Executive Member for Neighbourhood Services, from Cllr Potter:

“Will the Executive Member for Neighbourhood Services ensure that there are staff available to deal with any raised alarms in public disabled toilets, as currently if any alarm is triggered when ‘mitie’ are not on site there is no-one available to deal with the issues as there is no set procedure in relation to one of the alarms being activated?”

- (xii) To the Executive Member for Neighbourhood Services, from Cllr Taylor:

"Would the Executive Member for Neighbourhood Services agree with me that the Government's Gambling Act of 2005 is both a hurried and hazardous piece of legislation. In light of the recent tragedy related to gambling and the Executive Member's comments in the media in relation to this man's death, would he support a 'no casino clause' if brought forward to Full Council?"

- (xiii) To the Executive Member for Youth and Social Inclusion, from Cllr Orrell:

“Would the Executive Member tell me about the number of applications received for YorKash, and whether he hopes it will be a successful year for the scheme?”

- (xiv) To the Executive Member for Youth and Social Inclusion, from Cllr Fraser:

“Would the Executive Member outline one ambition for his

coming year in office?”

- (xv) To the Executive Member for Housing, from Cllr Hyman:
“Would the Executive Member confirm what progress has been made over the last few years in bringing Council housing in the City up to “decent homes” standard and would she compare this performance with that of other Councils in the region?”
- (xvi) To the Executive Member for Adult Social Services, from Cllr Hogg:
“Could the Executive Member comment on any success that the Council may have had recently in encouraging vulnerable residents to claim the benefits to which they are entitled?”

10. Recommendations from Standards Committee (Pages 47 - 58)

To receive recommendations from Standards Committee for approval, as set out below:

Date	Recommendations
8 June 2007	Minute 6 - The Revised Model Code of Conduct for Local Authority Members 2007

(A copy of the Code is attached and the minute will be circulated at the meeting)

11. Scrutiny - Report of the Chair of the Scrutiny Management Committee (Pages 59 - 60)

To receive a report from Cllr Galvin, the Chair of the Scrutiny Management Committee (SMC) on the work of the SMC.

12. 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://sql003.york.gov.uk/mgListOutsideBodies.asp?bcr=1>

Copies may also be obtained by contacting Democracy Support Group at the Guildhall, York (tel. 01904 551088)

Details of any minutes available for consideration will be circulated ahead of the meeting.

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

13. Appointments and Changes to Membership (Pages 61 - 120)

- a) To consider the appointments and changes to membership of committees and outside bodies, indicated in italics on the list attached to this summons, and the appointment of proper officers.

- b) To approve the scheme of delegation for the Strategic Policy Panel and changes to the relevant article of the constitution (*report to follow*).

14. Urgent Business

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

Democracy Officer for this meeting:

Name: Simon Copley

Contact details:

- Telephone – (01904) 551078
- E-mail – simon.copley@york.gov.uk

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

CITY OF YORK COUNCIL

Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Thursday, 12th April, 2007, starting at 6.30 pm

Present: The Lord Mayor (Councillor Janet Hopton) in the Chair, and the following Councillors:

ACOMB WARD	BISHOPTHORPE WARD
Horton Simpson-Laing	Livesley
CLIFTON WARD	DERWENT WARD
King Scott	Greenwood
DRINGHOUSES & WOODTHORPE WARD	FISHERGATE WARD
Reid Sunderland	D'Agorne Hill
FULFORD WARD	GUILDHALL WARD
Aspden	Looker B Watson
HAXBY & WIGGINTON WARD	HESLINGTON WARD
Hall Hogg R Watson	Jamieson-Ball
HEWORTH WARD	HEWORTH WITHOUT WARD
Blanchard Kind Potter	Lancelott
HOLGATE WARD	HULL ROAD WARD
Bartlett Fairclough Nimmo	Smallwood Wilde
HUNTINGTON & NEW EARSWICK WARD	MICKLEGATE WARD

Hyman
Orrell
Runciman

Evans
Fraser
Merrett

OSBALDWICK WARD

RURAL WEST YORK WARD

Morley

Bradley
Macdonald

SKELTON, RAWCLIFFE & CLIFTON
WITHOUT WARD

STRENSALL WARD

Moore
I Waudby

Cuthbertson
Kirk

WESTFIELD WARD

WHELDRAKE WARD

Steve Galloway
Sue Galloway
Waller

Vassie

Apologies for absence were received from Councillors Holvey, Jones and M Waudby

FORMER COUNCILLOR DAVID HENDERSON

63. Members observed a minute's silence for former Councillor David Henderson, Member for Huntington and New Earswick from 1999 to 2003, who had recently died.

DECLARATIONS OF INTEREST

64. The Chair invited Members to declare any personal or prejudicial interests they might have in the business on the agenda. The following interests were declared:
- Councillor Fraser – a personal non-prejudicial interest in agenda item 7(i) (Notices of Motion – North Yorkshire and York Primary Care Trust), as a retired member of Unison;
 - Councillor Moore – a personal prejudicial interest in agenda item 7(i) (Notices of Motion – North Yorkshire and York Primary Care Trust), as his wife was employed by a general practice. He withdrew from the Chamber and took no part in the discussion or decision on this motion.

MINUTES

65. The minutes of the ordinary Council meeting held on 25 January 2007 and Budget Council meeting held on 21 February 2007 were agreed as a correct record and signed by the Lord Mayor, with an amendment to the former to indicate that Cllr Aspden was present.

CIVIC ANNOUNCEMENTS

66. The Lord Mayor announced the receipt of the following gifts:
- A pewter tray from representatives of Munster, who had visited recently;
 - Plaques from a Bulgarian visitor, the Mayor of Bundaberg, Australia, and the Mayor of Blackpool;
 - Artefacts relating to former Lord Mayor Agar.
- She also reported that she had recently visited Dijon.

NOMINATION OF SHERIFF

67. The Lord Mayor Elect nominated Councillor Keith Hyman as her Sheriff for the 2007/2008 Municipal Year.

PUBLIC PARTICIPATION

68. The Lord Mayor reported that there had been five registrations to speak at the meeting under the Council's Public Participation

Scheme.

Sally Arnup spoke on behalf of the Save Yearsley Bridge Group, regarding the threat of closure to Yearsley Bridge Day Centre.

Daphne Taylor spoke on behalf of residents of St Peter's Grove, to call for the York stone paving to be saved.

Alan Carbert spoke on behalf of Askham Bryan Parish Council, to call for the reinstatement of the weight limit restriction through the village and for restricted access signs to be placed at all entrances to the village.

Grace Fletcher-Hall spoke on behalf of University students, regarding recycling facilities, and on behalf of residents of Heslington village, regarding bus fares.

Shay Patterson spoke on behalf of residents of Horner Street, Wilberforce Avenue and Cromer Street, regarding traffic problems in these streets.

PETITIONS

69. The following petitions were presented by Members under Standing Order 7:
- i) A petition presented by Cllr Scott, on behalf of the residents of Horner Street, Wilberforce Avenue and Cromer Street, regarding traffic problems in these streets.
 - ii) A petition presented by Cllr Vassie, on behalf of residents of Elvington village, calling for a bus service between Elvington and Monks Cross.
 - iii) A petition presented by Cllr Bartlett, on behalf of local residents and parents of pupils at St Paul's Primary School, seeking traffic safety measures near the school.
 - iv) A petition presented by Cllr Moore, on behalf of Clifton Moor Residents' Association, calling on the Council to investigate and address speeding on two roads near the local primary school.
 - v) A petition presented by Cllr Reid, on behalf of residents asking for the snicket between Chantry Close and Carrfield to be closed at night.
 - vi) A petition presented by Cllr Jamieson-Ball, on behalf of some residents of Main Street, Heslington, calling for the introduction of a Respark scheme.

- vii) A petition presented by Cllr King, on behalf of residents of St Peter's Grove, calling for the York stone paving to be saved.
- viii) Petitions presented by Cllr Potter, on behalf of University students, regarding recycling facilities, and on behalf of residents of Heslington village, regarding bus fares;
- ix) A petition presented by Cllr Potter, on behalf of residents of Heworth, regarding maintenance of grass verges;
- x) A petition presented by Cllr Brian Watson, on behalf of the Save Yearsley Bridge Group, regarding the threat of closure to Yearsley Bridge Day Centre;
- xi) A petition presented by the Lord Mayor (Cllr Hopton), on behalf of Askham Bryan Parish Council, calling for the reinstatement of the weight limit restriction through the village and for restricted access signs to be placed at all entrances to the village.

RESOLVED: That the above petitions be referred to the Executive or appropriate committee.

NOTICES OF MOTION

70. In accordance with Standing Order 11, five notices of motion had been received:

(i) **North Yorkshire and York Primary Care Trust**

This motion had been referred from the Executive in accordance with Standing Order 11(a)(i).

It was moved by Cllr Bartlett and seconded by Cllr Livesley that:

"This Council:

- Supports the Press campaign to 'Let your Doctor decide' which calls on North Yorkshire and York Primary Care Trust (NYYPCT) to scrap the Prior Approval Panel;
- Records its thanks to those MPs and North Yorkshire Councils who have recorded their support for the 'ditch the debt' motion passed by the York Council at its meeting on 25th January;
- Remains concerned that reductions, restrictions and delays in NHS treatment in York could have a negative impact upon Council services and budgets."

Cllr Fraser then moved, and Cllr Looker seconded, an amendment to the above motion, as follows:

"At line 1: After 'Council' insert ' acknowledges public concerns

regarding the financial position of the North Yorkshire and York Primary Care Trust (NYYPCT). Further, Council:

In first bullet point delete 'supports' and insert 'notes' and also delete 'Prior Approvals panel' and insert ' Exceptions Panel for Prior Approvals'.

Insert a new second bullet point

'Notes the announcement by the Government of almost £100 million in additional funding in 2007/08 and a further additional £32 million for 2008/09 for the York and North Yorkshire PCT and the intention in the PCT's Recovery Plan, agreed at their Board meeting on 5th April, to repay the debt in 2007/08.'

On being put to the vote, the amendment was declared LOST.

The original motion was put to the vote and declared CARRIED and it was

RESOLVED: That the above notice of motion be approved.

(ii) The Record of the Current Administration

It was moved by Cllr Merrett and seconded by Cllr Horton that:

"This City of York Council places on record its belief that the ruling Liberal Democrat Executive has failed miserably to honour many of its 2003 Election pledges to the residents of York. In particular, the ruling Group has been guilty of:

- Failure to honour their pledge of £100 cashback off Council Tax
- Failure to extend full recycling to all properties, particularly terraced streets and flatted dwellings
- Failure to properly consult residents over the introduction of fortnightly alternate bin collections
- Failure to secure a larger supply of affordable housing for use by York's residents
- Failure to provide proper and effective management – losing millions on the Barbican fiasco
- Failure to expand sufficiently Park and Ride schemes.

In addition to these failures, Council is also mindful of the self-inflicted catastrophes which have befallen this ill-directed administration, recalling in particular:

- The introduction of evening car parking charges, which had a detrimental effect on many areas of York's night time economy
- The flawed consultation process associated with the relocation of a new swimming pool
- On-street car parking charges
- The fireworks day fiasco
- Cllr Reid's 'Green Wave'
- Misleading statements on the re-provision of a Barbican pool
- Several wasted years sorting out street cleaning in terraced

areas.

Council awaits with interest the outcome of York residents' opinions following the elections on 3rd May."

The motion was put to the vote and declared LOST and it was

RESOLVED: That the above notice of motion not be approved.

(iii) **Tackling Community Safety Issues in the City**

It was moved by Cllr Potter and seconded by Cllr Brian Watson that:

"This Council regrets the lack of commitment from the Liberal Democrat administration to tackling community safety issues in the City. This is evidenced by:

- Cutbacks to the Safer York Partnership budget
- Long term delays in resolving the issues over the future Chair of the SYP Board management of the senior staff, and effective integration of the Drugs Advisory Team
- Repeatedly rejecting the advice of the Chief Executive to fund a Safe City Co-ordinator within the Council
- Failure of the CYC chaired Anti-Social Behaviour task group to function properly for nearly two years
- CYC Neighbourhood Pride Unit not supporting facilitation of the roll out of the joint Ward working with the police after the initial support of the pilots
- The long delays in first repairing and then modernizing the City Centre CCTV system, and consistent voting against extra CCTV in the City Centre to cover the violence and disorder hotspots, and for extra staff to provide adequate weekend night time monitoring and resilience
- Inadequate funding of the Youth Offending Team and lack of focus on reparational and restorative justice
- Inadequate funding arrangements for the Alleygating initiative, so that very few gates have been installed over the last four years.

This Council asks for urgent action to ensure that all departments of the Council are focused on their contribution to increasing community safety and reducing the fear of crime."

Cllr Steve Galloway then moved, and Cllr Waller seconded, an amendment to the above motion, as follows:

"Delete from "regrets" to "action to ensure" and replace with:

"notes that February 2007 had the lowest ever recorded level of crime and welcomes the news that crime levels in York have reduced for the third successive year.

Council welcomes the appointment of CS Ian Spittal as the new Chair of the Safer York Partnership, notes that SYP had a budget surplus of over £50,000 in the last financial year, recognises the substantial contribution already made by the new police liaison officer

post which was established in the Council over a year ago (not least in moving the Liberal Democrats Alleygating policy forward) and reminds members that provision has been made for the extension of CCTV coverage in this years budget together with the continuation of the target hardening fund, which was an innovation - coupled with 24 hour CCTV monitoring - introduced by the Council during the course of the present administration.

Council puts on record its appreciation of the work of members, officers and partner organisations in making York a safer City and asks".

To replace "are" before "focused" with "continue to remain"."

On being put to the vote, the amendment was declared CARRIED.

The motion, as amended, now read as follows:

"This Council notes that February 2007 had the lowest ever recorded level of crime and welcomes the news that crime levels in York have reduced for the third successive year.

Council welcomes the appointment of CS Ian Spittal as the new Chair of the Safer York Partnership, notes that SYP had a budget surplus of over £50,000 in the last financial year, recognises the substantial contribution already made by the new police liaison officer post which was established in the Council over a year ago (not least in moving the Liberal Democrats Alleygating policy forward) and reminds members that provision has been made for the extension of CCTV coverage in this years budget together with the continuation of the target hardening fund, which was an innovation - coupled with 24 hour CCTV monitoring - introduced by the Council during the course of the present administration.

Council puts on record its appreciation of the work of members, officers and partner organisations in making York a safer City and asks that all departments of the Council continue to remain focused on their contribution to increasing community safety and reducing the fear of crime."

The amended motion was put to the vote and declared CARRIED and it was

RESOLVED: That the above notice of motion, as amended, be approved.

(iv) **Landfill Tax**

It was moved by Cllr Waller and seconded by Cllr Steve Galloway that:

"Council notes;

1.the substantial sums in Landfill Tax that have been avoided due to

the dramatic increase in recycling rates in the last four years, and successful waste minimisation campaigns run by City of York Council.

- 2.the £8 per tonne annual increments in Landfill Tax that will start from 1st April 2008
- 3.the establishment of the Landfill Tax was not intended to be a net revenue raiser for HM Treasury but York Council Tax payers have paid considerably more in Landfill Tax than has been received back in assistance for recycling services.

Council supports;

- 1.the Local Government Association policy to have Landfill Tax rises returned to local government in full.
- 2.the Retail Packaging Bill before Parliament as presented on 6th March 2007.”

Cllr Potter then moved, and Cllr Smallwood seconded, an amendment to the above motion, as follows:

“Insert a new point 1 after “Council notes” to read:

1. *the success of the Government’s landfill tax in incentivising action across the country to reduce waste, increase recycling, and reduce the previously growing amount of rubbish going to landfill.*
- Renumber existing points 1 & 2 as points 2 & 3 and delete existing point 3.”*

On being put to the vote, the amendment was declared LOST.

The original motion was put to the vote and declared CARRIED and it was

RESOLVED: That the above notice of motion be approved.

(v) Incineration of Municipal Waste

It was moved by Cllr D’Agorne and seconded by Cllr Hill that:

“This Council confirms its opposition to any form of incineration of York’s municipal waste. Key concerns include:

1. the effect of emissions on human health and the environment;
2. the fact that incineration contracts with private companies create a demand for waste

This detracts from the objective to reduce the amount of waste that is produced, and the secondary objective to recycle as large a proportion of the remainder as is possible and efficient in terms of environmental impact.

The Council also opposes any other form of treatment involving burning (such as forms of Mechanical Biological Treatment that produce Refuse Derived Fuel for burning), as the concerns expressed above apply in each case.

This Council notes the significant achievements of the city in increasing recycling, through the work of the Council and community groups such as the Friends of St. Nicholas Fields and the York

Recycling Network. The Council will support the work of such groups wherever possible.

The Council notes that measures on waste reduction are almost always more financially efficient than the construction of large treatment facilities, and that recycling creates more jobs than incineration.

The Council further notes that as recycling rates increase around the country, incineration is falling further out of favour. Norwich City Council has recently confirmed its opposition to incineration, joining the councils of Essex, Lancashire, Bath and Milton Keynes, among others.

Furthermore, this Council calls upon the Government to introduce legislation to reduce waste at source by strict regulation and taxes on packaging.”

Cllr Waller then moved, and Cllr Steve Galloway seconded, an amendment to the above motion, as follows:

“Delete “This” at the start

Amend “confirms” to “re-confirms that”

Delete “opposition to any form of incineration of York’s municipal waste” and add “preferred technology solution for residual waste treatment is Mechanical Biological Treatment (MBT), and welcomes recent changes in DEFRA policy on licensing the use of MBT output for non-fuel options, particularly noting the MBT operation in Newcastle-upon-Tyne.” Add “Council also notes” before “key concerns”

After “key concerns” add “for future contracts”

Add “and” at the end of point 1

In point 2, after “the” add “need to ensure that there continues to be an incentive for waste minimisation” and delete from “fact” to “each case”

Delete “This” before “Council notes”

Add “from a rate of 12% in 2003 to over three times that rate now” after “increasing recycling”

Add “continue to” after “the Council will””

On being put to the vote, the amendment was declared CARRIED.

The motion, as amended, now read as follows:

“Council re-confirms that its preferred technology solution for residual waste treatment is Mechanical Biological Treatment (MBT), and welcomes recent changes in DEFRA policy on licensing the use of MBT output for non-fuel options, particularly noting the MBT operation in Newcastle-upon –Tyne.

Council also notes its key concerns for future contracts include:

1. the effect of emissions on human health and the environment, and
2. the need to ensure that there continues to be an incentive for waste minimisation

Council notes the significant achievements of the city in increasing recycling from a rate of 12% in 2003 to over three times that rate now, through the work of the Council, and community groups such as the Friends of St. Nicholas'

Fields, and the York Recycling Network. The Council will continue to support the work of such groups wherever possible.

Council notes that waste minimisation is the most cost effective means of controlling waste costs. Council further notes that as recycling rates increase around the country, incineration is falling further out of favour.

Council calls upon the Government to introduce legislation to reduce waste at source by strict regulation and taxes on packaging and to support the Retail Packaging Bill."

The amended motion was put to the vote and declared CARRIED and it was

RESOLVED: That the above notice of motion, as amended, be approved.

REPORT OF EXECUTIVE LEADER AND EXECUTIVE RECOMMENDATIONS

71. A written report was received from the Leader, Cllr Steve Galloway, on the work of the Executive. He then moved, and Cllr Waller seconded, the minute requiring confirmation from the Executive meeting on 27 February 2007, namely:

- minute 174 – Children and Young People's Plan.

Cllr Steve Galloway, Cllr Merrett and Cllr D'Agorne paid tribute to Members of their Groups who were standing down at the forthcoming elections.

RESOLVED: That the above minute and the recommendations of the Executive be approved.

The guillotine fell at this point in the meeting and the remaining items of business requiring a decision were proposed and seconded and voted on without debate.

REPORT OF EXECUTIVE MEMBER

72. A written report was received from Cllr Jamieson-Ball, the Executive Member for Youth and Social Inclusion.

Notice had been received of one question put by a Member in accordance with Standing Orders, as follows and as set out on the

list circulated around the Council Chamber:

- (i) **From Cllr Scott:**
“Can the Executive Member explain to Council what he is doing for the young people of Haxby and Strensall?”

As the guillotine had fallen, this question was deferred to the next meeting of Council.

EXECUTIVE KEY DECISIONS TAKEN UNDER FORMAL URGENCY PROCEDURES

73. In accordance with Section 5 of the Council's Access to Information Protocol, the Leader, Cllr Steve Galloway, moved, and Cllr Waller seconded, receipt of a report detailing the key decisions which had been taken by the Executive and Executive Members between 1 March 2006 and 1 March 2007 under formal urgency procedures.

RESOLVED: That the report be received.

QUESTIONS TO THE EXECUTIVE LEADER AND EXECUTIVE MEMBERS RECEIVED UNDER STANDING ORDER 10(C)

74. In accordance with Standing Order 10(c)(i), the following questions had been put:

- (i) **To the Executive Member for City Strategy, from Cllr Vassie:**
“Can the Executive Member report on the success of the relaunched Yozone card?”
- (ii) **To the Executive Member for Adult Social Services, from Cllr Fraser:**
“In the light of continuing failures to maintain services to customers reliant on Home Care, and the recent decision to re-tender part of the contract in the West locality, will the Executive Member for Adult Social Services take responsibility for the inadequate implementation of her decision to reorganise the service?”

As the guillotine had fallen, these questions were deferred to the next meeting of Council.

STANDARDS COMMITTEE - ANNUAL REPORT

75. The Vice-Chair of the Standards Committee, Cllr Irene Waudby moved, and Cllr Livesley seconded, the Committee's Annual Report.

RESOLVED: That the report be received.

SCRUTINY - REPORT OF THE CHAIR OF SMC

76. A written report was received from Cllr Kirk, the Chair of the Scrutiny Management Committee (SMC) on the work of the SMC since the last report to Council on 25 January 2007.

ACTIVITIES OF OUTSIDE BODIES

77. Minutes of the following meetings of Outside Bodies had been made available for Members to view on the Council's website:
- *Yorkshire and Humber Assembly (minutes of meeting on 19 October 2006)*
 - *Pension Fund Committee (minutes of meeting on 23 November 2006)*
 - *North Yorkshire Fire and Rescue Authority (minutes of meeting on 18 December 2006)*
 - *North Yorkshire Police Authority (minutes of meeting on 5 February 2007)*
 - *Safer York Partnership (minutes of meeting on 7 March 2007)*

APPOINTMENTS AND CHANGES TO MEMBERSHIP

78. RESOLVED: That the appointments to Committees, Outside Bodies and Working Groups set out in the list at page 75 of the Council papers (and attached as Annex 1 to these minutes) be approved.

LORD MAYOR'S COMMENTS

79. The Lord Mayor thanked all retiring Members for their service to the Council and the residents they represented.

Councillor Janet Hopton
LORD MAYOR OF YORK
[The meeting started at 6.30 pm and concluded at 10.10 pm]

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Membership of Committees, Working Groups and Outside Bodies**SCHOOL ADMISSION APPEALS PANELLISTS**

Christine Burt
Jenny Caldwell
Joyce Clarke
A R Cook
Michael Daly
Ian Dolben
Pauline Ensor
Valerie Foote
Colette Haynes
Jill Hetheron
R A Hewitt
Ron Humphrys
Malcolm Hutton
Keith Jacklin
Alison Jewitt
Philip Johnston
Trevor Langton
Olwen Petrie
Roger Shenton
Jill Thompson
Joan Visick
Alison Yarrow

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CITY OF YORK COUNCIL

Resolutions and proceedings of the Annual Meeting of the City of York Council held in the Guildhall, York on Thursday, 24th May, 2007, starting at 11.00 am

Present: The Right Honourable Lord Mayor (Former Councillor Janet Hopton) in the Chair during the first part of the meeting and The Right Honourable The Lord Mayor (Councillor Irene Waudby) during the second part of the meeting, and the following Councillors:

ACOMB WARD	BISHOPTHORPE WARD
David Horton Tracey Simpson-Laing	John Galvin
CLIFTON WARD	DERWENT WARD
Helen Douglas Kenneth King David Scott	Jenny Brooks
DRINGHOUSES & WOODTHORPE WARD	FISHERGATE WARD
Thomas Holvey Ann Reid Susan Sunderland	Andrew D'Agorne David Taylor
FULFORD WARD	GUILDHALL WARD
Keith Aspden	Janet Looker Brian Watson
HAXBY & WIGGINTON WARD	HESLINGTON WARD
Paul Firth Christopher Hogg Richard Watson	Ceredig Jamieson-Ball
HEWORTH WARD	HEWORTH WITHOUT WARD
Paul Blanchard Christina Funnell Ruth Potter	William Bennett
HOLGATE WARD	HULL ROAD WARD
James Alexander Denise Bowgett	Richard Cregan Roger Pierce

Sonja Crisp

HUNTINGTON & NEW EARSWICK
WARD

MICKLEGATE WARD

Keith Hyman
Keith Orrell
Carol Runciman

Sandy Fraser
Julie Gunnell

OSBALDWICK WARD

RURAL WEST YORK WARD

Jonathan Morley

Ian Gillies
Paul Healey
Ben Hudson

SKELTON, RAWCLIFFE & CLIFTON
WITHOUT WARD

STRENSALL WARD

Richard Moore
Joe Watt

Madeleine Kirk
Sian Wiseman

WESTFIELD WARD

WHELDRAKE WARD

Steve Galloway
Sue Galloway
Andrew Waller

Christian Vassie

Apologies for absence were received from Councillor Merrett.

Also in attendance: Honorary Aldermen J Archer, B Bell, Mrs M Bwye, G Dean, R Pulleyn and C Waite.

{Former Councillor Janet Hopton in the Chair}

A minute's silence was observed in memory of Honorary Alderman John Clout, who had recently died.

DECLARATIONS OF INTEREST

1. Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

No interests were declared.

APPOINTMENT OF LORD MAYOR

2. Councillor Sue Galloway moved, Councillor Looker seconded and the Council unanimously

RESOLVED: That Councillor Irene Waudby of 43 St Mark's Grove, Rawcliffe be elected Lord Mayor of the City of York for the ensuing municipal year.

QUALIFICATION OF LORD MAYOR

3. Councillor Irene Waudby signified Acceptance of the Office of Lord Mayor of the City of York, subscribed the Declaration of such acceptance and took the Oath of Allegiance prescribed by law in that behalf.

{Councillor Irene Waudby in the Chair}

APPOINTMENT OF DEPUTY LORD MAYOR

4. The Lord Mayor moved, Councillor Brian Watson seconded and the Council unanimously

RESOLVED: That Councillor Janet Looker of 6 Clifton Dale, Clifton be appointed Deputy Lord Mayor for the ensuing municipal year.

QUALIFICATION OF DEPUTY LORD MAYOR

5. Councillor Janet Looker made and subscribed the Declaration of Acceptance of Office of Deputy Lord Mayor for the City of York and took the Oath of Allegiance prescribed by law.

APPOINTMENT OF SHERIFF

6. Councillor Vassie moved, Councillor King seconded and the Council unanimously

RESOLVED: That Councillor Keith Hyman of 1a The Old Village, Huntington be appointed Sheriff of the City of York for the ensuing municipal year.

QUALIFICATION OF SHERIFF

7. Councillor Keith Hyman made and subscribed the Declaration of Acceptance of Office of Sheriff for the City of York and took the Oath of Allegiance prescribed by law in that behalf.

LORD MAYOR'S CHAPLAIN

8. The Lord Mayor advised Council that she had appointed Reverend Liz Marshman as her Chaplain during her year of office.

SHERIFF'S CHAPLAIN AND UNDER-SHERIFF

9. The Sheriff advised Council that he had appointed Reverend John Davies as his Chaplain and Councillor Richard Watson his Under-Sheriff during his year of office.

VOTE OF THANKS TO THE OUTGOING LORD MAYOR AND LORD MAYOR'S CONSORT

10. Councillor Moore moved, Councillor Simpson-Laing seconded and Council unanimously

RESOLVED: That the Council express its sincere thanks to the outgoing Lord Mayor and Lord Mayor's Consort for their services to the City during the past municipal year.

VOTE OF THANKS TO THE OUTGOING SHERIFF AND SHERIFF'S LADY

11. Councillor Runciman moved, Councillor Horton seconded and Council unanimously

RESOLVED: That the Council express its sincere thanks to the outgoing Sheriff and Sheriff's Lady for their services to the City during the past municipal year.

FORMAL BUSINESS OF COUNCIL - APPOINTMENT OF THE EXECUTIVE AND SHADOW EXECUTIVE, ALLOCATION OF SEATS, APPOINTMENT OF MEMBERSHIP OF COMMITTEES AND REPRESENTATIVES ON OUTSIDE BODIES,

12. Councillor Steve Galloway moved, Councillor Waller seconded:
- the appointment of the Executive Leader, Deputy Leader and members of the Executive and Shadow Executive and approval of their portfolios (as set out in the supplementary papers circulated around the Guildhall);
 - the arrangements for the distribution of places on Member bodies associated with City of York Council, in accordance with Section 15 of the Local Government & Housing Act 1989;
 - the appointments of chairs, vice-chairs and membership of the Council's Committees, Boards and other Member bodies, including any partnership arrangements, and representatives on Outside Bodies for the municipal year 2007/08 (as set out in the supplementary papers circulated around the Guildhall);
 - approval of the scheme of delegation for the Gambling and Licensing Acts Committee and a revised scheme of delegation for the Licensing and Regulatory Committee.
- and Council unanimously

- RESOLVED:
- (i) That the Executive Leader, Deputy Leader and members of the Executive and Shadow Executive be appointed and their portfolios be approved (as set out in the supplementary papers circulated around the Guildhall);
 - (ii) That the arrangements for the distribution of places on Members bodies associated with City of York Council, in accordance with Section 15 of the Local Government & Housing Act 1989, be agreed;
 - (iii) That the chairs, vice-chairs and membership of the Council's Committees, Boards and other Member bodies, including any partnership arrangements, and representatives on Outside Bodies for the municipal year 2007/08 be appointed (as set out in the supplementary papers circulated around the Guildhall);
 - (iv) That the scheme of delegation for the Gambling and Licensing Acts Committee and a revised scheme of delegation for the Licensing and Regulatory Committee be approved.

Councillor Irene Waudby
LORD MAYOR OF YORK

[The meeting started at 11.00 am and concluded at 12.20 pm]



Meeting of the Executive

26th June 2007

Report of the Corporate Landlord

Notice of Motion to the Executive concerning re-provision of a pool on the Kent Street site.

Purpose of Report

1. To provide officer advice to the Executive regarding a motion that has been submitted to the Executive for consideration and referral on to Full Council.

Motion

2. Council instructs Council officers as a matter of urgency to seek to retain the option of a pool on the Kent Street site. To enable the re-provision of a pool on the site this Council asks
 - a) That officers take no active steps to promote the sale of the site, save as might be required by law;
 - b) That officers enter into negotiations to withdraw from the agreed sale.
 - c) The £2m funding currently earmarked for a University Pool to be retained by the Council for pump priming a pool development at the Kent Street site or other appropriate city centre location.
 - d) Officers provide a report which examines alternative design solutions for a replacement pool including examining:
 - i) whether an agreement can be reached with the car park owner for car parking facilities to provide the customer parking off the coach park site, or
 - ii) the possible release of the end bay of the car park, and
 - iii) the redesigning of the previously proposed pool etc to provide front servicing to remove the need for the access road to the back.

Proposer: Councillor David Scott
Seconder: Councillor Ruth Potter

3. Under Standing Order 11 (a) (i) Members may put a notice of motion direct to the Executive provided it is submitted no later than five clear working days prior to publication of the agenda for that meeting to enable the preparation of a suitable officer report from the relevant

directorates on the associated issues. The Executive is then asked to consider both the motion and the officer report and make recommendations accordingly to Council – in this case to the June meeting.

Information and Background

4. Following an initial market testing exercise in August 2001 the council received bids from five short listed developers responding to a number of objectives including the construction of a pool of sufficient size to accommodate all the existing user groups.
5. In November 2002, Barbican Venture (York) Ltd were chosen as the preferred developer and their bid comprised a £3m capital receipt and a Competition Standard Pool to be owned by the council.
6. In May 2003, a new administration decided a consultation exercise should take place on the choice of providing either a Competition Standard Pool or a Community Pool. As the Community Pool was smaller it provided the opportunity of increasing the development area of the site and therefore an increased capital receipt, which could be made available for refurbishing the Edmund Wilson and Yearsley pools. The consultation came out in favour of the Community Pool and the Executive agreed to proceed with the option of Barbican Venture building a Community Pool on the Barbican site.
7. Legal advice was received, that as the council wished to have ownership of the pool, this fell within the definition of “works procurement regulations” of the EC public procurement regime, this had the effect that Barbican Venture were no longer to be responsible for constructing the pool.
8. Following an extensive archaeological survey, Barbican Venture submitted a revised development scheme which included an increase in the number of apartments and a 4 star hotel with undercroft car parking. The scheme also relocated the swimming pool to the Kent Street Coach Park. This gave an increased capital receipt that could be spent on the two other pools and a better scheme overall in planning terms. In December 2003 the Executive chose this latest scheme. Barbican Venture and the Council submitted joint applications for the redevelopment of the Barbican site and the Council submitted an outline application for the new pool site and planning permission was granted in April 2004.
9. A protracted delay throughout 2004/5 caused by legal action brought by the “Save our Barbican” group led directly to Barbican Venture’s nominated house builder withdrawing and Barbican Venture being unable to proceed with the sale. A subsequent downturn in the apartments market in York, together with a substantial increase in building costs, made it impossible for Barbican Venture to pay a similar price for the land. The Executive accepted a lower offer from Barbican Venture for the Barbican land and acknowledged there was not sufficient resources to meet all of the original leisure requirements.

10. In February 2006, Executive therefore decided that the smaller receipt should be used to fund a revised Leisure Facilities Strategy, that subject to further feasibility work, would include:
- a) the refurbishment or replacement of the Edmund Wilson Pool
 - b) the retention of the Yearsley Pool, with a planned regime of repair and maintenance works, and
 - c) a partnership with the University, including a capital contribution from the Council, to bring forward a publicly accessible Competition Standard Pool planned by the University for their new campus
11. In September 2006 the Planning Committee amended the planning permission that obligated BVYL and the Council to re-provide a new pool at Kent Street and other sporting facilities at the Barbican site and in its place obligated the council to spend the Barbican capital receipt on the facilities as stated in the Leisure Facilities Strategy outlined in paragraph 10 above.

Facts and Figures

12. The strategy set out in February 2006 established the following financial framework.

Funding	£,000s
Barbican site receipt	6,385
Legal Fees	12
Kent Street site receipt	1,000
Auditorium receipt	765
Barbican claims provision	148
less Leisure section 106 contribution	-170
Total available funding	8,140
Budget Breakdown	£,000s
Pre-2006/7 spend	249
Oaklands Pool	4,000
University Pool Contribution	2,000
Yearsley original allocation	500
Procurement costs	330
Legal Fees	47
Community Building	200
Total	7,326

Contingency	814
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13. The £814k contingency has now been allocated to two components:
 - a) The additional costs of the remedial works at Yearsley Pool as approved by Executive 12th June 2007
 - b) The cost of demolition of the Edmund Wilson Pool, this may not be needed if the site can be sold as it stands. If not demolished, the costs of demolition would reflect upon the capital receipt received from the sale of that site.
14. The attached drawing at Annex A identifies the area required to provide a viable Community Pool complex at Kent Street including limited car parking and delivery access. This is a combination of the areas marked A and B.
15. The area available for development for the limited services hotel and the subject of the Kent Street sale for which a £1m offer has been accepted is denoted by the area marked A.
16. The Kent Street car park, owned by Indomito, is a combination of the areas marked B and C.
17. The Kent Street site sold for the limited services hotel development is not large enough to accommodate a Community Pool development as previously proposed, even if its layout were redesigned. (See Annex A)
18. A Competition Standard Pool would require a significantly larger land take and would be all the more impossible to accommodate on this site.
19. The estimated cost of building a Community Pool, as outlined on the plan at Annex A, is c.£7m (this figure is based upon previous estimates updated to 2008/9). The cost of building a Competition Standard Pool has been estimated to be around £10m+ by the council's university partners. If the council wished to pursue the development of either a Community Pool or a Competition Standard Pool in the city centre on a site not owned by the council, a substantial additional sum would be needed to acquire the land to support such a development. This level of capital investment is not available within the council's existing capital resources and could only be pursued with support from partner organisations and / or lottery funding, which in itself is a scarce resource. In addition to the operational costs of a new pool there would be a range of premises costs including energy, rates, plant and equipment management, maintenance etc, all of which would exceed the projected income and for which there is no budget provision.
20. Any development on the Kent Street site, in lieu of the limited services hotel, would have to have access to a pre-determined number of car parking spaces within the retained Kent Street car park, at a rate to be negotiated. This would result in an annual revenue cost, to be added to the pool operating costs.

The Leisure Facilities Strategy

21. The Leisure Facilities Strategy agreed in February 2006 acknowledged the need for a comprehensive approach to swimming provision in the city which would deliver the vision previously set out and meet the specific needs identified: Facilities for local competitions, schools use, club development, teaching, fitness swimming, and family swimming. It was also underpinned by the conclusions of Active York's planning work that showed the need to provide for a deficit of 12 x 25m lanes of water.
22. Within this strategy Yearsley and the replacement of Edmund Wilson at Oaklands (York High School) would provide effective and flexible community pools whilst the new university pool would provide all the functions of a community pool plus much needed club development and short-course competition facilities as part of an integrated and fully accessible leisure complex at Heslington. The University is required to provide a competition standard pool with community access as a condition of its planning approval.
23. The University of York and the City of York Council have subsequently agreed and signed up to a Statement of Intent with regard to the development of a swimming pool and fitness facilities at Heslington. (See Annex B)
24. The Leisure Facilities Strategy also recognised the importance of creating arrangements that are financially sustainable. The previously proposed Kent Street Community Pool complex included facilities, such as a fitness suite, necessary to meet customer needs and provide a viable facility. The requirement for the University to build a fully accessible Competition Standard Pool, available to the wider community, would have been in direct competition with the proposed Community Pool on Kent Street and would have made the latter, with its lower specification, unviable.
25. In the current climate it will be important for the Council to consider all delivery options including acting in an enabling role rather than attempting to provide all of the services itself. Members may wish to consider a range of options for leisure facility development and provision as part of the review of the leisure facilities strategy that has been requested. The principles of partnership agreed with the University could equally apply to the provision of further facilities in partnership with any other willing organisation, public or private. This does not necessarily have to be at the expense of the established partnership with the University.

Response to the motion

26. Part a) – The Kent Street coach park site has been sold to Barbican Venture (York) Limited (BVYL) at an agreed price of £1,000,000 plus VAT and a further non-returnable payment of £12,000 towards the Council's costs. The purchase price will be paid only when BVYL obtains planning permission for the construction on the site of a limited services hotel and other non-residential uses. The Purchaser has two years to

satisfy the condition although this period may be extended if a planning permission has been granted but the relevant challenge period has not expired or if there is an appeal or challenge taking place subject to a final long stop date of three years from 30 March 2007.

27. Part b) – BVYL have been informally approached and they have intimated they are not interested in selling the site. If BVYL can be persuaded to enter into negotiations to surrender the sale agreement, it is probable that the sum the Council will have to pay will need to reflect; (i) purchasing and investigation costs, (ii) any professional fees spent on feasibility studies and planning and (iii) loss of developer's profit. The biggest element is the developer's profit and at this stage it is not possible for officers to estimate what this sum would be, without seeing plans of the limited services hotel and whether it is acceptable planning terms and seeking advice on what the completed hotel with an operator paying rent is worth on the open market.
28. Part c) – The sum £8,140m arising from the capital receipt for the sale Barbican Centre site, and the Kent Street car and coach park has been put in the capital programme to replace and upgrade the city leisure facilities. If the Kent Street coach park sale is rescinded this will reduce the capital programme sum by £1.012m plus the sum that will have to be paid to BVYL in compensation as mentioned in paragraph above . this loss of receipt would have a significant impact upon the £2m allocated as a contribution to the University project or, as intimated in the motion, any other pool.
29. In addition part d) i and ii of the motion seek authority to spend monies to take back part of the Kent Street car park, which will reduce further the available funds. Part d) iii of the motion raises the question of access and parking. From initial consultation and work with planning and highway advisors it was clear that disabled parking, drop off or service delivery from Kent Street would be unacceptable and all such needs should be provided from within the developed site.

Additional information

30. BVYL have intimated that they do not wish to sell the site. As with most things there may be a price at which they would reconsider. However, if the council was to pursue this course it is likely to be subject to scrutiny from the District Auditor.
31. To recover the Kent Street site, the question of Compulsory Purchase has been raised. The legal view is:

If BVYL insist that the sale is completed in accordance with the agreed terms the title to the land passes to them. In this event the Council could consider whether the land could be acquired compulsorily. However, detailed consideration would need to be given to the legal implications and feasibility of using CPO powers in these circumstances having regard to the previous planning decisions of the Council in respect of the use of this land (see paragraph 11 of this report)

The Council would have to satisfy the Secretary of State in its Statement of Reasons that it required the land for development purposes other than those which it had previously resolved to support. This would have to be considered in the context of the agreed development proposals. Any CPO proceedings would take significant time and is likely to incur substantial costs which would not be recovered if the action proved unsuccessful.

32. If the council simply refused to complete on the contract of sale, BVYL would be entitled to sue the Council for specific performance. It is probable the court would order the council to complete the sale. There are no remedies available to the Council that would justify non-completion of the sale.

Consultation

33. There has been no specific consultation to support the writing of this report, though the subject matter being the sale and development of the Barbican and Kent Street land and the Leisure Facilities strategy has been widely consulted upon and debated.
34. The views of the four group leaders have been sought during the preparation of this report.

Options

35. **Option 1** – to refer this motion to the Council meeting on 28th June 2007 with comments from the Executive

Option 2 – to seek further information before referring the motion to Full Council

Corporate Priorities

36. The report relates primarily to the corporate priorities
 - a) Improve the health and lifestyles of the people who live in York, in particular among groups whose levels of health are the poorest.
 - b) Improve our focus on the needs of customers and residents in designing and providing services
 - c) Improve the way the council and its partners work together to deliver better services for the people who live in York

Implications

Financial

37. The current strategy relating to Yearsley, the new Edmund Wilson replacement and the partnership with the University of York is affordable in revenue terms for the council. There are existing budgets to fund the operation of Yearsley and the Oakland's Pools. The University and the

Council are working on a revenue neutral model for the pool at Heslington East.

38. The original scheme for Kent Street would have been close to break-even and only have required a small subsidy . This assumption was based upon a strategy of high level fitness provision and income. The introduction of a University pool and fitness provision, with or without the council's support, would undoubtedly have reduced the opportunity for generating the target income. In consequence an annual deficit of £100k could be expected, although it is difficult to quantify at this stage. Any proposal to build a smaller facility on Kent Street or anywhere else that excluded the fitness facility would not be viable.
39. The introduction of a new competition standard pool and fitness facility would not generate significantly higher management costs but would increase the level of premises running costs including rates.
40. The longer-term revenue consequences of adding to the property portfolio would depend upon the strategy for maintaining the new asset. Such high levels of investment would warrant planned investment over the life of the building to protect and preserve this important asset. Current capital and revenue constraints do not support this level of property investment.
41. The capital programme is based on the achievement of the capital receipt from the sale of Kent Street for £1m. If the Council were able to withdraw from the Kent Street sale and from the University project (£2m), there would be £1m, less the compensation costs referred to in paragraph 27, available towards a new pool on the Kent Street site or an alternative site.
42. If the council were to consider borrowing the capital to support a £7m investment in a community swimming pool and fitness facility the revenue cost (repayment and interest) would be £630,000 per annum.
43. If the council were to consider borrowing the capital to support a £10m investment in a competition standard swimming pool and fitness facility the revenue cost (repayment and interest) would be £900,000 per annum.

Legal

44. All contained within the body of the report

Property

45. All contained within the body of the report

Other

46. There are no implications from this report for Human Resources, Equalities, Crime and Disorder and information Technology

Risk Management

47. The key risks to the local authority:
- a) BVYL have been informally approached and they have intimated they are not interested in selling the site.
 - b) To negotiate the cancellation of the agreement to sell the Kent Street site will cost the Council a substantial sum. It is likely that the District Auditor would wish to investigate such a decision.
 - c) Development of the Kent Street site for a pool is contrary to the current planning permission as outlined in paragraph 11 above.
 - d) The reputation of the council in dealing in the property market would be severely damaged
 - e) The reputation of the council in dealing with an established partner, the University of York, would be severely damaged

Summary

48. Officers advise that the council should not interfere with the process of selling the Kent Street site as:
- there is no possibility of developing a community pool at this location
 - there are significant difficulties and risks in pursuing such a course of action.
49. If members wish to consider other alternatives for providing a city centre pool, competition or community standard, then the council should refer the matter, back to officers for a full and robust option analysis within the Leisure Facilities Review Report. (A suggested framework for that report is at Annex C)
50. Until that report is complete and all parties have agreed to a future strategy, officers would advise that no action is taken to undermine the partnership agreement that currently exists between the City of York Council and the University of York

Recommendations

51. That the Executive considers the motion submitted together with the information and advice given in this report and decides whether to submit this with its recommendations to Full Council

Reason : To comply with council standing orders.

Author:
Neil Hindhaugh
Assistant Director : Head of
Property Services

Chief Officer Responsible for the report:
Neil Hindhaugh
Assistant Director: Head of Property Services

Report Approved **Date** 15/6/07

Simon Wiles
Director of Resources

Report Approved **Date** 15/6/07

Specialist Implications Officer(s)

Charlie Croft
Assistant Director (Lifelong Learning and Culture)

Suzan Hemingway
Assistant Director (Legal and Democratic Services)

Tom Wilkinson
Corporate Finance Manager

Wards Affected: *List wards or tick box to indicate all*

All

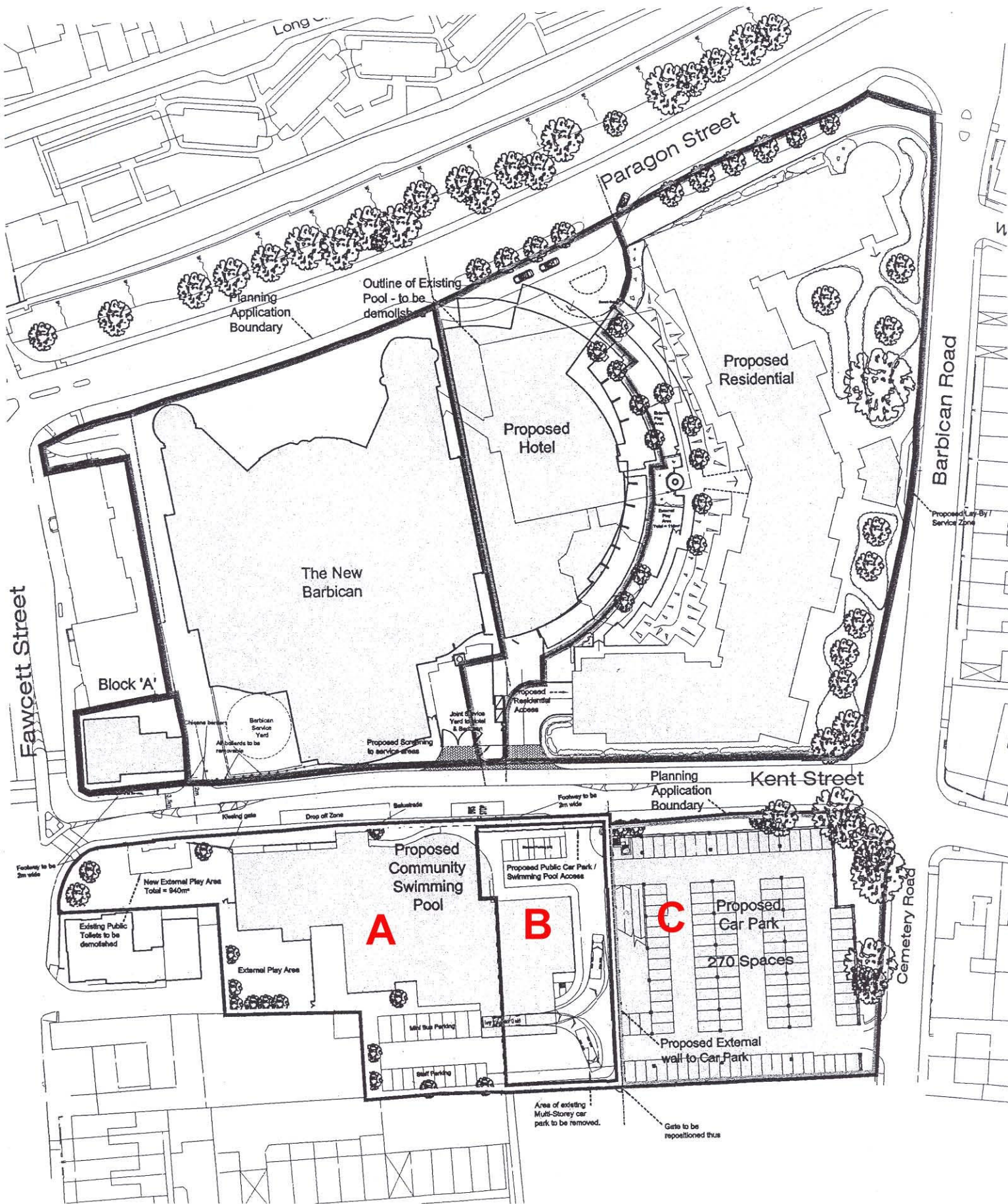
For further information please contact the author of the report

Background Papers: Leisure Facilities Strategy report to Executive February 2006

Annex A – Plan of the Barbican and Kent Street sites

Annex B – Statement of Intent between City of York Council and the University of York

Annex C – Scoping Framework for Leisure Facilities Strategy Report



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Annex B

University of York and City of York Council

Statement of intent with regard to the development of a swimming pool and fitness facilities

1. Both signatories to this document wish to expand the range of sports provision available in York. The University does not currently have a swimming pool and needs to expand its fitness provision. The City has ambitious plans for swimming provision within the city and a new pool on the eastern side will ensure that the already announced provision on the western side is complemented.
2. The University of York and the City of York Council agree to work in partnership to bring forward plans for the development and implementation of a swimming pool and fitness complex.
3. A Steering Group will be established, encompassing a range of interested groups, to take this project forward, including consideration of capital costs and revenue, the management and access arrangements, the funding contributions and responsibilities and the likely timescale.
4. A number of key principles will guide this development.
 - a. The facilities will be open to all, and community access will be encouraged
 - b. The provision should be of competition standard
 - c. The facilities should be environmentally, socially and economically sustainable
 - d. Responsibility for funding of the project will be a joint responsibility
5. Dependant upon the outcome of the public enquiry into University expansion onto the Heslington East site, the preferred location for the facilities is Heslington East. In this event, the development will be in accordance with the planning conditions imposed by the Secretary of State.

Note:

This Statement of Intent has been signed by both parties

The City of York Council is represented on the Steering Group

The Steering Group is now active

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Annex C

Proposed scope of report on the Leisure Facilities Strategy

1. To give the policy context and background to the facilities strategy:

- ❑ The Council's commitment to increasing participation in active lifestyles – key targets, e.g. LPSA2 and LAA
- ❑ The role of leisure facilities in promoting participation
- ❑ Management of current property assets, their condition, suitability and fitness for purpose in supporting the strategy
- ❑ The objectives of the original strategy to renew the facilities
- ❑ A vision for the Council's leisure facilities – what needs they should provide for and what they should be like
- ❑ To consider the opportunities for the integration of services and the development of partnerships in pursuit of efficiencies

2. Needs analysis:

- ❑ Supply and demand analysis – what the planning model shows that York currently needs in terms of total water space and where it should be located and how provided
- ❑ Specific swimming needs – what needs the city's sport and active leisure strategy suggests should be accommodated, for example in terms of club development, lesson programmes, school swimming, competitions
- ❑ What users want – resume of previous consultation exercises

3. Summary of current position:

- ❑ Planned work at Yearsley
- ❑ Developing plans for the York High site
- ❑ The long-term position with Waterworld (leased to Cannons to 2012)
- ❑ User numbers and current running costs for the facilities
- ❑ Private sector provision

4. Strategic Options:

- ❑ With the current Yearsley and York High schemes going ahead, focus on how the city's remaining 12 x 25m lanes deficit can most realistically and effectively be addressed
- ❑ Examine the University partnership proposal
- ❑ Examination of other potential sites for a pool – city centre, school sites, major development sites, etc.
- ❑ Examination of other partnership possibilities
- ❑ Other longer term options and models of delivery

5. Costs:

- Examination of potential capital costs of the various options
- Examination of potential management models – how do we create a sustainable

6. Funding:

- The Barbican receipt
- Other funding issues:
 - Non availability of lottery funding
 - Potential for site disposals
 - Potential for development gain
 - Private sector finance

7. Conclusions:

- Recommendations
- Timescales

Charlie Croft
Assistant Director (Lifelong Learning and Culture)
12th June 2007

1 Because of the intervention of the election period, there have been only 2 meetings of the
2 Executive since the last ordinary meeting of the Council on 12th April.

3 **Yearsley Swimming Pool** – The Executive has agreed plans which will see the Yearsley pool
4 renovated later this summer. A shortlist of essential works had been drawn up. These works were
5 required on either structural, operational, or health and safety grounds, in order to extend the life of
6 the pool.

7 The works include:

- 8 • Roof - Remove roofing and wall cladding, Blast clean, repair and paint steelwork,
9 Reclad roof and walls with composite sheeting, Relay flat roofing over changing rooms
- 10 • Ventilation - Air handling plant, ductwork and controls, Asbestos removal,
- 11 • Plant room - Asbestos remediation, Replace filters and pumps
- 12 • Pool hall - Drainage channels and tiling, Pool grouting
- 13 • Showers - Retiling
- 14 • Front Entrance - Gates, Kerbs, Tarmac, drainage, cycle parking, bin store

15 It is proposed to use part of the contingency provision from within the swimming pools programme
16 to fund additional capital expenditure which had been identified, in addition to the indicative sum of
17 £500k plus fees which were set out in the Leisure Facilities Strategy in February 2006.

18 The closure period will result in an estimated one-off revenue cost of £80k. A revised series of
19 costings, a schedule of energy and carbon savings and a comparison of energy efficiency had
20 been circulated to Members for consideration before the decision was confirmed.

21 Officers confirm that the refurbishment work would have an expected life of at least 25 years.

22 **School bus service – safety issues.** The Executive considered and broadly supported the
23 conclusions reached in the final report of the Education Scrutiny Committee regarding home to
24 school transport contracts for primary schools in York. The Executive was concerned to note that
25 the issue of safety on school buses has not led central government to stipulate minimum standards
26 for school bus design or to ensure that the costs of providing safe transport are recognised in the
27 grant entitlement of local authorities. In the absence of such standards, and adequate funding, the
28 Council could be placed in the invidious position of having to reduce serviced standards elsewhere
29 in the education service in order to pay for seat belts and other improvements. The Council has
30 already instructed officers to undertake a comprehensive review of its transport procurement
31 policies and this is now being undertaken by consultants. It is anticipated that economies will be
32 found and these may offer a possible option for meeting part of the costs of improving school bus
33 services.

34 **Decision making processes** - Following considerable debate, an agreement was reached, among
35 the four Groups represented on the Council, about how the Councils decision taking processes
36 would be managed over the next 12 months. The Executive has endorsed this agreement and
37 asked officers to put in hand changes to some constitutional arrangements and to timetable and
38 prepare a series of policy reviews

39 **Former Lendal Bridge Sub-Station - Secure Cycle Park** - The Executive has agreed to lease
40 the former Lendal Bridge sub station to "Bike Rescue" for use as a cycle park, workshop and café.

41 **Other matters** - The Executive authorised a Compulsory Purchase Order for part of the **Hungate**
42 site, considered and agreed the release of 3 parcels of land for the provision of 20 **affordable**
43 **homes** in the City and authorised the commencement of public consultation on whether York
44 should seek designation as a **World Heritage Site**.

45 Steve Galloway

Report on Neighbourhood Services

The recently produced staff satisfaction survey for the Directorate shows that satisfaction is improving across a range of indicators, and a welcome sign was the doubling in the participation rate by staff in completion of the survey.

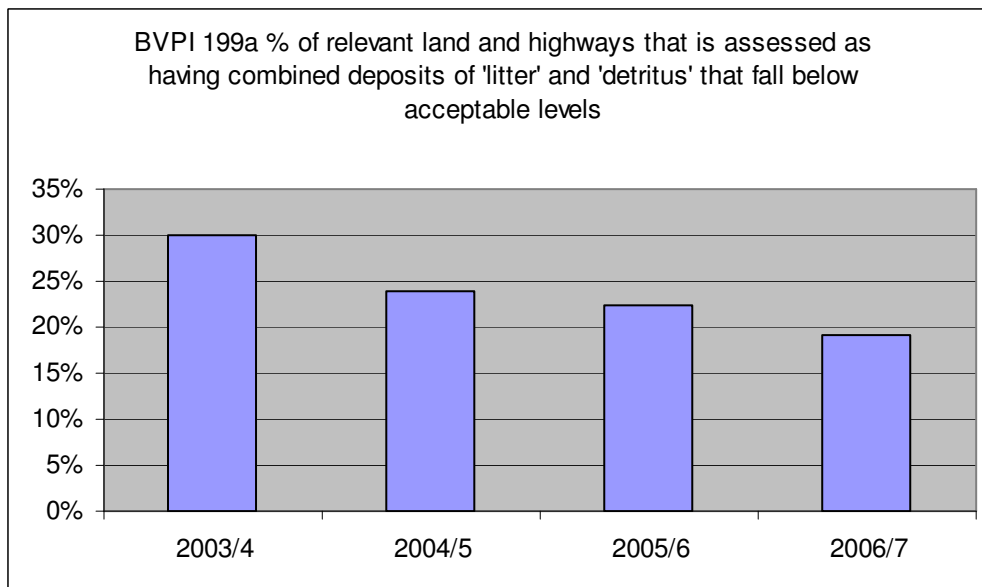
The last year has been very successful overall for the trading accounts of Neighbourhood Services making a surplus of £139k.

We have been working in partnership with Jewsons for a new contract for the supply of materials for building maintenance, which offers the scope for savings in costs, a greater emphasis on environmental sustainable sourcing of materials, and pro-active work to involve local small business in the supply of materials.

It is difficult to summarise the activities of such a diverse directorate and so below are some of the highlights of the work of the teams in Neighbourhood Services.

Street Environment

York was included in finals of the British Cleaning Council Awards for Clean Cities in March 2007, and has recently been selected to become one of ten local authorities to work with ENCAMS (formerly 'Keep Britain Tidy') later this year on a campaign aimed at reducing fast food related rubbish, and in a separate campaign on tackling smoking litter.

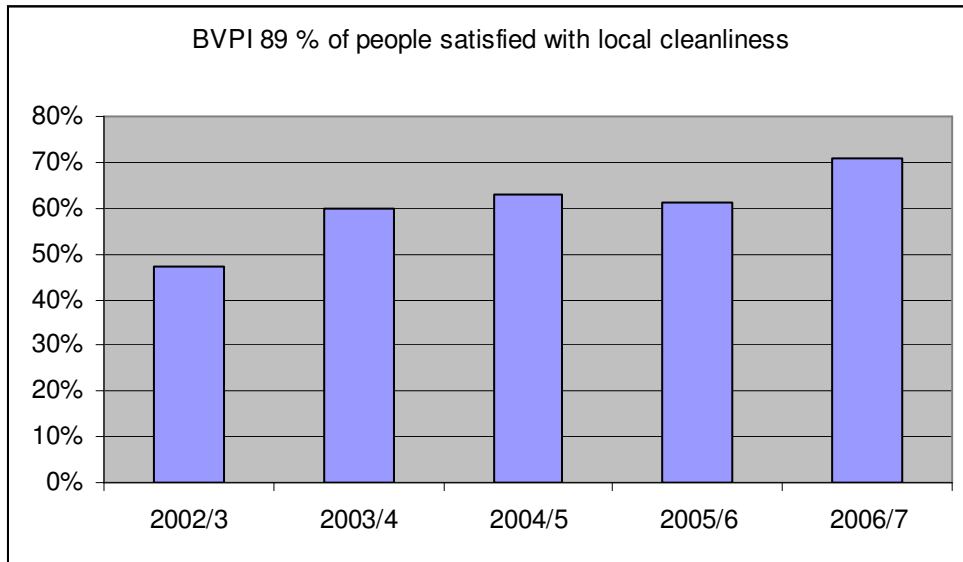


The Best Value indicator BVPI 199 shows continued improvement. The successful pilot of barrow sweeping in the West of York commencing in December 2006 has been rolled out across most parts of the city this Spring and this is already showing further significant improvements in street cleanliness.

A trial of street sweeping in the city centre has been running to ensure that cleaning and litter picking take place until 9pm. This move follows a recent review of the

council's Streetscene service and is utilising staff and equipment at times when the streets are not as busy as they are during the daytime peaks.

It would be remiss in any report regarding street cleaning not to mention the recent MBE that has been bestowed by the Queen on Paul Willey our very own enthusiastic city centre Streetscene Supervisor.



The Street Environment Team also continued to achieve targets in the speed in the removal of graffiti on council owned land and in the removal of fly tips. During the year 95% of abandoned cars were removed within 24 hours of the point at which the council could legally remove them.

YorkPride campaigns

The public engaged with the York Pride “Spring Clean Campaign” in February and March . May saw the “Red Card for Dog Fouling Campaign”

Over the summer the Neighbourhood Services team will run a “Litters Out” campaign which will build on work in schools with young people to stress the damage caused to the environment by litter, graffiti, and fly posting.

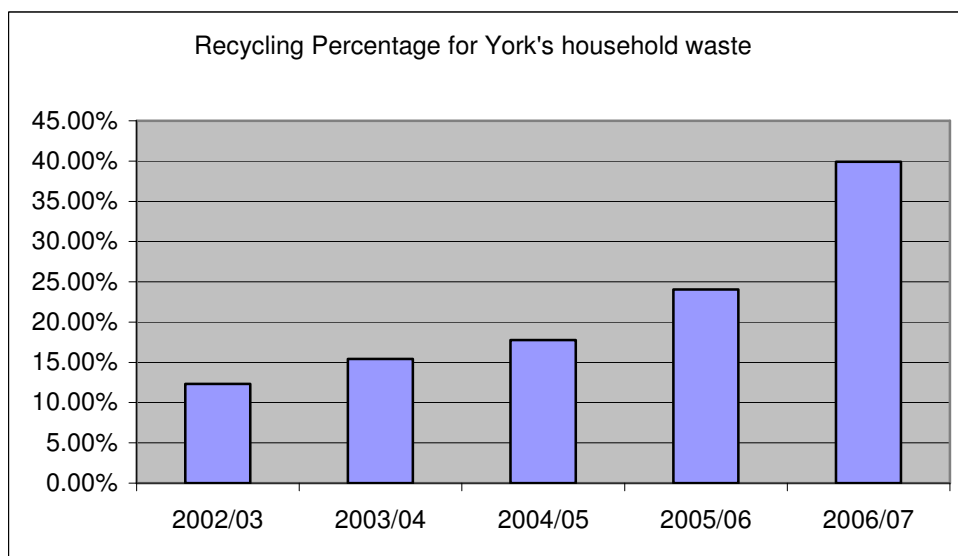
In June and July the Blooming City Campaign will build on the city’s application for Yorkshire in Bloom Competition. Following this will be a campaign to focus on the city centre which receives the heaviest footfall during the peak tourist season to keep the area clean for visitors and residents alike.

Work has gone into preparing the “Feeling safe and being safe in York” and “It’s in your hands, don’t drop it” anti litter campaign and high profile penalty enforcement campaigns which will be run from July to October. Ward committees in July will be offering bike marking to help cut cycle thefts, personal alarms, and property marking

pens. Also thanks to the Energy Efficiency Advice Centre they will be handing out packs of energy efficient lightbulbs at Ward Committee Meetings.

Improvements in the Recycling rates

The roll out of kerbside cardboard collections to all 60,000 properties on the Alternate Weekly Collection service was completed by March and this has contributed to lifting the annual recycling figure to 39.93%. Thanks to the active support of residents and council staff we are keeping within the landfill tonnage targets set by Government, and avoiding the £150 per tonne fines so far.



Hazel Court Household Waste Recycling Centre continues to perform well, and has recently reached levels of diverting from landfill 71% of waste taken to the site. Satisfaction with the city's three Household Waste Recycling Centres has risen from 67% in 2005/6 to 86% in 2006/07 which shows that the contract with Yorwaste running the sites is running well.

Officers are working with Yorwaste and other companies to assist businesses in the city to recycle more of their waste in a cost effective and operationally efficient manner. The success of the recycling element of the contract with York University has provided useful experience which can be shared with other commercial contracts to provide incentives for recycling which benefit both parties. We are working with the Green Business Club to explore all areas of opportunity for recycling and re-use of waste.

Funding has been agreed by the council to continue to the work of the recycling services provided by the Friends of St Nicholas Field now that some of their grant funding has run out. This had been anticipated as they had approached the council to make us aware of their plans, and possible future liabilities if they were unable to find continued funding.

We are looking at new vehicle technology which facilitates the collection and disposal of kitchen organic waste from the domestic and commercial waste streams.

New vehicles for the green and grey bin collections have arrived, and I am pleased to say that these have Euro-IV engines which will reduce emissions within the city of nitrogen dioxide. One of these (see below) was branded up with the “Recycle Now” design thanks to funding from WRAP and will be a distinctive addition to the fleet.



The department is working on a council wide recycling scheme based on the model in place at the eco-Depot. This is going to start in the Guildhall and Mansion House.

Between 2005/6 and 2006/7 the number of households served by a kerbside recycling collection increased from 71,113 to 76,522 (equal to 92.5% of the total number of household). The proportion of York households getting a collection of two or more recyclables increased from 81.7% to 87.5% in the same period. Work is being developed to increase the coverage still higher.

Smoke Free Legislation

Due to the impending changes in regulations governing smoking in enclosed public spaces (starting on 1st July) the government has provided funding for two temporary “Smoke-Free Officers” to assist with education advice and enforcement of the new legislation. Many businesses and residents have taken up the offer of free advice on the changes and it is hoped that the transition to the new regime will be smooth in York.

Noise Patrol

The Noise Patrol service continues to be in demand from residents having secured convictions against three residents who had been causing a noise nuisance to their neighbours. In all cases they had received a Noise Abatement Notice before the final

action was taken. Equipment and music collections were seized to demonstrate that the council takes complaints about noise very seriously.

Neighbourhood Team

Officers are busy developing with ward members Neighbourhood Action Plans to cover all wards in the city . A different approach to residents associations has been started with a large ‘stock taking’ exercise, and the establishment of ‘cluster meetings’ of neighbouring associations.

Trading Standards and Food Inspection Team

The Trading Standards Team have been very busy in playing their part in “Safe City” and in particular have been tackling rogue traders who prey upon the most vulnerable members of society in York. Many York businesses received a “Responsible Retailer Award” in March to show that they were keen to take on board their responsibilities not to sell alcohol to those under the legal age.

The Food and Safety team have recently been taking the food safety message out to the public as part of the national Food Safety Week, and advising residents how they can avoid food poisoning in the warm weather we hope to have this summer.

Carbon Management

As the sponsor of the Carbon Management Programme I look forward to working with members to progress the council’s plans to reduce our own carbon emissions right across the authority.

Air Quality

Progress is being made on a new air quality website which will give the public direct access to local air quality data. This is due to be launched in the autumn.

Cllr Andrew Waller
Executive Member for Neighbourhoods , June 2007

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SCHEDULE

THE MODEL CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. —(1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State[[13](#)].
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.

(5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. —(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. —(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006[[14](#)]);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of subparagraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986[15].

7. —(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

8. —(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. —(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the

meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000[16].

Prejudicial interest generally

10. —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a

school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. —(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

13. —(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking

that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order contains a model code of conduct as regards the conduct which is expected of members and co-opted members of relevant authorities in England and police authorities in England and Wales. The Secretary of State has power to issue such a code under section 50 of the Local Government Act 2000. Under section 51 of that Act, each authority must adopt a code of conduct applying to its members and co-opted members which must incorporate any mandatory provisions of the Code. Under section 51(5), where an authority does not adopt such a code within six months of the Order coming into force, the mandatory provisions of the Code will apply to the members of the authority until it adopts its own code.

Article 1 provides that this Order applies to specified authorities in England and police authorities in England and Wales.

Article 2 provides that a model code is set out in the Schedule to the Order, and states which of its provisions are mandatory.

Article 3 disapplies the statutory provisions relating to the National Code of Local Government Conduct and members' interests.

Article 4 revokes—

the Local Authorities (Model Code of Conduct) (England) Order 2001[[17](#)];

the Parish Councils (Model Code of Conduct) Order 2001[[18](#)];

the National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001[[19](#)]; and

the Police Authorities (Model Code of Conduct) Order 2001[[20](#)].

These Orders continue to have effect in relation to misconduct committed before the date when the new code is adopted or applied to an authority.

Article 4(3) provides that orders made under section 83 of the Local Government Act 1972 shall have effect for the purpose of prescribing the form of a declaration of

acceptance of office.

In the **Schedule to the Order**—

Paragraph 1 of the Code provides that the Code applies to any member of an authority and that it is the responsibility of each member to comply with the Code.

Paragraph 2 of the Code provides that the Code applies whenever a member is acting in his or her official capacity, and in relation to conduct in a member's private capacity the code only applies where such conduct has resulted in a criminal conviction. Additionally, where a member is acting as a representative of his or her authority, he or she must continue to observe the authority's code, unless he or she is subject to another relevant authority's code, or unless (in relation to any other body) it conflicts with any other legal obligations.

Paragraph 3 of the Code provides that members must treat others with respect and not do anything which may cause their authority to breach equality legislation, or which compromises the impartiality of those who work for the authority or bully anyone or intimate persons involved in code of conduct cases.

Paragraph 4 of the Code provides that members must not without consent disclose confidential information they have acquired and must not prevent others from gaining access to information to which they are entitled.

Paragraph 5 of the Code provides that a member must not conduct himself or herself in a manner which could bring his or her authority into disrepute.

Paragraph 6 of the Code provides that a member must not use his or her position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the authority's resources, he or she must act in accordance with the authority's reasonable requirements, must not permit those resources to be used for political purposes and must have regard to the Local Authority Code of Publicity.

Paragraph 7 of the Code provides that a member must have regard to advice given by the chief finance officer and monitoring officer and must give reasons for decisions made.

Paragraph 8 of the Code provides a list of matters which constitute a personal interest.

Paragraph 9 of the Code provides that generally a member with a personal interest in any business of his or her authority must disclose that interest at any meeting at which the business is considered.

Paragraph 10 of the Code provides that generally a member with a personal interest also has a prejudicial interest if the interest could be regarded by a member of the public as so significant that it is likely to prejudice his or her judgement of the public interest. The paragraph provides that in specified circumstances a member may regard himself as not having a prejudicial interest.

Paragraph 11 of the Code provides that a member who was involved in making a decision or taking action on a matter must not be involved in the overview and scrutiny committee's consideration of that decision or action.

Paragraph 12 of the Code provides that a member with a prejudicial interest must, unless, for example, he or she is making representations and members of the public are also allowed to make representations on that matter, or he or she has obtained a dispensation, withdraw from any meetings at which the business is being considered, and must not improperly influence decisions in relation to the business.

Paragraph 13 of the Code provides that a member must notify the monitoring officer of his or her personal interests and any change to those interests must also be notified.

Paragraph 14 of the Code provides that a member may notify the monitoring officer of any sensitive information the availability of which to the public creates, or is likely to create, a serious risk that the member or a person who lives with him or her may be subjected to violence or intimidation.

Scrutiny Report to Full Council – 28 June 2007

This is my first report as chairman of Scrutiny Management Committee, however I am reporting on the work of the Committee since the Council meeting of 12 April which includes the meetings of 23 April and 18 June. The first of these meetings was chaired by my predecessor, Cllr Madeleine Kirk, who I would like to thank for all her hard work on behalf of this committee.

One of the first duties of the new committee was to appoint a chair and vice-chair of the Traffic Congestion and Highways Maintenance and PFI Ad-hoc Scrutiny Sub-Committees.

These appointments are:

Traffic Congestion – Chair Cllr Merrett, Vice-Chair Cllr Hudson

Highways Maintenance & PFI – Chair Cllr Moore, Vice-Chair Cllr Simpson-Laing

The Traffic Congestion sub-Committee gave an interim report to SMC on 23 April and the committee agreed to extend the sub-committee's timeframe by six months.

At the same meeting members heard from the Chairmen of the Education and Health Scrutiny Committees, former Cllrs Hall and Cuthbertson respectively, and thanked them for their work throughout the year.

Members considered an update report regarding the implementation of recommendations previously made as a result of a completed Scrutiny review on "Cycling and the Provision of Facilities". At the June meeting members questioned the relevant officers about the increases that have been made to the provision of cycle lanes in the city. There are concerns that some of the recommendations have not yet been implemented and a full report has been requested for the next meeting of SMC.

Members also considered the report of the Ad-hoc Sub-Committee that had been set up to review the formation of an Area Asset Management Plan for Tang Hall. This report had considered the consultation processes used and made recommendations which could inform the production of future Area Asset Management Plans.

Officers from Property Services have been asked to attend the next meeting of SMC to inform members of progress with the area Asset Management Plan.

Members considered feasibility reports on two proposed new Scrutiny topics concerning i) the transparent formulation of Council policy and ii) confidentiality in tendering and high risk procurement. They decided not to proceed with either of these at the present time.

A group of about 15 non-Executive members participated in a training event entitled "Making the Most of Scrutiny". This helped raise their awareness of the possible outcomes of scrutiny, planning and prioritising their work and carrying out an effective review. Members are now encouraged to submit proposals for new scrutiny

reviews – there is an online form which they can use to do this which helps them to identify if their proposed topic meets the criteria required by SMC.

Cllr John Galvin

ANNEX B**City of York Council Committees, Sub-Committees, Working Groups and Partnership Bodies 2007/2008**

Executive Functions

Urgency Committee (5)

Liberal Democrat	(2)	Galloway Steve Jamieson-Ball	(Chair) (Vice-Chair)
		<i>Waller</i>	<i>Substitute</i>
		<i>Reid</i>	<i>Substitute</i>
Labour	(2)	Potter Scott	
		Horton	Substitute
		<i>tbc</i>	<i>Substitute</i>
Conservative	(1)	Gillies	
		<i>Bennett</i>	<i>Substitute</i>
		<i>Vacant</i>	<i>Substitute</i>

Executive Member Advisory Panels

Corporate Services Advisory Panel (5)

Liberal Democrat	(2)	Jamieson-Ball Watson Richard	
		Morley Holvey	Substitute Substitute
Labour	(2)	Looker Pierce	(Vice-Chair)
		King tbc	Substitute Substitute
Conservative	(1)	Healey	(Chair)
		Brooks Vacant	Substitute Substitute

City Strategy Advisory Panel (8)

Liberal Democrat	(3)	Galloway Steve Hyman Reid	
		Holvey	Substitute
		Moore	Substitute
Labour	(3)	Cregan Scott Simpson-Laing	
		Potter	Substitute
		Crisp	Substitute
Conservative	(1)	Gillies	(Chair)
		Hudson	Substitute
		Healey	Substitute
Green	(1)	D'Agorne	(Vice-Chair)
		Taylor	Substitute

Children's Services Advisory Panel (8)

Liberal Democrat	(3)	Aspden Firth Runciman	
		Morley Orrell	Substitute Substitute
Labour	(3)	Alexander Gunnell Merrett	(Chair)
		Looker Bowgett	Substitute Substitute
Conservative	(1)	Brooks	(Vice-Chair)
		Healey Vacant	Substitute Substitute
Green	(1)	D'Agorne	
		Taylor	Substitute

STATUTORY CO-OPTED MEMBERS

Mr J Bailey	Parent Governor Representative
Vacancy	Catholic Representative
Vacancy	Parent Governor Representative
Dr D Sellick	Church of England Representative

NON-STATUTORY CO-OPTED MEMBERS

Ms F Barclay	Teacher Representative
Mrs A Burn	Headteacher Representative
Mrs J Ellis	Governor Representative
Mr M Galloway	Further Education Representative
Ms B Reagan	Teacher Representative
Mr M Thomas	Teacher Representative

Housing and Adult Social Services Advisory Panel (8)

Liberal Democrat	(3)	Galloway Sue Hogg Sunderland	(Chair)
		Watson Richard Kirk	Substitute Substitute
Labour	(3)	Bowgett Fraser Horton	(Vice-Chair)
		Douglas Scott	Substitute Substitute
Conservative	(1)	Wiseman	
		Gillies Vacant	Substitute Substitute
Green	(1)	Taylor	
		D'Agorne	Substitute

Co-opted Members

**Mrs Mildred
Grundy**

Co-opted Non-Statutory Member

Ms Pat Homes

Co-opted Non-Statutory Member

Neighbourhood Services Advisory Panel (8)

Liberal Democrat	(3)	Holvey Orrell Waller	(Vice-Chair)
		Firth Hyman	Substitute Substitute
Labour	(3)	Bowgett Potter Watson Brian	(Chair)
		Crisp tbc	Substitute Substitute
Conservative	(1)	Bennett replace with Watt	
		Galvin Vacant	Substitute Substitute
Green	(1)	Taylor	
		D'Agorne	Substitute

Leisure and Culture Advisory Panel (5)

Liberal Democrat	(2)	Hogg	
		Vassie	
		Orrell	Substitute
		Watson R	Substitute
Labour	(2)	Crisp	(Chair)
		King	
		Douglas	Substitute
		?	Substitute
Conservative	(1)	Bennett	(Vice-Chair)
		Healey	Substitute
		Brooks	Substitute

Quasi-Judicial/Regulatory Function

Planning Committee (16)

Liberal Democrat	(6)	Firth	
		Galloway Sue	
		Jamieson-Ball	
		Moore	
		Reid	
		Watson Richard	(Chair)
		Orrell	Substitute
		Hyman	Substitute
		Morley	Substitute
Labour	(6)	Cregan	
		Crisp	
		Horton	
		King	
		Simpson-Laing	(Vice-Chair)
		Watson Brian	
		Pierce	Substitute
		Blanchard	Substitute
		Potter	Substitute
Conservative	(3)	Bennett	
		Galvin	
		Hudson	
		Wiseman	Substitute
		Gillies	Substitute
Green	(1)	D'Agorne	
		Taylor	Substitute

East Area Planning Sub-Committee (10)

Liberal Democrat	(4)	Firth	
		Hyman	
		Moore	(Chair)
		Vassie	
		Watson Richard	Substitute
		Morley	Substitute
		Jamieson-Ball	Substitute
Labour	(4)	Cregan	(Vice-Chair)
		Douglas	
		Funnell	
		King	
		Pierce	Substitute
		Potter	Substitute
		tbc	Substitute
Conservative	(1)	Wiseman	
		Bennett	Substitute
		Vacant	Substitute
Green	(1)	Taylor	
		D'Agorne	Substitute

West & City Centre Area Planning Sub-Committee (9)

Liberal Democrat	(4)	Galloway Sue Jamieson-Ball Reid Sunderland	(Vice-Chair)
		Galloway Steve Holvey Moore	Substitute Substitute Substitute
Labour	(3)	Gunnell Horton Watson Brian	(Chair)
		Simpson-Laing Bowgett	Substitute Substitute
Conservative	(2)	Galvin Gillies Wiseman Vacant	 Substitute Substitute

Standards Committee (3)

To comprise: 3 **Elected Members as follows (1 to be Vice-Chair)**

Liberal Democrat (1) Kirk

Watson R ***Substitute***
Aspden ***Substitute***

Labour (1) Horton

Crisp Substitute
tbc ***Substitute***

Conservative (1) Hudson

Watt ***Substitute***
Vacant ***Substitute***

- 1 Ms C Bainton (Independent Chair)
- 1 Mrs R Leaman (Independent Member)
- 1 Cllr D Crawford (Parish Council Member)

- 1 Cllr B J Mellors (Parish Council Substitute)
- 1 ***Dr D Sharma (Independent Substitute)***
- 1 ***Mr C Woolley (Independent Substitute)***

Independent Members' Appointment Panel (Standards) (2)

Liberal Democrat (1) Kirk

Watson R
Aspden

Substitute
Substitute

Labour (1) *tbc*

?

Substitute

?

Substitute

Independent Remuneration Panel (5)

Audit and Governance Committee (7)

Liberal Democrat	(3)	Holvey Moore Watson Richard	
		<i>Hyman</i>	<i>Substitute</i>
		<i>Firth</i>	<i>Substitute</i>
Labour	(3)	Crisp Pierce Watson Brian	(Chair)
		Cregan	Substitute
		Bowgett	Substitute
Conservative	(1)	Brooks	(Vice-Chair)
		<i>Healey</i>	<i>Substitute</i>
		<i>Vacant</i>	<i>Substitute</i>

Licensing and Regulatory Committee (5)

Liberal Democrat	(2)	Moore Hyman	(Vice-Chair)
		<i>Orrell</i>	<i>Substitute</i>
		<i>Hogg</i>	<i>Substitute</i>
Labour	(2)	Horton Watson Brian	
		Douglas	Substitute
		<i>tbc</i>	<i>Substitute</i>
Conservative	(1)	Bennett	(Chair)
		<i>Wiseman</i>	<i>Substitute</i>
		<i>Vacant</i>	<i>Substitute</i>

Gambling and Licensing Acts Committee (15)

Liberal Democrat	(6)	Galloway Sue Hyman Moore Reid Runciman Sunderland	
Labour	(5)	Cregan Funnell Horton Merrett Watson Brian	(Chair)
Conservative	(2)	Watt replace with Bennett Wiseman	(Vice-Chair)
Green	(2)	D'Agorne Taylor	

Appeals Panels

Corporate Appeals Panel (3)

Liberal Democrat	(1)	Firth	
		<i>Sunderland Reid</i>	<i>Substitute Substitute</i>
Labour	(1)	Fraser	
		Potter <i>tbc</i>	Substitute <i>Substitute</i>
Conservative	(1)	Healey	
		<i>Galvin Vacant</i>	<i>Substitute Substitute</i>

Housing Appeals Panel (3)

Liberal Democrat	(1)	Morley	
		<i>Jamieson-Ball Waller</i>	<i>Substitute Substitute</i>
Labour	(1)	Bowgett	
		Horton <i>tbc</i>	Substitute <i>Substitute</i>
Conservative	(1)	Watt	
		<i>Gillies Vacant</i>	<i>Substitute Substitute</i>

Education Appeals Panel (3)

Liberal Democrat (1) Watson Richard

Orrell

Substitute

Aspden

Substitute

Labour (1) Blanchard

Looker

Substitute

tbc

Substitute

Conservative (1) Brooks

Hudson

Substitute

Vacant

Substitute

Environment Appeals Panel (3)

Liberal Democrat (1) Moore

Galloway Sue

Substitute

Runciman

Substitute

Labour (1) Potter

Watson Brian

Substitute

tbc

Substitute

Conservative (1) ***Gillies***

Galvin

Substitute

Vacant

Substitute

School Admission Appeals Panellists

Christine Burt

Jenny Caldwell

Joyce Clarke

A R Cook

Michael Daly

Ian Dolben

Pauline Ensor

Valerie Foote

Colette Haynes

Jill Hetherton

R A Hewitt

Ron Humphrys

Malcolm Hutton

Keith Jacklin

Alison Jewitt

Philip Johnston

Trevor Langton

Olwen Petrie

Roger Shenton

Jill Thompson

Joan Visick

Alison Yarrow

Scrutiny Functions

Scrutiny Management Committee (8)

Liberal Democrat	(3)	Kirk Moore Watson Richard	
		Holvey	Substitute
		Hyman	Substitute
Labour	(3)	Blanchard Scott Simpson-Laing	(Vice-Chair)
		?	Substitute
		?	Substitute
Conservative	(1)	Galvin	(Chair)
		Hudson	Substitute
		Vacant	Substitute
Green	(1)	Taylor	
		D'Agorne	Substitute

Education Scrutiny Committee (7)

Liberal Democrat	(3)	Hyman Kirk Morley	(Chair)
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<i>Firth</i>	<i>Substitute</i>
<i>Holvey</i>	<i>Substitute</i>

Labour	(3)	Alexander Gunnell Merrett	
		Bowgett	Substitute
		Looker	Substitute

Conservative	(1)	Brooks	(Vice-Chair)
		<i>Wiseman</i>	<i>Substitute</i>
		<i>Vacant</i>	<i>Substitute</i>

Co-opted Members

Mr John Bailey	Parent Governor Representative
Vacancy	Parent Governor Representative
Dr D Sellick	Church of England Representative
Vacancy	Catholic Representative

Health Scrutiny Committee (7)

Liberal Democrat	(3)	Morley Kirk Moore	(Vice-Chair)
		<i>Firth</i>	<i>Substitute</i>
		<i>Hogg</i>	<i>Substitute</i>
Labour	(3)	Fraser Funnell Looker	(Chair)
		Scott	Substitute
		Blanchard	Substitute
Conservative	(1)	Wiseman	
		<i>Gillies</i>	<i>Substitute</i>
		<i>Vacant</i>	<i>Substitute</i>

Highways Maintenance Ad-Hoc Scrutiny Committee (7)

Liberal Democrat	(3)	Hogg	
		Moore	<i>(Chair)</i>
		Watson Richard	
		<i>Hyman</i>	<i>Substitute</i>
		<i>Kirk</i>	<i>Substitute</i>
Labour	(3)	Cregan	
		Merrett	
		Simpson-Laing	<i>(Vice-Chair)</i>
		Looker	Substitute
		Pierce	Substitute
Conservative	(1)	Healey	
		<i>Watt</i>	<i>Substitute</i>
		<i>Vacant</i>	<i>Substitute</i>

* Chair to be determined by SMC

Traffic Congestion Ad-Hoc Scrutiny Committee (7)

Liberal Democrat	(3)	Hogg Moore Morley	
		<i>Watson R</i>	<i>Substitute</i>
		<i>Kirk</i>	<i>Substitute</i>
Labour	(3)	Merrett Pierce Simpson-Laing	<i>(Chair)</i>
		Alexander	Substitute
		Potter	Substitute
Conservative	(1)	Hudson	<i>(Vice-Chair)</i>
		<i>Healey</i>	<i>Substitute</i>
		<i>Vacant</i>	<i>Substitute</i>

* Chair to be determined by SMC

Appointments Panels

Appointments Panel – Assistant Director (Partnerships & Early Intervention)

Liberal Democrat (1) **Runciman**

Labour (1) Merrett

Conservative (1) **Brooks**

Appointments Panel – Assistant Director (School Improvement & Staff Development)

Liberal Democrat (1) **Runciman**

Labour (1) Merrett

Conservative (1) **Brooks**

Appointments Panel – Assistant Director (Children & Families)

Liberal Democrat (1) **Runciman**

Labour (1) Merrett

Conservative (1) **Brooks**

Economic Development Partnership Board (8)

Liberal Democrat	(3)	Galloway Steve	(Chair)
		Jamieson-Ball	(Vice-Chair)
		Kirk	
		Hogg	Substitute
		Holvey	Substitute
Labour	(3)	Alexander	
		Looker	
		Scott	
		Simpson-Laing	Substitute
		Fraser	Substitute
Conservative	(1)	Gillies	
		Bennett	Substitute
		Vacant	Substitute
Green	(1)	Taylor	
		D'Agorne	Substitute
Co-opted Members :			
		L Cruddas	Chamber of Commerce
		Prof T Robards	University of York
		A Scott	First Stop York Tourism Partnership
		M Galloway	Education/Lifelong Learning Partnership
		M Sessions	Manufacturing Sector
		Kevin Moss	Finance Sector
		Jez Willard	Retail Sector
		B Anderson	Trades Unions
		Julie Hutton	Yorkshire Forward

Social Inclusion Working Group (7)

Liberal Democrat	(3)	Aspden Galloway Sue Sunderland	(Chair)
		Holvey Orrell	Substitute Substitute
Labour	(3)	Alexander Gunnell Potter	(Vice-Chair)
		Simpson-Laing King	Substitute Substitute
Conservative	(1)	Healey	
		Watt Vacant	Substitute Substitute

Community Group Non-voting Co-opted Members

Jack Archer	Older People
Sue Lister	Older People
Karen Roberts	Sexual Orientation
Ely Treanor	Sexual Orientation
Peter Blackburn	Sexual Orientation
Rita Sanderson	Ethnicity
Daryoush Mazloum	Ethnicity

Local Development Framework Working Group (10)

Liberal Democrat	(4)	Moore	
		Reid	(Chair)
		Waller	
		Watson Richard	
		Morley	Substitute
		<i>Vassie</i>	<i>Substitute</i>
		<i>Jamieson-Ball</i>	<i>Substitute</i>
Labour	(3)	Horton	
		Merrett	
		Simpson-Laing	(Vice-Chair)
		Alexander	Substitute
		Pierce	Substitute
Conservative	(2)	Hudson	
		Watt	
		<i>Bennett</i>	<i>Substitute</i>
		<i>Brooks</i>	<i>Substitute</i>
Green	(1)	D'Agorne	
		Taylor	Substitute

Young People's Working Group (6)

Liberal Democrat	(3)	Aspden Holvey Runciman	(Vice-Chair)
		Jamieson-Ball Vassie	Substitute Substitute
Labour	(3)	Alexander Blanchard Gunnell	(Chair)
		Scott	Substitute
		Douglas	Substitute

Admin Accommodation Working Group (3)

Liberal Democrat	(1)	Galloway Steve	
Labour	(1)	Merrett	Sub: Looker ??
Conservative	(1)	Healey	

Joint Working – Strategic Partnerships

Without Walls Partnership (3)

Liberal Democrat (1) Galloway Steve

Jamieson-Ball

Substitute

Labour (1) Scott

Potter

Substitute

Conservative (1) Gillies

Galvin

Substitute

Without Walls Partnership – Executive Delivery Board (1)

Liberal Democrat (1) Galloway Steve

York Environment Partnership (1)

Liberal Democrat (1) Waller

Healthy City Board (3)

Liberal Democrat (1) Runciman

Labour (1) Fraser

Conservative (1) Wiseman

Inclusive York Forum(2)

Liberal Democrat (1) Aspden

Labour (1) Scott

Lifelong Learning Partnership Board (1)

Liberal Democrat (1) Runciman

Labour Merrett Substitute

* Allocation of seat subject to negotiation between political groups

Safer York Partnership (1)

Liberal Democrat (1) Galloway Steve

* Allocation of seat subject to negotiation between political groups

York@Large (1)

Labour (1) King

Liberal Democrat Vassie Substitute

Active York (1)

Liberal Democrat (1) Vassie

Labour King Substitute

Yor OK Board (2)

Liberal Democrat (1) Runciman

Aspden

Substitute

Labour (1) *Merrett*

?

Substitute

City Centre Partnership Board (3)

Liberal Democrat (1) Galloway Steve

Labour (1) Looker

Conservative (1) Gillies

York Central Steering Board (1)

Liberal Democrat (1) Galloway Steve

York Business Pride (1)

Liberal Democrat (1) Galloway Sue

Joint Working – Other

Health and Social Care Partnership Board (2) - DELETE

Liberal Democrat (1) Galloway Sue

Substitute

Labour (1) Fraser

Substitute

Quality Bus Partnerships (2)

Liberal Democrat (1) Reid

Labour (1) Simpson-Laing

Ofsted Sub-Group (5)

Liberal Democrat (2) Runciman
Firth

Aspden

Substitute

Hyman

Substitute

Labour (2) Douglas
Merrett

tbc

Substitute

tbc

Substitute

Conservative (1) Brooks

Wiseman

Substitute

Energy Partnership Board (1)

Liberal Democrat (1) Orrell

Labour Potter Substitute

The Energy Partnership ~~and the Energy Efficiency Advice Centre~~ (2)

(under the parent not for profit company of the Ryedale Energy Conservation Group (RECG))

Liberal Democrat (1) Waller

Labour (1) Potter

York – England.com (1)

Liberal Democrat (1) Hyman

* Allocation of seat subject to negotiation between political groups

North Yorkshire Fire and Rescue Authority (4)

Liberal Democrat (2) Hyman
Morley

Aspden

Substitute

Reid

Substitute

Labour (2) King
Douglas

?

Substitute

?

Substitute

North Yorkshire Police Authority (2)

Liberal Democrat (1) Orrell

Labour (1) Potter

Early Years and Extended Schools Partnership (2)

Liberal Democrat (1) Runciman

Labour (1) Merrett

First Stop York Tourism Partnership (1)

Liberal Democrat (1) Hogg

Labour Scott Substitute

Valuing People Partnership Board (1)

Liberal Democrat (1) Aspden

Labour Fraser Substitute

York Compact Group (2)

Liberal Democrat (1) Sunderland

Labour (1) Potter

Schools Forum (2)

Liberal Democrat (1) Runciman

Labour (1) Merrett

LEA Admission Forum (2)

Liberal Democrat (1) Runciman

Labour (1) Merrett

The Derwenthorpe Partnership Forum (4)

Liberal Democrat (1) Morley

Sunderland

Substitute

Labour (2) Potter
Pierce

?

Substitute

?

Substitute

Conservative (1) Bennett

Wiseman

Substitute

Learning Disabilities Integrated Service (1) - DELETE

Labour (1) Gunnell

Aspden

Substitute

Supporting People Commissioning Body & Core Strategy Group
(1)

Labour (1) ***Horton (to be confirmed subject to clarification regarding the total Council membership on this body at the next Council meeting in June)***

Liberal Democrat (1) Galloway Sue

Member Champions (8)

Older People's Champion	Potter Nominated by York Older People's Assembly
Information Management Champion	Jamieson-Balll
Children and Young People's Champion	Scott (until October when re-election process comments)
Procurement Champion	<i>Labour</i>
Efficiency Champion	<i>Labour</i>
E Government Champion	Jamieson-Ball
Risk Management Champion	<i>Labour</i>
Energy Efficiency Champion	Vassie

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CITY OF YORK COUNCIL
APPOINTMENTS TO OUTSIDE ORGANISATIONS 2007/8

Annex B

Organisation	Appointee(s)	Total No of Members	Lib Dem	Lab	Con	Green
1. AGREED MEMBER LEVEL APPOINTMENT – AT LEAST ONE TO BE EXECUTIVE MEMBER						
Association of North Yorkshire Councils	Leader	1				
City Region Transport Panel (new appt to be ratified at Ann Council)	Leader	1				
Local Government Association – General Assembly	SF Galloway, Orrell <i>LD Sub: Jamieson-Ball</i> Potter, Scott Subs: Fraser	4	2	2		
Local Government Association – Rural Commission	Leisure & Culture Portfolio King	2	1	1		
Local Government Association – Urban Commission	Neighbourhoods Portfolio Potter	2	1	1		
Local Government Information Unit	Jamieson-Ball, Scott <i>LD Sub: Vassie</i> Sub: Potter	2	1	1		
Local Government Yorkshire and Humber	Leader	1				
Local Government Yorkshire and Humber Executive Board	S F Galloway, Jamieson-Ball <i>LD Sub: Orrell</i> Scott, Potter Sub: Fraser	4	2	2		
National Parking Adjudication Service Joint Committee (NPAS)	Planning & Transport Portfolio	1				
North Yorkshire Culture	Executive Member for Leisure & Culture	1				
North Yorkshire Housing Partnership	Executive Member for Housing	1				
Pension Fund Sub-Committee	Jamieson-Ball Sub: Looker	1				
Regional Planning Forum	Planning & Transport Portfolio Sub: <i>Watson R</i>	1				
York & North Yorkshire Waste Management Partnership	Neighbourhoods Portfolio	1				
York Fairtrade City Steering Group	Neighbourhoods Portfolio	1				
Yorkshire and Humber Assembly – Nomination for Chair Delete	Leader	1				
Yorkshire and Humber Assembly Regional Executive Board Rural Representative	Leader	1				

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CITY OF YORK COUNCIL
APPOINTMENTS TO OUTSIDE ORGANISATIONS 2007/8

Annex B

Organisation	Appointee(s)	Total No of Members	Lib Dem	Lab	Con	Green
Yorkshire and Humber Assembly Rural Local Authority						
– Regional Planning Board	<i>N/A (Leader if necessary)</i>	1				
– Regional Transport Board	<i>N/A (Leader if necessary)</i>	1				
Yorkshire Regional Flood Defence Committee (jointly with NYCC) †	Neighbourhoods Portfolio	1				

†Subject to confirmation with the outside body involved.

Organisation	Appointee(s)	Total No of Members	Lib Dem	Lab	Con	Green
2. BODIES WHERE AT LEAST ONE COUNCIL APPOINTEE SHOULD BE A MEMBER						
Adoption & Permanence Panel	<i>Waudby</i>	1				
Bookstart Steering Group	Runciman	1				
Consultation Meetings with looked After Children “Show Me That I Matter”	Aspden, Merrett	2	1	1		
Fostering & Sharing Care Panel	Runciman	1				
Hull University Court (Class 3)	<i>Wilde (require Lab nomination after July) (Appointments to 31.07.07) LD - Vacant</i>	2	1	1		
Hull University Court (Class 6)	Waudby (Ex Officio – as Lord Mayor)	1				
Local Access Forum	Looker, Moore	2	1	1		
Local Agenda 21 Steering Group	<i>Neighbourhoods Portfolio</i>	3	1	1		1
<i>Local Energy Advice Centre</i> Ryedale Energy Conservation Group	Waller, Potter	2	1	1		
Local Government Yorkshire and Humber Employers Committee <small>*Sub group of Local Government Yorkshire and Humber</small>	Firth, Fraser	2	1	1		
Members’ Quarterly Visits to Children’s’ Homes <i>19 Wenlock Terrace</i>	Aspden <i>Scott or Merrett ?</i>	2	1	1		
Members’ Quarterly Visits to Children’s’ Homes <i>The Glen Family Resource Centre</i>	Blanchard, S Galloway <i>1 ?</i>	3	1	1		
Menwith Hill Forum	Scott Sub: D’Agorne <i>(Subject to clarification of number of members on the Forum)</i>	1				

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CITY OF YORK COUNCIL
APPOINTMENTS TO OUTSIDE ORGANISATIONS 2007/8

Annex B

Organisation	Appointee(s)	Total No of Members	Lib Dem	Lab	Con	Green
Peasholme Centre Management Committee	Sunderland, Horton	2	1	1		
Portage Steering Group	Runciman	1				
Regional Tourism Council (Administered by Yorkshire Tourist Board)	Scott	1				
Regional Transport Forum	Reid Sub: Simpson-Laing	1				
Reserve Forces & Cadets Association for Yorkshire & the Humber	Kirk	1				
Ryedale Housing Association Board	R Watson (to Sept AGM)	1				
St Wilfred's Eleemosynary Charity	B Watson <i>LD ?</i>	2	1	1		
Science City York	Hyman	1				
Shopmobility York	Firth	1				
Standing Advisory Conference on Religious Education (SACRE)	Aspden, Runciman, Funnell, Pierce	4	2	2		
Transpennine Rail Group	Simpson-Laing	1				
University of York Court	Chair of Education Committee (Ex officio member)	1				
Waste Management Members Joint Advisory Group (MEMJAG) (Joint City of York Council & NYCC)	Simpson-Laing Reid Waller	3	2	1		
York Advice Service Partnership (YASP)	<i>Morley</i>	1				
York and District Citizen's Advice Bureau	Waller	1				
York and North Yorkshire Playing Fields Association	King, Moore	2	1	1		
York Business Development Ltd	Looker, Moore	2	1	1		
York Business School Ltd	<i>Jamieson-Ball</i>	1				
York College Governing Body	Runciman (4 year term of office)	1				
York Community Legal Advice Partnership Steering Group	Morley	1				
York Environment Forum (LSP)	<i>Neighbourhoods Portfolio</i> <i>? 1 LD</i> <i>? 2 Lab</i> Watt, D'Agorne	6	2	2	1	1

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CITY OF YORK COUNCIL
APPOINTMENTS TO OUTSIDE ORGANISATIONS 2007/8

Annex B

Organisation	Appointee(s)	Total No of Members	Lib Dem	Lab	Con	Green
York Learning Connections Ltd		1				
York Museums Trust	Hogg, Looker	2	1	1		
York NHS Foundation Trust – Members Council	Fraser, Kirk <i>Gillies</i>	3	1	1	1	
York Science Park (Innovation Centre) Ltd	Jamieson-Ball	1				
York Theatre Royal Board (nos of CYC reps reduced to 3 from 21/11/06)	Runciman, Kirk King	3	2	1		
Yorkshire and Humberside Pollution Advisory Committee	Waller	1				
Yorkshire and Humberside Regional Housing Forum	Sunderland	1	1			
Yorkshire Purchasing Organisation	Horton, Jamieson-Ball	2	1	1		
Yorventure Management Group	Waller	1				
Yorwaste	Waller	1				

3a) APPOINTMENTS WHICH MAY BE MADE AT MEMBER OR COMMUNITY REP LEVEL				
Organisation	Appointee(s)	Total No of Reps Entitled	Member	Community Rep
East Yorkshire Valuation Tribunal	<i>? 2 Members</i> Mr M Campbell, Mr A Webster, Mr P J Bartle (6 year appointment - 31 March 2006) Mr P J Bartle (31/03/09)	7	2	5
SNAPPY	Aspden, Douglas	2	2	
St Michael le Belfrey with St Wilfred Charities for the Poor	Moore	1		
York CVS Board of Trustees	Aspden <i>?</i>	2	2	
York Wheels	Potter	1	1	
Yorkshire Rural Community Council	Vassie	1	1	

3b) THE COUNCIL NO LONGER HAS ANY FORMAL APPOINTMENTS ON THE FOLLOWING BODIES BUT DETAILS ARE INCLUDED FOR INFORMATION PURPOSES ONLY WHERE COMMUNITY REPRESENTATION (INCLUDING EXISTING OR FORMER MEMBERS OF THE COUNCIL) HAS BEEN NOTIFIED TO US				
Organisation	Appointee(s)	Total No of Reps Entitled	Member	Community Rep
Acaster Internal Drainage Board	Mr D Livesley Mr G Smith (Parish Council)	6	1	5
Appleton Roebuck and Copmanthorpe Internal Drainage Board	Mrs S Ventruss (3 year appointment)	6	2	4
Arlish and Chambers Charity (W)	Mr J Archer and Mr H Briggs	3		
Bell Farm Adventure Playground	Funnell, Potter	2	2	
Charity of Jane Wright	Mrs D Cooper, Miss A Sains	2		2
Christ Parish Estate Charity	Parish Councillor Fenton			1
Foss Internal Drainage Board	Mr P Thorpe, Mr D Crossley, Mr AS Richardson, Mrs S Wiseman, Mr D Atlay, Mr R Jones (Parish Councillors) <i>Vacancies</i>	14	11*	2
Kyle and Upper Ouse Internal Drainage Board	Moore Cllr R Binns, Mr R G Wilson <i>Mrs Celia Rutt, Mr K Hayton Mr Philip Proctor, Mr M Phythian</i> (Parish Councillors) <i>1 Nominations required to replace the above</i>	8	7*	1
Marston Moor Internal Drainage Board	<i>1 Member TBC</i>	10	2	8
Ouse and Derwent Internal Drainage Board	D'Agorne Mr R W Bramley (Parish Councillor) (3 year appointment)	7	7*	
York City Charities	Mr H Briggs, Mr B Bell – <i>delete, and appoint a replacement</i>			2

4. BODIES WHERE ANY MEMBER REPRESENTATION SHOULD BE A WARD OR COMMUNITY MEMBER				
Organisation	Appointee(s)	Total No of Reps Entitled	Member	Community Rep
Bell Farm Social Hall Management Committee	Potter, Funnell	3	2	1
Burton Stone Community Centre	King + <i>1 Ward Member ?</i> Sub: Douglas	3	2	

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CITY OF YORK COUNCIL
APPOINTMENTS TO OUTSIDE ORGANISATIONS 2007/8

Annex B

Organisation	Appointee(s)	Total No of Reps Entitled	Member	Community Rep
Clifton Backies Management Board	Douglas, Moore, Scott <i>Mr Brian Williams, Parks & Open Spaces Officer</i>	3	3	
Clifton Moor Residents Association	Waudby I	1	1	
Foxwood Community Centre	Galloway S	1	1	
Friends of St Nicholas Fields	Pierce (3 year appointment)	1	1	
Fulford Parish Council Cemetery Committee	Aspden	1	1	
Heslington East Community Forum	Aspden, D'Agorne, Jamieson-Ball	No set figure	3	
Leeman Road Millennium Green Trust	Crisp, Bowgett	2	2	
Micklegate York Charitable Trust	?	1		
Selby Coalfield Joint Consultative Committee	Vassie	1	1	
Tang Hall Community Centre	Blanchard <i>+ 1 Ward Member</i>	2	2	
York St John University	<i>1 Ward Member</i> (3 year appointment)	1	1	

* Council Member places on various internal drainage boards allocated by Council to nominated Parish Council representatives

Appointment of Proper Officers

Acting Chief Executive – *to be confirmed*

Acting Head of Paid Service – *to be confirmed*

Acting Section 151 Officer – *to be confirmed*

Acting Director of Resources – *to be confirmed*

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Council

28 June 2007

Report of the Head of Civic, Democratic and Legal Services

FORMATION OF STRATEGIC POLICY PANEL

Summary

1. This report sets out arrangements and delegations for a Strategic Policy Panel with a remit to consider significant items of Executive business prior to any formal decision being made on such issues by the Executive.

Background

2. In order to establish a new Strategic Policy Panel (SPP) to consider significant items of Executive business at a politically balanced public meeting of the Council prior to any decisions formally being made by the Executive, Council needs to:
 - approve delegated powers for SPP
 - revise article 7 in the Constitution; and
 - agree diarised arrangements for meetings

Consultation

3. Consultation has taken place with party groups in relation to the arrangements for setting up this Panel and any meetings.

Options

4. Council can approve, reject or propose amendments to the suggested delegations and operational arrangements for the Panel.

Analysis

Arrangements for meetings

5. It is proposed that these are as follows:
 - Panel to be scheduled to meet fortnightly on Mondays following the Executive meeting as and when required (time to be finalised)

- Any major group leader (or in their absence, Deputy Group Leader or designated substitute) may make a referral to the SPP (see Annex A attached).
- SPP will consider any reports associated with items referred from the Executive agenda and make its recommendations on such matters to the relevant Executive meeting. Such Executive meeting will then decide upon the matters in hand, taking account of the recommendations and advice of SPP.

Corporate Priorities

6. The aims in establishing a politically balanced Strategic Policy Panel accord with the key principles of openness and transparency set out in the Council's Constitution.

Implications

7. There are no known financial, IT, human resources or other implications associated with establishing a Strategic Policy Panel other than any costs associated with any large volume of referrals to it resulting in a significant number of additional meetings being arranged.

Risk Management

9. There are no risk management implications associated with establishing the Panel.

Recommendations

10. That Council establish a Strategic Policy Panel on the Council's structure and approve the attached delegations, revised article 7 and revised Executive delegations in support of that, with a view to scheduling the first meeting on 23 July 2007 .

Reason: In line with Constitutional requirements.

Contact Details

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Head of Civic, Democratic and Legal
services
01904 551004

Report Approved



Date 22/6/07

Specialist Implications Officer(s)

N/A

Wards Affected: All



For further information please contact the author of the report

Background Papers:

None

Annexes

Annex A – Delegated Authority for Strategic Policy Panel
Annex B – Revised Article 7 of Constitution
Annex C – Revised Executive Delegations

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STRATEGIC POLICY PANEL

The role of Strategic Policy Panel is to advise the Executive on matters specifically referred to it as follows before any formal decisions are made :

DELEGATED AUTHORITY**CONDITIONS**

1. To consider published Executive business and associated reports referred to it by any *major Group Leader (or Deputy Group Leader or in their absence designated substitute).

Subject to any statutory or budgetary requirements;

2. To make recommendations to the Executive on such business and reports as may be referred to it in accordance with 1 above.

Subject to any such recommendations being put to the Executive meeting at which the referred business is scheduled for consideration. Such condition being applied to avoid delays in any decision making.

Note:

*Major Group Leader being defined as Leader of a Group holding 10% or more of Council seats.

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Article 7

The Executive, Executive Member Advisory Panels and Strategic Policy Panel

The Role of the Executive

- 1 The Executive will carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under Part 3 of this Constitution.

Form and Composition

- 2 Only Councillors may be appointed to the Executive. There may be no co-optees and no deputies or substitutes for Executive Members except that one Executive Member may substitute for another Executive Member in the exercise of Executive functions. Neither the Lord Mayor nor Deputy Lord Mayor of the Council may be appointed to the Executive and Members of the Executive (including the Leader) may not be Members of an overview and scrutiny body.
- 3 The Executive will consist of the Leader together with at least 2, but no more than 9, Councillors appointed to the Executive by Full Council. Should any Member(s) of the Executive cease to be a Councillor, or in the opinion of the Leader become disabled (temporarily or permanently) from performing the duties of their office, the Leader may remove them from office, and may appoint any other Councillor(s) to the Executive, and Councillor so appointed shall hold office until the next meeting of Full Council. The Leader's powers of removal/appointment shall be exercisable by giving written notice to the Head of Civic, Democratic and Legal Services,

Leader

- 4 The Leader will be a Councillor appointed annually to the position of Leader by Full Council. The Leader will hold office until:
 - i. he/she resigns from the office; or
 - ii. he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
 - iii. he/she is no longer a Councillor; or
 - iv. he/she is removed from office by resolution of the Council

Other Executive Members

- 5 Other Executive Members shall hold office until:
- i. they resign from office; or
 - ii. they are suspended from being Councillors under Part III of the Local Government act 2000 (although he/she may resume office at the end of the period of suspension); or
 - iii. they are no longer Councillors; or
 - iv. they are removed from office, either individually or collectively, by resolution of the Council, or by the Leader under paragraph 3 above.

Proceedings of the Executive

- 6 Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules contained in the Council's Standing Orders set out in Part 4 of this Constitution.

Committees

- 7 The Executive shall have power to establish one or more Committees of the Executive and to delegate powers to any such Committees.

Executive Member Advisory Panels

- 8 The Executive or Full Council will establish politically balanced Advisory Panels to advise each of the Executive Members on decisions to be taken by the Executive Member and on policy development issues. Their functions are set out in Part 3 of this Constitution and include responsibilities for:
- i. considering all relevant Service Plans
 - ii. reviewing Financial and Performance Monitoring reports

Strategic Policy Panel

- 9 The Council will establish a politically balanced Strategic Policy Panel to consider Executive business referred to it by any 3 elected Members prior to any decisions being taken and to make recommendations to the Executive on any such business. The functions of Strategic Policy Committee (SPP) are set out in Part 3, Schedule 1 of this Constitution. Meetings of the Panel will be scheduled so as not to delay the decision making process.

Advisory Bodies or Working Groups

- 10 The Executive or the Council may establish non-Executive advisory bodies to advise the Executive on the exercise of the Executive functions. Details of all the advisory bodies established are set out in Part 3, schedule 2 of this Constitution.

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Functions of the Executive

The Executive and Executive Functions

- 12 The Executive is responsible for the exercise of all functions which by law must be the functions of the Executive and for the exercise of those functions which are delegated to it as a “local choice” functions as set out in Para 10 above.

Executive Relationship to Full Council

- 13 The Executive may exercise any Executive function delegated to an Executive Member, an Officer or Ward Committee where requested by such persons or bodies to do so.
- 14 All plans, strategies and policies falling within the Policy Framework as defined in paragraph 11 above shall be considered by the Executive who shall make recommendations thereon to Full Council. It should be noted that in respect of plans, strategies and policies falling within the Policy Framework it is for Full Council to:
- i. instruct the Executive to reconsider any draft plan, strategy or policy;
 - ii. amend any draft plan, strategy or policy submitted by the Executive;
 - iii. approve for formal public consultation proposals for alterations to, or the replacement of, the Local Development Framework following submission to government.
 - iv. approve any plan, strategy or policy for submission to government (where required);
 - v. adopt any plan, strategy or policy with or without modifications.
- 15 The function of amending, modifying, varying or revoking any plan, strategy or policy falling within the policy framework shall be performed by the Executive only if it is:
- required for giving effect to governmental requirement; or
 - was authorised by Full Council when approving or adopting the plan, strategy or policy.
- 16 The Executive is responsible for proposing the Revenue and Capital Budgets to Council including the initial allocation of financial resources to different services and projects, proposed contingency funds, proposed precepts, the amount of Council tax and decisions relating the Councils borrowing requirement and the control of capital expenditure.

Specific Functions

- 17 Without limiting the scope of paragraph 12 above and subject to the provisions of paragraph 12-14 above the Executive (either itself or through an Executive Member of any other body or person exercising an Executive function in accordance with this Constitution) has the following functions as set out in below.
- 18 In exercising their functions the Executive, Executive Member and any other body or person exercising Executive functions shall at all times act:
- i. In accordance with the Councils budgetary and policy framework;
 - ii. Subject to any statutory or other legal conditions, restrictions or limitations and any relevant provision in this Constitution.
 - iii. Within and subject to any provision made in the Council's capital or revenue budgets and subject to the provisions of the Council's Procedure Rules set out in Parts 4 & 5 of this Constitution .

Delegated authorities	Conditions
Corporate:	
To implement and deliver the agreed budget and policy framework.	
To take all decisions in connection with the exercise of Executive functions.	
To exercise responsibility for local choice functions delegated to the Executive.	The provision set out in Paragraph 10 above.
To approve the arrangements in respect of any body or other external source established or commissioned to advise the Executive.	
To establish Committees of the Executive and the Executive advisory groups and panels.	
To make appointments to outside bodies in connection with functions which by law are the responsibility of the Executive.	
To take such other decisions as may be brought to the Executive in accordance with this Constitution.	
To recommend to Full Council conferring the title of Honorary Alderman or to admit to be an Honorary Freeman or to give the freedom of the City.	
To consider and review financial and performance	

monitoring information.

To take decisions on recommendations from the Strategic Policy Panel

Delegated authorities	Conditions
Finance	
To transfer sums of more than £250,000 from one estimate head to another for both revenue and capital purposes	Subject to no net increase in expenditure
To approve supplementary estimates within the contingency ceiling agreed by the Council	
To agree increases in the net cost of individual schemes within the Councils approved capital programme, where these exceed £250,000 but cannot be met from within the existing resources allocated to the capital programme	Subject to budget provision being identified.
To approve all new capital programme schemes	Subject to CRAM (Capital Resources Allocation Model) assessments being carried out
To approve grants and loans to voluntary bodies, organisations and individuals in excess of £50,000	Subject to budget provision being identified.
To approve the fund allocation of the IT Development Plan.	
To approve any use of or contribution to Council reserves over and above the level set in the Council's budget.	
Human Resources	
To recommend to Full Council on the HR Strategy	
To recommend to Council a Code of Conduct for Officers	In consultation with the Standards Committee
To recommend to Full Council Personnel Policies and Procedures in line with legal requirements, good employment practice and national, provincial and local agreements.	
To recommend to Council equal opportunities policies and procedures.	
Property	
To authorise the acquisition of all land and buildings	Subject to

where the value of the property is £100,000 or over

budgetary provisions.

To allocate and re-allocate all Council owned land and buildings between service areas.

To authorise a change in the use of Council owned land and buildings (subject to other relevant legislative requirements).

Where such a change would affect the value of the property by more than 10%

To authorise the disposal of assets, land and buildings with an aggregate value of £100,000 and above

Delegated authorities

Conditions

To accept the acquisition of a lease or tenancy agreement where the annual cost is £100,000 per annum or over.

Subject to budgetary provision.

Service

To issue statutory proposals in relation to the closure, change of character or creation of schools.

In light of the results of public consultation

To approve housing rent increases