

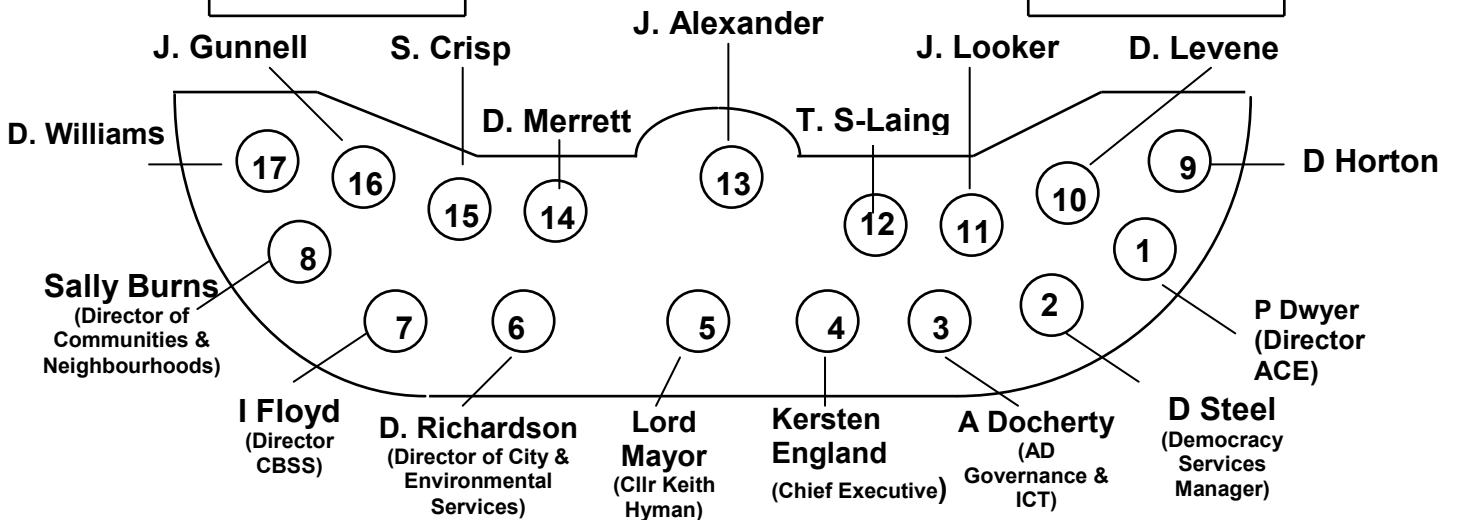
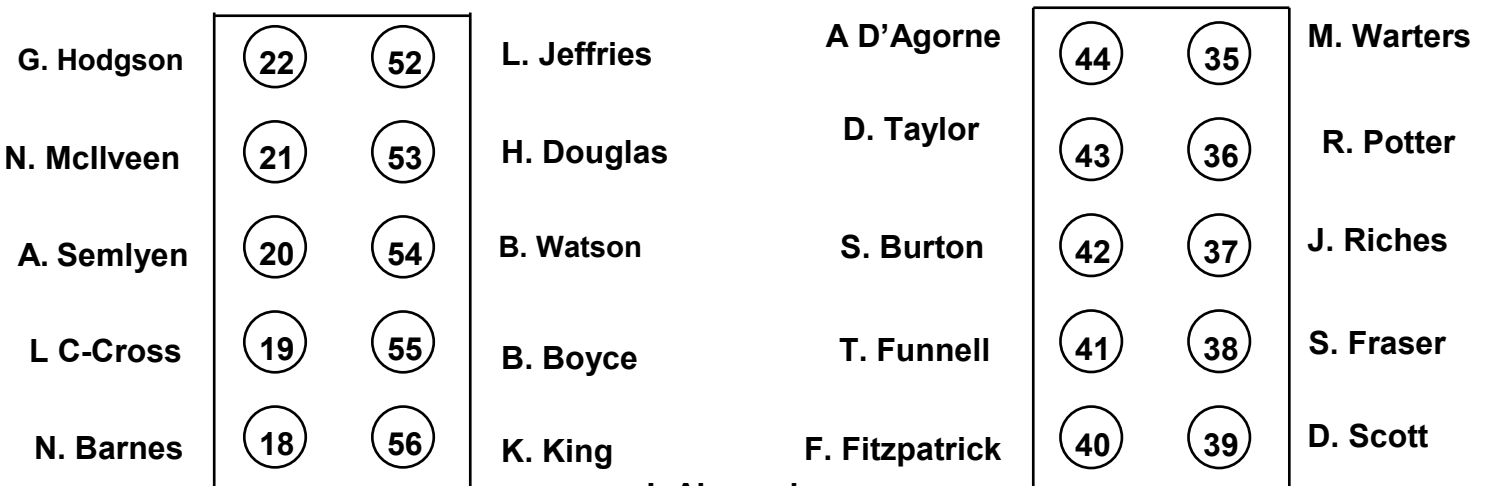
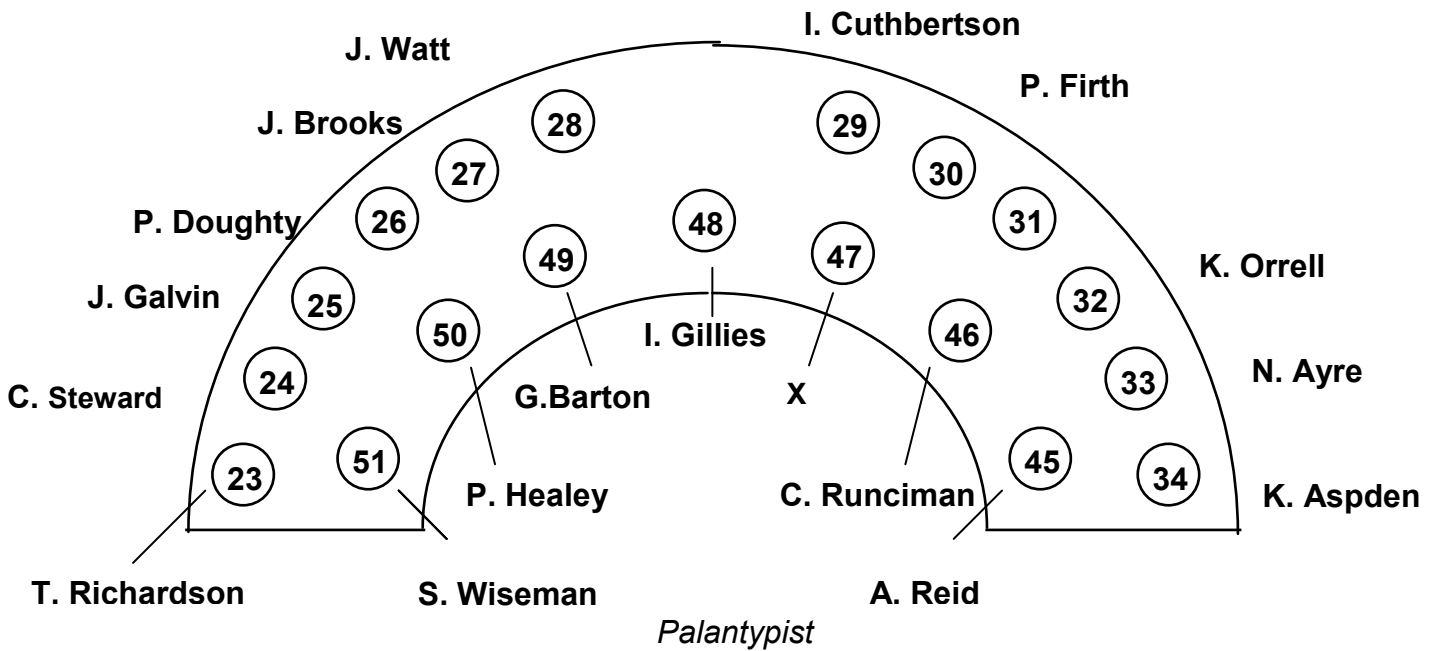
**CITY OF YORK COUNCIL  
SUMMONS**

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, 13 December 2012 at 6.35 pm**



# COUNCIL CHAMBER



## **A G E N D A**

### **1. Declarations of Interest**

At this point, Members are asked to declare:

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

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

### **2. Minutes (Pages 1 - 54)**

To approve and sign the minutes of the last Council meeting held on 11 October 2012.

### **3. Civic Announcements and Lord Mayor Elect**

To consider any announcements made by the Lord Mayor in respect of Civic business and invite the Leader to announce the Lord Mayor Elect for the 2013/14 municipal year.

### **4. Public Participation**

At this point in the meeting, any member of the public who has registered to address the Council, or to ask a Member of the Council a question, on a matter directly relevant to the business of the Council or the City, may do so. The deadline for registering is **5:00pm on Wednesday 12 December 2012.**

### **5. Petitions**

To consider any petitions received from Members in accordance with Standing Order No.7. To date, notice has been received of one such petition as follows:

- A petition to be presented by Cllr Reid on behalf of residents of Spurr Court requesting the reinstatement of the streetlight that was removed in 2011.

### **6. Report of Cabinet Leader and Cabinet Recommendations (Pages 55 - 92)**

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

Meeting	Date	Recommendations
Cabinet	6 November 2012	Minute 55: 2012/13 Capital Programme Monitor 2
Cabinet	4 December 2012	Minute 70: Council Tax Support Decision Paper (Minutes to follow)

<http://modgov.york.gov.uk/ie/ListDocuments.aspx?CId=733&MId=6879&Ver=4>

**7. Scrutiny - Report of the Chair of the Corporate and Scrutiny Management Committee** (Pages 93 - 96)

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

**8. Report of Cabinet Member** (Pages 97 - 116)

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

**9. Recommendations of the Joint Standards Committee** (Pages 117 - 118)

To consider the following recommendations for approval from the Joint Standards Committee:

Meeting	Date	Recommendations
Joint Standards Committee	28 November 2012	Minute 20: Appointment of Independent Persons  Minute 21: Dispensations

<http://modgov.york.gov.uk/ie/tDocuments.aspx?CId=140&d=7107&Ver=4>

## 10. Recommendations of the Gambling, Licensing and Regulatory Committee (Pages 119 - 150)

To consider the following recommendation for approval from the Gambling, Licensing and Regulatory Committee:

Meeting	Date	Recommendations
Gambling, Licensing and Regulatory Committee	19 November 2012	Minute 8: Statement of Licensing Policy – Gambling Act 2005  <a href="http://modgov.york.gov.uk/ie/Documents.aspx?CId=606&amp;=6921&amp;Ver=4">http://modgov.york.gov.uk/ie/Documents.aspx?CId=606&amp;=6921&amp;Ver=4</a>

## 11. Activities of Outside Bodies

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

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

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

- NHS Foundation Trust - 23 May 2012
- Yorkshire Purchasing Organisation – 22 June 2012
- North Yorkshire Police Authority – 25 June 2012
- Quality Bus Partnerships – 17 September 2012
- North Yorkshire Fire & Rescue Authority – 26 September 2012
- Safer York Partnerships – 11 October 2012

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

## 12. Notices of Motion

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

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

*None*

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

#### (i) From Cllr Williams

“This Council congratulates Julia Mulligan on being elected as the new Police and Crime Commissioner for York and North Yorkshire.

In noting that around 40% of all crimes in North Yorkshire take place in York, it is very important that the new Commissioner wins the confidence of the people of York by making the tackling of crime and anti-social behaviour in our City her top priority.

With this in mind, we resolve to ask for her support in the following policy commitments for her first year in office:

1. Maintaining a separate Community Safety Partnership for York, with resources to remain at least as they are at present.
2. Maintaining Police Community Support Officers in York to at least their current levels.
3. No cuts to Neighbourhood Police Teams in York.
4. Support for City of York Council’s coming Crime Summit to be themed around addressing alcohol misuse.”

#### (ii) From Cllr Steward

“Council notes with increasing concern the anti-democratic behaviour of the Cabinet and Council and its failure to respect residents or opposition councillors. In particular council notes:

- That the ruling group should not have scrutiny chairs and also the insistence of this cabinet on whipping scrutiny

committees, as was recently highlighted by Cllr Jeffries.

- The late publication of papers, with inadequate time for consideration by councillors or information for residents and also the abolition of public decision sessions and an increased amount of decisions in total secret. In addition the lack of access to papers including the late publication of budget papers to opposition councillors.
- The lack of discussion on key issues such as '20's plenty' and when consultation is held it does not truly engage or may even be flawed – for example in the case of the changes to Adult Social Care.
- The frequent rearrangement of meetings, with a lack of notice or the cancellation of meetings for example this month of EcDos and the several times cancelled Local Plan Group; the committees for which have much needed work to do.
- The poor format of Full Council meetings, with discussion stifled, too little opportunity to question Cabinet members and motions not given adequate priority.
- The over-use of 'pink papers' as one of the ways to keep information secret, which leads to a situation where members of the public are forced to use Freedom of Information requests.

Therefore council calls for an all party group, including independent members to be established in order to make recommendations to ensure council works in a more effective, transparent and democratically engaging way and to restore the respect for the council which cabinet has done so much to erode.”

(iii) From Cllr Runciman

Using the Sustainable Communities Act

“City of York Council

(a) supports the bottom up process in the Sustainable Communities Act that enables councils and their communities



to drive the action and assistance that central government gives in promoting thriving local economies and sustainable communities;

- (b) notes that the Act gives councils the power to make proposals to government for action and assistance from government to promote sustainable communities, and that those proposals can be for, but are not restricted to, new powers or a transfer of powers or public money and function from central control to local control;
- (c) notes that the Act defines sustainable communities broadly, that definition having the 4 aspects of
  - the improvement of the local economy,
  - protection of the environment,
  - promotion of social inclusion, and
  - participation in civic, political and democratic activity;
- (d) notes that new regulations for the Act made in June 2012 improve the process and make it more favourable for councils in the following ways
  - councils' proposals are submitted directly to the government, there will no longer be short listing
  - councils can submit proposals whenever they are ready as the process is now ongoing
  - there will be a time limit of six months on the government to consult and try to reach agreement with the Selector (currently the Local Government Association) regarding councils' proposals and to then respond to those proposals
  - councils that choose to submit proposals may now decide how to consult and try to reach agreement with representatives of communities in their areas on what proposals to submit;
- (e) notes that the Government has formally invited all Local Authorities to use the Act by submitting proposals;
- (f) resolves to use the Act by responding to this invite and submitting proposals for action and assistance from central government each year for the next three years and to then review the outcome of this activity and consider whether to continue to use the Act; and

(g) further resolves to

- to inform the local media of this decision;
  - to write to local MPs, informing them of this decision;
- and
- to write to Local Works (at Local Works, c/o Unlock Democracy, 37 Gray's Inn Rd, London WC1X 8PQ or [info@localworks.org](mailto:info@localworks.org)) informing them of this resolution to use the Act."

(iv) From Cllr Burton

"Council notes the success of the 'City Team York' Partnership and recognises the work being undertaken to revitalise York's city centre.

Council believes that a similar partnership board should be set up for Acomb due to the shopping areas significant importance to the economic viability of the City and employment of residents. This board should have representation from across the various sectors in the same way City Team York does.

Council requests that the Chief Executive set up an 'Acomb Team' so that the future economic wellbeing of this important retail area is supported to flourish."

### **13. Questions to the Cabinet Leader and Cabinet Members received under Standing Order 10(c)**

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

(i) To the Cabinet Leader from Cllr Doughty:

"It is my understanding that the Economic Infrastructure Fund of £28.5Million for so-called 'investment projects' by this Labour Council administration was intended to be used over a 5 year period from April this year. I note from the Cabinet papers of December 4th 2012, a sum in excess of £12Million has already been spent or under consideration. I am no mathematician but this equates to around 40%

nominated in the first year alone. Will Councillor Alexander give assurances to Council that his party will not plunge the City into yet further debt when these 'borrowed' coffers have run out and seek a further fund by method of borrowing with interest?"

(ii) To the Cabinet Leader from Cllr Doughty:

" Whilst admiring the council's aspiration to pay its lowest-paid employees a living wage, can the Council Leader explain how it can be sustainable to fund staffing costs by borrowing from the already heavily-subscribed Economic Infrastructure Fund and whether this fund will also be used to fund employees' increased wages in 2014 and after?"

(iii) To the Cabinet Leader from Cllr Doughty:

"Regarding the Cabinet's proposed 'Arts Barge' project, what steps will the Council take to protect residents' money as a public investment in this project beyond part ownership of an unrefurbished boat and can the Council Leader make any representations at all as to the financial sustainability of this project over a long term basis?"

iv) To the Cabinet Leader from Cllr Ayre:

"Could the Cabinet Leader detail all trips made by him since taking office, what the expense was to the taxpayer, and what budget this came from?"

(v) To the Cabinet Leader from Cllr Reid:

"What proportion of retail and office space is currently empty in each of the City's sub-urban wards and how does this compare to the City Centre? How much of the "Innovation & Delivery Fund" and the "Economic Infrastructure Fund" does the Cabinet Leader intend to allocate to regeneration initiatives in sub-urban employment centres such as Acomb Front Street?"

(vi) To the Cabinet Leader from Cllr Reid:

“What came first the invitation to visit the Philippines embassy or the publicity for the National Union of Students protest?”

(vii) To the Cabinet Member for Corporate Services from Cllr D’Agorne:

“Can you give an assurance that any additional council tax funds raised from the increased revenues on empty homes, as approved by cabinet in November, will be used exclusively to directly alleviate poverty in York amongst our most financially vulnerable residents, specifically those who will suffer when the large cuts in council tax benefit are introduced in April?”

(viii) To the Cabinet Member for Corporate Services from Cllr Ayre:

“Could the Cabinet Member detail all her trips made since taking office, what the expense was to the taxpayer, and what budget this came from?”

(ix) To the Cabinet Member for Corporate Services from Cllr Cuthbertson:

“What controls on expenditure on fixtures, fittings and other supply services for the new HQ are in place and can the Cabinet Member confirm what the estimated outturn, against the £2.4 million budget, is now expected to be?”

(x) To the Cabinet Member for Corporate Services from Cllr Reid:

“Why is the Council purchasing 2405 new seats for the new Council offices when fewer than 1000 staff and visitors are likely to be in the building at any one time?”

- (xi) To the Cabinet Member for Corporate Services from Cllr Reid:

“What proportion of the furniture at the new HQ will be reused units from the existing offices?”

- (xii) To the Cabinet Member for Corporate Services from Cllr Firth:

“Following the latest Cabinet decisions, the level of concessionary charges for pensioners playing bowls on public greens will have doubled since Labour took over the leadership of the Council 18 months ago. How many concessionary tickets for this activity have been sold in each of the last 2 years, how much income has this produced for the Council and what are the forecast sales for 2013?”

- (xiii) To the Cabinet Member for Corporate Services from Cllr Firth:

“In September the Cabinet promised to build on the legacy of the Olympics and improve sports participation in York. How does this fit with the plans to increase tennis court charges by 16.7% and 33% for concessions?”

- (xiv) To the Cabinet Member for Corporate Services from Cllr Orrell:

“City of York Council’s website promises that all residents making complaints will get responses within 5 days. Could the Cabinet detail (by department) how many complaints were answered within this time limit and how many complaints have progressed to stages 2 and 3?”

- (xv) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Doughty:

“I refer to recent reports of the abandonment of plans for a

new care home at the Fordlands site in Fulford and delays to the proposed site at the former Lowfield School in Acomb. It is well documented that parts of Fulford are susceptible to flood risk and it is perhaps somewhat surprising that this was not considered before £38,000 was spent on architect fees and a further £13,000 on a site survey. Can the Cabinet Member please advise how recently it was considered too great a risk of flooding?”

- (xvi) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Doughty:

“The Cabinet Member suggests that the Burnholme Community College site may offer an option for a bigger care home (72 bed home rather than a proposed 55 bed home at Fordlands). At what additional cost will this be?”

- (xvii) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Doughty:

“What future does the Cabinet Member now envisage for the Fordlands site now the care home plans have been abandoned here?”

- (xviii) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Doughty:

“Can the Cabinet Member please detail the reasons for delay in the tendering process on the former Lowfield School site?”

- (xix) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Ayre:

“Could the Cabinet Member detail all the trips made by her since taking office, what the expense was to the taxpayer, and what budget this came from?”

- (xx) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Aspden:

“Could the Cabinet Member provide an update on the

flooding at Windsor House and the residents affected?”

- (xxi) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Aspden:

“The Cabinet agreed an April 2014 completion date for the new ‘Care Village’ which is to be built on the former Lowfields School site. When does the Cabinet Member now expect the new Lowfields Care Village will be completed and available for occupation? What are the reasons for any delay?”

- (xxii) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Cuthbertson:

“How many people were registered on the housing waiting list in York when:

- a) The Cabinet Member took up post
- b) At the end of November 2012

How many additional social housing units have been occupied, and how many “new starts” on affordable housing units have been made, over the same period of time?”

- (xxiii) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Aspden:

“Could the Cabinet Member ensure that residents in the local area are properly consulted before any decision is taken on what to do with the Fordlands site previously allocated for a new care home?”

- (xxiv) To the Cabinet Member for Leisure, Culture and Tourism from Cllr Barton:

“Following 2012’s ‘Illuminating York’ debacle, will the Cabinet Member assure the council that the 2013 event will revert to its previous successful format?”

(xxv) To the Cabinet Member for Leisure, Culture and Tourism from Cllr Barton:

“In view of the widespread public criticism of the inferior quality ‘Gunpowder Plod’, does the Cabinet Member regret her endorsement of the event and can she assure members that in 2013 that any event the Cabinet Member appears in The Press to promote will be a more professional offering to prevent further embarrassment to the council?”

(xxvi) To the Cabinet Member for Leisure, Culture and Tourism from Cllr Barton:

“Could the Cabinet Member say what stage has been reached in the consideration of transferring York’s Library Service to a Trust Foundation?”

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

“In view of the damage to the Sustrans track and the severe churning up of the ground adjacent to Bustardthorpe allotments caused by contractors while removing temporary fencing after the fireworks show on the Knavesmire; can you assure Council that all the costs of repair and restoration will be recovered from Rat Race event organisers?”

(xxviii) To the Cabinet Member for Leisure, Culture and Tourism from Cllr Ayre:

“Could the Cabinet Member detail all the trips made by her since taking office, what the expense was to the taxpayer, and what budget this came from?”

(xxviii) To the Cabinet Member for Leisure, Culture and Tourism from Cllr Ayre:

“Does Cabinet Member agree with the officer’s report which claims there are no equalities implications to the ‘footstreets’ review?”



(xxx) To the Cabinet Member for Leisure, Culture and Tourism from Cllr Ayre:

“Can the Cabinet Member confirm when the public will be consulted on whether they want libraries to be transferred out of council control?”

(xxxii) To the Cabinet Member for Education, Children and Young People’s Services from Cllr Richardson:

“Does the Cabinet Member believe she is able to devote the required time and attention to her high profile portfolio when she is undoubtedly heavily involved in assisting the Financial Services Agency investigation into the collapse of the York & North Yorkshire Credit Union and the subsequent police investigation?”

(xxxiii) To the Cabinet Member for Transport, Planning & Sustainability from Cllr D’Agorne:

“What improvements are planned to the council gully clearing regime in view of the experience of recent floods and periods of intense rainfall?”

(xxxiv) To the Cabinet Member for Transport, Planning & Sustainability from Cllr D’Agorne:

“What progress is being made on 'anti idling' regulations/initiatives particularly for buses and taxis in the Air Quality Management Areas especially Rougier St?”

(xxxv) To the Cabinet Member for Transport, Planning & Sustainability from Cllr D’Agorne:

“Does the cabinet member anticipate any improvement in air quality in 2013 report to the DfT compared with April this year?”

(xxxvi) To the Cabinet Member for Transport, Planning & Sustainability from Cllr D’Agorne:

“How many 'All York' tickets have been sold each month

since the launch?”

(xxxvi) To the Cabinet Member for Transport, Planning & Sustainability from Cllr D’Agorne

“What action is proposed to maintain a bus service link between Fulford and the University/ Sports Village when the No 20 bus route is curtailed in January?”

(xxxvii) To the Cabinet Member for Transport, Planning & Sustainability from Cllr Ayre

“Could the Cabinet Member detail all the trips made by him since taking office, what the expense was to the taxpayer, and what budget this came from?”

(xxxviii) To the Cabinet Member for Transport, Planning & Sustainability from Cllr Cuthbertson

“What is the Cabinet Member doing to ensure that the Number 13 bus service meets Haxby and Wigginton residents’ needs for keeping to timetable and reliability, and when did he last meet the providers of the city’s bus services to monitor this?”

(xxxiv) To the Cabinet Member for Transport, Planning & Sustainability from Cllr Reid

“At the October Council meeting the Cabinet Member agreed to “*look into*” publishing reliability information provided by those bus operators providing services under Council contracts, as well as asking the bus operators to authorise the Council to publish the number of “All York” tickets sold each month. What progress has been made and where can bus passengers in York now access reliability information for the services that they use?”

(xi) To the Cabinet Member for Transport, Planning & Sustainability from Cllr Reid

“Why did the Cabinet Member decide to consider at a

private meeting the Bus Improvement Study report which was only made available publicly **after** decisions had been made on its recommendations?”

(xli) To the Cabinet Member for Transport, Planning & Sustainability from Cllr Runciman

“In reference to the Liberal Democrat Group comments submitted to Cabinet this month, will the Cabinet Member support our request that a further report is prepared by officers within 6 months to include all instances of Surface Water Drainage problems in the City of York Council area since 2007?”

(xlii) To the Cabinet Member for Transport, Planning & Sustainability from Cllr Runciman

“Could the Cabinet Member ensure that a clear communications strategy is in place, allowing householders impacted by Surface Water drainage issues to know what is happening to tackle the issues, or a full explanation as to why work will not take place?”

(xliii) To the Cabinet Member for Environmental Services from Cllr D’Agorne:

“What is the current annual payment in respect of work on the Amey Cespa waste project?”

(xliv) To the Cabinet Member for Environmental Services from Cllr D’Agorne:

“What action is he taking to promote composting, re-use and waste minimisation as a way of reducing current landfill tax payments?”

(xlv) To the Cabinet Member for Environmental Services from Cllr D’Agorne:

“Would he consider encouraging and facilitating snow wardens and others to train as 'flood wardens' where

appropriate in their local communities?”

(xlvi) To the Cabinet Member for Environmental Services from Cllr Ayre:

“Could the Cabinet Member detail all the trips made by him since taking office, what the expense was to the taxpayer, and what budget this came from?”

(xlvii) To the Cabinet Member for Environmental Services from Cllr Reid:

“At the October Council meeting the Cabinet Member said “*Cabinet will consider a report on options for garden waste in December – there will be a consultation following consideration of this report*”. Subsequently the report was withdrawn from the Cabinet agenda for December. Would the Cabinet Member confirm it is still his intention to publish such a report, what options it will consider and when, and how, members of the public will be consulted on any proposed changes to existing collection arrangements?”

(xlviii) To the Cabinet Member for Environmental Services from Cllr Reid:

“Street lighting standards have fallen in several streets following the recent installation of new lampposts, including Lendal Bridge and Gale Lane. Has the Cabinet Member visited these locations, can he confirm when the outstanding work will be completed and illumination levels returned to, at least, those enjoyed before the “modernisation” programme was started?”

(xlix) To the Cabinet Member for Environmental Services from Cllr Reid:

“Residents whose waste is collected on a Tuesday are being told to leave their waste out for up to 4 days after New Year. As Council policy tells people not to leave waste out before 7am are the Council expecting residents to bring the rubbish in every night and put it out again the next day until it is eventually collected?”

- (I) To the Cabinet Member for Environmental Services from Cllr Ayre:

“Could the Cabinet Member explain what action residents in Heworth Without and elsewhere should take when the footpaths are too dangerous to walk on because of ice, there are no salt bins to grit the paths, and the Council refuses to act?”

- (li) To the Cabinet Member for Crime and Stronger Communities from Cllr Ayre:

“Could the Cabinet Member detail all the trips made by him since taking office, what the expense was to the taxpayer, and what budget this came from?”

- (lii) To the Cabinet Member for Crime and Stronger Communities from Cllr Reid:

“Why has the Cabinet Member abandoned the annual ballot which the Council ran for over 10 years and which revealed residents spending priorities at a ward level?”

- (liii) To the Cabinet Member for Crime and Stronger Communities from Cllr Reid:

“How much of the funding allocated to each ward committee for the current year remains unspent and will he agree to allocate any underspend to sustaining key public services such as filling salt bins and reducing litter?”

- (liv) To the Cabinet Member for Crime and Stronger Communities from Cllr Runciman:

“Could the Cabinet Member update Council on the renovation work on York Crematorium, on Bishopthorpe Road. When is the work due to be completed, were all parts ordered and received on time, if there are any delays what has caused them, is the work still within the planned budget, and have any additional expenses been incurred?”

(iv) To the Cabinet Member for Crime and Stronger Communities from Cllr Cuthbertson:

“After the total lack of liaison with Parish Councils over Labour’s decisions not to refill half of the city’s salt bins and to slash Ward Committee budgets earlier this year, could the Cabinet Member detail what steps he has taken to ensure that wider community needs are met by Parish Councils where possible and what discussions have been held with Parish Councils to ask them to adjust their precept accordingly?”

**14. Urgent Business**

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

Democracy Officer for this meeting:

Name: Jill Pickering

Contact details:

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

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

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

Contact details are set out above.