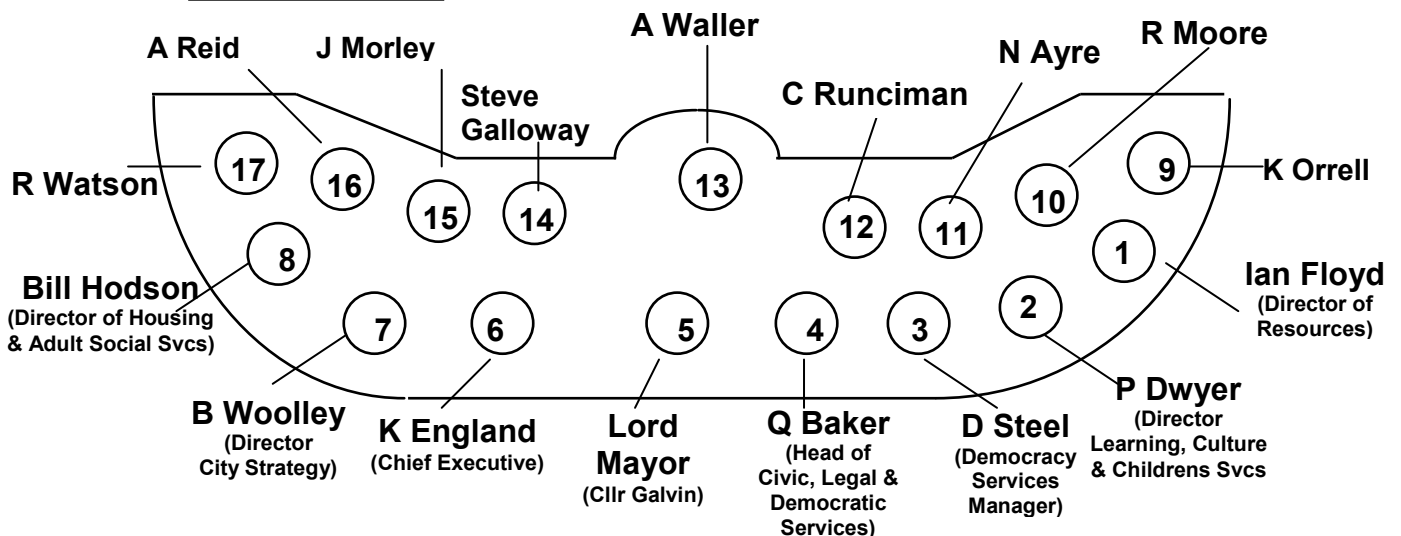
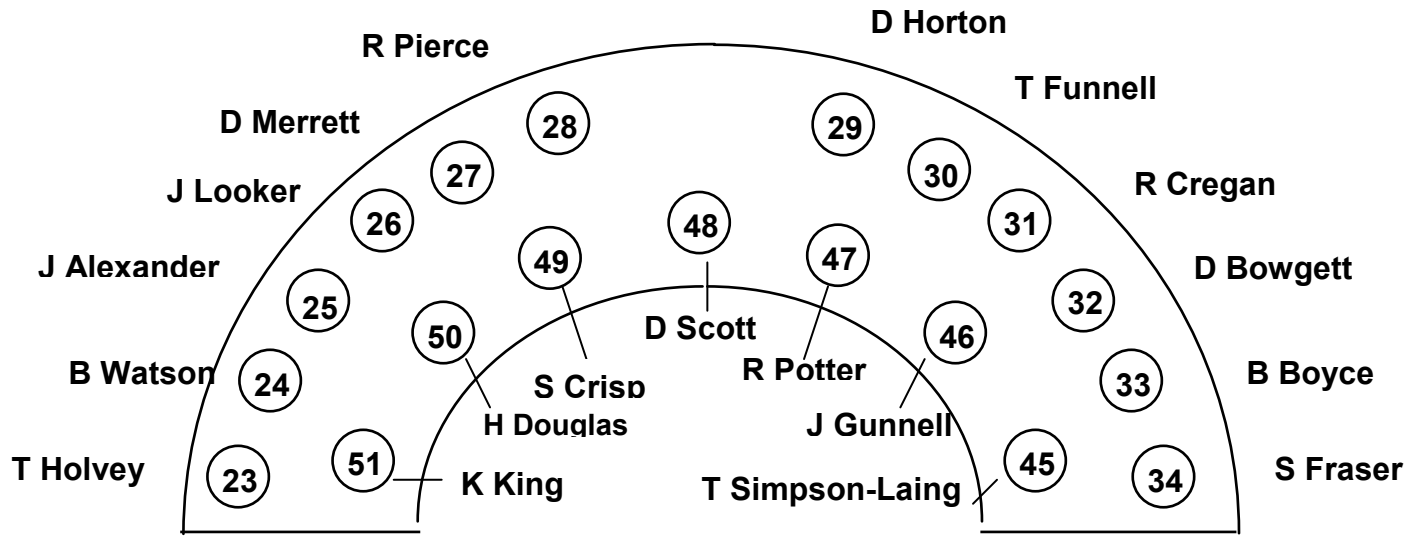


CITY OF YORK COUNCIL SUMMONS

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, 15 October 2009 at 6.30 pm

COUNCIL CHAMBER



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. Exclusion of Press and Public

To consider excluding the public and press from the meeting during any discussion of the exempt minute of the Extraordinary Council meeting held on 22 July 2009 (agenda item 3 refers), on the grounds that it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings, which is classed as exempt under paragraph 5 of Schedule 12A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

3. Minutes (Pages 1 - 26)

To approve and sign the minutes of the Ordinary Council meeting held on 9 July 2009 and the Extraordinary meeting of Council held on 22 July 2009.

4. Civic Announcements

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

5. Public Participation

At this point in the meeting, members of the public who have registered their wish to address the Council, or to ask a Member of the Council a question, on a matter directly relevant to the business of the Council or the City, may do so. The deadline for registering is **5:00pm on Wednesday, 14 October 2009**.

6. 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 Simpson-Laing, on behalf of residents calling for a 20mph zone in Ouseburn Avenue.

- (ii) Cllr Simpson-Laing, on behalf of residents calling for a 20mph zone in Millgates.

7. Report of Executive Leader and Executive Recommendations (Pages 27 - 44)

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	21 July 2009	Minute 55: <i>Land at the Rear of Acomb Explore, Front Street, Acomb</i>
Executive	8 September 2009	Minute 68: <i>Minutes of Working Groups</i> Minute 69: <i>Capital Programme Monitor 2</i>
Executive	22 September 2009	Minute 81: <i>Administrative Accommodation Financial Project Update</i>
Executive	6 October 2009	Minute 90 : <i>Revised Financial Regulations</i> <i>[Note: Members are reminded that they have already received a full copy of this document. The draft revised Regulations can however also be accessed via the web link below:</i> <u>http://democracy.york.gov.uk/ieListDocuments.aspx?Clc=102&MId=4314&Ver=4</u> Minute 91 : <i>Swimming Facilities</i>

[Note: all Members have received a copy of the report to Executive on this item. It can also be viewed via the web link below

<http://democracy.york.gov.uk/ieListDocuments.aspx?CId=102&MId=4314&Ver=4>

8. Recommendation of the Standards Committee (Pages 45 - 46)

To consider the following recommendations for approval from the Standards Committee in respect of the Review of the Protocol on Officer / Member Relations, which was referred back to the Committee by Council on 9 July:

Date of Meeting	Recommendations
28 August 2009	<i>Minute 21: Review of the Protocol on Officer/Member Relations – Reference back from Council</i> <i><u>Note:</u> the draft revised Protocol can be accessed via the web link below:</i> <i>http://democracy.york.gov.uk/ieListDocuments.aspx?CId=140&MId=4969&Ver=4</i>

9. Recommendations of the Audit & Governance Committee (Pages 47 - 50)

To consider the following recommendations for approval from the Audit and Governance Committee:

Date of Meeting	Recommendations
-----------------	-----------------

21 September 2009 Minute 31: *The Introduction of a Corporate Approach to Handling Petitions and e-Petitions*

Minute 32: *Review of the Audit & Governance Committee's Terms of Reference (Articles and Functions)*

10. Scrutiny - Report of the Chair of the Scrutiny Management Committee and SMC Recommendations (Pages 51 - 56)

To receive a written report from the Chair of Scrutiny Management Committee (SMC) on the work of the SMC, and to consider the SMC's recommendations for approval, as set out below:

Date of Meeting	Recommendations
28 September 2009	Minute 14: Referral from Community Safety Overview and Scrutiny Committee

11. Report of Executive Member (Pages 57 - 60)

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 8.21.

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 on the Council's website:

- North Yorkshire Fire & Rescue – meeting on 24/06/09
- North Yorkshire Police Authority – meeting on 29/06/09
- Quality Bus Partnership – meeting on 04/06/09
- Regional Transport Forum – meeting on 16/06/09

- Safer York Partnership – meeting on 23/06/09
- Without Walls Partnership – meeting on 14/07/09
- Yorkshire & Humber Assembly – meeting on 16/01/09

The web link is:

<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).

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

a) Appointments Committee for the Post of Head of Legal Services (Monitoring Officer) (Pages 61 - 66)

This report seeks formal approval to establish an Appointments Committee for the post of Head of Legal Services and to delegate sufficient powers to that committee to enable it to conduct the recruitment process, select and appoint a candidate, subject to the requirements of the standing orders on appointment.

b) Membership of Committees, Working Groups and Outside Bodies (Pages 67 - 68)

To consider the appointments and changes to membership of committees and outside bodies set out on the list attached to this summons.

14. Notices of Motion

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

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

None

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

(i) From Cllr Waller

“Council notes:

1. The suspension of the development of York Central by Network Rail and the National Railway Museum (National Museums of Science and Industry) due to the current difficult economic climate.
2. The importance of the York Central site to the long term economic interests of the city and to the wider region.
3. The progress that has been made by the York Central Board.

Council calls for the York Central Board to remain in operation to aid with:

1. The promotion and development of the site
2. Maintaining work on the development potential of the site with partner
3. Examination of funding sources, and mechanisms, for infrastructure costs associated with the development of the site.”

(ii) From Cllr Potter

“The UK has ambitious targets to reduce damaging greenhouse gases over the coming decades, most notably to reduce its own share by 80% by 2050 below 1990 levels.

Council believes every individual and every organisation, both large and small, has a responsibility to contribute to this reduction, as this is the only way both short and long-term targets will be achieved.

The current 10:10 campaign is targeting individuals, schools, hospitals businesses and every other type of organisation to get them to commit to reducing their carbon emissions by 10% by the end of 2010.

Council recognises the importance of collective action, and importantly of its own ability to show leadership by signing up to the campaign. In doing so, Council is signalling its serious intent to reduce its impact on the environment, whilst also benefiting the tax payer by saving money.”

Council therefore resolves to sign up to the 10:10 campaign immediately, and to task officers with setting out within three months the action required to ensure Council achieves this target.”

(iii) From Cllr Gillies

“The new scrutiny format has made the institution of the Shadow Executive redundant. The Council therefore moves to amend the Constitution to abolish the role of Shadow Executive with immediate effect and with the consequence of not paying special responsibility allowances for Shadow Executive spokespersons.

The Council therefore instructs the Monitoring Officer, in accordance with the powers under Article 16 of the Constitution, to effect the necessary changes to the Constitution and to report back upon the details to the Executive in due course.”

(iv) From Cllr Scott

“Council calls upon the Chief Executive of the City of York Council to write in support of the campaign to ensure that York residents retain their 15% discount from Yorkshire Water as agreed at the time of the merger.”

(v) From Cllr Reid

“Council notes that good progress is already being made towards meeting the authority’s target of 25% reduction in CO2 emissions by 2013 through the Carbon Management Programme developed in conjunction with the Carbon Trust and approved by the Council Executive in March 2009.

Council recognises the role that signing up to the 10:10 campaign can have, both locally and nationally, in driving forward cuts in CO2 emissions and showing the desire for national and international action on climate change.

Council resolves to sign up to the 10:10 campaign and to continue the work currently underway to help residents reduce their own emissions.”

Note: this motion may be ruled out of order by the Lord Mayor at the meeting, on the basis that, if put to Council, it would be substantially repetitious of motion (ii) above in the name of Councillor Potter.

15. 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 11.3(a):

(i) To the Executive Member for Corporate Services, from Cllr Scott

“Does the Executive Member believe in openness and transparency in local democracy and in the operation of the Council?”

(ii) To the Executive Member for Children & Young People’s Services, from Cllr Douglas

“Can the Executive Member provide details of how many Physical Education (PE) sessions have been cancelled at each primary and at each secondary school operating under the Local Education Authority (LEA), due to the timetabling of extra activities such as concerts, plays and visits, during the last academic year, both as a total and as a percentage of all timetabled PE sessions?”

(iii) To the Executive Member for Children & Young People’s Services, from Cllr Waudby

“Can the Executive Member tell Council more about The Fostering Network annual conference which she attended

in York earlier this month?”

(iv) To the Executive Member for Children & Young People’s Services, from Cllr Jamieson-Ball

“Can the Executive Member tell Council what steps are being taken to tackle youth unemployment in the city?”

(v) To the Executive Member for Children & Young People’s Services, from Cllr Aspden

“Can the Executive Member give Council details of the recent GCSE results achieved by pupils in the city?”

16. Urgent Business (Pages 69 - 74)

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

The Lord Mayor has agreed to consider under urgent business a report titled “**Appointments Committee for the Post of Assistant Director of City Development and Transport**”. This is in order to enable the appointment of Assistant Director of City Development and Transport to proceed as quickly as possible given that this is considered an essential role in developing York’s first Spatial Plan.

Democratic Services Officer responsible for this meeting:

Name: Fiona Young

Contact details:

- Telephone – (01904) 551027

E-mail – fiona.young@york.gov.uk

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

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

Contact details are set out above.

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CITY OF YORK COUNCIL

Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Thursday, 9th July, 2009, starting at 6.30 pm

Present: The Lord Mayor (Cllr John Galvin) in the Chair, and the following Councillors:

ACOMB WARD	BISHOPTHORPE WARD
Horton Simpson-Laing	Galvin
CLIFTON WARD	DERWENT WARD
Scott	Brooks
DRINGHOUSES & WOODTHORPE WARD	FISHERGATE WARD
Holvey Reid	D'Agorne Taylor
FULFORD WARD	GUILDHALL WARD
Aspden	Looker
HAXBY & WIGGINTON WARD	HESLINGTON WARD
Firth Hogg R Watson	
HEWORTH WARD	HEWORTH WITHOUT WARD
Funnell Potter	Ayre
HOLGATE WARD	HULL ROAD WARD
Alexander Bowgett Crisp	Cregan Pierce

HUNTINGTON & NEW EARSWICK
WARD

Hyman
Orrell
Runciman

MICKLEGATE WARD

Fraser
Gunnell
Merrett

OSBALDWICK WARD

Morley

RURAL WEST YORK WARD

Gillies
Healey
Hudson

SKELTON, RAWCLIFFE & CLIFTON
WITHOUT WARD

Moore
Waudby

STRENSALL WARD

Wiseman

WESTFIELD WARD

Steve Galloway
Sue Galloway
Waller

WHELDRAKE WARD

Vassie

Apologies for absence were received from Councillors Douglas, Jamieson-Ball, King, Kirk, Sunderland, B Watson and Watt

13. DECLARATIONS OF INTEREST

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.

The following Members declared a personal, non prejudicial interest in the motion on the East Coast Main Line at agenda item 13 (Minute 20 refers):

- Cllr Scott – as a member of the National Union of Rail, Maritime and Transport Workers
- Cllr Horton – as a member of the Transport Salaried Staffs' Association (TU)
- Cllr Merrett – as an active member of the TU

The following Members declared a personal, non prejudicial interest in the Executive recommendation on the Equal Pay Update at agenda item 7 (Minute 19 refers):

- Cllr Fraser – as a member of the retired section of UNISON and the Acts section of the TGWU section of Unite
- Cllr Crisp – as a member of the retired section of UNISON
- Cllr Simpson-Laing – as a previous member of UNISON
- Cllr Pierce - as a previous member of UNISON

14. MINUTES

RESOLVED: That the minutes of the Ordinary meeting of Council held on 2 April 2009 and the Annual Council meeting held on 21 May 2009 be approved and signed by the Chair as a correct record.

15. CIVIC ANNOUNCEMENTS

The Lord Mayor announced the receipt of a statue, a gift from a group of Chinese visitors, which was on display in the Council Chamber.

On behalf of all Members the Lord Mayor then expressed his thanks to Bill McCarthy, the Chief Executive, who would be leaving the City of York Council at the end of the month, and wished him well in his new post.

16. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during any discussion on the exempt minute relating to the Executive's recommendation on the Equal Pay Update at agenda item 7 (Report of Executive Leader and Executive Recommendations), on the grounds that it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. Such information is classed as exempt under paragraph 5 of Schedule 12A of the Local Government Act 1972

(as revised by The Local Government (Access to Information) (Variation) Order 2006).

17. PUBLIC PARTICIPATION

The Lord Mayor announced that three people had registered to speak at the meeting under the Council's Public Participation Scheme. Each was invited to speak for three minutes, in accordance with the rules of the Scheme.

Paul Moran, a resident of Westminster Road spoke in support of a petition to be presented by Cllr Scott regarding traffic issues on Westminster Road and The Avenue. He highlighted the impact on residents of the 'rat running' that had resulted from changes to the layout at Water End and expressed the view that the problem could only be addressed by closing the roads to traffic.

Verna Campbell, who had registered to speak in relation to an amendment to be moved by Cllr Aspden to the motion on the East Coast Main Line, confirmed that she no longer wished to address the meeting as this amendment was to be withdrawn.

Mark Warters had registered to speak in relation to Cold Calling Zones in the City. He praised the Council for extending these zones, most recently to the Fulford area, and suggested that the idea be further extended to cover other activities, such as leafleting. He went on to comment on a recent European Court ruling regarding the Osbaldwick development.

18. PETITIONS

Under Standing Order 7, petitions were presented by:

- (i) Cllr Looker, on behalf of residents seeking a ban on the consumption of alcohol in Clarence Gardens.¹
- (ii) Cllr Potter, on behalf of residents calling for a 20 mph speed limit on Newlands Drive.²
- (iii) Cllr Gunnell, on behalf of residents of Nunmill Street calling for a 20 mph speed limit on their street.³
- (iv) Cllr Gunnell, on behalf of residents of Scarcroft Hill calling for a 20 mph speed limit on their street.⁴
- (v) Cllr Fraser, on behalf of residents of Micklegate Ward calling for a 20 mph speed limit on residential streets in the City.⁵
- (vi) Cllr Simpson-Laing, on behalf of residents calling for a 20 mph speed limit on Lidgett Grove and Newlands Drive.⁶
- (vii) Cllr Scott, on behalf of local residents, regarding traffic issues on Westminster Road and The Avenue.⁷

- (viii) Cllr Scott, on behalf of local residents, regarding street lighting on Grosvenor Road.⁸
- (ix) Cllr Bowgett, on behalf of residents of Holgate asking for the no. 5 bus to take on the route of the former no. 18, via Stonebow.⁹

Action Required

- | | |
|--|----|
| 1. Refer petition to Executive / appropriate committee, schedule on Forward Plan and keep Cllr Looker updated | KS |
| 2. Refer petition to Executive / appropriate committee, schedule on Forward Plan and keep Cllr Potter updated | SS |
| 3. Refer petition to Executive / appropriate committee, schedule on Forward Plan and keep Cllr Gunnell updated | SS |
| 4. Refer petition to Executive / appropriate committee, schedule on Forward Plan and keep Cllr Potter updated | SS |
| 5. Refer petition to Executive / appropriate committee, schedule on Forward Plan and keep Cllr Fraser updated | SS |
| 6. Refer petition to Executive / appropriate committee, schedule on Forward Plan and keep Cllr Simpson-Laing updated | SS |
| 7. Refer petition to Executive / appropriate committee, schedule on Forward Plan and keep Cllr Scott updated | SS |
| 8. Refer petition to Executive / appropriate committee, schedule on Forward Plan and keep Cllr Scott updated | KS |
| 9. Refer petition to Executive / appropriate committee, schedule on Forward Plan and keep Cllr Bowgett updated | SS |

19. REPORT OF EXECUTIVE LEADER AND EXECUTIVE RECOMMENDATIONS

A written report was received from the Executive Leader, Cllr Andrew Waller, on the work of the Executive.

In presenting his report, the Leader endorsed the comments of the Lord Mayor on the imminent departure of the Chief Executive and recorded his thanks to Adam Wilkinson, the Interim Director of Neighbourhood Services, who would also be leaving shortly to take up the post of Chief Executive of Derby City Council.

After leaders of the Opposition groups had responded to his report, the Executive Leader moved, and Cllr Runciman seconded, the following recommendation contained in Minute 26 of the Executive meeting held on 23 June 2009 (Community Stadium – Outline Business Case):

“That Council endorse the approach set out in the report and allocate £100k from general reserves in 2009/10 to provide funds for the delivery of this work, which will include specialist external advice to ensure delivery within the next 12 months.”

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

RESOLVED: That the recommendation contained in Minute 26 of the Executive meeting held on 23 June 2009 be agreed. ¹

The Leader then moved, and Cllr Runciman seconded, the following recommendation contained in Minute 37 of the Executive meeting held on 7 July 2009 (Customer Strategy):

“That the Customer Strategy and Delivery Plan be approved.”

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

RESOLVED: That the recommendation contained in Minute 37 of the Executive meeting held on 7 July 2009 be agreed. ²

At this stage in the meeting, the press and public were excluded, in accordance with the resolution made under agenda item 4, to enable Council to debate the recommendation contained in the exempt minute on the Equal Pay Update.

The Leader then moved, and Cllr Runciman seconded, the recommendation contained in Minute 27 of the Executive meeting held on 23 June 2009 (Equal Pay Update).

Cllr Scott then moved, and Cllr Potter seconded, that the matter be referred back to the Executive with a request that they provide a report to Council explaining the basis for the recommendation.

On being put to the vote, Cllr Scott’s proposal was declared CARRIED and it was

RESOLVED: That the recommendation contained in Minute 27 of the Executive meeting held on 23 June 2009 be referred back to the Executive with a request that they provide a report to Council explaining the basis of the recommendation. ³

Action Required

- | | |
|--|----|
| 1. (Community Stadium) Make the agreed adjustment to the budget and commission external advice | SS |
| 2. Start to implement the Customer Strategy | SA |
| 3. Refer the Equal Pay Update back to Executive | GR |

20. URGENT MOTION - EAST COAST MAIN LINE

At this point in the meeting, the Lord Mayor varied the order of business to enable Members to debate as an urgent motion the motion relating to the East Coast Main Line of which notice had been given by Cllr Gillies.

Cllr Gillies then moved, and Cllr Scott seconded, that

“Council notes the announcement by Lord Adonis, the transport secretary, on 1st July, concerning the future of the East Coast Main Line rail franchise.

Council expresses grave concerns about the stability of jobs and must ensure it does all within its powers to protect the jobs of those currently working for National Express East Coast in the City long term, and also to represent the interests of fare paying passengers travelling to and from York.

Council therefore requests:

- That the Chief Executive requests a meeting urgently with the main party leaders, National Express, the City’s MPs, trades union leaders and the Minister of State for Transport, Lord Adonis, to secure the long term future of the East Coast Main Line jobs in York and vital rail connections to and from the City.”¹

Cllr Aspden then indicated that he wished to withdraw an amendment to the above motion of which he had previously given notice. Council having consented to the withdrawal, the above motion was put to the vote and was declared CARRIED and it was

RESOLVED: That the above notice of motion be approved.

Action Required

1. (East Coast Main Line) Request urgent meeting, as agreed DB

21. STANDARDS COMMITTEE

(i) Annual Report

Mrs Christine Bainton, the Independent Chair of the Standards Committee, presented the Annual Report of the Standards Committee for the Municipal Year 2008/09.

Mrs Bainton then moved receipt of the Annual Report and Cllr Horton seconded the motion and it was

RESOLVED: That the Annual Report of the Standards Committee for 2008/09 be received.

(ii) Protocol on Officer / Member Relations

Mrs Bainton then moved, and Cllr Horton seconded, the recommendation contained in Minute 10 of the Standards Committee meeting held on 26 June 2009 in respect of a revised Protocol on Officer / Member Relations.

Following a debate on this recommendation, Cllr Pierce moved, and Cllr Scott seconded, that the matter be referred back to the Standards Committee for further consideration, with particular reference to the wording at paragraph 3.2 of the revised Protocol.

On being put to the vote, Cllr Pierce's proposal was declared CARRIED and it was

RESOLVED: That the Protocol on Officer / Member Relations be referred back to the Standards Committee for further consideration.¹

Action Required

Refer the Protocol on Officer / Member Relations back to Standards Committee GR

22. SCRUTINY - REPORT OF THE CHAIR OF THE SCRUTINY MANAGEMENT COMMITTEE

A written report was received from Cllr Paul Healey, the Chair of the Scrutiny Management Committee (SMC) on the work of the SMC since the last report to Council, on 2 April 2009.

23. REPORT OF EXECUTIVE MEMBER

A written report was received from Cllr Moore, the Executive Member for Corporate Services.

Notice had been received of four questions on the report, submitted by Members in accordance with Standing Orders. The questions were put and answered as follows:

(i) From Cllr R Watson:

"In his report the Executive Member describes the Place Survey as 'extremely encouraging', please could he explain why he believes this to be the case?"

The Executive Member replied:

"The Place Survey takes place every two years, as part of the Comprehensive Area Assessment. There are eighteen 'resident perception based' National Performance Indicators (NPI) which are designed to gather comprehensive feedback from local citizens on what it's like to live and work in York. This is a survey of residents undertaken independently of the Council.

A preliminary comparative assessment has been carried out through the PriceWaterhouseCoopers benchmarking site and York has done extremely well with:

- 13 of the 18 are performing above average (including all 4 of the LAA Place Survey targets)*
- 10 of the 18 Place Survey NPIs in the top quartile (including 2 LAA targets)*
- no target in the bottom quartile*

As previously stated I believe these are extremely encouraging results.”

(ii) From Cllr Sunderland:

“Could the Executive Member please inform Council of the percentage of invoices paid by the council within 30 days?”

The Executive Member replied:

“The percentage of invoices paid within 30 days was 97.4% for 2008/09. This area of performance is particularly important in the current economic climate, as local businesses rely on prompt payments from the council to maintain a healthy cash-flow. When comparing the council's performance with other authorities, this places York in the top quartile and represents good improvement from four years ago when it was processing 92% within 30 days.”

(iii) From Cllr Orrell:

“Could the Executive Member explain the impact the recession has had on the collection rate for business rates?”

The Executive Member replied:

“In the three years from 2005/06 to 2007/08 the in-year collection rates rose from 97% to 98.3%. However, in 2008/09 the collection rate dropped by 0.8% to 97.5%. This drop is attributed to the effect of the economic downturn, as more businesses experienced difficulties.

National figures provided by the Department for Communities and Local Government show that for all English authorities the collection rate dropped last year by 0.98%, with a 1.15% fall for unitary councils. This shows that the city is, at present, performing well in response to the recession, relative to other areas. However, there will be no complacency, and collection rates will continue to be monitored.”

(iv) From Cllr Vassie:

“Following the success of the rollout of 450 'thin client' PCs as detailed in his report, could the Executive Member detail the future plans for the use of 'thin clients' in the Council?”

The Executive Member replied:

“There is already an approved project in progress to roll out at least a further 200 thin client devices during 2009/10. We are also proposing to accelerate the deployment of these energy saving devices where appropriate within the Council as part of the ICT work stream within the More 4 York Efficiency Programme.”

24. ACTIVITIES OF OUTSIDE BODIES

Minutes of the following outside bodies had been made available for Members to view on the Council's website:

- North Yorkshire Police Authority – Meeting held on 17/04/09
- Quality Bus Partnership – Meeting held on 12/03/09
- Regional Transport Forum - Meeting held on 20/03/09
- Safer York Partnership – Meeting held on 07/04/09
- Without Walls Partnership – Meeting held on 12/05/09
- York NHS Foundation Trust – Meeting held on 11/03/09
- Economic Development Partnership Board – Meeting held on 09/03/09

No questions had been submitted to representatives on the above bodies.

25. APPOINTMENTS AND CHANGES TO MEMBERSHIP

Members proposed the following additions to the list of appointments and changes circulated around the Council:

Corporate Appeals Panel

To appoint the following as additional substitutes:

Labour: Cllr Looker

Conservative: Cllr Wiseman

Effective Organisation Overview & Scrutiny Committee

To appoint Cllr Horton as Vice Chair

RESOLVED: That the appointments to Committees, Outside Bodies and Working Groups set out in the list circulated around the Council Chamber, and the above additions proposed by Members at the meeting, be approved (in accordance with the list attached as Annex A to these minutes).

26. NOTICES OF MOTION

(i) Housing Revenue Subsidy System

It was moved by Cllr Morley and seconded by Cllr Hyman that:

“Council notes that in the period 2005/06 to 2008/09 over £20m in council house rent income has been lost locally through negative subsidy under the Housing Revenue Subsidy System.

Council notes with regret that, had this money been retained in York as called for by this Council in 2007, it could have been used to invest in new affordable housing to help residents in need of affordable housing and to help protect jobs in the house building sector.

Therefore, Council resolves to support the LGA campaign calling for:

- The replacement of the current housing finance system with a new system that allows councils to retain 100% of locally-raised revenue and provides flexibility for investment in locally-determined priorities.
- Support for council-led housing development to ensure that home-building continues during the recession.

Council instructs the Chief Executive to write to local MPs expressing the views of Council and urging them to sign EDM 1683 supporting the LGA’s campaign.”¹

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

RESOLVED: That the above notice of motion be approved.

(ii) University Swimming Pool

It was moved by Cllr Crisp and seconded by Cllr Scott that:

“This Council asks the Executive Member for Leisure, Culture and Heritage to bring forward a report that:

- Sets out a clear programme of the meeting dates for the University Swimming Pool Steering Group for the remainder of the municipal year;
- Outlines a clear and final completion date for the University Pool;
- Identifies a mechanism for the closing of the reported funding gap for the University Pool and
- Outlines the Council’s strategy to provide a pool in a City Centre location if completion at the University by 2011 is not feasible and that that strategy has a clear and timely completion date,

and that this report will be brought to the next Council meeting in October 2009.”²

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

“Delete all after ‘This Council’ and replace with:

‘notes the commitment of the Liberal Democrat administration to investing in quality leisure facilities for the city. Evidenced by the ambitious £15m leisure and culture capital programme introduced since 2003 which includes:

- The £1.2m refurbishment of Yearsley Pool – a pool Labour earmarked for closure.*
- The development of a new £6.7m pool at York High, which will open later this year.*

Council reaffirms its commitment to a county standard pool in the city and instructs the Executive Member to work with senior council officers, representatives from the university and other partners to progress plans for such a pool.”

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

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

RESOLVED: That the above notice of motion be approved.

<p>At this point in the meeting the guillotine fell and the remaining business was put to the vote without debate.</p>

(iii) Community Safety and Alley-gating

It was moved by Cllr Fraser and seconded by Cllr Scott that:

“Council condemns the lack of commitment shown by the current administration to improving community safety and tackling crime, such as domestic burglary.

Despite their Lib Dem 2003 Election manifesto pledge to ‘promote crime prevention measures, especially in the estates’, and their public support for alley-gating at the time, Council notes that this Lib Dem Executive has:

- Failed to allocate resources to implement a strategic approach to implementing alley-gating in vulnerable areas of the City;
- Adopted a dismissive approach to ensuring adequate staffing to support a planned programme of alley-gating in areas of the City particularly susceptible to acquisitive crime;
- Failed to take steps to ensure the maintenance of alley-gates where, through the efforts of local ward members and funding from ward committees and Safer York Partnership budgets (supported by funds allocated from the Home Office), gates have been installed.

Council calls on the Executive to draw up a strategy to ensure a detailed programme of properly funded alley-gating schemes across the City and which ensures that, once gates are installed, they are properly maintained.”³

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

RESOLVED: That the above notice of motion be approved.

(iv) Leeman Road Sorting Office

It was moved by Cllr Holvey and seconded by Cllr Aspden that:

“Council regrets the decision by Royal Mail to move some of their distribution service from the Leeman Road Sorting Office to Leeds and notes with concern the impact this will have on jobs in the City as well as the environmental damage caused the extra transportation required.

Council emphasises the importance of maintaining a sorting office in York and the retention of a YO postmark, for the protection of jobs in the City, York’s identity in the international tourism community and to save on unnecessary transportation of mail.

Council therefore instructs the Chief Executive to write to Royal Mail to express their concerns and to stress the importance of maintaining a sorting office in the City.”⁴

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

RESOLVED: That the above notice of motion be approved.

Action Required

- | | |
|---|----|
| 1. (Housing Revenue Subsidy System) Write to local MPs in support of LGA's campaign | DB |
| 2. (University Swimming Pool) Prepare report for October Council meeting | CB |
| 3. (Community Safety and Alley-gating) Schedule report on Executive Forward Plan | SS |
| 4. (Leeman Road Sorting Office) Write to Royal Mail | DB |

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

Six questions had been submitted to the Executive Leader and Executive Members under Standing Order 11.3. The guillotine having fallen, Members agreed to receive written responses to these questions. The questions and the written responses are set out below:

- (i) To the Executive Member for City Strategy, from Cllr Alexander:
“Can the Executive Member for City Strategy please tell me why Council Officers have said that an authorised new bus stop on Hamilton Drive cost £2,000 but an authorised replacement bus stop on Hamilton Drive East only cost £85?”

Reply

“To provide a full engineering brief for a new bus stop includes:

- *Consultation with local residents at a site never to have had a bus stop before*
- *Full accessibility measures (Kassel kerbs and a 'bus stop' box cage on the road)*
- *High quality flag, pole and timetable*
- *Installation*
= £2000

To re-plant a fallen pole (no new infrastructure required) and seal with concrete
= £85”

- (ii) To the Executive Member for City Strategy, from Cllr Firth:
“Would the Executive Member comment on the latest bus usage and bus reliability performance in the City?”

Reply

“Patronage

As reported in NPI 177/ BVPI 102 (Local bus passenger journeys originating in the authority area on all bus service - including commercial operations) ridership is as follows:

2007/8: 14,853,143

2008/9: 15,334,448

Patronage on bus services across the City has consistently been at approximately 15 million since 2004.

***Park and Ride** services have seen year on year increases for several years. Total, annual, patronage has increased by 2% over the past year. However, May 2009 figures show a 5.8% drop when compared to May 2008. Of particular note is an 11.8% drop at Rawcliffe Bar which would suggest a reduction in the number of visitors from the north east.*

***Subsidised services** are difficult to quantify exactly due to the changeable nature of the commercial/subsidised network. However, a couple of fairly consistent route surveys demonstrate the following modest ridership increases:*

Service 20 (Acomb - Clifton Moor - Haxby - Monks Cross)

April 2007 6754

April 2008 7641
April 2009 8885
Service 11 evening/Sunday (Bishopthorpe - York)
April 2007 1919
April 2008 1661
April 2009 2402
Service 24 (Fulford - York -Acomb)
April 2007 4080
April 2008 4730
April 2009 5320

Commercial services - The one operator not running any subsidised services in York, Yorkshire Coastliner (now part of Transdev), returned patronage of 600,907 for 2007/8, increasing to 652,282 for 2008/9.

Reliability

LTP 5 figures indicate the following for the past two years:

Percentage of services starting their route on time:

2007/08 68.3%

2008/09 70.9%

Percentage of services on time at intermediate timing points:

2007/08 22.9%

2008/9 52%

The figures were collected via on-street surveys over a one month period where 'on time' refers to the national standard of between 1 minute earlier and 5 minutes later than the scheduled arrival time.

As per the 'public transport review' of last Winter, the Council will be in a position to monitor services using real time passenger information data for the 2009/10 indicators. This will mean that both the sample and accuracy of data collected will be improved. The data will be supported by a small sample of on-street surveys to ensure that it is correct.

A snapshot of reliability for the week ended Saturday 20th June 2009 produced the following results:

94.2% of journeys started on time - that is within the tolerance permitted by the Traffic Commissioner

89.4% were on time (from in excess of 20,000 observations at all stops on the network)

90.5% was the level of compliance for the network as a whole."

(iii) To the Executive Member for City Strategy, from Cllr Fraser:

"Can the Executive Member for City Strategy explain the inordinate delay in ensuring that the CCTV camera installed on Bishopthorpe Road becomes operative?"

Reply

"I understand that the timescale for CCTV installation, testing and operation, will in many cases take several months (sometimes 3-4, others have taken longer). Council officers are reliant upon electric & line connections being supplied by a contractor and BT. We have no control over BT's timeframes.

In addition, understand that with this camera we utilised remaining funds from 08/09, to purchase the hardware and commence

installation. The later elements (as above) have been funded from 09/10 financial year, so that has added a little to the timeframe. I understand that BT have said they will be starting their initial work next week and the transmission team will then follow. We do not as yet have a completion date for the work."

- (iv) To the Executive Member for Neighbourhood Services, from Cllr Aspden:
"Can the Executive Member give an update on progress made towards using the Sustainable Communities Act to benefit York?"

Reply

Reply

"The Neighbourhood Management Unit have done an excellent job in raising awareness of this new Act. Following information in the April/May editions of Your Ward, all Ward Committees either had a display at the surgery or an agenda item on the Act, consultation letters were sent to 150 voluntary organisations and all Parish Councils and a dedicated web page with an on line consultation facility was provided on the Council website.

As a result of this consultation 327 suggestions were received from residents. Some were duplicates and for many the Council already has the necessary powers. After sifting by Officers from all departments of the Council a short list of suggestions was presented to a Citizens Panel. The Panel included young people and representatives of organisations who had suggested proposals. The feedback from those who attended was very positive with 99% happy with the process. Officers also attended the Without Walls Executive Board to seek their views and the website refreshed to allow residents to comment in the shortlisted suggestions.

All the comments will be assessed to form the final proposals which will come back to the Executive on 21st July.

Feedback for the Local Works Organisation who have been promoting the Sustainable Communities Act shows that a number of Local Authorities are struggling to find proposals to send to the next stage and it would appear that our consultation process has been more comprehensive than many."

- (v) To the Executive Member for Leisure, Culture & Social Inclusion, from Cllr Alexander:

"Can the Executive Member for Leisure, Culture & Social Inclusion describe his objectives for the coming year and how he plans to overcome problems within the portfolio area that his predecessor could not?"

Reply

"In last year's CPA the leisure portfolio increased its rating from 2 stars to 3 stars. It is my ambition to have the same problem next year."

- (vi) To the Executive Member for Housing & Adult Social Services, from Cllr Horton

"Will the new Executive Member for HASS explain to myself, my fellow Ward Councillor and the residents of Almsford Road, the cost to the Council in Officer time and other costs, in relation to the failed attempt to bring 17 Almsford Road into affordable housing usage?"

Reply

"As I understand it, it was never the intention of officers, or indeed, as far as I am aware, yourself, your fellow Ward Councillor or the residents of Almsford Road to bring 17 Almsford Road into affordable housing usage, it was to bring it to an acceptable standard for occupation - and to that extent the attempt has been successful, not a failure."

J Galvin

LORD MAYOR OF YORK

[The meeting started at 6.30 pm and concluded at 9.56 pm]

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CITY OF YORK COUNCIL

Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Wednesday, 22nd July, 2009, starting at 4.30 pm

Present: The Lord Mayor (Cllr John Galvin) in the Chair, and the following Councillors:

ACOMB WARD

Horton
Simpson-Laing

BISHOPTHORPE WARD

Galvin

CLIFTON WARD

Douglas
King
Scott

DERWENT WARD

Brooks

DRINGHOUSES & WOODTHORPE WARD

Holvey
Reid
Sunderland

FISHERGATE WARD

Taylor

FULFORD WARD

Aspden

GUILDHALL WARD

Looker
B Watson

HAXBY & WIGGINTON WARD

Firth
R Watson

HESLINGTON WARD**HEWORTH WARD**

Funnell
Potter

HEWORTH WITHOUT WARD

Ayre

HOLGATE WARD

Bowgett

HULL ROAD WARD

Pierce

HUNTINGTON & NEW EARSWICK
WARD

MICKLEGATE WARD

Hyman
Runciman

Fraser
Gunnell
Merrett

OSBALDWICK WARD

RURAL WEST YORK WARD

Morley

Gillies
Healey

SKELTON, RAWCLIFFE & CLIFTON
WITHOUT WARD

STRENSALL WARD

Moore
Watt

Wiseman

WESTFIELD WARD

WHELDRAKE WARD

Steve Galloway
Sue Galloway
Waller

Apologies for absence were received from Councillors Alexander, Cregan, Crisp, D'Agorne, Hogg, Hudson, Jamieson-Ball, Kirk, Orrell, Vassie and Waudby

DECLARATIONS OF INTEREST

28. 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. The following interests were declared:

Cllr Fraser – a personal interest in agenda item 6 (Equal Pay Update – Executive Recommendation), as a member of the retired section of Unison and the retired section of the Acts section of the TGWU section of Unite.

Cllr Gunnell – a personal interest in agenda item 6, as the sister of a member of Unison.

Cllr King – a personal interest in agenda item 6, as the father of an employee of the authority.

Cllr Pierce - a personal interest in agenda item 6, as a member of the retired section of Unison.

Cllr Scott – a personal interest in agenda item 6, as an employment solicitor.

Cllr Simpson-Laing – a personal interest in agenda item 6, as a member of Unison.

EXCLUSION OF PRESS AND PUBLIC

29. RESOLVED: That the press and public be excluded from the meeting during consideration of the report and exempt minute at agenda item 6 (Equal Pay Update – Executive Recommendation), on the grounds that they contain information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. Such information is classed as exempt under paragraph 5 of Schedule 12A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

PUBLIC PARTICIPATION

30. It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

RATIFICATION OF APPOINTMENT OF CHIEF EXECUTIVE

31. Cllr Waller moved, and Cllr Scott seconded, the recommendation contained in a report of the Head of Human Resources and Organisational Development at pages 1-3 of the late Council papers circulated on 17 July 2009, concerning the appointment of a new Chief Executive.

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

RESOLVED: That the recommendation be approved and that the offer of the post of Chief Executive to Kersten England, on the terms set out in Annex 1 to the report, be ratified.

REASON: To enable the Council to operate effectively and to avoid any further delay.

CHIEF EXECUTIVE - INTERIM ARRANGEMENTS

32. Cllr Waller moved, and Cllr Gillies seconded, the recommendations contained in paragraph 9 of a report of the Head of Human Resources and Organisational Development, at pages 1-3 of the Council papers, concerning interim arrangements pending the arrival of the new Chief Executive:

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

RESOLVED: That the recommendations be approved and that:

- (i) The Director of City Strategy be appointed as Acting Chief Executive and Head of Paid Service from 17 August 2009 until such time as a permanent postholder takes up post.
- (ii) The Acting Chief Executive and Head of Paid Service be so appointed on a salary of £130,000 per year.
- (iii) The Acting Chief Executive be appointed as Electoral Registration Officer and Returning Officer for the City of York.
- (iv) The Director of City Strategy, in consultation with the Executive Member for City Strategy, be authorised to put in place any necessary back-filling arrangements within the Directorate, subject to HR policy, appropriate Member

approval and the management of any costs within existing budgets.

REASON: To enable the duties of the Chief Executive to be performed pending the arrival of the new post-holder and to provide continuity of leadership during that interim period.

EQUAL PAY UPDATE - EXECUTIVE RECOMMENDATION

33. The press and public were excluded from the meeting at this point, in accordance with the resolution recorded under Minute 29 above.

The Executive Leader, Cllr Waller, then moved, and Cllr Runciman seconded, the following recommendation contained in Minute 56 of the Executive meeting held on 21 July 2009, concerning the reference back of a previous Executive recommendation in respect of the Equal Pay Update:

“That Council consider and approve the recommendation made by the Executive at their meeting on 23 June 2009, in the light of the further information received.”

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

“Delete all after ‘23 June 2009’ and insert:
‘subject to that recommendation being amended to read as follows:
That Council receive funds from general reserves of up to £150k...” *

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

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

RESOLVED: That the motion, as amended, be approved and that funds of up to £150k be released from general reserves to cover the costs of the action agreed in respect of the Equal Pay Update.

**Note: the full text of the amendment is contained in the exempt minute of this item.*

Cllr John Galvin
LORD MAYOR OF YORK
[The meeting started at 4.30 pm and concluded at 5.10 pm]

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Leaders Report For Full Council 15th October 2009

1. Efficiency Partners

In July the Executive considered the initial findings from the review of services undertaken by the Council's efficiency partner Northgate Kendrick Ash. These have been worked on over the summer along with proposals from the Corporate Management Team for a broad based programme of work to deliver savings and improvement of services. A greater appreciation of the condition of the national public finances over the summer has shown that this programme is even more imperative for the City of York Council in order to anticipate the reductions in public expenditure. We are awaiting the figures from the next CSR three year period. This is in the context of York charging the least for council services of any authority in Yorkshire. There will be regular reporting of the actions that will be taken as a consequence of the Efficiency Review to bring democratic accountability to the changes that are being proposed.

2. Risk Management

The Executive approved a revised and refreshed risk management policy and strategy to improve the management and assessment of risk in the work that the council does.

3. Area Based Working

Building on the success of the YorkPride vision of the council the proposals for Area Based Working were considered in July, and are being developed as part of the efficiency review. The connection between council officers and specific services in defined geographic areas has worked in the city centre, and in a number of services already such as the barrow sweeping. The proposals will enhance the workings of the Ward Committee teams, and assist the connection between public requests for service and the delivery of these services at a street level. Further reports will be coming to the Executive.

4. Castle Picadilly

The Executive has been able to put into operation the council's new procurement regulations to demonstrate that the findings of the Roanne case have been implemented. This was demonstrated in the Castle Piccadilly Regeneration Project procurement concession. Whilst the current national economic situation means that the project may not proceed as quickly as in previous years, it does lay down the foundations for regeneration for a part of the city centre which is in need of improvement.

5. Sustainable Communities Act

The final update on the Sustainable Communities Act came back to Executive at the end of July to allow submission of the seven selected proposals to be worked up for the Local Government Association. York has been held up as an example of good practice in putting the Act into Action. I would like to thank the officers of the council who worked so hard to ensure that this was delivered , and especially that all ward committees were covered for the collection of suggestions from the public.

6. Headquarters Project

At the end of July the Executive received an update on the progress of the Council Headquarters building project. Some of the changes in ways of working can start before the move into the new Headquarters and these will form part of the efficiency savings that can be delivered early. The developers have been reminded of the need for the project to remain within the existing budget, and they have indicated that they are fully aware of this. Work will be undertaken assessing the tenders by a review team. I am pleased at the level of engagement with the process, and the interest across the city in the two proposals both of which are very exciting in the re-use of existing buildings.

In September the Executive agreed to support the development of the Hungate site as a prime location for office development and to actively market the site. To assist with this the archaeology of the site needs to be investigated along with the preparation of the whole site. The accounting of the project will include consideration of the costs that would have been incurred to bring the Peaseholme Centre up to the new government standards for provision of facilities had the service remained where it was. This would have been in the region of £2 million. The overall budget remains fixed at the total of £43.804 million).

7. Urban Eco Settlement

Proposals for the Urban Eco Settlement at the former British Sugar site were approved for submission to the Department of Communities and Local Government. This would set up an exemplar pilot on the site to demonstrate new ways of constructing homes, and would build on York's reputation for piloting new technology for eco construction. The concept of the four Urban Eco Settlements around the Leeds City Region (LCR) is becoming well advanced with work having been done by the LCR Housing Panel to work up schemes following the agreement by central Government to the proposal by the 11 council leaders from the LCR to abandon the Eco New Town and instead develop brownfield sites close to existing transport links and close to employment. Following the selection of LCR to be one of only two 'Forerunners' in the country I hope that when the agreement is signed off by Ministers early next month that there will be a clear undertaking for investment in this programme.

The Urban Eco Settlement was one of the issues brought to the attention of the Minister for Yorkshire and The Humber, Rt Hon Rosie Winterton, at an all-party meeting that I arranged at the Mansion House on 25th August. The meeting was also an opportunity to discuss the importance of the operator for the East Coast Mainline Franchise having their Headquarters in York, and the opportunities for relocating civil service jobs outside of London to the Hungate site which had been allocated for the new council Headquarters (this was also an item on the Executive agenda for 22nd September). Given the proximity to existing large DEFRA buildings there is the opportunity for a 'mini Whitehall' and I have received a letter of support from the DEFRA Minister Rt Hon Hilary Benn for the proposal.

8. Ring Road improvements

The ability of the CYC Transport Team to spend unallocated Transport Funds from elsewhere in the Region has again been utilised to the advantage of York with the opportunity to use additional capital to reduce congestion on the ring road. This will be used for the A19 roundabout at Clifton Moor which will complement the improvements already made at Askham Lane, the improvements at Hopgrove, and the A59 improvement near Poppleton which forms part of the Access York Phase 1 Park and Ride plans.

9. Scrutiny Reports to Executive

Hungate

The Executive has considered the final report from the Hungate Ad Hoc Scrutiny Committee which was very well researched with some very interesting FOI information from English Heritage, although an important week was missing and therefore it is still difficult to work out how EH came to write its final letter on the planning application. Had this information been available then the Scrutiny Committee would have had more details to make recommendations to the Council to help avoid a repeat of the situation (or help to advise English Heritage on how similar situations with other councils could be prevented in order to avoid aborted development costs). The communication on the new HQ project has demonstrated that the improvements to pre-project public consultation and feedback recommended by the Scrutiny Committee have been implemented already.

Extended Schools and Planning Enforcement

Education Scrutiny Committee also reported back to the Executive on their review of the Extended Schools Agenda and all of the recommendations were endorsed by the Executive.

In September the Executive was able to endorse the final report of the Planning Enforcement Ad Hoc Scrutiny Committee.

10. Capital Programme

Capital Programme Outturn was considered with 96% of the 2008/09 Capital Programme having been delivered as part of the strong performance of the council.



Inside of new Oaklands Pool



External View Oaklands Pool



Wood Pellet silo Oaklands Pool

The delivery of a 'One Stop Shop' for council services in the West of the City took one step closer with the purchase of land at the rear of the Acomb Explore on Front Street.

11. Burnholme Community College

Burnholme Community College received the answer from the Executive that they needed to remain open, and over the summer delivered a 21% increase in 5 A* to C GCSE results. This, together with the vastly improved results at York High School, demonstrates the administration's commitment to the improvement of examination results which was called for in the Future York report to ensure that every child in York received the full benefit of a high quality education. Education officers will work with staff and governors at Burnholme Community College to ensure that they build on their 'good' OFSTED result and that they increase the numbers of pupils on their site.

12. Car Parking

Following discussions with the Retail Forum the Executive considered how car parking charges could be altered to increase the attraction of York as a shopping destination to stimulate the city centre economy without impacting on the council's commitment to more environmentally friendly forms of transport for commuting. It was agreed to run a "Cheaper Tuesdays" scheme in October and November using the payment by phone method. This can be readily monitored to see the impact on usage as Tuesday is a relatively quiet day. At the same time the Executive agreed the purchase of a new, more flexible ticket machine in the Piccadilly multi-story car park with a view to introducing off peak reduction in charges, as well as payment by credit card.

13. Carbon and Energy Management

Carbon and Energy Management with the council's commitment to cutting Carbon emissions by 25% by 2013 was reviewed in September, which coincided with the Workshop for staff on Energy on 16th September, and the launch of the 'Hotspots' scheme on 11th September.



Staff Workshop on Climate Change 16th
September

Launch of Hotspots Campaign with
Energy Partnership and Energy Saving
Trust 11th September

14. Locality Home Care Contract

The Executive approved the extension of three of the four Locality Home Care Contracts to December 2010 to ensure that there is a smooth transition for residents receiving the service if they are moving to new care providers.

15. Barbican.

The Executive received a report on 22nd September which showed that encouragingly there were four expressions of interest in the future use of the site. It was agreed that the Barbican would be marketed, with the inclusion of the Kent Street Coach Park. In order to assist with the objective measurement of bids against each other a weighting criteria was agreed which took into account; financial impact on the council, quality of facilities for the use of residents of York and visitors, coherence with the overall masterplan for the area, quality of the entertainment programme for the city, and opportunities for community involvement and activities.

16. Eco Jobs Task Group

There has been a task group made up of from City of York Council and partners looking at how the city can make sure that it benefits from the new generation of eco-jobs, as well as actions that LSP partners can take to stimulate locally based environmental jobs. Greater application of insulation, and renewable energy is one line of enquiry, along with the training needed in the workforce to take account of new technology in construction. The work of this group was reported to the Executive on 6th October, and will be taken forward with the LSP as it overlaps the Environment Partnership and Economic Partnership areas.

17. University Pool

The Executive has re-affirmed its commitment to working with the University to develop the pool on the East of the city. The current strategy of the council is the only that will provide the number of swimming lanes that was described as necessary by Active York. The report detailed how a city centre competition standard pool currently is unrealistic due to the lack of a site immediately available for it, lack of affordability, and would compete head to head on with the University Pool.

The Steering Group (composed of an independent chair, University, City of York Council, community and Amateur Swimming Association representatives) met 6 times between February 2007 and November 2008. The University has now commissioned FaulknerBrown Architects to undertake a design study and cost plan for the project. The impact of the recession in terms of making borrowing more difficult has taken its toll on the project. Therefore the University and Council have commenced a review to look at the opportunities for different funding arrangements to overcome the existing funding gap.

Cllr Andrew Waller

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MEETING	EXECUTIVE
DATE	21 JULY 2009
PRESENT	COUNCILLORS WALLER (CHAIR), AYRE, STEVE GALLOWAY, MOORE, MORLEY, REID AND RUNCIMAN

PART B - MATTERS REFERRED TO COUNCIL

55. LAND AT THE REAR OF ACOMB EXPLORE, FRONT STREET, ACOMB

[See also under Part A minutes]

Members considered a report which sought approval to acquire two sites to the rear of Acomb Explore as an 'opportunity purchase' and to amend the capital programme accordingly.

The sites in question were the site of the Acomb Bowling Club, shown edged in blue on the plan attached as Annex A, and land owned by Reynolds Homes, shown edged in green on Annex A. Acquiring these sites would provide an opportunity for the creation of a new integrated service facility and the relocation of the current Acomb Housing Office at 50 York road, with the additionally possibility of the development and provision of affordable homes.

The following options were available:

Option A – acquire both sites and recommend that Full Council bring forward expenditure in the Capital Programme to 2009/10 to fund the purchase of the Reynolds Homes site and carry out initial feasibility and scoping work. This was the recommended option.

Option B – acquire the Bowling Club site only, funded in accordance with the approval capital programme. This would provide a much reduced site area, with limited opportunities for relocation / co-location of services.

Option C – not proceed with the acquisitions.

Having noted the comments of the Shadow Executive on this item, it was

RECOMMENDED: That the Capital Programme be varied to bring forward the necessary funding for the acquisition of both sites into the 2009/10 Financial Year.

REASON: In accordance with the decision of the Executive to approve Option A and the requirements of the Council's Constitution regarding changes to the Capital Programme.

A Waller, Chair

[The meeting started at 2.00 pm and finished at 3.35 pm].

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MEETING	EXECUTIVE
DATE	8 SEPTEMBER 2009
PRESENT	COUNCILLORS WALLER (CHAIR), AYRE, STEVE GALLOWAY, MOORE, MORLEY, REID AND RUNCIMAN

PART B - MATTERS REFERRED TO COUNCIL

68. MINUTES OF WORKING GROUPS

[See also under Part A Minutes]

Members considered a report which presented the draft minutes of the meetings of the Social Inclusion Working Group and the Young People's Working Group held on 2 July 2009 and 22 July 2009 respectively. These were attached as Annexes A and B to the report.

Members were asked to decide whether they wished to respond to any of the advice offered by the Groups. In particular, they were asked to consider the recommendations of the Young People's Working Group contained in Minute 4 of Annex B, namely that the Young People's Champion be appointed to the Group as a non-voting, co-opted member and that the Group's membership be increased to include the Interim and Deputy members of the Youth Parliament as non-voting, co-opted members.

Having noted the comments of the Shadow Executive on this item, it was

RECOMMENDED: That Council approve an increase in the membership of the Young People's Working Group to include the Interim Member of the Youth Parliament (MYP) and the Deputy Interim Member of the Youth Parliament as non-voting co-opted members.

REASON: To ensure that young people are properly represented on the Group.

69. CAPITAL PROGRAMME MONITOR 1

[See also under Part A Minutes]

Members considered a report which presented the likely out-turn position of the 2009/10 Capital Programme, based upon the spend profile and information to June 2009, and sought approval for changes to the programme and slippage of funding where required.

At this stage, an out-turn of £67.034m was predicted, representing a net decrease of £1.940m on the current approved budget of £68.974. The variances leading to this decrease were outlined in paragraph 5 (Table 2). By the end of June, £11.797 (17.1%) of the approved budget had been spent. Details of the revised position in respect of each department in the Council were set out in paragraphs 9 to 32 of the report and in Annex A. Details of adjustments to the Administrative Accommodation scheme were set out in paragraphs 33-34. Approval was sought to slip a total of £5.759m into the 2010/11 financial year.

Having noted the comments of the Shadow Executive on this item, it was

RECOMMENDED: That the net adjustments of £3.819m in 2009/10 and £3.333m in 2010/11, which are set out on a scheme by scheme basis in Annex A to the Officer's report, be approved.

REASON: To enable the effective management and monitoring of the Council's Capital Programme.

A Waller, Chair

[The meeting started at 2.00 pm and finished at 2.25 pm].

MEETING	EXECUTIVE
DATE	22 SEPTEMBER 2009
PRESENT	COUNCILLORS RUNCIMAN (IN THE CHAIR), AYRE, STEVE GALLOWAY, MOORE, MORLEY AND RUNCIMAN
APOLOGIES	COUNCILLORS WALLER AND REID

PART B - MATTERS REFERRED TO COUNCIL

81. ADMINISTRATIVE ACCOMMODATION PROJECT FINANCIAL UPDATE

[See also under Part A Minutes]

Members considered a report which examined the accounting implications of the abortive costs incurred on the Administrative Accommodation project following the decision not to develop the site at Hungate, together with details of the current overall funding position and options for removal of the Land Assembly costs from the project.

Costs identified as 'abortive' could no longer be treated as capital expenditure and must therefore be written off as revenue cost and funded from the Venture Fund Reserve. Actual project costs identified as abortive since 2005/06 totalled £1.092m, of which £520k expenditure incurred in 2008/09 and £572k incurred prior to 2008/09 had been funded by the Venture Fund. This had resulted in an increased call of £0.690m on the Venture Fund reserve and a consequent fall of £1.092m in the overall level of capital funding for the project. A comparison of the current headline funding position with that in July 2008 showed an indirect saving of £0.402m, due to alterations in the timings and sources of funding. Full details of the changes were set out paragraphs 27 to 39 of the report.

The reasons for the recommendation to remove the Land Assembly costs from the project budget of £43.804m was explained in paragraphs 42 to 45 of the report. Briefly, these costs, amounting to £3.54m, contributed specifically to the Hungate site and not to the project in its current form. The following options were presented for funding the Land Assembly costs if this recommendation was accepted:

Option A – fund the land assembly costs from sale of the Hungate site in the current market environment, receive a lower capital receipt than expected and fund the difference from long term prudential borrowing.

Option B – fund the land assembly costs from sale of the Hungate site when the property market recovers, receive the expected capital receipt and cover the interim shortfall by prudential borrowing.

Option C – use the Hungate site for a future Council development and fund the land assembly costs from alternative identified funding.

Having noted the comments of the Shadow Executive on this item, it was

RECOMMENDED: (i) That Council approve the increased use of the Venture Fund revenue reserve by £0.69m (to £2.784m) to support the early years revenue deficit, whilst noting that in the future the Administrative Accommodation project will replenish the Venture Fund reserve with the amount used, as outlined in paragraphs 17-20 and 27-30 of the report.

(ii) That Council approve the removal of the land assembly costs of £3.54m (which creates a viable asset – the development land at Hungate) from the Administrative Accommodation project budget of £43.804m into two separate capital programme schemes:

- a capital scheme of £2.83m to include the clearance of the Hungate site and the relocation of the Peasholme Hostel on a like for like basis and
- a second capital scheme for the £0.710k costs relating to the 'betterment' of the Peasholme Hostel,

the funding to be realised from the sale of the Hungate site at the most opportune time, in accordance with Option B at paragraph 8.

REASON: To enable the effective management and monitoring of the Council's capital programme and to ensure the continuation of a balanced capital programme, as required by the Local Government Act 2003.

A Waller, Chair

[The meeting started at 2.00 pm and finished at 3.05 pm].

MEETING	EXECUTIVE
DATE	6 OCTOBER 2009
PRESENT	COUNCILLORS WALLER (CHAIR), AYRE, MOORE, MORLEY, REID AND RUNCIMAN
APOLOGIES	COUNCILLOR STEVE GALLOWAY

PART B - MATTERS REFERRED TO COUNCIL

90. REVISED FINANCIAL REGULATIONS

[See also under Part A Minutes]

Members considered a report which invited them to discuss and recommend to Full Council the revised Financial Regulations, consideration of which had been deferred from the Executive meeting on 21 July pending further refinements.

The virement tables in the revised Regulations had now been amended to ensure that all Officer decisions that might affect the Council's policy framework were referred to Full Council. Otherwise, the Regulations, attached as Annex A to the report, were the same as those presented in July.

The revised Regulations were intended to be more flexible and concise, maintaining the key principles of the current regulations, whilst reflecting the more devolved decision making system adopted by the Council. The current Procurement Regulations had been separated into a devolved set of regulations and re-named the Contract Procedure Rules (CPRs). The Financial Regulations and CPRs were underpinned by a set of supplementary guidance documents, as listed in paragraph 7 of the report. Key changes to the regulations were detailed in paragraph 8. The revised CPRs were still in draft format and would be presented to Executive in November.

The Chair confirmed that it was vital that there continued to be public accountability for accounting changes. Consultation with members would be required and for a record of this to be retained for any subsequent challenges or scrutiny.

Having noted the comments of the Shadow Executive on this item, it was

RECOMMENDED: That Council approve the changes to the revised Financial Regulations as set out in Annex A of the report.

REASON: To gain approval that the revised Financial Regulations are appropriate in improving and maintaining the integrity of the council's financial arrangements and the concerns of the Shadow Executive are met.

91. SWIMMING FACILITIES

[See also under Part A Minutes]

Members considered a report which had been prepared in response to a motion approved by Council on 9 July 2009 and addressed a range of issues in relation to swimming facilities in York

The Council's current swimming facilities strategy had been confirmed in October 2007, following an analysis of supply and demand for swimming facilities in York. Since then; Yearsley pool had been extensively refurbished and modernised, a new community swimming pool had been constructed at Oaklands (due to open in early December), free swimming had been introduced for the under 16s and over 60s, and the University Pool Steering Group had drawn up plans for a 25m competition standard pool on the new University campus, to be delivered in partnership with the Council.

With regard to the specific points in the Council motion, it was reported that:

- The work of the Steering Group was complete and implementation of its final report now rested with the University;
- A completion date of 2011 for the University pool was contingent upon the business plan delivering financial balance;
- The £4m funding gap for the pool remained, and the University and the Council had begun a review to evaluate potential funding arrangements;
- The provision of a competition standard pool in the city centre was not a realistic option, as there was no site available, it was not affordable and it would compete directly with the pool that the University were required to build under the s106 planning agreement.
- A city centre pool could more realistically be seen as a longer term option, to provide the additional swimming capacity needed beyond 2015.

Having noted the comments of the Shadow Executive on this item, it was

RECOMMENDED: That Council note the Executive's decision to:

- a) Continue its commitment to the partnership with the University of York to deliver a publicly accessible competition-standard pool on the new campus;

- b) Ask Officers to continue to work with the University to develop a funding plan for the University pool and sports facilities;
- c) Continue to plan for a future city centre pool beyond 2015 by developing an affordable delivery model.

REASON: To meet the City's identified need for swimming facilities.

A Waller, Chair

[The meeting started at 2.00 pm and finished at 2.20 pm].

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City of York Council

Committee Minutes

MEETING	STANDARDS COMMITTEE
DATE	28 AUGUST 2009
PRESENT	MRS BAINTON (INDEPENDENT MEMBER, IN THE CHAIR) CLLRS HORTON (VICE-CHAIR), TAYLOR AND R WATSON (SUBSTITUTE) (CYC MEMBERS) MR DIXON AND MR HALL (INDEPENDENT MEMBERS) CLLRS CRAWFORD, MELLORS AND FORSTER (PARISH COUNCIL MEMBERS)
APOLOGIES	COUNCILLORS WAUDBY AND HUDSON (CYC MEMBERS) MR WILSON (INDEPENDENT MEMBER)

PART B - MATTERS REFERRED TO COUNCIL**21. REVIEW OF THE PROTOCOL ON OFFICER/MEMBER RELATIONS: REFERENCE BACK FROM COUNCIL**

Members considered a report which asked them to re-consider the draft Protocol on Officer / Member relations, in view of the decision made by Full Council on 9 July to refer the draft Protocol back for further amendments. The relevant Council minute was attached as Annex A to the report.

The referral back was due to an issue raised by a Member on the wording of paragraph 3.2 of the draft Protocol, namely the phrase '*acceptance of professional advice*'. It was felt that this could curtail the right of councillors to challenge the professional advice provided by officers.

Having considered the matter in the light of the Ethical Governance Health Check which had led to the revision of the Protocol in the first place, the Monitoring Officer suggested that the words '*acceptance of*' be replaced by '*respect for*'. This amendment had been incorporated in the revised draft Protocol attached as Annex B, together with some further changes to paragraph 9 intended to clarify some of the issues relating to Council Members' access to information and ensure that the Protocol accorded with legal requirements in this respect. Members were invited to endorse the revised Protocol and refer it to the next full Council meeting for consideration.

RECOMMENDED: That the revised draft Protocol, incorporating amendments to paragraphs 3.2 and 9, be approved.

REASON: In accordance with the requirements of the Constitution, and so that Members can be satisfied that the draft Protocol has now taken into account the matter raised at the last Council meeting and the need

to clarify issues in relation to Members' rights to access to information.

C Bainton, Chair

[The meeting started at 3.05 pm and finished at 4.40 pm].

City of York Council

Committee Minutes

MEETING	AUDIT & GOVERNANCE COMMITTEE
DATE	21 SEPTEMBER 2009
PRESENT	COUNCILLORS B WATSON (CHAIR), BROOKS (VICE-CHAIR), BOWGETT, JAMIESON-BALL, SCOTT AND R WATSON
APOLOGIES	COUNCILLOR KIRK
IN ATTENDANCE	COUNCILLOR MOORE (EXECUTIVE MEMBER FOR CORPORATE SERVICES) STEVE NICKLIN (DISTRICT AUDITOR) ALISTAIR NEWALL (DISTRICT AUDIT)

PART B - MATTERS REFERRED TO COUNCIL

31. THE INTRODUCTION OF A CORPORATE APPROACH TO HANDLING PETITIONS AND E-PETITIONS

Members considered a report which detailed how petitions were currently being dealt with across the Council, set out a potential corporate approach to handling petitions and proposed the introduction of e-petitioning via the internet.

The report had been prepared in response to a referral back by Council of this Committee's recommendation, at their meeting in January 2009 in respect of petitions (Minute 37 of that meeting refers), and to requests made by this Committee on 31 March 2009 (Minute 41 of that meeting refers) and by the Working Group tasked with looking at the detailed implementation of changes to the Council's decision-making structure. It also responded to a requirement in the Local Democracy, Economic Development and Construction (LDEDC) Bill currently before Parliament for local authorities to have a system for dealing with both paper and electronic petitions and to publicise their responses to petitions.

Following consultation with Directors, the IT&T team and the Monitoring Officer, the following options were presented for Members' consideration:

Option 1 – introduce an e-petitions facility and Corporate Petitions Register using the ModGov committee management system (CMS) at no extra cost and with immediate effect. This was the recommended option.

Option 2 – defer a decision on the introduction of one or both these facilities.

Option 3 – invite the Head of IT&T and TC to examine in more detail the migration of these facilities (currently with EDRMS). This would cause delay.

Option 4 – no change to current practice. This would fail to address forthcoming legislative change.

Members commented that the report did not address the issue raised at the Council meeting on 21 January 2009 regarding the definition of 'residents' whose signatures on a petition could trigger a debate at full Council. Officers agreed to bring this information to the next ordinary meeting of the Committee, in December 2009.¹

RECOMMENDED: That Council approve the introduction of a Corporate Petitions Register and e-petitions facility, as outlined in the report, based initially upon using the facilities currently available within the ModGov CMS.

REASON: In order to comply with the legislative requirements of the forthcoming LDEDC Bill.

Action Required

1. Bring this information to the next meeting

SA

32. REVIEW OF THE AUDIT & GOVERNANCE COMMITTEE'S TERMS OF REFERENCE (ARTICLES & FUNCTIONS)

[See also under Part A Minutes]

Members considered a report which proposed the appointment of an independent adviser to the Audit & Governance Committee, as part of a review of the Committee's Terms of Reference.

Details of the current Terms of Reference, as set out in the Council's Constitution, were attached as Annex A to the report. The addition of an independent adviser would be in line with best practice as set down by CIPFA and recent Audit Commission and CLG Select Committee recommendations responding to the Icelandic Banks collapse.

An extract from the Select Committee report, stating that audit committees should recruit an independent member to assist in their scrutiny of treasury management arrangements, was provided at Annex B. However, co-opted members could not be appointed to audit committees which had power to approve the accounts. It was therefore suggested that one or more independent advisers be appointed for this purpose, on a non-voting basis.

RECOMMENDED: That Council approve the appointment of one independent adviser to the Audit & Governance Committee and that the Articles be amended to reflect this change.

REASON: To ensure that the composition of the Committee reflects and meets best practice and professional requirements.

B Watson, Chair

[The meeting started at 5.30 pm and finished at 8.30 pm].

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Scrutiny Report To Council October 2009

Report of the Chair of Scrutiny Management Committee

1. This report is submitted by the Chair of Scrutiny Management Committee (SMC), in accordance with the constitutional requirements set out in Standing Order 4.3(l) to update Council on scrutiny work during the period of activity since the last Council meeting and to set out any recommendations such as may be made to Council in relation to that work.

Update on Scrutiny Work

2. **SMC** have met twice since the last Council meeting. They commented on the recommendations from the Planning Enforcement Ad Hoc Scrutiny Review prior to their consideration by the Executive, and dealt with a referral from the Effective Organisation regarding a number of possible topics and which standing scrutiny committee's remit they best fit. They also considered a referral from the Community Safety O&S Committee in which they were asked to comment on some suggested changes to the remit of some of the Committees - a part B minutes/referral is included in the Council papers regarding this.
3. SMC have also met to consider 4 call-ins as follows:
 - 13th July 2009 – Effective Organisation Programme – Efficiency Review & The Annual Risk Management Report 2009
 - 27th July 2009 – School Meals
 - 14th September 2009 – Westminster Road Petitions
 - 12th October 2009 – Barbican Auditorium

Standing Scrutiny Committees

4. Each of the new standing scrutiny committees has met twice this municipal year. In monitoring the Council's financial performance and progress with the Council's priorities, each has received a Year End Outturn Report for 2008/09 and the First Quarter Monitoring report for 2009/10.
5. In addition each has been identifying issues, which are relevant to their individual terms of reference suitable for scrutiny review.
6. In September 2009 all members of scrutiny committees were invited to attend training sessions on the four principles of scrutiny, followed by a short course on chairing scrutiny committees.
7. **Health Scrutiny Committee** have received 2 feasibility studies for proposed new scrutiny topics; one on the 'Inspector's report for Adult Social Services' and one regarding 'Childhood Obesity'. The Committee decided to progress the topic on 'Childhood Obesity' and will shortly be starting work on this project.

8. They have also received an update on how the recommendations arising from a previous review entitled 'Dementia Review: Accessing Secondary Care.' Whilst progress was being made Committee requested that a further progress report be scheduled for their meeting in January 2010.
9. The Committee are continuing to build their relationship with the local LINK (Local Involvement Network) and the Chair & Vice-Chair of the Committee have met with the LINK Partnership Co-ordinator to discuss working relationships. The Committee have also received the first two reports from the LINK Public Awareness & Consultation Events (PACE) on neurological services and mental health.
10. The Committee recently had a presentation from NHS North Yorkshire & York regarding the transfer of mental health services in the area and will be monitoring this via further updates in the New Year.
11. **Effective Organisation Overview & Scrutiny Committee** has agreed to carry out a scrutiny review of the 'Use of the Executive Forward Plan' It is also interested in looking at the Council's corporate approach to Risk Management and has requested a presentation on this at their next meeting.
12. **Economic & City Development Overview & Scrutiny Committee** has met 3 times and agreed to undertake a significant amount of work. They are currently dealing with a Councillor Call for Action (CCfA) in relation to traffic issues in the Water Lane area of the City and are receiving regular financial monitoring reports as well as giving consideration to the current Economic Development Programme.
13. In addition to this during the next six months they will be looking at the possibility of progressing work on the following:
 - a. Newgate Market
 - b. A potential CCfA relating to Broadway Shops
 - c. Highways Adoption
14. **Learning & Culture Overview & Scrutiny Committee** has agreed to focus initially on the cultural side of their remit whilst keeping an eye on the progress being made in education with the introduction of the 14-19 Diplomas.
15. The Committee have agreed to proceed with a review of 'Casual Play Opportunities for children aged 3-11' comparing provision within the city centre to a suburban setting and a village. They will also be pursuing a request from the Executive to look in more detail at the current budget overspend relating to 'looked after' children, by receiving a presentation and detailed analysis at their next meeting.
16. **Community Safety Overview & Scrutiny Committee** is embracing their responsibility under the Police & Justice Act 2006 for scrutinising community

safety issues, the Police and the work of the local Crime and Disorder Reduction Partnership. A training event was held in September to help them with this and the committee are currently considering looking at how the city may be affected by the forthcoming restructure of North Yorkshire Police.

17. **Traffic Congestion Ad Hoc Scrutiny Committee** have now agreed the format and content of their city-wide residents survey. This may be issued in December to enable the findings to potentially feed into the LTP3 consultation process. The final report from the review has also been drafted and will be signed off for presentation to SMC and the Executive once the results from the survey have been fed in.
18. **Planning Enforcement Scrutiny Ad-hoc Sub-Committee** have now completed their review and the recommendations arising have been endorsed by the Executive and their implementation will be monitored.

Councillor Paul Healey
Chair of Scrutiny Management Committee

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MEETING	SCRUTINY MANAGEMENT COMMITTEE
DATE	28 SEPTEMBER 2009
PRESENT	COUNCILLORS HEALEY (CHAIR), ORRELL, SCOTT, SIMPSON-LAING, TAYLOR, WAUDBY AND ASPDEN (SUBSTITUTE FOR CLLR R WATSON)
APOLOGIES	COUNCILLORS FUNNELL AND R WATSON

PART B - MATTERS REFERRED TO COUNCIL

14. UPDATE REPORT - REFERRAL FROM COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE

(see also Part A minute)

Members considered a report detailing a referral made by the Community Safety Overview and Scrutiny Committee requesting a change to their terms of reference. Scrutiny Management Committee were asked to comment on the referral so that their views could be fed into a report to Council.

At the first meeting of the new Community Safety Overview and Scrutiny Committee, concerns had been expressed that the Licensing and Regulatory function had been included as part of the remit of the Economic and City Development Overview and Scrutiny Committee, rather than the Community Safety Overview and Scrutiny Committee. Officers had also pointed out that the Building Maintenance function did not appear as part of the remit for any of the new committees.

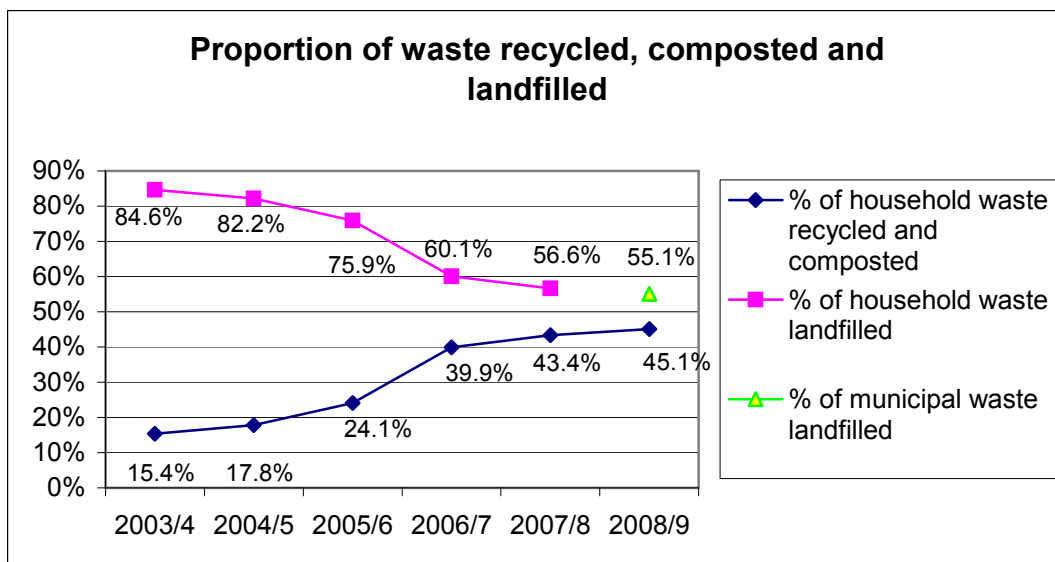
- RECOMMENDED: (i) That the Licensing and Regulatory function be removed from the remit of the Economic and City Development Overview and Scrutiny Committee and included within the remit of the Community Safety Overview and Scrutiny Committee.
- (ii) That the building maintenance function be included within the remit of Economic and City Development Overview and Scrutiny Committee.

REASON: To ensure clarity in the terms of reference of the Scrutiny Committees.

NEIGHBOURHOOD SERVICES REPORT TO COUNCIL. OCTOBER 2009.

I ended my last report to Council noting the forthcoming departure of the Director. I start this one welcoming our new Director, Sally Burns, to her first Full Council meeting.

Waste Management. Our recycling rates continue to rise whilst the total tonnage of waste collected reduces. Recycling rates hit 46% in the first quarter of 2009/10. Last year there was a 4.1% reduction in waste generated in the City, a 4820 ton reduction on 2007/8 with each home producing 34kg less residual waste in 2008/09. Research shows that this overall drop is as a result of changes in buying habits due to the recession and a reduction in manufacturers packaging. Waste minimisation schemes have also played their part, for example York Rotters, the Nappochino events, Choose2Reuse and LoveFoodHate Waste.



Kerbside recycling has been rolled out to 645 properties in The Groves with a team and programme in place to roll out a kerbside service to the rest of the city by the end of 2010. Lessons learnt in the Groves will be used to inform the rollout.

The HWRC permit scheme was launched in February in order to crack down on rogue traders who disguise trade waste as household waste and to ensure that York sites are mainly used by York residents. Permits are free and just over 3000 have been issued.

Customer satisfaction with domestic waste collection now stands at 79%—among the best figures for those councils with alternate weekly collections.

Local Environment. The results of the Place Survey for the Department was very encouraging and echoed our June cleanliness survey which showed just 4.5% of areas surveyed suffered from unacceptable levels of litter. We are on target to exceed our 2009/10 target of 7.5%. Detritus remains a problem with 13% of areas having unacceptable levels in June. Measured levels of graffiti peaked in June 2008 at 8%, prompting a multi-agency

response to tackling this problem. An example of this is the recent reward scheme for people with information about York's six most common taggers. For now we are on top of the problem, with the last 3 surveys finding unacceptable levels of graffiti in about 3% of York's streets.

Yorkshire in Bloom and other awards

- York achieved Silver Gilt again in the 2009 Yorkshire in Bloom awards, with the city's floral displays looking stunning.
- The Registrars Service's first Delivery Inspection in March 2009 was awarded a rating of "good" - just 3 marks short of Excellent.
- The Customer Service Excellence standard, which replaced the government's Charter Mark award, was awarded to Environmental Health, Trading Standards, Licensing and Bereavement Services in June 2009. One of the first Authorities to be assessed, out of 53 criteria we only dropped points on 2.
- 176 Staff in the Civil Engineering, Highways, Neighbourhood Pride and Building Maintenance departments gained either NVQ's or Institute of Leadership and Management Qualifications.

Highways Maintenance. A proportion of highways maintenance staff transferred from City Strategy to Neighbourhood Services in January and the service has focused on integrating the former client and contractor staff together, with staff physically moving to the Eco Depot in the spring. Inspection and repairs performance has been maintained – e.g. 98% of emergency work carried out within 24 hours during quarter 1 of 2009/10. This year's R & R programme is on track to be completed on time. The service is working on how to use better technology to reduce energy use from York's street lights, including a target to reduce carbon emissions by 25% over the next 5 years to March 2014.

Environmental Health and Trading Standards services. Our regulatory services department remains one of the most go ahead in the country.

Highlights since my last report include:

- *Scores on the doors.* The website highlighting the outcome of food hygiene inspections in local premises has been published. We have now received over 47000 'hits' on the website.
- *Cold Calling Control Zones.* We now have a total of 88 cold calling control zones around the city incorporating 4088 properties.
- *Air Quality.* We opened an eleventh air pollution monitoring station in Fulford in January 2009.
- We have achieved the best NI183 PI score in the Yorkshire and Humber region for our 'impact on the fair trading environment'
- *Underage sales.* We received a government grant of £8000 to work on underage tobacco sales and ran a publicity campaign and carried out 64 test purchase visits (which resulted in 11 sales and warning letters to the offenders).
- The *Consumer Advice Service* saved York consumers £36,206 from the detrimental effects of unfair trading.
- The *Dog Warden service* have issued 30 x £50 fixed penalty tickets for dog fouling.

Neighbourhood Management. The NMU took the lead in consulting on the Sustainable Communities Act and the process which identified issues important to the community felt has been held up as a model of good practice. Residents entered into the process with gusto with over 300 suggestions processed and whittled down to the 7 that were forwarded to the LGA. We now wait to see which, if any, of the 300 proposals submitted nationally result in a change to legislation.

Organisational Development. Staffing issues remain key and a major challenge is to maintain the much lower sickness rate achieved in 2008/9 – when NS lost 11.25 days per fte down from 19.2 in 2005/6. I am pleased to support the more proactive approach with staff being offered help and support through one-to-one health checks and a drop-in Health Fair. About 50 member of staff from across NS are working on an organisational development programme with 6 work teams looking at Communications, Learning and Development, Health & Safety, Business Processes, Fairness, and Staff Welfare. I attended a workshop in July where they reported their initial findings and I look forward to seeing the staff's ideas being put into practice.

Eco Depot The security changes highlighted last year have now all been implemented. The reception point has been relocated to the entrance and barriers restrict entry to those with passes. We will be bidding for a permanent reception building through the Capital Programme.

Taxi Licensing Nearly 300 drivers have successfully gained the BTec/NVQ qualification. Unfortunately the September course will be the last as the national funding has ended. The sheer numbers involved reflects the professionalism and commitment to raising standards of the taxi trade. For new applicants the council has adopted the Driver Standard Agency driving test. The test is designed especially for hackney carriage and private hire drivers and will enhance driving skills and raise driving standards. The council are determined to demonstrate a strong stance in protecting the public and to reinforce the public confidence. This year the department has worked very closely with the police and other agencies and used the 3 yearly CRB checks and taken action to revoke or suspend 8 licences for serious drugs, fraud, sexual, theft and drink driving offences.

Alcohol and Entertainment Licensing In September a new Alcohol Exclusion Zone was granted for Clarence Gardens making a total of 19 such areas in the city.

This summer the department take part in the multi-agency summer drinks campaign to reduce binge drinking - Operation Alten8. Each weekend a themed project took place on the streets of York to highlight the health risks of alcohol abuse.

Bereavement Services Continual improvements are being made to the crematorium with a major refurbishment of the toilet facilities. We have implemented a computerised database and booking system which allows

funeral directors to make bookings at any time, thus providing a better service to bereaved families.

Neighbourhood Services staff in all sections continue to provide an excellent service to all their customers and I would like to thank them all for their unstinting commitment to the City and the Council.

**Agenda Item 13a
(Revised)**

Council**15 October 2009**

Report of the Director of Resources

Appointments Committee for the Post of Head of Legal Services**Summary**

1. This report seeks formal approval to establish an Appointments Committee for the post of Head of Legal Services and to delegate sufficient powers to that committee to enable it to conduct the recruitment process, select and appoint a candidate, subject to the requirements of the standing orders on appointment.
2. This post acts as the Statutory Monitoring Officer and also ensures that elected members and managers receive accurate and timely advice in the interpretation of the legal powers and duties within which the Council's services to its citizens and customers must be delivered. Hence even though as part of the More4York programme the senior management structure of the Council will be reviewed, it is felt that this post should be recruited to.

Background

3. The Head of Legal Services has resigned from his post and will leave the Council on 31 October 2009. An Interim Head has been appointed to maintain continuity in the post until a permanent appointment has been made.
4. Standing Order 40 (c) (1) of the Council's Constitution requires that an Appointments Committee, including at least one member of the Executive, interviews all qualified applicants for Chief Officer posts or selects a shortlist of such applicants and interviews those on this shortlist.
5. It is requested that for the Head of Legal Services Appointments Committee, that the Committee be constituted on a 2:2:1 basis. This will mean that there will be two Liberal Democrat members, two Labour members and one Conservative member.

Consultation

6. Consultation has taken place with the Corporate Management Team as to the need for this appointment. It is requested that the three largest political groups now nominate members to participate in the Appointments Committee,

Options

7. Clearly given the financial situation facing the Council, and the More for York programme, the decision to consider replacing any senior officer post needs to be taken with care. In this case the post is the Statutory monitoring officer, but also provides leadership in legal and democratic services. The other options to not filling the post would be to redesignate the duties across other employees, or to consider part time position. In both cases it is felt that this would lead to significant risk.

Corporate Priorities

8. Making an appointment to this post will contribute to delivering the Corporate Strategy by supporting the Council's values and all of the improvement statements.

Implications

9. The following implications have been considered:
 - **Financial** – The Chief Executive Directorate will bear the cost of this post within current resources. There could potentially be some budget pressure in the next financial year dependent upon the duration of the current interim arrangements.
 - **Human Resources (HR)** – The job description for the Head of Legal Services has been subject to the Council's established job evaluation mechanism and a grade of Assistant Director has been confirmed for the post. The Appointments Committee is in line with the constitutional requirements for the recruitment and appointment of Chief Officers. The appointment will be carried out in accordance with the Chief Officer recruitment protocol attached (Annex A).
 - **Equalities** - There are no equalities implications.
 - **Legal** – The Appointments Committee is created pursuant to S.102 (c) of the local Government Act 1972 and its terms of reference are to exercise the functions of the Council in relation to the selection and appointment of the successful applicant in respect of the vacant post Head of Legal Services. The proceedings of the Appointments Committee are likely to be held mainly in exempt session due to the nature of the information that it will be considering.

In circumstances where the appointing committee agrees, without any member voting against, S.17 of the Local Government & Housing Act 1989 provides that the distribution of seats on a sub-committee need not comply with the political balance requirements contained in Part 1 of that Act.

The process of appointing officers of this level is regulated by the Local Authority (Standing Orders) (England) Regulations 2001. Amongst other things, these regulations require that an appointment committee must include at least one member of the Executive and further, that no formal offer of appointment may be made until all members of the Executive have been informed of the details of the intended appointee, and have raised no objection within the specified period, (usually 5 clear days).

- **Crime and Disorder** – There are not crime and disorder implications.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – There are not other implications.

Risk Management

10. There are no known risks associated with the recommendations of this report.

Recommendations

11. It is recommended that Council:
 - i.* Establishes an Appointments Committee consisting of five members, two from Liberal Democrat, two from Labour and one Conservative, as follows:
 - ii.* The Appointments Committee be authorised to conduct the final interviews, select a successful candidate and make an offer of employment subject to the necessary employment procedures.

Reason: To allow appointment to the post of Head of Legal Services to be made.

Contact Details

Author:

Ian Floyd
Director of Resources

Chief Officer Responsible for the report:

Ian Floyd
Director of Resources

Report Approved

Date *Insert Date*

Specialist Implications Officer(s)

Human Resources: Angela Wilkinson, Head of HR & OD
Finance: Ian Floyd Director of Resources

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None.

Annexes:

Annex A - Chief Officer recruitment protocol

Annex A**Chief Officer* Recruitment Process - Officer / Members decisions**

* A Chief Officer is defined as an officer who is employed under the Joint Negotiating Committee for Chief Officers of Local Authorities Terms & Conditions.

Key Recruitment & Selection decision stages	Officer Decision / Member Decision
1. Develop proposal to create a new or amend an existing Chief Officer post	Officer decision: Chief Executive or Director
2. Establish a new temporary or permanent Chief Officer post	Member decision
3. Develop and agree Job description & Person Specification	Officer decision
4. Confirm the grade of the post	Officers to implement job evaluation outcomes within Chief Officer pay structure
5. Agree recruitment budget	Officers decision subject to budgetary provision
6. Commence recruitment activity	Officer proposal subject to Member decision
7. Establish Appointments Committee	Officer proposal subject to Member decision
8. Confirm method to source applicants i.e. advert, use of search / consultancy services	Appointments Committee subject to proposal from Officers (Chief Executive or Director and Head of Human Resources or nominated substitute). Proposal to include recommendation on advertising media and a recommendation to use external recruitment consultants or run in-house and if so, what services to use. Options include search, response handling, technical assessment, long-listing, shortlisting, support at final stage or a combination therein. Criteria to be considered are: <ul style="list-style-type: none"> i. Grade and salary in relation to the market; ii. Current employment market situation; iii. Design of post and likelihood of direct skills match; iv. Technical expertise being sought; v. Ability to conduct technical assessment in-house; vi. CYC capacity to handle in-house.
9. Long-list applicants	Officer decision in accordance with job description and person specification
10. Interview long listed applicants / conduct selection tests / assessment centre	Officer panel or recruitment consultant
11. Short list applicants	Officer decision in accordance with job description and person specification
12. Informal reception event(s) for short listed candidates (not part of the recruitment process)	Officer decision in consultation with Appointments Committee to determine invitees

13. Final selection process	Appointments Committee, advised by Officers (Chief Executive or relevant Director and Head of Human Resources, or nominated substitute) and recruitment consultants (if appropriate)
14. Determine salary of role to be offered	Appointments Committee, subject to Council pay policy and within job evaluated range for post
15. Agree appointment	Appointments Committee subject to Standing Orders (objections from the Executive)

Membership of Committees, Working Groups and Outside Bodies

Committees/Working Groups

Effective Organisation Overview and Scrutiny Committee

To appoint Councillor Boyce in place of Councillor Merrett

Gambling and Licensing Acts Committee

To appoint Councillor Boyce in place of Councillor Douglas

Health Overview and Scrutiny Committee

To appoint Councillor Boyce as 2nd substitute in place of Councillor King

Community Safety Overview and Scrutiny Committee

To appoint Councillor Boyce as 2nd substitute in place of Councillor Looker

Outside Bodies

Bell Farm Social Hall Management Committee

To appoint Councillor Boyce as a Council representative on the Committee in place of Councillor Potter

Foss Internal Drainage Board

To accept the resignations of Mr J Jones and Mr Atlay from the Board.
To appoint Mr Chris Chambers, of Strensall Parish Council, to the Board.

Kyle and Upper Ouse Internal Drainage Board

To re-appoint Mr Keith Hayton, of Skelton Parish Council, to the Board.

Local Government Yorkshire and Humber Regeneration & Housing Board

To appoint Cllr Sue Galloway as the Council's substitute representative

Local Government Yorkshire and Humber Spatial Planning Board

To appoint Cllr Richard Watson as the Council's substitute representative

Local Government Yorkshire and Humber - Executive Board

To note that, due to a change in structure, this Board no longer exists.

York NHS Foundation Trust - Members Council

To re-appoint Cllr Wiseman, pending the approval of a reduction in the number of CYC representatives on the Members' Council from 3 to 2.

York Wheels

To appoint Councillor Boyce as the Council's representative in place of Councillor Potter.



Agenda Item 16
(to be taken under
Urgent Business)

Council

15 October 2009

Report of the Director of City Strategy

Appointments Committee for the Post of Assistant Director of City Development and Transport.

Summary

1. This report seeks formal approval to establish an Appointments Committee for the post of Assistant Director of City Development and Transport and to delegate sufficient powers to that committee to enable it to conduct the recruitment process, select and appoint a candidate, subject to the requirements of the standing orders on appointment.
2. The report is being considered as this is a key role with responsibility for developing York's first spatial plan for the City.

Background

3. The current Assistant Director of City Development and Transport will leave his post in January 2010. It is hoped to make an appointment before Christmas 2009 with the successful candidate starting in the post as soon as possible in order to ensure continuity of service and avoid the costs associated with recruiting an interim Assistant Director.
4. Standing Order 40 (c) (1) of the Council's Constitution requires that an Appointments Committee, including at least one member of the Executive, interviews all qualified applicants for Chief Officer posts or selects a shortlist of such applicants and interviews those on this shortlist.
5. It is requested that for the Assistant Director of City Development and Transport Appointments Committee, that the Committee be constituted on a 2:2:1 basis. This will mean that there will be two Liberal Democrat members, two Labour members and one Conservative member.

Consultation

6. Consultation has taken place with the Corporate Management Team as to the need for this appointment. It is requested that the three largest political groups now nominate members to participate in the Appointments Committee,

Options

7. Clearly given the financial situation facing the Council, and the More for York programme, the decision to consider replacing any senior officer post needs to be taken with care. There are no alternative options for Members to consider, other than simply not proceeding with the recruitment to the post. The failure to create an Appointments Committee at this stage would delay any subsequent appointment to the post which is considered a key role in developing York's first spatial plan for the City.

Corporate Priorities

8. Making an appointment to this post will contribute to delivering the Corporate Strategy by supporting the Council's values and all of the improvement statements.

Implications

9. The following implications have been considered:
 - **Financial** – The City Strategy Directorate will bear the cost of this post within current resources.
 - **Human Resources (HR)** – The job description for the Assistant Director of City Development and Transport has been subject to the Council's established job evaluation mechanism and a grade of Assistant Director has been confirmed for the post. The Appointments Committee is in line with the constitutional requirements for the recruitment and appointment of Chief Officers. The appointment will be carried out in accordance with the Chief Officer recruitment protocol attached (Annex A).
 - **Equalities** - There are no equalities implications.
 - **Legal** – The Appointments Committee is created pursuant to S.102 (c) of the local Government Act 1972 and its terms of reference are to exercise the functions of the Council in relation to the selection and appointment of the successful applicant in respect of the vacant post Assistant Director of City Development and Transport. The proceedings of the Appointments Committee are likely to be held mainly in exempt session due to the nature of the information that it will be considering.

In circumstances where the appointing committee agrees, without any member voting against, S.17 of the Local Government & Housing Act 1989

provides that the distribution of seats on a sub-committee need not comply with the political balance requirements contained in Part 1 of that Act.

The process of appointing officers of this level is regulated by the Local Authority (Standing Orders) (England) Regulations 2001. Amongst other things, these regulations require that an appointment committee must include at least one member of the Executive and further, that no formal offer of appointment may be made until all members of the Executive have been informed of the details of the intended appointee, and have raised no objection within the specified period, (usually 5 clear days).

- **Crime and Disorder** – There are not crime and disorder implications.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – There are not other implications.

Risk Management

10. There are no known risks associated with the recommendations of this report.

Recommendations

11. It is recommended that Council:
 - i. Establishes an Appointments Committee consisting of five members, two from Liberal Democrat, two from Labour and one Conservative.
 - ii. The Appointments Committee be authorised to conduct the final interviews, select a successful candidate and make an offer of employment subject to the necessary employment procedures.

Reason: To allow appointment to the post of Assistant Director of City Development and Transport to be made.

Contact Details

Author:

Bill Woolley
Director City Strategy

Chief Officer Responsible for the report:

Bill Woolley
Director City Strategy

Report Approved

Date *Insert Date*

Specialist Implications Officer(s)

Human Resources: Angela Wilkinson, Head of HR & OD
Finance: Ian Floyd Director of Resources

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None.

Annexes:

Annex A - Chief Officer recruitment protocol

Annex A**Chief Officer* Recruitment Process - Officer / Members decisions**

* A Chief Officer is defined as an officer who is employed under the Joint Negotiating Committee for Chief Officers of Local Authorities Terms & Conditions.

Key Recruitment & Selection decision stages	Officer Decision / Member Decision
1. Develop proposal to create a new or amend an existing Chief Officer post	Officer decision: Chief Executive or Director
2. Establish a new temporary or permanent Chief Officer post	Member decision
3. Develop and agree Job description & Person Specification	Officer decision
4. Confirm the grade of the post	Officers to implement job evaluation outcomes within Chief Officer pay structure
5. Agree recruitment budget	Officers decision subject to budgetary provision
6. Commence recruitment activity	Officer proposal subject to Member decision
7. Establish Appointments Committee	Officer proposal subject to Member decision
8. Confirm method to source applicants i.e. advert, use of search / consultancy services	Appointments Committee subject to proposal from Officers (Chief Executive or Director and Head of Human Resources or nominated substitute). Proposal to include recommendation on advertising media and a recommendation to use external recruitment consultants or run in-house and if so, what services to use. Options include search, response handling, technical assessment, long-listing, shortlisting, support at final stage or a combination therein. Criteria to be considered are: <ul style="list-style-type: none"> i. Grade and salary in relation to the market; ii. Current employment market situation; iii. Design of post and likelihood of direct skills match; iv. Technical expertise being sought; v. Ability to conduct technical assessment in-house; vi. CYC capacity to handle in-house.
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