

## CITY OF YORK COUNCIL

Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Thursday, 12th July, 2012, starting at 6.30 pm

**Present:** The Lord Mayor (Cllr Keith Hyman) 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

Hodgson  
Reid  
Semlyen

### FISHERGATE WARD

D'Agorne  
Taylor

### FULFORD WARD

Aspden

### GUILDHALL WARD

Looker  
Watson

### HAXBY & WIGGINTON WARD

Cuthbertson  
Firth  
Richardson

### HESLINGTON WARD

Levene

### HEWORTH WARD

Boyce  
Funnell  
Potter

### HEWORTH WITHOUT WARD

Ayre

**HOLGATE WARD**

Alexander  
Crisp  
Riches

**HULL ROAD WARD**

Barnes  
Fitzpatrick

**HUNTINGTON & NEW  
EARSWICK WARD**

Hyman  
Orrell  
Runciman

**MICKLEGATE WARD**

Fraser  
Gunnell  
Merrett

**OSBALDWICK WARD**

Warters

**RURAL WEST YORK WARD**

Gillies  
Healey  
Steward

**SKELTON, RAWCLIFFE &  
CLIFTON WITHOUT WARD**

Cunningham-Cross  
McIlveen

**STRENSALL WARD**

Doughty  
Wiseman

**WESTFIELD WARD**

Jeffries  
Burton  
Williams

**WHELDRAKE WARD**

Barton

Apologies for absence were received from Councillor Watt.

#### 14. DECLARATIONS OF INTEREST

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

The following **prejudicial** interests were declared:

<u>Councillor</u>	<u>Agenda Item</u>	<u>Description of Interest</u>
Cuthbertson	5(i) – Petitions Burnholme Community College	Governor, Burnholme Community College
Cunningham-Cross	14 B(iv) - Notice of Motion – Equal Marriage Rights	Husbands employment as a spokesperson for the Archbishop of York
Funnell	5(i) – Petitions Burnholme Community College	Governor, Burnholme Community College
Potter	14 B (iv). Notice of Motion – North Yorkshire Police and Crime Commissioner	As an election candidate

*Note: The above members left the room during the debate / vote on the relevant items and took no part in the decisions thereon.*

The following **personal** interests were declared:

<u>Councillor</u>	<u>Agenda Item</u>	<u>Description of Interest</u>
Fraser	Any staffing related issues	Member of retired section of Unison and Unite (ACTS/TGWU Sections)
Hodgson	15. Questions to the Cabinet Leader and Cabinet Members received under Standing Order 10 (c)	Member York Co-operative Party and Former employee of York Hospital Trust

Gunnell	14B (iv) Motions – Marriage Equality	As seconder of the motion
	Any staffing related issues	As Cabinet Member membership of Unison
Potter	Any staffing related issues	Member of Unison
Scott	Any staffing related issues	Member Unite and National Union of Rail, Maritime and Transport Workers Union
Williams	Any staffing related issues	Member of Unison and Unite unions

## 15. MINUTES

RESOLVED: That the minutes of the Ordinary meeting of Council on 29 March 2012, the Extraordinary meeting held on 24 April 2012 and the Annual Council meeting held on 24 May 2012 all be approved and signed as correct records.

## 16. CIVIC ANNOUNCEMENTS

The Lord Mayor asked Members to join him in congratulating Cllr David Horton on his well deserved receipt of the MBE for his work in the local community.

Members were also reminded that the Yorkshire Regiment would be undertaking a Freedom Parade in the city the following day. Mention was also made of the previous week's Freedom Parade by the 2<sup>nd</sup> Signal Regiment following their six month tour of Afghanistan which had been enjoyed by the civic party.

## 17. PUBLIC PARTICIPATION

The Lord Mayor announced that 10 members of the public had registered to speak at the meeting.

Margaret Silcock spoke in support of making York a 'Frack Free Zone'. Details of the practice which involved the hydraulic fracturing of underground rock following the injection of millions of

gallons of water and chemicals to release gas was described together with the resultant pollution and acid rain seen in the United States. Earth tremors on the Fylde in Lancashire had been reported as part of exploration undertaken in the UK and, she asked that, until it had been proven that no hazards existed from these undertakings that members took all measures possible to make York a 'Frack Free Zone'.

Richard Briggs spoke in relation to the forthcoming Police Commissioner elections, particularly to the lack of information being provided for voters to enable them to make an informed decision. Any appointments made would have a profound affect on policing both locally and nationally so a central website was felt insufficient to inform residents. He requested members to support the inclusion of candidates' information in 'Your Voice', provide details on the Council's website one month prior to the election and to provide information to Town and Parish Council's on the additional measures taken to provide accessibility to all.

Dianne Willcocks spoke as a 'gay grandma' in support of the final Council motion on equal marriage rights. She spoke of the joys same sex couples brought to people's lives and the need to fight discrimination. She asked members to be bold and support the motion, together with the flying of the rainbow flag over the Mansion House on Saturday 21 July for the York Pride 2012 march showing the authority's full support for equality and fairness throughout the city.

Dan Sidley also spoke, in his capacity as Chair of York Pride, in support of the motion on equal marriage rights. He requested members to support the motion to improve the rights of lesbian, gay, bisexual and transgender couples and ending discrimination and allowing fairness and equality of human rights for all.

Colin Hall also spoke in favour of the motion and full equality for all residents. He confirmed his support for the previous speakers' comments emphasising the importance of the rainbow flag and pointed out that this was a historic opportunity for the City of York Council to show their support and commitment for equality.

Katie Walker, Chair of the Youth Council, spoke in support of the petition, to be presented later in the meeting by Cllr Looker, for young people up to 18 years of age to use bus transport at weekends and during school holidays for a one pound fare. Transport was a key issue for young people, particularly the cost. She referred to low income families who were unable to support

children who chose to stay on at school after 16 years of age and who were no longer eligible for a Yorzone card and having to pay full fares. Members were asked to support the petition particularly as this scheme was being implemented in other parts of North Yorkshire.

Peter Kay, of the York Economic Partnership, spoke in support of the Council motion to withdraw the LDF Core Strategy from the examination process and the production of a new Local Plan. He pointed out that part of the Economic Partnership's role had been to press for adoption of the LDF and he stressed the importance of adoption of a plan to provide place shaping and certainty for the city. He asked that officers endeavour to have a new plan in place within the next 24/30 months to give the planning process certainty in the future.

Alan Smith, Chair of Fulford Parish Council, spoke in respect of a petition signed by Fulford residents to be submitted later in the meeting by the ward member. Detailed consultation was requested in respect of the Germany Beck development, which had received approval some five years ago. Residents were concerned that no recent consultation had taken place in particular in relation to flooding, traffic volumes and access concerns previously raised

Stephen Hodgson, Chair of Governors at Burnholme Community College spoke in relation to the proposed closure of the Burnholme Community College. He spoke of the constructive feedback received from the last Council meeting but at the absence of any significant debate. Reference was made to the College's values and support of families together with some excellent results and to the damage done by myths and scaremongering. He understood the need to be realistic and paid tribute to staff and young people at the College as well as Mr Crosby Manor School Head for his support during the transition period.

Adrian Fisher, of Burnholme Parents' Action Group spoke in support of the petition to be debated later in the evening against the proposed College closure. He spoke of the excellent education the College gave to young people preparing them for life and their future careers together with excellent community facilities for the area. Concern was expressed at logistical issues of travel for vulnerable children across the city with no plans yet in place for the satellite class. He expressed his disappointment at

the haste in which the decisions had been taken in view of the support of the local community for the Colleges retention.

## 18. PETITIONS

### A. Petition from Burnholme Parents Action Group

In view of the number of signatories, over 1,996 people, the petition against the proposed closure of the Burnholme Community College, organised by the Burnholme Parents Action Group and presented to the Council in June, was then discussed by members.

Following lengthy debate, the Lord Mayor paid tribute to the work of the Burnholme Parents Action Group and their conduct during this difficult time.

The Lord Mayor confirmed that the petition and comment, made at the meeting, would be taken into account on 17 July when Cabinet members considered the representations on the proposal to close the College.

### B. Petitions Presented Under Standing Order 7

Under Standing Order 7, petitions were presented by:

- i) Cllr Looker on behalf of the Youth Council who were trying to secure a 'ride around for a pound' deal on bus transport for all young people (18 years and younger) in York. <sup>1</sup>
- ii) Cllr Aspden on behalf of households in the Fulford area requesting more meaningful consultation on Germany Beck, as five years had passed since the planning application had been approved by the Planning Inspector. <sup>2</sup>
- iii) Cllr Aspden on behalf of residents in the Fulford area requesting co-ordinated action to solve the parking problems in the Heslington Lane and Heath Moor Drive areas of Fulford. <sup>3</sup>
- iv) Cllr Reid on behalf of residents of Ashbourne Way and Ashbourne Place, Woodthorpe requesting night time closure of snickets in

Ashbourne Way owing to anti social behaviour in the area. <sup>4</sup>.

Action Required

1-4 Schedule items on the Forward Plan, if required, and keep relevant member updated on progress.

SS

**19. URGENT NOTICE OF MOTION**

(i) From Cllr Alexander

It was moved by Cllr Alexander and seconded by Cllr Wiseman that:

“Council unanimously supported a previous motion in April 2011, to lobby for the retention of the Children’s Heart Unit at Leeds General Infirmary.

The Review of Children’s Congenital Cardiac Services in England undertaken by the NHS Specialised Services Safe and Sustainable Programme continues to be fully supported by the Council as a member of the Joint Health Overview and Scrutiny Committee, Yorkshire and the Humber. We recognise that specialists centres providing 24/7 care are essential to ensure safe, high quality care in a highly specialised clinical area.

However, we are concerned at the way the Meetings held by the JCPCT have been conducted. They have not shared information, no papers were available at the final Meeting of the JCPCT held in London on Wednesday 4<sup>th</sup> July, this meeting while, held in public, did not make available any of the documentation being considered by them, and the agenda was only published on Friday 29<sup>th</sup> June at 17.40 hours.

CYC therefore request a Meeting with the Secretary of State for Health, Mr Andrew Lansley to share these concerns which do not comply with Department of Health Guidance on openness in the NHS, and for Mr Lansley to give answers to the many unanswered questions put to the JCPCT by the Yorkshire and Humber Overview and Scrutiny Committee.”

The Lord Mayor confirmed that all parties on the Council had agreed that no debate was necessary as there was all party support for the sentiments in the motion.



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

RESOLVED: That the above notice of motion be approved. <sup>1</sup>.

Action Required

1. Request meeting with the Secretary of State for Health to share concerns expressed in motion. WB

**20. CITY OF YORK LOCAL DEVELOPMENT FRAMEWORK**

Cllr Alexander, presented the written report and motion of the Cabinet Member for Planning, Transport and Sustainability asking Council to instruct officers to undertake the necessary formal steps to withdraw the LDF Core Strategy from the Examination process.

Cllr Alexander then moved the motion to withdraw the Core Strategy, which was seconded by Cllr Merrett.

RESOLVED: That the motion in respect of the LDF Core Strategy be approved. <sup>1</sup>.

Action Required

1. Undertake the necessary formal steps to withdraw the LDF Core Strategy. RW

**21. REPORT OF CABINET LEADER**

A written report was received from the Cabinet Leader, Cllr James Alexander, on the work of the Cabinet.

A Questions

Notice had been received of seven questions on the written report, submitted by Members in accordance with Standing Orders. Details of a further five questions received from Cllr Steward also in relation to the Leader's report were circulated at the meeting. The first five questions were put and answered at the meeting and Cllr Alexander undertook to provide Members with written answers to the remaining questions.

## 22. RECOMMENDATIONS OF THE MEMBER DEVELOPMENT STEERING GROUP

As Chair of the Steering Group, Cllr Douglas moved, and Cllr Runciman seconded, the following recommendations contained in Minute 38 of the meeting of 8 March 2012:

*“That Council approves:*

- (i) The name change of the Committee to “Member Support Steering Group”.*
- (ii) The proposed changes to the future remit of the Steering Group.”*

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

RESOLVED: That the recommendations in Minute 38 of the Member Development Steering Group meeting held on 8 March 2012 be approved. <sup>1</sup>.

### Action Required

1. Implement changes to the name and remit of the Steering Group.

DS

## 23. RECOMMENDATIONS OF THE STANDARDS COMMITTEE

As Vice Chair of the Standards Committee, Cllr Scott moved, and Cllr Runciman seconded, the following recommendations contained in Minutes 8, 9 and 10 of the meeting of that committee held on 26 June 2012:

8. Code of Conduct

- “(i) [That Council], subject to the amendments detailed in the report, approve the draft Code of Conduct and the revised copy be submitted to Council for adoption.*

- (ii) *That the new Code of Conduct be kept under review by the new Joint Standards Committee.*<sup>1</sup>

## 9. Joint Committee

- “(i) *[That Council] confirm its agreement to the establishment of the Joint Committee with the terms of reference as annexed to the report (subject to the amendment detailed in the minutes).*
- (ii) *That the powers to deal with dispensations be delegated to the Joint Committee.*
- (iii) *That the Monitoring Officer be appointed as Proper Officer for the purpose of receiving applications for dispensation.”*<sup>2</sup>

## 10. Transitional Provisions and Implementation of Arrangements

*“That as an interim measure, the three existing independent Members carry out the Independent Person role pending the appointment of two Independent Persons at the Council meeting in October.”*<sup>3</sup>

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

RESOLVED: That the recommendations in Minutes 8, 9 and 10 of the Standards Committee meeting held on 26 June 2012 be approved.

### Action Required

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|--|----|
| 1. Adopt the new Code of Conduct.                            | AD |
| 2. Establish Joint Committee with agreed terms of reference. | AD |
| 3. Refer appointments to October Council meeting.            | AD |

**24. SCRUTINY - REPORT OF THE CHAIR OF THE CORPORATE AND SCRUTINY MANAGEMENT COMMITTEE**

Council received the Annual Scrutiny Report from Cllr Wiseman, Chair of the Corporate and Scrutiny Management Committee, on the work of the committee during the 2011/12 municipal year.

Councillor Wiseman then moved, and Cllr Runciman seconded acceptance of the report and it was

RESOLVED: That the Annual Scrutiny Report be received and noted.

**25. REPORT OF CABINET MEMBER**

Council received a written report from Cllr Fraser, Cabinet Member for Environmental Services.

Notice had been received of thirteen questions on the report, submitted by Members in accordance with Standing Orders. Details of a further seven questions received for the Cabinet Member from Cllr Steward were also circulated at the meeting. The first three questions were put and answered at the meeting and Cllr Fraser undertook to provide written answers to the remaining questions.

**26. ACTIVITIES OF OUTSIDE BODIES**

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

- York NHS Trust – 20/02/12
- Safer York Partnership – 02/04/12
- Police Authority – 12/12/11
- Quality Bus Partnerships – 18/06/12
- Yorkshire Purchasing Organisation – 23/03/12
- Local Government North Yorkshire & York – 20/01/12

- Local Government Yorkshire & Humber – Minutes from Various Meetings from October 2011 to May 2012

No questions had been submitted to representatives on outside bodies.

## 27. APPOINTMENTS AND CHANGES TO MEMBERSHIP

RESOLVED: That the appointments to, and changes to membership of, committees, outside bodies and working groups set out in the revised list circulated around the Council Chamber (and attached as an annex to these minutes) be approved.<sup>1</sup>

### Action Required

1. Ensure that the agreed changes to membership are implemented.

JP

## 28. NOTICES OF MOTION

### (i) North Yorkshire Police and Crime Commissioner

It was moved by Cllr Williams and seconded by Cllr D'Agorne that:

“This Council calls upon the Chief Executive to facilitate the inclusion in Your Voice an article which includes the names, addresses and websites for each candidate for the position of York and North Yorkshire Police and Crime Commissioner. It further calls upon her to ensure that the relevant issue of Your Voice is distributed to all households in the City of York Council area in good time before the 15<sup>th</sup> November election for the PCC post along with supporting information to explain the role of the Police and Crime Commissioner.”

Councillor Healey then moved and Cllr Galvin seconded, an amendment to the above motion as follows:

### ***In the second sentence –***

*Delete the words “in good time” and replace with “after the publication of persons nominated on 23 October 2012 and”*

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

**The motion, as amended, now reads as follows:**

“This Council calls upon the Chief Executive to facilitate the inclusion in Your Voice an article which includes the names, addresses and websites for each candidate for the position of York and North Yorkshire Police and Crime Commissioner. It further calls upon her to ensure that the relevant issue of Your Voice is distributed to all households in the City of York Council area *after the publication of persons nominated on 23 October 2012 and before the 15<sup>th</sup> November election for the PCC post along with supporting information to explain the role of the Police and Crime Commissioner.*”

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

RESOLVED: That the above notice of motion, as amended, be approved. <sup>1</sup>.

(ii) Affordable Housing

Cllr Doughty had submitted the following motion:

“Council recognises that urgent action is needed to address the desperate shortage of house building in the city.

Council notes that this stagnation is having a particularly detrimental effect on first time buyers and those seeking genuinely affordable accommodation whether that be rental, shared ownership or otherwise. Developers have long claimed that the targets for the number of affordable homes required in larger developments make such schemes unviable and statistics back this claim.

Council therefore seeks to stimulate local growth and employment in York. It agrees to implement the following policy with immediate effect:-

A reduction to 10% of the affordable housing component on all brownfield site planning applications for developments of ten or more properties throughout the city. This policy shall be reviewed 24 months from inception.”

Cllr Merrett, as Cabinet Member for Planning Transport and Sustainability, moved, and Cllr Potter seconded referral of this motion, to Cabinet via the Local Development Working Group as part of an officer report, to include information on the appropriateness of the policy.

On being put to the vote the motion was declared CARRIED.

RESOLVED: That the above motion be referred to Cabinet via the Local Development Framework Working Group together with an officer report addressing the full implications.<sup>2</sup>

(iii) Litter and Dog Bins

It was moved by Cllr Reid and seconded by Cllr Runciman that:

“Council notes that over recent weeks 349 litter and dog bins have been removed from the city’s streets without any prior consultation with ward councillors, local residents or Parish Councils. This move has sparked widespread anger and all opposition groups have expressed concern over the cuts.

Council believes these are unnecessary cuts to frontline services that will increase litter and fly-tipping, lead to a general deterioration in the look and feel of our streets, and fatally undermine the legacy of York Pride.

Council resolves to instruct officers to work in collaboration with ward councillors, residents and where applicable Parish Councils to reverse these cuts and restore the lost bins in all areas where there is demand to do so. The £40,000 cost would be funded by reducing the budget for Cabinet Members from £128,625 to £88,625.”

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

RESOLVED: That the above motion be not approved.

(iv) Equal Marriage Rights

It was moved by Barnes and seconded by Cllr Fitzpatrick that:

“Council recognises that all York residents should be treated equally and should not be barred from any aspect of civil society either because of their beliefs, race, disability or sexual orientation. Council notes the recent Government consultation on extending the legal form of marriage to same-sex couples, and the commitment of City of York Council to equal rights for lesbian, gay, bisexual and transgendered persons.

Council acknowledges and welcomes the positive efforts of the last Government to support lesbian, gay, bisexual and transgender rights, including:

- Equal legal age of consent;
- Adoption rights for same-sex couples;
- Fertility treatment rights;
- Introduction of civil partnerships for same-sex couples

Council supports the current Prime Minister’s efforts to build on this progress, and legislate for equal Civil Marriage and also calls for equal Civil Partnerships

Council requests:

- that the Chief Executive write to Hugh Bayley MP and Julian Sturdy MP requesting they vote in favour of any Parliamentary vote supporting the equal marriage rights of lesbian, gay, bisexual and transgendered couples to bring any proposed legislation to a reality and that they lobby for equal Civil Partnerships <sup>3</sup>.
- ensures York Pride 2012 and Parade for Equal Marriage on Saturday 21<sup>st</sup> July is publicised via all CYC communications and that the ‘rainbow’ flag be displayed at the top of the Mansion House on the day.” <sup>4</sup>.

Councillor Steward then moved and Cllr Doughty seconded, an amendment to the above motion as follows:

*In the second paragraph, first line –*

*After the word ‘of’ add ‘this and’*

*In the third paragraph –*

*Delete the first bullet point “that the Chief Executive write to Hugh Bayley MP and Julian Sturdy MP requesting they vote in favour of any Parliamentary vote supporting the equal marriage rights of lesbian, gay, bisexual and transgendered couples to bring any*



*proposed legislation to a reality and that they lobby for equal Civil Partnerships” and replace with “That members continue to engage positively with residents, bodies and other officials whether elected or not to support lesbian, gay, bisexual and transgendered couples and their interests’.*

*In the second bullet point delete the words “via all CYC communications and that the ‘rainbow’ flag be displayed at the top of the Mansion House on the day” and replace with “via CYC communications where appropriate”.*

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 motion be approved.

Action Required

- |  |    |
|--|----|
| 1. Arrange for inclusion of article on candidates in Your Voice.                                     | WB |
| 2. Refer motion to Cabinet via LDF Working Group.  | RW |
| 3. Write to Hugh Bayley and Julian Sturdy supporting equal marriage rights as set out in the motion. | WB |
| 4. Arrange to publicise York Pride 2012/Parade and flying of rainbow flag on Mansion House.          | WB |

**29. QUESTIONS TO THE CABINET LEADER AND CABINET MEMBERS RECEIVED UNDER STANDING ORDER 10(C)**

Fifty two questions had been submitted to the Cabinet Leader and Cabinet Members under Standing Order 11.3(a). The guillotine having fallen at this point, the Cabinet Members undertook to provide Members with written answers to these questions.

Cllr K Hyman

LORD MAYOR OF YORK

*[The meeting started at 6.30 pm and concluded at 10.00 pm]*



## **Membership of Committees, Working Groups and Outside Bodies**

### **Committees/Working Groups**

#### **Health Overview & Scrutiny Committee**

To amend the Conservative substitutes on the Committee and reorder as follows:

1<sup>st</sup> named sub - Cllr Wiseman

2<sup>nd</sup> named sub – Cllr Galvin

3<sup>rd</sup> named sub - Cllr Brooks

### **Outside Bodies**

#### **St Wilfrid's Eleemosynary Charity**

To appoint Cllr Cuthbertson as the second nomination

#### **The University of Hull's Court – Class 3**

To appoint Cllrs Brooks and Riches

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