

## City of York Council

Resolutions and proceedings of the Meeting of the City of York Council held in The Guildhall, York on Thursday, 16th July, 2015, starting at 6.30 pm

**Present:** The Lord Mayor (Cllr Sonja Crisp) in the Chair, and the following Councillors:

Acomb Ward	Bishopthorpe Ward
S Barnes K Myers	Galvin
Clifton Ward	Copmanthorpe Ward
D Myers Wells	Carr
Dringhouses & Woodthorpe Ward	Fishergate Ward
Fenton Mason Reid	D'Agorne Taylor
Fulford and Heslington Ward	Guildhall Ward
Aspden	Craghill Flinders Looker
Haxby & Wigginton Ward	Heworth Ward
Cuthbertson Gates Richardson	Boyce Funnell Williams
Heworth Without Ward	Holgate Ward
Ayre	Cannon Crisp Derbyshire

Hull Road Ward

Huntington and New Earswick  
Ward

N Barnes  
Shepherd

Cullwick  
Orrell  
Runciman

Micklegate Ward

Osbalwick and Derwent Ward

Gunnell  
Hayes  
Kramm

Brooks  
Warters

Rawcliffe and Clifton Without Ward

Rural West York Ward

Lisle  
Rawlings

Gillies  
Steward

Strensall Ward

Westfield Ward

Doughty  
Douglas

Hunter  
Jackson  
Waller

Wheldrake Ward

Mercer

Apologies for absence were received from Councillors Levene and Dew

### 13. Declarations of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests they might have in the business on the agenda.

The following **prejudicial** interests were declared and the Members took no part in the discussion or voting on these items:

Councillor	Agenda Item	Description of Interest
Doughty	7. (iii) Motions on Notice – Rail Investment for York	As an employee of the rail industry
Flinders	5. Executive Recommendations 9. Report of the Executive Member  7. (iii) Motions on Notice – Rail Investment in York	As his employer provided advice to the authority on the Local Plan  In respect of his previous employment in the UK rail industry

The following **personal** interests were declared:

Councillor	Agenda Item	Description of Interest
Ayre	7. (i) Motions on Notice – Academy Status	As his daughter attended Hempland Primary School which was considering academy status and his son would be joining the school in September
Barnes	7. (i) Motions on Notice – Academy Status	As Governor of Scarcroft Primary School which was considering academy status
Gunnell	6. Budget Amendment	As a member of a Union

Taylor	7.(ii) Motions on Notice – Early Night Time Economy	As a life member of York Civic Trust and as a member of the Friends of York Walls
Williams	7. (i) Motions on Notice – Academy Status	As his daughters attended Hempland Primary School which was considering academy status

#### 14. Minutes

Resolved: That the minutes of the Special Council meeting and the Ordinary meeting held on 26 March 2015 and the Annual Council meeting held on 21 May 2015 be approved and signed by the Chair as correct records.

#### 15. Civic Announcements

The Lord Mayor reported the recent death of Signaller Stephen Fry, a young soldier from 2 Signal Regiment, based at Imphal Barracks in York, who sadly lost his life in the River Ouse. She confirmed that condolences had been sent on behalf of the civic party and the Council to Lt Col Hargreaves, Commanding Officer of the Regiment.

Members stood for a moments silence in memory of Signaller Fry.

The Lord Mayor reminded Members that Kersten England, the Chief Executive was shortly due to leave the authority to take up her new appointment as Chief Executive of Bradford Metropolitan Council and that Sarah Tanburn, Interim Director of City and Environmental Services had recently left the authority. Members joined the Lord Mayor in expressing their thanks to Kersten and Sarah for their work for the authority and wishing them well for the future.

#### 16. Public Participation

Andrew Walker, a Woodthorpe resident, spoke to raise concerns at any proposals to increase the existing 20mph speed limit in residential areas in the city. He confirmed that a slightly longer

journey time was a price worth paying to minimise the accident risks.

Richard Bridge spoke in respect of his change.org petition, containing 5,400 signatures, of which 3,660 were York residents requesting the Council to remove the anti homeless bars in the Rougier Street bus stop. He asked Members to support removal of the bars to ensure that rough sleepers were able to stay safe in the public eye.

Rebecca Jeffrey, from Advice York spoke in relation to the budget amendment proposals and, in particular, Council Tax Support and recent changes which meant clients were now required to pay their Council Tax direct and she highlighted the difficulties many residents faced. She asked Council to review their Council Tax Support Scheme to assist residents with their payments.

Mark Havercroft spoke in his capacity as a self employed builder, to raise concerns at the proposed revenue savings to halt the further rollout of 20mph zones. He felt that not continuing the rollout would undermine the Council's city wide transport strategy.

Anna Semlyen spoke as Campaign Manager for 20's Plenty for both York and nationally. She also raised concern at the proposal to halt further 20mph zones which she felt would undermine the safety of cyclists and vulnerable people in the city. She highlighted the possible illegality of removing existing 20mph zones under the Equalities Act.

Mandy Swithenbank spoke to represent the GMB in relation to the budget amendment and proposed reduction in Trade Union budget as a lead Union convenor. She highlighted the affect this would have on the Union's ability to represent their members in an effective and timely manner.

Ghada Khattab, spoke as the parent of child at Scarcroft School and as a University Lecturer with an expertise in children, in support of Cllr Gunnell's motion proposing a community ballot for schools considering a change to Academy Status. She raised concerns at the pressures put on school to move to academy status with no evidence to show this provided any improvements. She felt that, whilst a ballot would not be legally binding, it would provide clear guidance for school governors.

Rhydian Beynon-Davies, also spoke, as a regular cyclist, in respect of proposed changes to the 20mph speed limit in the city. He referred to a number of transport and congestion issues and to the affects on resident's health and wellbeing. He requested the Council set up a Congestion Commission or undertake wider consultation.

Louise Diver a Fulford resident spoke of consultation undertaken in relation to proposals for limiting the speed limit in residential streets which had received overwhelming support. She highlighted her concerns at confusion if the 20mph limit was removed in some areas.

Brian Watson spoke as a York resident in support of Cllr Keith Myer's motion on the night time economy. He referred to the need to address issues around both the night time economy and for residents who lived in the city centre. In particular he requested partnership working between planning and licensing.

Heather McKenzie, representing Unison, also spoke in relation to the proposed cuts to the trade union budget. She referred to the affect this would have on the ability of the Unions to represent staff. She highlighted the variety of issues dealt with pointing out that their work often avoided stress and distress for staff and employment appeals. In particular she referred to the recent increase in Union work relating to the transformation project and the affect cuts would have on industrial relations.

The Lord Mayor confirmed that the speakers comments had been noted and would be taken into account when Members were debating items, later in the meeting, and that Mr Bridge's petition would be referred to the Corporate & Scrutiny Management Policy & Scrutiny Committee on 14 September.

## **17. Report of Executive Leader and Executive Recommendations**

### **A Executive Leaders Report**

A written report was received from the Executive Leader, Cllr Chris Steward, on the work of the Executive.

Members were then invited to question Cllr Steward on his report and questions were received from the floor from the following Members in relation to the subjects listed:

- Cllr Craghill – progress on agreement to work with Yorspace

- Cllr N Barnes – reduction in Council budget reliant on underspend and New Homes Bonus
- Cllr Cuthbertson – to look back at 2014/15 performance
- Cllr S Barnes – reference to £688k under spend and previous administration
- Cllr Galvin – with decisions required on a range of issues over the forthcoming months who would the city be linking up with in relation to devolution
- Cllr Boyce – would the new administration be taking residents with them in relation to the Local Plan
- Cllr Doughty – affect on finance of the delays in the sale of Oliver House
- Cllr Williams – how different was the delay to consult residents in respect of the Newbury Avenue housing development
- Cllr Gunnell – in respect of the length and content of the Leaders report
- Cllr Cannon- whether Council would formally receive and consider the administrations 12 point plan
- Cllr Orrell – in respect of correspondence with neighbouring authorities either prior to or following the local government election in relation to the Local Plan

Cllr Steward responded directly to all the questions put to him.

## **B Executive Recommendation**

### **New Council Housing and approval for development at Ordnance Lane**

Cllr Steward moved, and Cllr Aspden seconded the following recommendation contained in Minute 16 of the Executive meeting held on 25 June 2015:

Recommended: That Council approve a budget of up to £3,600,887m to build up to 24 new homes on this site with 30% of this is to be funded from Right to Buy receipts with the remaining funds to come from the Housing Revenue Account Investment Fund and Section 106 commuted sums where available.

Reason: To allow the construction of new homes within an agreed budget whilst minimising the budget draw from the investment fund.

On being put to the vote, the recommendation was declared CARRIED and it was

Resolved: That the above recommendation in respect of approval of the budget to build 24 new homes on the Ordnance Lane site be approved.<sup>1</sup>

Action Required

1. Proceed with development with the approved funding.

MJ, AK

**18. Budget Amendment**

Council considered the motion relating to the joint administrations amendment to the Council's budget agreed in February 2015, as set out below and in the spreadsheet at Annex A, page 67 of the agenda papers:

Recommended: That, in light of the results of the local election and the formation of a Conservative and Liberal Democrat joint administration, Council is asked to make the amendments, as set out in the spreadsheet attached at Annex A, to the Council's budget agreed in February 2015.

Reason: In light of the results of the local election and the formation of a Conservative and Liberal Democrat joint administration.

Resolved: That the motion in respect of the budget amendment be approved.<sup>1</sup>

Action Required

1. Make the necessary amendments to the Council's budget.

IF

## 19. Motions on Notice

### A Motions submitted for consideration directly by Council, in accordance with Standing Order 22.1

#### (i) Academy Status

(proposed by Cllr Gunnell and seconded by Cllr Looker)

“This Council understands the difficult choice being faced by schools following considerable pressure from the Government to change from local authority maintained to academy status. However, we fully believe that the choice is one that should be made by the whole community and not just the leadership of a school.

This Council resolves to make it official City of York Council policy that all schools in York considering a change to academy status will be encouraged as strongly as the law allows to hold a community ballot of every household in the affected catchment areas to take full account of the views of local residents on the proposed change.”

On being put to the vote, the motion was declared CARRIED and it was

Resolved: That the above motion be approved. <sup>1</sup>.

#### (ii) Early Night-Time Economy

(proposed by Cllr K Myers and seconded by Cllr Doughty)

“Council notes a recent trend of negative media reports concerning problems with drunkenness in York and believes that whilst there is always more that can and should be done to ensure York’s continued broad appeal the council does not feel these reports give a fair impression of York.

Regarding tourism council notes:

77% of all visitors return to York;

York’s approval score for the “would you recommend friends and family visit York” is an outstanding 97%;

VisitYork4Meetings; Make it York’s arm promoting York as a conference venue has seen inquiries up 1/3<sup>rd</sup> in the past year.

On the problems of drunkenness council notes:

The clear willingness of the new administration to deal with the issue;  
The creation of the cross service committee on Saturday afternoon behaviour; and  
The ongoing excellent work of the Police and organisations such as Street Angels.

Council recognises however that York's visitor economy can be improved and therefore commits to the following:

Ensuring that, to the extent legally possible, planning and licensing are used as a positive influence on the city centre by limiting the excessive increase in the number of pubs;

Endeavouring to implement the findings of the 2014 early night-time economy scrutiny review as soon as possible;

Encouraging Make it York to focus its efforts on the early night-time economy, including considering an evening market for some days in the week;

Looking proactively at European cities and what they have done in broadening the evening appeal, including, for example, Holland, where it is common for shops to stay open one night a week in cities;

Supporting to the extent the budget allows the projects highlighted in the York Civic Trust's 'Sustaining the City Beautiful' report;

Instructing officers to report back to the Executive on how to maximise the unique asset of the City Walls in order to broaden their appeal.

The Council gives its full backing to working jointly with all organisations in York to renew and refresh York's unique role as a visitor destination."

An **amendment** was proposed by Councillor Kramm as follows:

*"In the penultimate paragraph, following the words 'broaden their appeal,' the **Addition** of 'and considering ways of offsetting some costs to businesses which profit from the Night-Time Economy, rather than relying on other council taxpayers in York to bear the full costs'."*

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

On being put to the vote, the original motion, was CARRIED and it was

Resolved: That the original motion be approved. <sup>2</sup>

At this point in the meeting, the guillotine fell and the following business was deemed moved and seconded. Where a proposer and seconder were before Council, at the time of the guillotine falling details are listed below:

(iii) Rail Investment for York  
(proposed by Cllr Cuthbertson and seconded by Cllr Waller)

“Council Notes:

- Plans for a fully electrified route between Manchester, Leeds and York were originally announced in December 2011 with work due to be completed by 2019.
- Before the General Election the Secretary of State for Transport Patrick McLoughlin said the "electrification programme is central to our ambitious plans to transform the rail network across the country".
- On 25th June, Patrick McLoughlin told the House of Commons that the planned electrification of Trans-Pennine routes will be “paused”.

Council Believes:

- Electrification brings significant economic and environmental benefits along with improvement in capacity and faster journey times.
- If the rhetoric of the Government’s “Northern Powerhouse” ambition is to be realised then there is a need for significant infrastructure investment across the north of England and improved transport connectivity.

Council Resolves:

- To write to the Secretary of State for Transport Patrick McLoughlin MP calling on him to commit to the electrification of the Manchester-York route and outline an amended timetable.”

On being put to the vote, the motion was declared CARRIED and it was

Resolved: That the above motion be approved. <sup>3.</sup>

(iv) Tackling Congestion in York  
(proposed by Cllr D'Agorne and seconded by Cllr Craghill)

**“Council notes:**

The need for a revised traffic strategy to limit traffic growth following the demise of the Lendal Bridge trial.

The health impact of poor air quality and the legal and moral requirements to limit NO<sub>2</sub> and PM<sub>10</sub> pollution especially in York city centre which is largely from traffic.

The importance of work on developing our low emission strategy alongside tackling congestion

The success of itravelyork initiative working with businesses and individual residents to promote alternatives to the private car.

The importance of maintaining and improving bus networks across the city with the minimum level of public subsidy

The desire of all political groups to tackle traffic congestion and pollution in ways which have broad public support.

**Council therefore calls on the Executive to adopt a transport strategy to replace the ‘Congestion Commission’ following a citywide consultation”**

On being put to the vote, the motion was declared CARRIED and it was

Resolved: That the above motion be approved. <sup>4.</sup>

Action Required

1. Note policy to encourage all schools considering a change to academy status to be encouraged to hold a community ballot.

JS

2. Note Council's commitment to improve the visitor economy and report back to the Executive in relation to possible ways to broaden the appeal of the city walls.

MS, NF, JO,  
PW

3. Write to the SofS for Transport to commit to the electrification of the Manchester/York route. SB
4. Note request to the Executive to adopt a transport strategy to replace the Congestion Commission. NF

**20. Questions to the Leader or Executive Members**

As the guillotine had fallen, at this point in the meeting, no questions were put to the Leader and/or Executive Members in respect of any matter within their portfolio responsibility in accordance with Standing Order 20.

**21. Report of Executive Member**

Council received a written report from Councillor Aspden, Deputy Leader and Executive Member for Economic Development and Community Engagement, as set out in the agenda papers at pages 69 to 78.

Resolved: That the report of the Deputy Leader and Executive Member for Economic Development and Community Engagement be received and noted.

**22. Scrutiny - Report of the Chair of the Corporate and Scrutiny Management Policy and Scrutiny Committee and Scrutiny Recommendations**

Council received the report of the Chair of the Corporate and Scrutiny Management Policy and Scrutiny Committee, at pages 79 to 82 of the agenda papers, on the work of the Committee, since the last report to Council in March.

Resolved: That the scrutiny report be received and noted.

Consideration was also given to the following recommendation of the Corporate and Scrutiny Management Policy and Scrutiny Committee from their meeting held on 13 June 2015, Minute 18 circulated at the meeting, in relation to the Annual Report:

## 18. **Annual Scrutiny Report**

Recommended: That Council approve the Annual Scrutiny Report, covering the period between June 2014 and May 2015.

Reason: To enable its presentation to Full Council in July 2015, in line with Constitutional requirements.

On being put to the vote, the recommendation was declared CARRIED and it was

Resolved: That the above recommendation of the Corporate and Scrutiny Management Policy and Scrutiny Committee from their meeting held on 13 June 2015 be approved.

## 23. **Recommendations of the Staffing Matters & Urgency Committee**

Councillor Steward as Chair of the Staffing Matters and Urgency Committee, moved the following recommendations, firstly from the Staffing Matters and Urgency Committee meeting on 8 June 2015, as set out at Minute 6, relating to the appointment of the Acting Chief Executive, including the recommended salary package.

Secondly Minute 14, regarding a change in the proportionality of two scrutiny committees and Minute 15 to approve the salary package for the post of Acting Director of City & Environmental Services both from the Staffing Matters and Urgency Committee meeting held on 22 June 2015:

### 6. **Appointment of Acting Chief Executive**

Recommended: That Full Council approve the salary package which is in excess of £100,000. <sup>1</sup>.

Reason: To allow the appointment to an Acting Chief Executive and Head of Paid Service to be made.

Addendum: In light of the decision made by the Appointments Sub-Committee, Council is asked to formally confirm the appointment of Steve Stewart as the new Acting Chief Executive of the City of York Council.

14. **Appointments to Committees and Outside Bodies**

Recommended: That Council agree the change in proportionality of the Economic Development & Transport Policy & Scrutiny Committee and the Health & Adult Social Care Policy & Scrutiny Committee, as detailed in paragraph 3 of the report. <sup>2</sup>

Reason: In order to make appropriate appointments to the Council's Committees for the current municipal year.

15. **Appointment of Acting Director of City and Environmental Services**

Recommended: That Council approve a salary package which is in excess of £100,000 for the post of Acting Director of City and Environmental Services, should it be necessary. <sup>3</sup>

Reason: To allow the appointment to an Acting Director of City and Environmental Services to be made.

On being put to the vote, the recommendations were declared CARRIED and it was

Resolved: That the above recommendations of the Staffing Matters and Urgency Committee meetings held on 8 and 22 June 2015 be approved.

**Action Required**

1 & 3. To note agreement to salary packages for these posts.

MB

2. To implement changes in the proportionality and membership of these scrutiny committees.

DS, JP

## 24. Annual Report of the Audit and Governance Committee

Council received the Annual Report of the Audit and Governance Committee at pages 99 to 113, on the work of the Committee for the year ending 25 March 2015.

Resolved: That the Annual Report of the Audit and Governance Committee for the year ending 25 March 2015 be received and noted.

## 25. New Procedure for Dismissal of Statutory Chief Officers

Council received a written report detailing amendments required to the Officer Employment Procedure Rules and changes required to the Council's Constitution arising from new arrangements for the dismissal of statutory officers contained in the Local Authorities (Standing Orders) (England) Amendment Regulations 2015, as set out in the report to Council.

Councillor Steward moved and Councillor Aspden seconded the changes to the Procedure Rules and the Council's Constitution.

Resolved: That the motion in respect of changes to the Council's Procedure Rules and Constitution be approved. <sup>1</sup>.

Reason: To ensure that the Council has complied with the law and that the Constitution is clear

### Action Required

1. To update the Constitution accordingly and add review of documents to the Audit & Governance work plan.

JC, AD

## 26. Appointments and Changes to Membership

Resolved: That the appointments and changes to membership of Committees and outside bodies, as set out in the updated list circulated at the meeting and in the republished papers online, be approved. <sup>1</sup>.

### Action Required

1. Arrange to update memberships and confirm changes with outside bodies.

JP

Cllr Sonja Crisp

LORD MAYOR OF YORK

*[The meeting started at 6.30 pm and concluded at 9.50 pm]*