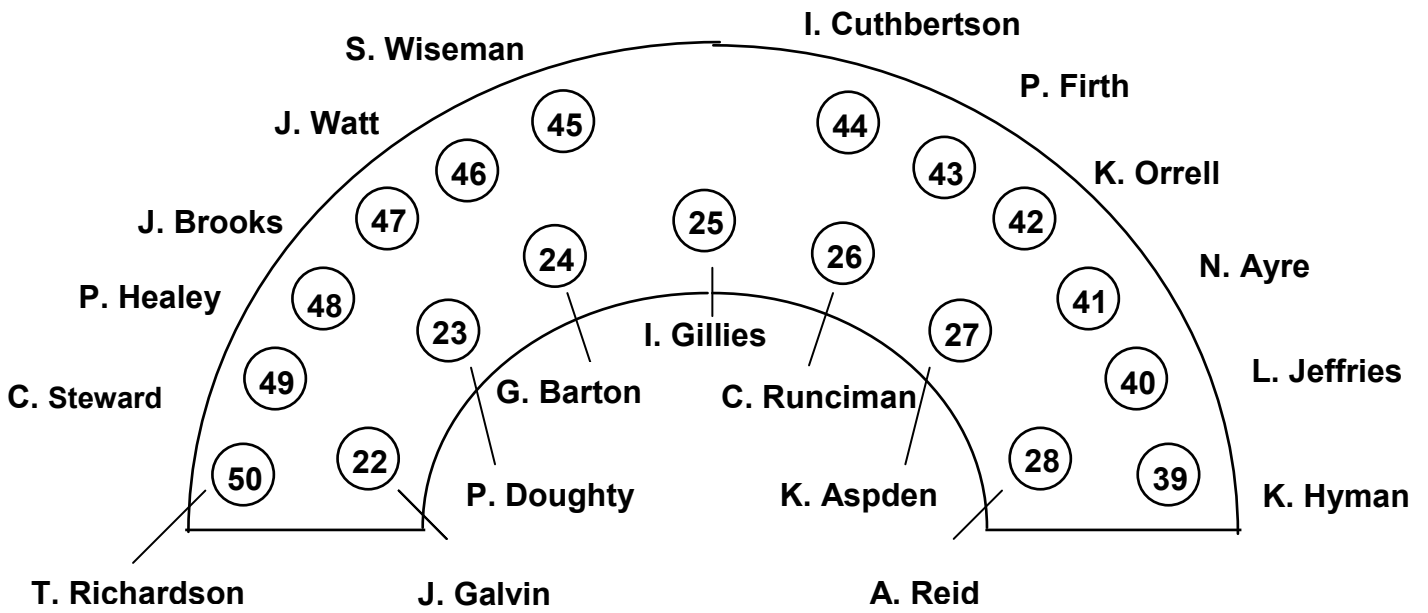


**CITY OF YORK COUNCIL
SUMMONS**

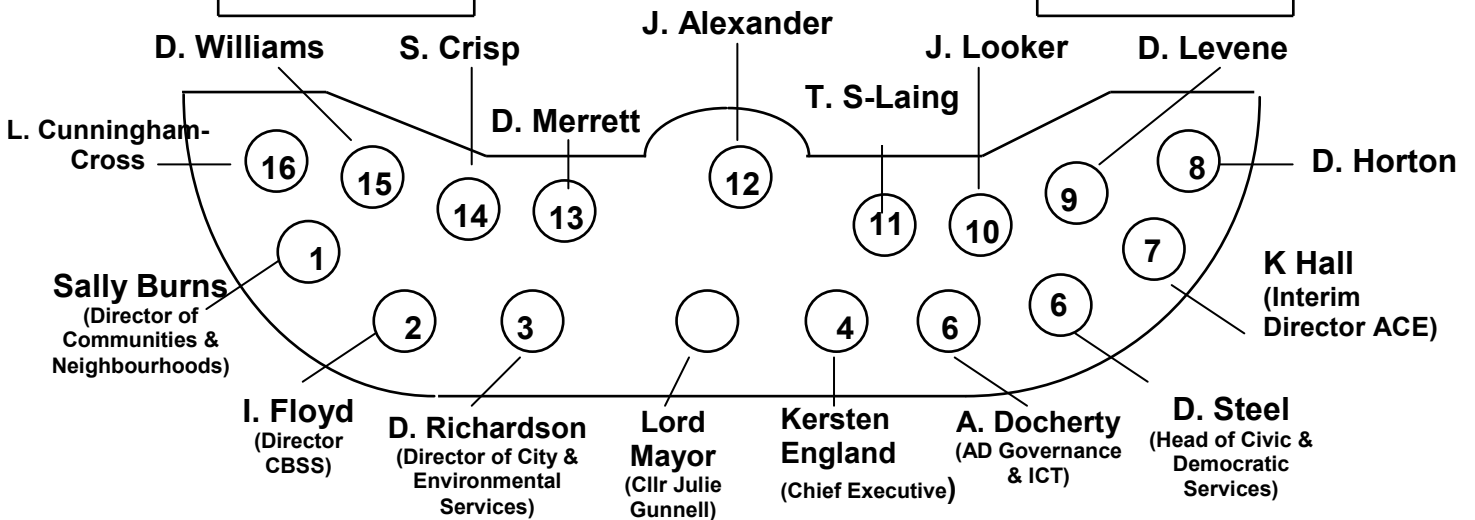
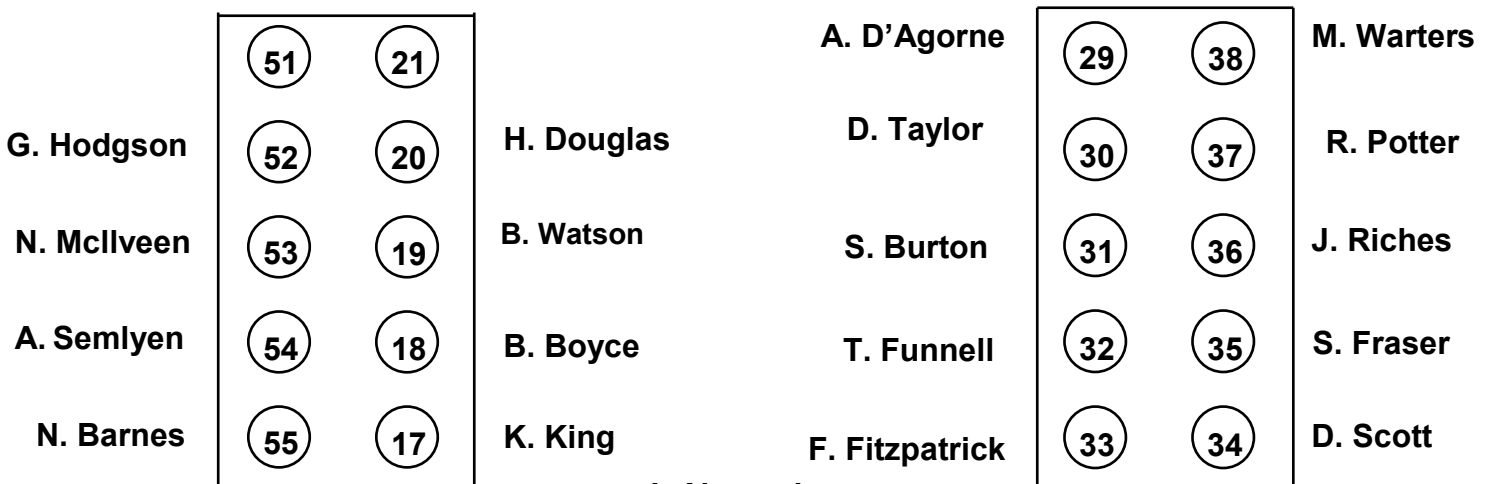
All Councillors, relevant Council Officers and other interested parties and residents are formally invited to attend a meeting of the **City of York Council** at the **The Guildhall, York**, to consider the business contained in this agenda on the following date and time

Thursday, 10 October 2013 at 6.30 pm

COUNCIL CHAMBER



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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 - 52)

To approve and sign the minutes of the last meeting of Council held on 18 July 2013.

3. Civic Announcements

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

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 9 October 2013.**

5. Petitions (Pages 53 - 58)

i) To debate the following petitions, signed by over 1,000 people, in relation to the Council's Local Plan, in accordance with the Council's petitions scheme:

- **Cllr Ann Reid – Council Meeting 18th July 2013**
2302 signatures

“I/We the undersigned oppose Labour’s plans to use Green Belt land across York to build 22,000 houses over the next 15 years.”

- **Dunnington Parish Council**

1323 signatures

“We the undersigned petition the City of York Council to stop the building of a permanent 15 pitch Gypsy/Traveller site using land at Common Lane and Hassacarr Lane in Dunnington, York. It’s located on Green Belt land, adjacent to Hassacarr Nature Reserve and will have a major impact on the people living in the surrounding area, homes and businesses. There are plenty of areas around York that would be suitable for these traveller locations that would not affect local residences and businesses. City of York Council needs to support our petition and keep residents happy by providing areas and communities that people feel content to live in.”

- **Cllr Ann Reid - Council Meeting 18th July 2013**

1084 signatures

“We the undersigned object to the proposals in the council’s Local Plan for the development of land lying between Wetherby Road and Knapton village. We believe that the site should continue to be included in the Green Belt as it protects the rural setting of the western approach to the city which would otherwise begin to merge with the outer ring road.”

- **Gypsy & Travellers site, Malton Road, Huntington**

1036 signatures

“We the undersigned petition the council to stop the building of a permanent site for 20 pitches (20-80 caravans) on a 3 acre plus site, Huntington York. The placement of this site right at the heart of an established community, locating it immediately adjacent to homes, a nature reserve and businesses would not be appropriate in this locality, by virtue of its potential impact on Huntington & Heworth residents. We believe it is hard to conceive of a more inappropriate proposal.”

- **Say No to the proposed plans of a 16 acre permanent travellers site in Knapton York**

1204 signatures (closed 1st September 2013)

“We the undersigned petition the council to stop the building of a permanent site for 20 static caravans on a 16 acre site, Knapton York. The council of York want to build it for 'show men ' as a permanent home. The site is bigger than the whole village of knapton put together. Its green belt land and the owner hasn't even been approached about the proposal. This will have a major impact on the people living in the surrounding area, homes and businesses. There are plenty of areas around York that would be suitable for these traveller locations that would not affect local residences and businesses in the York area. York Council needs to support our decisions and keep residents happy by providing areas and communities that people feel content to live in.”

- **Protect York's Greenbelt**

1232 signatures on 2nd October 2013 (closes 31st December 2013)

“We the undersigned petition the council to amend the draft Local Plan and save a number of traditionally Greenbelt-protected sites from being developed upon. The sites which have been earmarked by the Council for large scale housing development include Holme Hill and various plots of land at Clifton Moor, Osbaldwick, Copmanthorpe, Woodthorpe, Haxby and Monks Cross. We want to see the character of our villages surrounding York protected. We acknowledge the need for more housing in York, but believe the figure of 22,000 homes to be too high and the loss of over 1000 acres of Greenbelt land to be unsustainable. We believe it is absolutely vital that Brownfield sites are used first.”

[A background report is attached to the agenda]

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

- Cllr Ann Reid on behalf of residents opposed to the proposed cuts in winter maintenance services and calling on City of York Council to retain existing salt bin and gritting provision in the Dringhouses and Woodthorpe ward.

6. Report of Cabinet Leader and Cabinet Recommendations
(Pages 59 - 66)

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	3 September 2013	Minute 40: Capital Programme - Monitor One 2013/14

<http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=7640&Ver=4>

7. Scrutiny - Report of the Chair of the Corporate and Scrutiny Management Committee (Pages 67 - 70)

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

8. Report of Cabinet Member (Pages 71 - 78)

To receive a written report from the Cabinet Member for Finance, Performance & Customer Services, 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 79 - 94)

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

Meeting	Date	Recommendations
Joint Standards Committee	11 September 2013	Minute 20: Planning Code of Good Practice

10. Recommendations of the Corporate and Scrutiny Management Committee (Pages 95 - 108)

To consider the following recommendation for approval from the Corporate and Scrutiny Management Committee:

Meeting	Date	Recommendations
Corporate & Scrutiny Management Committee	9 September 2013	Minute 21: Draft Annual Overview & Scrutiny Report for 2012/13

11. Recommendations of the Staffing Matters and Urgency Committee (Pages 109 - 118)

To consider the following recommendations for approval from the Staffing Matters and Urgency Committee:

Meeting	Date	Recommendations
Staffing Matters and Urgency Committee	5 August 2013	Minute 25: Changes to Terms and Conditions of Chief Officers

- 12. Director of Education, Skills & Children's Services - Appointment Process and Remuneration** (Pages 119 - 126)
To consider a report which asks Council to agree a remuneration package for the post of Director of Education, Skills & Children's Services in line with the Council's Pay Policy, to include a market supplement. Council is also requested to agree the establishment of an Appointments Committee, authorised to conduct the final interviews, select a successful candidate and make an offer of employment subject to the necessary employment procedures.

- 13. 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/mgListOutsideBodies.aspx?bc_r=1

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

- Fire Authority – 26 June 2013
- Safer York Partnerships – 5 August 2013
- Quality Bus Partnerships – 23 May 2013
- Yorkshire Purchasing Organisation – 28 June 2013

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

- 14. 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 Fraser

“Council recognises the current challenging economic climate all businesses in York and elsewhere are facing, and notes the particular challenges for small and medium-sized businesses in the city, particularly in ‘secondary’ streets such as Micklegate, Gillygate, Goodramgate and Fossgate/Walmsgate.

Council further recognises the contribution that small, medium-sized and distinctive businesses, and community resources, such as community centres, churches, heritage sites etc. contribute to the attractiveness of York and to our local economy.

Council therefore resolves:

1. to better co-ordinate and support the efforts of the associations of the businesses and community organisations, such as the Micklegate Quarter, the Minster Quarter, Acomb Team and BisbyRoad.com;
2. to highlight the efforts of such associations in the wider communications and publicity of the Council;
3. to develop a coherent strategy to support these efforts for consideration by Elected Members.”

(ii) From Cllr Gillies

Council notes:

That England is now widely recognised to be the country with the most centralised system of government in Europe;

That devolution has brought decisions about tax and spending and the quality of public services closer to voters in Scotland and Wales, while English voters have not gained comparably greater influence over decision making that affects their taxes and services;

Council believes:

That the likely scale of change in how public services are funded and provided makes it democratically unsustainable for those

changes to be decided within the existing over-centralised model;
That services need to be reformed and integrated across local agencies to enable them to prevent problems rather than picking up the pieces;

That York voters should be given a meaningful say on a wider range of tax and spending decisions, through place-based budgetary arrangements, the abolition of the discredited Barnett formula and the restatement of fair financial distribution agreed among English councils, the re-creation of a municipal bond market, and the certainty of multi year funding settlements for the life of a Parliament;

That central government should enable local decision making by joining up and reducing in size Whitehall departments in order to facilitate local place-based budgets, by reducing Ministers' powers to intervene in local decisions;

That such a new more mature settlement between central and local government should be put beyond future revision by giving formal constitutional protection to local democracy; therefore
Council Resolves To;

- 1a. Support the Local Government Association "Re-Wiring Public Services" campaign, in order to give York residents real reasons to participate in local decision making.
- 1b. Invite York Members of Parliament to join with City of York Councillors in supporting the campaign, and to ensure the Secretary of State is made aware of this Council's support for the campaign.
2. To make CYC's position clear to the Secretary of State.

(iii) From Cllr Ayre

"Council notes:

The results of this year's Big York Survey show that overall satisfaction with the Council is down and residents are increasingly concerned about basic service standards such as having clean and maintained streets.

The October Cabinet report, in response to the Big York Survey, says that a “realignment of priorities” to focus on basic street level services is necessary and claims that under Labour there has been a “shift in funding from day to day services” and a “cut in frontline services”. The report admits “the city needs to be cleaner”.

The cuts made to basic services under Labour have included cuts to litter bins, salt bins, road maintenance, recycling centres and street cleaning. The recent ‘Winter Maintenance’ consultation shows further cuts are planned.

The October Cabinet report states that frontline services have been sacrificed to pursue economic growth; however, as the ‘Big York Survey’ reveals residents do not believe the Labour Cabinet has been successful in supporting economic growth or job creation.

Council believes:

The Labour Cabinet’s proposed response to the concerns of residents is inadequate and only offers more speculative spending on a £500,000 ‘Transformation Team’, more publicity gimmicks from the Cabinet Leader, and a failure to reverse spending on vanity projects or reverse cuts to street level services.

This Labour Cabinet has lost its way and needs to get back to the basics of delivering frontline services to taxpayers in York rather than wasting millions on vanity schemes.

Council calls on Cabinet to:

- 1) Review funding (particularly revenue expenditure) currently supporting ‘Economic Infrastructure Fund’ schemes such as the Arts Barge, with a view to reallocating the money to frontline services and change the ‘Delivery and Innovation Fund’ to finance residents’ priorities.
- 2) Review the decisions that have led to the deterioration in the cleanliness of the York, including the cuts to litter bins,

salt bins and gritting provision, cuts to the road maintenance budget, cuts to ward committee funding, and the decision to scrap 'York Pride'.

- 3) Report to every Full Council meeting between now and May 2015 on what steps have been taken to reprioritise the delivery of frontline services to taxpayers in York.
- 4) Scrap the proposed £500,000 'Transformation Team' and spend all available money from this on frontline services both inside and outside the city-centre and in response to the priorities of residents, Parish Councils and Residents Associations. ”

(iv) From Cllr Burton

“Council notes the estimated regional economic benefits of £87m as well as local efforts made to bring the Tour de France Grand Départ to York.

Council believes the event will bring the community together and provide a huge economic boost for the city.

Council resolves to ensure that all income generated for City of York Council from the Tour de France Grand Départ is spent on frontline services for residents.”

15. 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 D'Agorne:

“The Living Wage – how many other organisations in the City of York have now signed up to support this initiative by applying it to their own workforce?”

(ii) To the Cabinet Leader from Cllr Aspden:

“What are the daily results for the city-centre footfall cameras (Parliament Street and Coney Street) since the beginning of August and how do they compare to the same period last year?”

(iii) To the Cabinet Leader from Cllr Ayre:

“Could the Cabinet Leader name the areas in the city that have 'free' Wi-Fi funded by City of York Council, how much did this cost by hotspot in the last financial year and this financial year, what is the future roll out programme plan and forecast costs, and what attempts have been made to attract sponsorship?”

(iv) To the Cabinet Leader from Cllr Ayre:

“Has any contract been awarded to webcast council meetings and, if so, how and when was this decision was taken?”

(v) To the Deputy Leader (in relation to her Civic & Democratic Services portfolio) from Cllr Ayre:

“Could the Deputy Leader list by name, date and destination the official foreign trips council members have been on so far this financial year and the foreign trips planned or in the pipeline for members in the remainder of the financial year, whilst, also outlining what procedures and reporting requirements are in place to authorise and monitor the value and outcomes from these trips?”

(vi) To the Cabinet Member for Environmental Services from Cllr D'Agorne:

“Weed removal from streets is noticeably lacking this year – can you explain to residents of Danum Rd area why they have to wait until November for a Community Payback team to remove vegetation from paths and gutters?”

(vii) To the Cabinet Member for Environmental Services from Cllr Richardson:

“Given that some residents have paid in advance the new Green Bin Tax, will Council reimburse this payment or carry the payments forward as a credit for year 14/15, given April 2014 is the start date for the Tax?”

(viii) To the Cabinet Member for Environmental Services from Cllr Richardson:

“Residents are reporting damage or loss of refuse bins into refuse vehicles. Will council replace the bins free of charge and implement a mandatory form of reporting loss or damage of bins by a unique numbered incident report, providing date and time and will council also mark all replaced bins with a unique I.D number?”

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

“What work is being undertaken to look at ‘plan B’ alternative to the costly incinerator project that is no longer viable due to the withdrawal of the £65m of PFI loan?”

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

“Why were new refuse collection arrangements introduced before the Council was in a position to guarantee that bins would be emptied as per the published schedule?”

(xi) To the Cabinet Member for Environmental Services from Cllr Firth:

“Since the new waste collection arrangements began on 9th September how many bins were not collected on the scheduled collection day?”

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

“After the recent changes in the waste collections, what has been the additional costs incurred to date in returning to clear bins that were not emptied in accordance with the published timetable?”

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

“Will the Cabinet Member apologise publicly to the thousands of York residents who have been inconvenienced by the bungled launch of the revised waste collection service?”

(xiv) To the Cabinet Member for Finance, Performance and Customer Service from Cllr D’Agorne:

“Is the Cabinet Member satisfied with the response rate to calls to the Smarter York helpline compared to two years ago?”

(xv) To the Cabinet Member for Finance, Performance and Customer Service from Cllr D’Agorne:

“Is the council working with the fire service to consider any implications for fire safety and emergency planning following the boat fire at Kings Staith last Saturday?”

(xvi) To the Cabinet Member for Finance, Performance and Customer Service from Cllr Ayre:

“In early September the average waiting time for residents calling the Council 551551 number was over 2.5 minutes. Over 40% gave up waiting and abandoned their call. Would the Cabinet member agree that this is an unacceptable way to treat taxpayers who are trying to report issues to the Council?”

(xvii) To the Cabinet Member for Finance, Performance and Customer Service from Cllr Cuthbertson:

“What steps is the Cabinet Member taking to ensure that the problems in the Council’s customer contact centre are addressed and would he say what his current targets are for *Time to Answer* and *Abandoned calls* on both switchboard lines?”

(xviii) To the Cabinet Member for Finance, Performance and Customer Service from Cllr Jeffries:

“Oliver House has remained empty for 18 months (other than for access by a ‘security by occupation’ company), but the Cabinet Member has not taken steps to maximise the income available from the property, for example by letting the parking spaces associated with it. When does the Cabinet Member anticipate the building being brought back into residential use or sold to generate a significant capital receipt?”

(xix) To the Cabinet Member for Finance, Performance and Customer Service from Cllr Orrell:

“In answer to a Freedom of Information Request in March the Council said that the number of directly employed casual staff on zero hour contracts was 2962. Can the Cabinet Member confirm the latest figure and break the number down by role?”

(xx) To the Cabinet Member for Finance, Performance and Customer Service from Cllr Ayre:

“Could the Cabinet Member list by name, date and destination the official foreign trips Council staff have been on so far this financial year and the foreign trips planned or in the pipeline for them in the remainder of the financial year, whilst, also outlining what procedures and reporting requirements are in place to authorise and monitor the value and outcomes from these trips?”

(xxi) To the Cabinet Member for Finance, Performance and Customer Service from Cllr Ayre:

“What, if any, legal advice did the Council take before blocking payday loan websites at libraries, Explore centres, West Offices and through the city-centre Wi-Fi provision?”

(xxii) To the Cabinet Member for Finance, Performance and Customer Service from Cllr Jeffries:

“How many members of staff and per department are trained in ‘Easy Read’?”

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

“Leaving aside the significant contribution arising from the move to the new offices, what is the current performance of the council in achieving its carbon reduction targets and what are the targets for the next two years?”

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

“Will the revised local plan include an assessment of the traffic impact and implications of proposed housing developments at Winthorpe and Land North of Clifton Moor?”

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

“What existing and additional air quality monitoring is taking place on the inner ring road to assess the impact of the Lendal Bridge closure and Coppergate enforcement measures?”

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

“Given the government funding for flood defence work in Fulford will the work now include raising Fordlands Rd to

remove flooding here and will Persimmon still be required to make the same financial contribution specified in the original S106 agreement?”

(xxvii) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Richardson:

“Can the Cabinet Member remove the many confusing signs across the City referring to the closure of Lendal Bridge and can he implement a city wide program of information providing consistent and clear information for all motorists entering the City?”

(xxviii) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Reid:

“How many drivers have attracted ANPR penalty notices on each day since the Lendal Bridge trial closure began, how many notices have been waived or cancelled, and how much revenue has the Council collected from these fines in total?”

(xxix) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Hyman:

“Who took the decision to waive the potential fine income for the first 10 days of the Lendal Bridge trial and under what delegated authority?”

(xxx) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Runciman:

“How many drivers have attracted ANPR penalty notices on each day since the new restrictions on access to Coppergate began, how many notices have been waived or cancelled, and how much revenue has the Council collected from these fines in total?”

(xxxi) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Runciman:

“Could the Cabinet Member provide a breakdown of the ANPR penalty notices issued since the Lendal Bridge

closure and Coppergate restrictions by residents living inside York and residents living outside York?”

(xxxii) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Reid:

“Why is the feed from the traffic cameras to the ‘i-travel’ York website map still not working despite the assurances given at the July Council meeting?”

(xxxiii) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Reid:

“How many faults have been reported on traffic signals in York so far this year, what is the total time that signals have been out of service, and how do these figures compare to the equivalent period last year?”

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

“The Department for Transport website reports that 80% of bus services ran on time in 2011/12. What is the equivalent figure for 2012/13?”

(xxxv) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Reid:

“What action has the Cabinet member taken since the last Council meeting to ensure that passengers have access to both current and historical information on bus reliability in York?”

(xxxvi) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Reid:

“During 2011/12 the Council reported that an additional 321 homes (net) had been built in the city of which 151 were “affordable”. What are the equivalent figures for 2012/13 and why hasn't the Annual Monitoring Report for last year been published on the Council's website as yet?”

(xxxvii) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Jeffries:

“The web site for the ‘shop4support’ organisation was launched earlier in the summer. What consultation with prospective users was undertaken before the launch, how much is the project costing taxpayers and how is the Cabinet member ensuring that the information contained on the website is accurate, accessible, comprehensive and up to date?”

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

“How many amateur sports clubs were using Mille Crux prior to St. John's takeover and how many are using it now?”

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

“Could the Cabinet Member provide details of the agreement to provide revenue support to York athletics club, specifically when this decision was taken, who took this decision, how much the annual amount is and from what budget the money is being taken?”

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

“Could the Cabinet Member list the other stadiums the ‘Community Stadium Project Board’ have visited by destination, date and cost?”

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

“What is the predicted contribution from York City Football Club towards the new Community Stadium?”

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

“What is the predicted cost of the new athletics facility at Heslington West?”

(xliii) To the Cabinet Member for Crime and Stronger Communities from Cllr Jeffries:

“Could the Cabinet Member outline the details of the £10,000 ward committee funding paid to Tang Hall Community Centre and the completed scheme?”

16. 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

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.

CITY OF YORK COUNCIL

Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Thursday, 18th July, 2013, starting at 6.30 pm

Present: The Lord Mayor (Cllr Julie Gunnell) 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
Runciman

MICKLEGATE WARD

Fraser
Gunnell
Merrett

OSBALDWICK WARD

Warters

RURAL WEST YORK WARD

Gillies
Healey
Steward

SKELTON, RAWCLIFFE &
CLIFTON WITHOUT WARD

Cunningham-Cross
McIlveen
Watt

STRENSALL WARD

Wiseman

WESTFIELD WARD

Jeffries
Burton
Williams

WHELDRAKE WARD

Barton

Apologies for absence were received from Councillors Orrell and Doughty

13. DECLARATIONS OF INTEREST

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

The following **prejudicial** interest was declared:

<u>Councillor</u>	<u>Agenda Item</u>	<u>Description of Interest</u>
Wiseman	17 (ii) – Notices of Motion (Local Plan)	Husband's family owned land earmarked for future use in the Local Plan.

14. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during consideration of the Annex to Agenda Item 8 (Recommendations of the Staffing Matters and Urgency Committee) on the grounds that it contains information which is likely to reveal the identity of an individual. This information is classed as exempt under paragraph 2 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

15. MINUTES

RESOLVED: That the minutes of the Ordinary Meeting of Council held on 28 March 2013 and the Annual Meeting held on 23 May 2013 be approved and signed by the Chair as correct records.

16. CIVIC ANNOUNCEMENTS

There were no civic announcements.

17. PUBLIC PARTICIPATION

The Deputy Lord Mayor announced that one member of the public had registered to speak at the meeting. Gwen Swinburn had

registered to speak in relation to neighbourhood governance but did not attend the meeting.

18. PETITIONS

A. Petition regarding proposed Lendal Bridge trial closure

In view of the number of signatories, over 1,200 people, the e-petition asking the Council to rethink Cabinet's plan to close Lendal Bridge for a 6 month trial and stop the ensuing gridlock in York, was then discussed by members.

Councillor Reid moved and Councillor Aspden seconded that Standing Orders be suspended to allow Members to take a decision on the Lendal Bridge petitions request.

On being put to the vote the Motion was LOST.

Following the debate the Lord Mayor confirmed that the Cabinet Member would take note of the petition when considering the consultation responses.

B. Petitions Presented Under Standing Order 7

Under Standing Order 7, petitions were presented by:

- i) Cllr Ann Reid opposing Labour's plans to use Green Belt land across York to build 22,000 houses on over the next 15 years.¹
- ii) Cllr Ann Reid objecting to the proposals in the council's Local Plan for the development of land lying between Wetherby Road and Knapton Village. We believe that the site should continue to be included in the Green Belt as it protects the rural setting of the western approach to the city which will otherwise begin to merge with the outer ring road.²
- iii) Cllr Lynn Jeffries objecting to the proposal in the Council's Local Plan for the development of land lying between the existing urban area and the ring road. We wish to see this land retained in the "Green Belt". Instead we believe that the Council should concentrate any new buildings at previously developed, but now

unused, sites such as Terry's, Nestle South, British Sugar and the area behind the station. We specifically object to the inclusion of part of Acomb Moor as a development site (H9) in the Council's Local Plan. We believe the site should continue to be included in the Green Belt as it protects the western approach to the City and avoids the dominance that any building near the Great Knoll would have on the surrounding area. The Moor is an important informal recreation amenity for local residents and this should be recognised in the Local Plan.^{3.}

- iv) Cllr Lynn Jeffries calling upon the council to install a dog deterring fence around the play area off Grange Lane (next to Westfield School). We ask that more dog dirt bins, and litter bins, are provided close to the play equipment so that the health hazards, resulting from dog fouling and broken glass, can be tackled and to ensure that children can play safely on the equipment.^{4.}
- v) Cllr Keith Aspden calling on City of York Council to give residents in Fulford a fairer deal and improve the road surfaces particularly in Fulford Park, Cherry Wood Crescent, Eastward Avenue and St Oswald's Road.^{5.}
- vi) Cllr Ann Reid objecting to the designation of land west of Woodthorpe for house building (ST10). Successive local plans have indicated that this land is important in enhancing York's rural setting. The nearby Askham Bogs nature reserve could be adversely affected by any development. Residents are concerned that the development in this area would exacerbate the traffic congestion problems which are already evident at certain times of the day. We therefore petition that the land continue to be included in the "Green Belt."^{6.}

Action Required

1,2,3,5 and 6. Schedule items on the Forward Plan, if required, and keep relevant Member updated on progress. SS

4. Schedule item on the Forward Plan, if required, and keep relevant Member updated on progress. KS

19. **REPORT OF CABINET LEADER AND CABINET RECOMMENDATIONS**

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 nine questions on the written report, submitted by Members in accordance with Standing Orders. The first six questions were put and answered as follows and Cllr Alexander undertook to provide Members with written answers to the remaining questions:

(i) To the Cabinet Leader from Cllr Aspden

“Concerning the fall in unemployment in York, more than one million private sector jobs have been created nationally since the Coalition Government came to power. The Liberal Democrats now want to create a million more including in cities such as York. Would the Cabinet Leader support this campaign which builds on Coalition Government achievements, including a fall in youth unemployment, a record rise in apprenticeships, £5.5bn extra invested into science, high-tech manufacturing and renewable energy, and a £2,000 cash back on National Insurance contributions for employers who take on more staff?”

The Leader replied:

“I support any measures that will facilitate economic growth and increase the number of jobs. I should point out the trend of private sector employment increase started in mid 2009 following a low point after the economic crisis. Total private sector jobs in the UK is little more than it was in 2008 and much more needs to be done.”

(ii) To the Cabinet Leader from Cllr Barton

“If the Council is to be “flexible” in seeing the Former Terry’s plans come to fruition, does this mean that the motion suggesting a 10:10 ratio on affordable housing proposed in Council by the Conservative Group and buried by this administration will now be reinstated?”

The Leader replied:

“You can't reinstate something that was never established. Flexibility is the key word here, saying 10% affordable housing is rigid. We may negotiate higher, we may negotiate lower. Flexibility on a site by site basis is what is needed.”

(iii) To the Cabinet Leader from Cllr Warters

“The Council Leader reports that the Planning Minister made clear the Local Plan is a matter for York, can the Council Leader clarify if this is a matter for York residents or just himself, Councillors Merrett and Simpson-Laing as members of the secret Spatial Planning Member Steering Group?”

The Leader replied:

“It is a matter for all York residents, as demonstrated by the public consultation involving every household in York.”

(iv) To the Cabinet Leader from Cllr Reid

“Hillary Benn, Labour’s Shadow Communities and Local Government Secretary, recently said that “local communities should decide where they want new homes and developments to go and then give their consent in the form of planning permission.....it's the difference between having a say and having it done to you. Communities should be able to determine their own future and decide what their area should look like in 5, 10, or 20 years' time”. In regards to the Local Plan, does the Cabinet Leader agree with his Labour colleague and is he prepared to listen to the residents of York?”

The Leader replied:

“I do agree and I very much welcome your support for what my Labour colleagues in Westminster are saying. However, at the moment we have a Conservative-Liberal Democrat Government who disagree with this approach and we have to work within the constraints of national legislation. I look forward to a Labour Government giving more freedoms back to communities.”

(v) To the Cabinet Leader from Cllr Barton

“In the Comprehensive Spending Review report the Leader says that “Giving York taxpayer’s money to unelected bodies to administer sets a dangerous and undemocratic precedent.” Bearing in mind that this administration pays Your Consortium,

another unelected body, thousands of pounds to administer York tax payers money – does he not consider his words to be totally disingenuous and, if he is to take his own advice, demanding of the cancellation of Your Consortiums contract?”

The Leader replied:

“I don't think you understand my report. What I am talking about is money the Government promised York taxpayers, for a specific reason, but in line with other funding reductions to instead be taken away and then given to unelected quangos. What Your Consortium is doing is administering funding allocations to the voluntary sector, with the necessary support to ensure every pound spent is maximised in its full potential to make a difference. We have moved from a grant culture by habit to a results-based commissioning model. This ensures best value for taxpayer's money.”

(vi) To the Cabinet Leader from Cllr Warters

“The Council Leader highlights without a Local Plan powers will be taken away from democratically elected Councillors and given to unelected officials in London. Can the Council Leader outline just what input democratically elected non Labour Members have had into the production of the Local Plan, what power can they exert over the Spatial Planning Member Steering Group, and just what strategic planning decision making powers they have that Central Government can remove”.

The Leader replied:

“One way is to take part in the cross-party Working Group, but I understand you called on opposition councillors to boycott this Group. The Government can take away power over all planning decisions from this council if it so wishes. This is why a credible Local Plan is so important.”

(vii) To the Cabinet Leader from Cllr Aspden

“In order to support the economic goals of ‘jobs and growth’ outlined in this report, it is crucial that York has clarity and impact in our economic partnerships. Could the Cabinet Leader therefore confirm whether York remains part of the York and North Yorkshire LEP and what he is doing to increase York representation on the Leeds City Region LEP Board?”

Reply:

"I agree. It is crucial York has clarity and this is what I outlined to my predecessor. I am working with Ministers over this issue. York giving indication to withdraw from the York, North Yorkshire and East Riding Local Enterprise Partnership gave clarity where it was not forthcoming from Government. It followed the Heseltine report that recommended being a member in one LEP and given that clarity I discussed the issue with Vince Cable MP. However, where we have given clarity the Government has responded with confusion. It is concerned about changes in LEP geography and what this does for the LEP project.

The question should not be about representation on the Leeds City Region Local Enterprise Partnership, the question should be about what York gets out of the LEP. The City Deal signed off by Nick Clegg is a big step forward that allows us access to large capital funds for transport that cannot be acquired through any other existing means."

(viii) To the Cabinet Leader from Cllr Barton

"Would the Leader care to expand on his amazing vision that sees the loss of the Law College as "providing opportunities"?"

Reply:

"When I said providing opportunities what I meant was the site itself provides an opportunity for alternative use, which I think is pretty straight forward. It's really not worth trying to make a political issue of the move when the reasons for that move were not ones we could influence, nor did the University of Law have any problems with the site, it simply moved for other reasons.

I look forward to hearing what sort of interest there is in the site in the months to come and feel confident that it will be put to good use."

(ix) To the Cabinet Leader from Cllr Aspden

"Labour Leader Ed Miliband has said he would not commit to reversing any of the cuts announced in the recent Spending Review and Labour Shadow Chancellor Ed Balls has said that if Labour win the next General Election they would stick to the coalition's 2015/16 departmental budgets. Does the Cabinet

Leader support their position and the impact it would have on York?

Reply:

“No.”

B Cabinet Recommendations

Neighbourhood Working

Cllr Alexander moved, and Cllr Simpson-Laing seconded the following recommendation contained in Minute 122 of the Cabinet meeting held on 2 April 2013:

[That Council] agree to the alteration of the Constitution to establish Resident Forums in place of Ward Committees, as described in paragraph 12 of the report, to include a revised mechanism to agree the allocation of ward funding, as described in paragraph 15 of the report.

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

RESOLVED: That the above recommendation in respect of Resident Forums be approved.^{1.}

New Council House Building – Phase 1

Councillor Alexander moved and Cllr Simpson-Laing seconded the following recommendation contained in Minute 144 of the Cabinet meeting held on 7 May 2013:

[That Council] agree to recommend the use of £1m commuted sums, and thereby increase the approved capital programme (HRA) for new homes from £6m to £7m.

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

RESOLVED: That the recommendation in respect of the use of the commuted sum in the Capital Programme be approved.^{2.}

Capital Programme Outturn 2012/13 and Revisions to the 2013/14-2017/18 Programme

Councillor Alexander moved and Cllr Simpson-Laing seconded the following recommendation contained in Minute 31 of the Cabinet meeting held on 16 July 2013, circulated at the meeting:

[That Council] agree to the restated 2013/14 to 2017/18 programme of £203.295m as summarised in Table 3 and detailed in Annex A of the report.

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

RESOLVED: That the recommendation in respect of the restated Capital Programme be approved.³

Combined Authority Governance Review and Scheme

Councillor Alexander moved and Cllr Simpson-Laing seconded the following recommendation contained in Minute 32 of the Cabinet meeting held on 16 July 2013, circulated at the meeting:

[That Council] agree to:

- (i) Note and support the findings of the West Yorkshire Review, set out in Annex A of the report, including that a Combined Authority for the area of West Yorkshire, and ultimately including the city of York, would be likely to improve:*
 - the exercise of statutory functions relating to economic development, regeneration and transport in the area;*
 - the effectiveness and efficiency of transport in the area; and*
 - the economic conditions in the area.*
- (ii) Consider and support the proposed Scheme for establishing a West Yorkshire Combined Authority, pursuant to section 109(2) of the Local Democracy, Economic*

*Development and Construction Act
(LDEDCA) 2009.*

- (iii) Confirm consent for the City of York Council to becoming a non-constituent member of the West Yorkshire Combined Authority, pending assurance from proposed constituent members as to the decisions on which CYC as a non-constituent member will be given voting rights. ⁴*
- (iv) Authorise the Chief Executive, in consultation with the Leader and with the other West Yorkshire Authorities to undertake such steps as are necessary to facilitate the submission of the Scheme and CYC's non-constituent membership of the resulting Combined Authority. ⁵*
- (v) Pursue full membership for City of York Council, and to consider the full details of this full membership as and when it becomes possible for the Council to join as a full member.*

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

RESOLVED: That the recommendation in respect of the Combined Authority be approved.

Action Required

- | | |
|--|--------|
| 1. Amend Constitution, as necessary, in relation to Residents Forums. | JC, AD |
| 2. Increase capital programme by £1m for new homes. | AK, PL |
| 3. Amend the capital programme accordingly. | RB, DM |
| 4. Confirm consent for becoming a non-constituent member of the WYCA pending requested assurances. | RW, KS |
| 5. CX, in consultation, to take such steps as necessary to allow submission of the Scheme and gain CYC membership. | RW, KS |

20. RECOMMENDATIONS OF THE STAFFING MATTERS AND URGENCY COMMITTEE

As Chair of the Staffing Matters and Urgency Committee, Cllr Alexander moved and Cllr Simpson-Laing seconded, the following recommendations contained in Minute 12 of the meeting of that Committee held on 10 June 2013:

REDUNDANCY

- (i) *[That Council]* agree the proposed dismissal on the grounds of redundancy, together with the associated expenditure detailed in the annex and notes the financial impact set out in the report.

- (ii) *[That Council]* agree that the wording of the Council's Pay Policy is amended to allow all future Chief Officer financial packages to be considered and approved at Staffing Matters and Urgency Committee.¹

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

RESOLVED: That the above recommendations of the Staffing Matters and Urgency Committee meeting held on 10 June 2013 be approved.

Action Required

1. Amend wording of the Council's Pay Policy in respect of future Chief Officer financial packages. MB

21. RECOMMENDATIONS OF THE JOINT STANDARDS COMMITTEE

As Chair of the Joint Standards Committee, Cllr Runciman moved and Cllr Horton seconded, the following recommendation contained in Minute 11 of the meeting of that Committee held on 26 June 2013:

RECRUITMENT OF INDEPENDENT PERSON

[That Council] approve the appointment of Mr Nicholas Hall as an Independent Person.¹

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

RESOLVED: That the above recommendation of the Joint Standards Committee meeting held on 26 June 2013 be approved.

Action Required

1. Amend Committee membership accordingly. JC

22. RECOMMENDATIONS OF THE AUDIT AND GOVERNANCE COMMITTEE

As Chair of the Audit and Governance Committee, Cllr Potter moved, and Cllr Burton seconded, the following recommendations contained in Minutes 12 and 13 of the Audit and Governance Committee meeting held on 9 July 2013.

REVIEW OF THE TERMS OF REFERENCE OF THE AUDIT & GOVERNANCE COMMITTEE

[That Council] approve the revised terms of reference for the Audit and Governance Committee.

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

RESOLVED: That the above recommendation of the Audit and Governance Committee meeting held on 9 July 2013 be approved.¹

APPOINTMENT OF INDEPENDENT MEMBER TO THE AUDIT AND GOVERNANCE COMMITTEE

[That Council] approve the appointment of:

- (i) Mr Martin Whiteley as an Independent Member of the Audit and Governance Committee.*
- (ii) That this be a two-year term of office.*

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

RESOLVED: That the above recommendations of the Audit and Governance Committee meeting held on 9 July 2013 be approved.²

Action Required

1. Update Council's Constitution to include new Terms of Reference. JC
2. Update Committee membership. JC

23. RECOMMENDATIONS OF THE MEMBER SUPPORT STEERING GROUP

As Chair of the Member Support Steering Group, Cllr Douglas moved and Cllr Runciman seconded, the following recommendation contained in Minute 8 of the meeting of that Committee held on 1 July 2013:

REVIEW OF MEMBER TRAINING AND DEVELOPMENT POLICY

[That Council] agree the adoption of the revised Member Training and Development Policy.¹

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

RESOLVED: That the above recommendation of the Member Support Steering Group meeting held on 1 July 2013 be approved.

Action Required

1. Implement new training and development policy. DS

24. AUDIT AND GOVERNANCE COMMITTEE

Council received the Annual Report of the Audit and Governance Committee, covering the period October 2011 to April 2013, from Cllr Potter, as Chair of the Audit and Governance Committee.

Councillor Potter then moved, and Cllr Brooks seconded acceptance of the report and it was

RESOLVED: That the Annual Report of the Audit and Governance Committee be received and noted.

25. SCRUTINY - REPORT OF THE CHAIR OF THE CORPORATE AND SCRUTINY MANAGEMENT COMMITTEE

Council received the report of the Chair of the Corporate and Scrutiny Management Committee at pages 129 to 131, on the work of the Committee.

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

RESOLVED: That the scrutiny report be received and noted.

26. REPORT OF CABINET MEMBER

Council received a written report from Cllr Looker, Cabinet Member for Education, Children and Young People.

Notice had been received of nine questions on the report, submitted by Members in accordance with Standing Orders. The first three questions were put and answered as follows and Members agreed to receive written answers to their remaining questions, as set out below:

- (i) To the Cabinet Member for Education, Children and Young People Service from Cllr Runciman

“Whilst thanking Jill Hodges for all the excellent work she has done in leading the city’s School Improvement team, I would like reassurance from the Cabinet Member that there will also be a replacement for our Senior Primary Adviser, who will be retiring shortly. If that is not the case, can she reassure me that the Standards agenda in the primary sector will be given the same expertise and attention that it has previously had?”

Cabinet Member replied:

“The LA has invested in School improvement Partners, particularly in the primary sector. They will also be renamed as York Challenge Partners to reflect our new programme around school improvement – the York Challenge. Maxine Squire will take up the position of Head of School Improvement from September. She will

be supported by the current Principal Adviser Primary on a consultancy basis until Easter 14 and also retiring primary Head teachers from within the city. There is a national shift to sector led improvement and our model of empowering clusters to drive school improvement reflects this agenda. However, there is a risk around funding for school improvement as this area faces reductions.”

(ii) To the Cabinet Member for Education, Children and Young People Service from Cllr Brooks

“Can the Cabinet Member explain why, as of early July, nearly a quarter of York’s schools are in the categories ‘Requiring Improvement’ or Special Measures?”

Cabinet Member replied:

“I don’t dispute what is stated in your question but as from the end of this term the LA will have 78% schools rates as good or outstanding. This is an improvement on the position two years ago. This includes 8 schools, inspected since September 2012, that have moved from satisfactory to good. These serve areas of disadvantage in the city. Securing and embedding a good judgment takes time and we have been working with these schools over a period of 3-4 year.

These figures remain above the regional average and in-line with the national average, but of course we constantly support schools to improve, especially those that have not received good or outstanding ratings.”

(iii) To the Cabinet Member for Education, Children and Young People Service from Cllr Brooks

“The Learning and Culture Overview and Scrutiny Committee has agreed to a scrutiny review on the take up of school meals. Does the Cabinet Member welcome the newly announced Government School Food Plan as an opportunity of making a difference to the lives of children in the city?”

Cabinet Member replied:

“The recently announced school food plan is an interesting development. The lengthy 149 page document has been produced by the DFE to assist schools in promoting the take up of nutritional

school meals. I look forward to hearing the views of head teachers and governing bodies regarding the advice, suggestions and best practice contained in the plan in due course.”

- (iv) To the Cabinet Member for Education, Children and Young People Service from Cllr Runciman

“In respect of the changing brief of the Ofsted Sub-Committee, will the cabinet member say whether the members of that committee will review school improvement on a one off basis or will the committee take a longer term view?”

Reply:

“The intention is that this committee will review school improvement (Key Stage outcomes and Ofsted outcomes) on a termly basis. A change of name will also take place to reflect this more rigorous and challenging approach. All meetings will be minuted.”

- (v) To the Cabinet Member for Education, Children and Young People Service from Cllr Runciman

“As the Cabinet Member emphasises the importance of cross-party working in Education, will she confirm that both of the main opposition parties will have a place on the York Education Partnership in the future to ensure that this agenda is taken forward with the support of all the main political groups?”

Reply:

“The membership and constitution of the York Education Partnership is a matter for the partnership itself to consider and to decide. Elected Members do not have voting rights on the Partnership but are invited to join debate and discussion as non-voting members. Currently one place is provided for the Cabinet Member with another place for the main opposition party. I will request that the Partnership considers this request for an additional opposition party place at next term's meeting.”

- (vi) To the Cabinet Member for Education, Children and Young People Service from Cllr Runciman

“Will the Cabinet Member confirm that there will continue to

be investment by the city in early years care and education, as this is the most significant time in a child's development and lays down the foundations for the future?"

Reply:

"This period of a child's life is critical and the city will continue to place this as a key priority.

Whilst specific funding for early education places is anticipated, and work has developed over the last two years to develop strong and improved relationships with providers, there is a continuing risk that budget pressures across local government will impact on this area."

(vii) To the Cabinet Member for Education, Children and Young People Service from Cllr Runciman

"Will the Cabinet Member reassure council that there will be sufficient primary and secondary school places should the significant house building programme proposed in the draft local plan take place and will she give details of these plans?"

Reply:

"We have made good progress in responding to recent increases in the demand for primary school places, and a very high proportion of pupils continue to receive offers of places at their preferred schools. I am pleased that work is progressing well at Knavesmire school which can now provide many more places for local children. We are also planning appropriate and timely increases in the number of places with governing bodies of other schools across the city as and when major developments, such as Derwenthorpe and Germany Beck, progress.

Given that the draft local plan is still subject to consultation it is too early to detail how, where and when additional school places will be provided. However, as plans for housing schemes progress and the local demand for school places can be accurately assessed, alongside the calculation of developer contributions, plans for school places will be developed for consultation with the Education Partnership and the wider community."

(viii) To the Cabinet Member for Education, Children and Young People Service from Cllr Runciman

"Is the Cabinet Member aware that several local voluntary

youth group providers have expressed uncertainty about their future due to the gradually reducing funding coming from CYC and that they are anxious to continue to offer the successful services that they already provide? What will she do to ensure they are able to continue this work?"

Reply:

"The youth service is undergoing a significant transformation to ensure that we continue to meet the needs of those more vulnerable young people in the city. This transformation will see the development of a new co-production approach with local youth providers. Instead of a traditional grant allocation approach the service will offer a range of support including access to resources such as the Urbie buses, Zoo Skate Park, youth work staff and an allocation of time and consultation from our most skilled and experienced Youth and Community Development staff to grow and ensure both quality and resilience in local provision.

These plans are still being developed however; already the York Youth Network is building an infrastructure and supporting new collaboration approaches in the city."

(ix) To the Cabinet Member for Education, Children and Young People Service from Cllr Brooks

"What is the Cabinet Member planning to do to ensure that all Members, and not just those on the Corporate Parenting Board, realise that they are Corporate Parents and what this entails?"

Reply:

- *"Co-opt certain members onto the Corporate Parenting Board for items that they may have a specific role, interest or responsibility for.*
- *Further Member briefings on the role of the Corporate Parent*
- *Challenge days / events between Members and Show Me that I Matter Panel*
- *LAC shadowing members in their elected roles"*

27. **SCHEME OF DELEGATION FOR PLANNING MATTERS**

Cllr Merrett, Cabinet Member for Planning, Transport and Sustainability presented a written report asking Council to amend the Scheme of Delegation for Planning Matters. A copy of the amended report was circulated at the meeting and republished in the online agenda. The recommendations asked:

[That Council] agree:

- i) That options A, C and D be adopted and the Scheme of Delegation for Planning within the Council's Constitution be amended as set out in Annex F to this report to reflect the requirements of those options.*
- ii) That Option B be considered for future introduction, to alter the frequency of meetings, if required.*

Cllr Galvin then moved, and Cllr Gillies seconded, the following amendment to the motion, as circulated in the additional papers circulated around the chamber:

“Amend the first resolution as follows:

Council is asked to agree:

*“(i) That options A, C and D be adopted and the Scheme of Delegation for Planning, within the Council's Constitution, be amended as set out in annex F to the report to reflect the requirements of those options, **subject to Ward Members being able to maintain their right to call in planning applications affecting their wards, without the need for consideration by the Chairs and Vice Chairs of Planning Committees and subject to Annex F being appropriately amended to also reflect this requirement.**”*

On being put to the vote, the amended motion was declared LOST.

Councillor D'Agorne had submitted a further amendment to the resolution however this was subsequently withdrawn.

Cllr Merrett then moved the original motion to amend the Scheme of Delegation, which was seconded by Cllr Horton.

RESOLVED: That the original motion in respect of the Scheme of Delegation for Planning Matters be approved.
1. & 2.

Action Required

1. Implement new Planning Scheme of Delegation. JC
2. Amend Constitution to reflect new Planning Scheme of Delegation. JC

28. ACTIVITIES OF OUTSIDE BODIES

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

- Yorkshire Purchasing Organisation – 22 March 2013
- Without Walls – 27 March 2013
- Quality Bus Partnership – March minutes have not been approved and will not be for the foreseeable future as the partnership is possibly being disbanded.
- Safer York Partnership – 18 April 2013
- NHS Foundation Trust – 20 March 2013

No questions had been submitted to representatives on outside bodies.

29. NOTICES OF MOTION

At this point in the meeting, the guillotine fell and the following motions and amendments were put to the vote without debate having been deemed, moved and seconded.

(i) York's Outer Ring Road (proposed by Cllr Merrett)

“Council agrees with the need to upgrade York's Outer Ring Road to alleviate congestion which is increasingly a barrier to jobs and growth.

Council also endorses efforts to produce a funding package through the West Yorkshire Plus Transport Fund to achieve this goal within a decade.

Council notes the MP for York Outer's earlier commitment to such an upgrade, as reported in The Press on 12th June 2007:

"Tory Julian Sturdy, who has made calls for dualling a key plank of his campaign to win the new York Outer seat at the next General Election" and "The high cost of dualling - estimated at about £140 million - means it would be impossible without Government funding".

Mr Sturdy has now been in office for over three years and has been a Parliamentary Private Secretary to a Department of Transport Minister for a year. Council therefore invites Mr Sturdy to a meeting of City of York Council to provide an update on any progress made towards his and the Council's shared aspiration of a completed dualled outer ring road for the city".

Amendment proposed by Councillor D'Agorne:

Delete first sentence and **replace** with: *"Council agrees that the proposed 4,000 home development north of Clifton Moor, the 1500 homes at Monks Cross, together with the community stadium and retail expansion at Monk's Cross would outpace congestion benefits from any of the potential upgrades to the ring road as modelled in 2008 by consultants Halcrow. Additional major investment in sustainable transport is urgently required for York to address the growing barrier to jobs and economic prosperity arising from congestion."*

*In second sentence **delete** 'to achieve this goal within a decade'*

*In the final sentence **delete** 'and the Council's shared'*

The amendment was declared LOST.

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

RESOLVED: That the original motion be approved.¹

ii) Local Plan (proposed by Cllr Watt)

"Council agrees to respect the citizens of York and promises to produce a 'Local Plan' which acknowledges

and respects any clearly expressed wishes of the people, from their responses to the 'Preferred Options' consultation."

RESOLVED: That the motion be approved.²

(ii) Vision for a Greener Council (proposed by Cllr Aspden)

"Council notes the failure of the Labour Cabinet to build-on the achievements of the previous Liberal Democrat administration and bring forward a distinct vision for a greener council and greener York.

This approach has seen a fall in recycling rates, the closure of Beckfield Lane, the reduction in opening hours at Towthorpe, the introduction of unpopular green bin charges, the failure to bring forward a replacement to the successful 'Carbon Reduction Programme', the ending of the Green Jobs Task Group, and the failure to innovate and lead the development of new approaches to tackling climate change and improving the environmental credentials of York.

Council Resolves to:

Confirm its vision to make York the greenest city in the North of England with the highest unitary council recycling rates in the area, a long-term commitment to a food waste recycling scheme, and as a regional centre for Green Jobs.

Ask Cabinet to immediately bring forward the details of the next stage of the 'Carbon Reduction Programme' with renewed commitments to reduce emissions.

Agree to set-up a cross-party 'Green Policy Working Group' (which will incorporate a re-established the Green Jobs Task Group) and will seek to turn this vision into a detailed strategy. This Group should consider issues such as developing a renewable energy company, a sustainable food strategy, a waste minimisation programme and work on fuel poverty and energy efficiency. The Group should be supported in this work by the recently expanded 18-officer strong 'Policy, Performance and Innovation' Team."

Amendment proposed by Councillor D'Agorne:

Delete first and second paragraph.

The amendment was declared LOST.

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

RESOLVED: That the original motion be not approved.

(iii) Spare Room Subsidy (proposed by Cllr Simpson-Laing)

“Council notes the distress that the Bedroom Tax is causing many York residents and their families.

Government claims that the Bedroom Tax is part of its policy to get residents into work. However, a majority of people receiving Housing Benefit in York are in work.

Government has also claimed that the Bedroom Tax is to ensure more appropriate use of Housing Stock. However, across the country there are not enough smaller homes for people to move to.

Whilst Government have attempted, nationally, to ensure that those who need a spare room are not penalised it is clear that many still are. Those still being penalised include:

Foster Carers who require more than one room due to the complexities of children they care for
Parents of service people based in Barracks Partners of people with health complications
Those with ‘Safe Rooms’ installed in their homes
Government informs that the Discretionary Housing fund is to help such people. However it is becoming clear, both locally and nationally, that this fund is not enough Council calls upon the Government to end the Bedroom Tax (Spare Room Subsidy) due to the hardship and distress that the policy is causing many residents.”

That the Chief Executive writes to the Secretary of State for Work and Pensions to express Council’s concern and request that this Tax is abolished as soon as possible”.

Amendment proposed by Cllr D'Agorne:

Add the following to the end of the motion: "Council further resolves that where the Director of Communities and Neighbourhoods is satisfied that tenants affected by the introduction of the so called 'bedroom tax' "have done all they can to avoid falling into arrears and are actively engaging with housing staff, they should not be evicted for failing to pay the part of their rent which is due to the new restrictions".

The amendment was declared LOST.

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

RESOLVED: That the original motion be approved.³.

Action Required

1. Invite Julian Sturdy MP to a meeting to provide an update on the dualling of the outer ring road. WB
2. Prepare Local Plan which respects citizens wishes in the 'Preferred Options' consultation. DR
3. Write to the Secretary of State for Work and Pensions to express Council's concern and to request that the 'bedroom tax' is abolished as soon as possible. WB

30. QUESTIONS TO THE CABINET LEADER AND CABINET MEMBERS RECEIVED UNDER STANDING ORDER 11.3(A)

Thirty seven questions had been submitted to the Cabinet Leader and Cabinet Members under Standing Order 11.3(a). The guillotine having fallen at this point, Members agreed to receive written answers to their questions, as set out below:

(i) To the Cabinet Leader from Cllr Ayre:

"How much has the Council spent to date on work connected with the tender for the Community Stadium and how much taxpayers' money does the Leader now expect to invest in the project in total?"

Reply:

"The Council has spent a total of £299k on the tender process for the Community Stadium Project to date.

The level of public money that I expect to invest in the project is exactly the same as the figure agreed by the previous administration, £4m plus the initial feasibility and project costs incurred prior to this administration taking control of the project. It was your administration that took the decision to spend the public's money on this project and the level that funding would be. We simply provided the vision, political commitment and support to turn it into a reality."

(ii) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Jeffries:

"How long has Oliver House been empty, how much is it costing to maintain the building and when will it be brought back into use?"

Reply:

"I will give the same answer as when Cllr Aspden asked a similar question at the meeting of Council on the 28th March. 2013

I have no involvement in decisions on the future of the Oliver House site. Property services and the Capital Asset Board are dealing with this and this is not within my portfolio area.

I suggest Cllr Jeffries asks the question of the correct Cabinet Member."

(iii) To the Cabinet Leader from Cllr Hyman:

"Would the Council Leader confirm how much the Council spent in assessing the suitability of the Bonding Warehouse for use as a media centre?"

Reply:

"A DIF bid of £25k has been spent on feasibility of the project but this is work largely transferred into the business plan for the Digital Media Arts Centre and is now being used to inform the planned site for the project; the Guildhall. I met with the owners of the Bonding Warehouse last week and I am pleased progress is being made to return this iconic York building back into use."

(iv) To the Cabinet Leader from Cllr Aspden:

“The Cabinet Leader recently welcomed the cross-party support for the Poverty Strategy. Would he agree with me that a cross-party approach to supporting residents with welfare reforms is also needed? If so, would he agree to set-up a cross-party welfare reform working group as soon as possible, including opposition councillors and relevant council officers, through which the council can objectively assess the effects of welfare changes in York, ensure that the council is using its staff and resources to help and inform the most vulnerable, and collectively lobby the government where necessary?”

Reply:

“Poverty in the city is a serious and very real issue for many that my administration wants to tackle and we will work constructively with anyone who shares that goal.

The work being undertaken by the Poverty Action Group is taking the impact of the Government's welfare reforms into account. This work is also intrinsically linked to the work of the Without Walls partnership at which the three main parties are represented.

It is clear Government reductions in local housing allowance, the 'bedroom tax', non-dependent deductions, the council tax benefit cut, disability living allowance cut, incapacity benefit cut, child benefit cut, tax credit cut, real term cut through 1% uprating and the introduction of the household benefit cap will make our vision to eradicate poverty all the more challenging.

Given that both local Liberal Democrats and Conservatives support these Government cuts, I don't believe the two parties are on the same page as Labour in their commitment to tackling poverty.

What is required is political leadership from the council, working in partnership with others such as community groups, charities, the Joseph Rowntree Foundation and The Press to get to grips with the issue of poverty and that is exactly what we are doing.

But I welcome any lobbying of the Government you and your Party can undertake against these changes, however late in the day it may be.”

(v) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Barton:

“Does the Cabinet Member for Health, Housing & Adult Social services agree with the statement from York City of Sanctuary’s report that there are 4500 refugees on the Council’s housing waiting list and does she plan to fast track these applicants when the breath taking number of affordable homes cited on the Local Plan become available?”

Reply:

“I would point out to Cllr Barton that nowhere in the York City of Sanctuary report does it state that there are 4500 refugees on the Council’s waiting list - if there were 4500 refugees on the Waiting List this would make York the first city in the UK to have 100% of its housing list made up entirely of refugees. It states: “There is also the reality of 4500 already on the CYC waiting list”.

Indeed, elsewhere in the report, it states quite clearly ‘the number of refugees in the city is quite small.’ In the conclusion, the report says, ‘the scale of the situation is not insurmountable and overwhelming as some sections of the media would have us believe.’

The number ‘4500’ is mentioned as a reference to the total number of people currently on the CYC social housing waiting list – as a rounded approximate number at the time the report was written and the vast majority of these people have local connections in York. I would refer Cllr Barton to the Local Plan which will aim to help address the needs and the current crisis in housing.

It would appear that Councillor Barton has inadvertently misread the Report in framing his question. It is therefore not possible to agree with a statement which does not exist in the Report and I would state that such a suggestion is completely untrue, is without foundation and could lead to the spread of false information and possibly lead to undue alarm amongst residents. Finally, such a statement has the potential to damage the social cohesion of our City.

I trust Cllr Barton will take time to re-read the Report in order to recognise that his initial reading, and comments, are inaccurate. Priority for housing in York is as set out in North Yorkshire Home Choice (NYHC) scheme, which has just been reviewed and the revised policy agreed at my public decision session earlier today. All affordable housing in York is allocated in accordance with this policy.

All applicants for housing in York are managed through the NYHC where applicants can register online, paper applications are registered within a week.”

(vi) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Reid:

“Given the importance of the document, will the Cabinet Member make the ‘Get York Building Survey’ available for members and/or members of the public?”

Reply:

“I would remind Cllr Reid that the findings from the GYB consultation were summarised in the report considered by Cabinet in February. The conversations with individual developers, as she should realise being an experienced Councillor, often touched on commercially sensitive information and as such has been deemed confidential and it is not appropriate for this to be shared with the wider public. However, it is acknowledged that not all the information from developers is commercially sensitive and I have asked officers to prepare a redacted version.”

(vii) To the Cabinet Member for Crime and Stronger Communities from Cllr Barton:

“Can the Cabinet Member for Crime & Stronger Communities describe what tangible results were evident as a result of the £5000 invested in York City of Sanctuary by the CYC Transformation Fund and can she advise if she has plans to give further funds to this organisation?”

Reply:

“This £5k was one-off, ‘seedcorn’ funding to get the organisation established and to assist it to begin providing services to those who come to the city seeking sanctuary.

*The first Annual Report shows that in only 12 months York City of Sanctuary has developed working partnerships with **key** groups at work in the city, including York Racial Equality Network, Refugee Action York, North Yorkshire Police, local schools and both Universities to name but a few of the 63 organisations which are signed up to assist the York City of Sanctuary aims of encouraging the culture of welcome, security,*

and support to all who need to claim sanctuary in the city.

York City of Sanctuary has fulfilled every part of the four elements of the plan of action it presented with its application for Transformation Funding. It is now providing services directly to sanctuary seekers in York, offering advice and support to enable employment, access to housing, legal advice, and education. This is a helpful contribution to community cohesion in the city and to integrating people from a wide variety of cultural and ethnic backgrounds.

The organisation has also sought to explore the reality of life for those who come to the city in need of refuge. That information is helpful, for example, in providing factual evidence about the numbers of refugees in the city, and of the issues they face. Amongst other groups for whom York City of Sanctuary has concern are those fleeing domestic violence, sexual, physical, or mental abuse; and those fleeing exploitation and racial harassment encountered in other parts of the UK. They too are part of the community, and are vulnerable and in need of support. That is also part of the organisation's remit.

York City of Sanctuary has not applied for further funding from the Transformation Fund. However, the Cabinet passed a resolution of support for the organisation's aims, back in October 2011, and will continue to provide support wherever appropriate. For example, I note that the Cabinet Member for Leisure, Culture and Tourism will shortly be setting up a small bursary scheme which, through City of Sanctuary, will enable people to access cultural and active leisure provision who would otherwise not be able to.

I would like to congratulate York City of Sanctuary on the progress it is making."

(viii) To the Cabinet Member for Crime and Stronger Communities from Cllr Orrell:

"The so-called 'community contracts' are widely unpopular and often ignored in wards by members across political parties. Will the new Cabinet Member recognise that a different form of community governance is needed in York?"

Reply:

"Community contracts are just part of the new ways of working

in communities for ward councillors and are simply a tool that ward councillors can use to engage more effectively with their communities. Many ward councillors from all parties are using these new engagement tools very successfully to bring positive benefits to their local communities. The tools are completely flexible and put the onus on individual councillors to find the most effective ways of working in their wards. The Communities and Equalities team have recently produced a series of fact sheets to enable councillors to make better use of these tools and it is a shame that Cllr Orrell did not attend our recent open day to learn more about these fact sheets and help to shape the way we move forward with ward working, making community contracts successful in all wards. I hope that all ward councillors will engage positively with the work the team is doing to support us all to engage with our communities more effectively.”

(ix) To the Cabinet Member for Transport, Planning & Sustainability from Cllr Firth:

“During the closure period on Lendal Bridge, what will be the average increase in:

- a) Mileage
- b) Journey time
- c) Cost

for private car drivers who otherwise would have used the bridge?”

Reply:

“Your question cannot be answered with certainty – that is why we are undertaking the trial. However the worst case scenario from the modelling work that was undertaken, which ignores, positive transfers to alternative forms of transport that we and coalition Government policy supports, shifts in times of travel, etc., indicates a 0.82% increase in km travelled, but is based on 2010 traffic levels which are higher than current flows. For the 630 motorists currently continuing to make cross river journeys by car in the hour over lunch,

- a) The average increase in mileage = 1.3 miles*
- b) Journey time to do this extra 1.3 miles = 5.7 minutes*
- c) Additional cost = 37 pence*

However if there was an 11% shift of drivers from cars to buses, cycles and walking, the average traffic reduction in a study of similar measures across Europe referred to in the previous

Cabinet paper, there would be a reduction in distance travelled (pcu/km) of 10.3% within the simulation network (roughly the CYC boundary). There would also be an improvement in driving conditions with an increase in average speed from the current 17.4 kph to 17.8 kph in the Inner Ring Road and Water End cordon area (it would go down to 16.9 kph without any overall traffic reduction), an increase of 2.3% in average speed.”

(x) To the Cabinet Member for Finance, Performance & Customer Services from Cllr Cuthbertson:

“How much were the Council’s fitting out and removal expenses connected with its move to West Offices and how does this compare to the allocated budget and Could the Cabinet Member also outline what steps he – and his predecessor – took to ensure that the move was completed within budget?”

Reply:

“The total cost of the Council’s fitting out and removal expenses connected with the move to West Offices was £1,824k, this was the allocated budget provision as reported at Cabinet.

The total cost of the West Offices move is likely now to come in £50,000 under budget and on schedule which is a significant achievement for projects of this kind.

Cabinet Members have received regular verbal briefings on this matter to ensure that the project remains on budget and on schedule.”

(xi) To the Cabinet Leader from Cllr Ayre:

“Will the Cabinet Leader agree to join me for a walk along the section of Millennium Way that passes through Heworth Without so he can fully understand the impact of the Local Plan Proposals on the natural environment?”

Reply:

“I appreciate the invitation but I have been to the site before and I fully understand the possible impact of the draft local plan on this site and others.”

(xii) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Jeffries:

“The Annual Report of the Head of Internal Audit found significant failings in budget control in adult social care and “no clear links between control of expenditure and budget responsibility in some areas”. Could the Cabinet Member explain what plans she has put in place to deal with this issue?”

Reply:

“A programme of work is under way to address the issues identified in the Audit Report. Officers in Adult Social Care are working with the Director of Health & Wellbeing and his team to improve finance and care management processes, and to review again any opportunities to reduce current spending levels. This is monitored by a Board, chaired by the Director of CBBS.

With specific regard to the links between control of expenditure and budget responsibility, Councillor Jeffries may be aware that, as with many Councils, York has arranged the Care Management Teams, who commit much of the budget spent on the support needs of vulnerable people, on the basis of the ‘care pathway’. This is recognised as good practice and the pathway is in line with guidance from Think Local Act Personal, which I understand you support.

However it does mean that one manager is unlikely to be responsible for authorising all the costs of care across the care pathway. I am assured that as an interim measure named managers have been nominated to take responsibility for budgets, and to work with their colleagues in respect of the activity across the pathway for that budget. This will be more time consuming, and so alternatives are now being explored.

The report also highlights the need to take action to mitigate significant overspends identified through budget monitoring. As Cllr Jeffries will be aware there will always be sensitivities around savings which may need to be made in this area of Council business and it is essential that options are always considered carefully in respect of the potential impact on vulnerable people. We are after all dealing with people who often have complex needs which I am sure she understands.

There is work underway to improve the information flows for

budget monitoring which it is anticipated will allow earlier identification of issues, and thus provide greater opportunity to address issues earlier. However, I would remind her she is a member of the Party of Government who has nationally raised the minimum care standard to substantial and is cutting money to Councils at a time of increasing need.”

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

“The recent explosion in the numbers of geese populating the City and the consequential amounts of excreta they leave in some of our most attractive tourist sites are creating a deterrent to tourists and residents alike visiting the City Centre. Can the Cabinet Member for Leisure, Culture & Tourism explain what measures have been taken to implement a humane cull in an attempt to minimise the danger they present in terms of both health and safety?”

Reply:

“I accept that the presence of geese can be off putting to some; others like them and regard them as part of our city wildlife.

What I am curious to know is how Cllr Barton knows that there has been an explosion of geese in the city?

Does he really spend his time as a Councillor going around counting the number of geese in the city?

If he has, I would be grateful if he could let officers know what number he has found so that we can compare his findings with the numbers of geese in the city in 2009 when the national Bird Management Unit based at Sand Hutton undertook, on the Council’s behalf, a major study on geese and management options. (The estimated population at the time was 700 geese).

This study did offer the option of a humane cull during the summer moult (by cervical dislocation, lethal injection or shooting) – but also said that it would have to be undertaken every 2 - 5 years as non-breeding birds may also choose to moult elsewhere and can then repopulate an area the following year if not deterred.

This is a complex issue for which there is no simple solution. But we have been playing our part by treating eggs on nest sites

on Council land which helps to keep the populations down. We will continue to do this.”

(xiv) To the Cabinet Member for Health, Housing & Adult Social Services from Cllr Reid:

“Could the Cabinet Member outline the estimated unit cost of each Council house/flat (including a notional site value) being built on Newbury Avenue, Chaloners Road and Beckfield Lane, and with a number of 2 bedroomed properties currently being advertised for sale on the open market in York priced at around £100,000, and would the Cabinet Member say how much of the New Homes Bonus she is prepared to invest in purchasing these properties with a view to adding them to the pool of social rented accommodation available in the City?”

Reply:

“Cllr Reid should already be aware, from previous Council reports that the total scheme cost for the first phase of new council homes is in the region of £7m. Exact costs will be determined via a competitive tendering process for the building of the new homes. As part of the development of the programme, costs will be allocated out to each development. It is therefore not appropriate for the council to publicly set out before any competitive tendering process what it anticipates the estimated costs of each unit to be.

In relation to the open market sale of 2 bed homes for £100k, a quick search on Right Move today (16th July) shows only 5, 2 bed properties for sale under £100k, all of which are flats, 3 of which appear to be previous RTBs. There is one terraced property at £110k which seems to need a lot of work and then other terraced properties start at over £120k. As Cllr Reid will know if she has ever lived in one of the smaller terraced properties in York these are not ideally suited to families and often have poor insulation due to their age.”

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

“Would the Cabinet Member join with me in congratulating First York on arranging to consult with passengers before deciding what changes to introduce to routes in the autumn, and would he also join with me in urging First to publish the service reliability data that it holds for each route to ensure an informed

discussion on the need for changes?”

Reply:

“I am very pleased that following discussions I had with First and other local bus companies through the York Quality Bus Partnership, First York are undertaking such an open consultation, with sessions at 8 different venues across York. This demonstrates their awareness of the strength of feeling concerning the local bus network and the need for the Company to address issues with a number of their commercially operated services.

The Council has supported First through the provision of officer time at all 8 events to field any questions concerning the wider bus network (First is the largest of 10 bus operators in the City) and in recognition of the fact that not all of the questions from the public would relate purely to services operated by First Group.

We understand that First will be looking to implement changes resulting from the consultation over the coming months and we look forward to working with them and with the City’s other bus operators to deliver a local bus network which better meets the needs of York’s residents.

With regard to service reliability data, First operates services on a commercial basis, and continue to regard this data as commercially sensitive. Certainly this data is key to understanding how services might be improved and The Council will continue to work with First and with other bus operators, to encourage them to demonstrate, including to the public, that network improvements are evidence based and that any changes made produce improvements.”

(xvi) To the Cabinet Member for Transport, Planning & Sustainability from Cllr Aspden:

“Last July, I asked the Cabinet Member what the Council is doing to fulfil the requirement of the Localism Act to maintain a list of "assets of community value". Could he update Council on this work?”

Reply:

“I understand, although it’s not my portfolio responsibility, that the process for creating and maintaining a list of ‘assets of

community value' have now been agreed and will be implemented shortly.

Guidance on the process details and the application form on the Council's will be published on the Council's website in September."

(xvii) To the Cabinet Member for Finance, Performance & Customer Services from Cllr Cuthbertson:

"Can the Cabinet Member state how many Freedom of Information requests have not been answered within the required 20 day timeframe for each month from May 2011 to June 2013?"

Reply:

Month	2011 -12		2012 -13	
	In time	Out of time	In time	Out of time
April	43	14	85	13
May	70	12	88	6
June	42	18	61	7
July	58	9	72	8
Aug	68	7	45	15
Sept	55	4	37	25
Oct	43	5	48	25
Nov	74	14	72	20
Dec	42	5	23	23
Jan	61	8	60	29
Feb	68	3	64	39
March	74	7	60	29
	2013- 2014			
April	70	23		
May	80	27		
June	44(27 ongoing)	17		

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

"How much funding does the Cabinet member intend to devote to reducing the number of accidents on roads in west York where there are no plans to introduce a 20mph limit, what schemes will this funding be used for, and what reduction in the annual toll of casualties can we expect to see as a result of this

investment?”

Reply:

“There has been a large amount of work undertaken in the west of York to reduce speeds and accidents over recent years. This was the focus of our early traffic calming work in the early 1990’s when we started introducing area wide traffic calming schemes in residential areas (e.g Chapelfields, Danebury Drive, Kingsway West etc.). We continued this work by targeting distributor roads with high speed and accident problems (such as Gale Lane and Foxwood Lane) and then introduced School Safety Zones at every school in the area. We have also introduced numerous junction improvements (such as replacing the Beckfield Lane/A59 junction with signals and building the Moor Lane A1237 roundabout), plus many new and improved crossing facilities for peds, and numerous on and off road cycling facilities (e.g along the orbital cycle route). We also continue to monitor accident patterns on an annual basis and look to tackle any concentrations identified. A recent example would be the work to improve conspicuity of the small Acomb “link road” roundabout at the Wetherby Road junction.

Separate capital budgets are provided for Local Safety Schemes, Speed Management and Danger Reduction schemes which is allocated to prioritised locations across the city. There is a £150k allocation in the 12/13 Capital Programme for these schemes.

The Local Safety Scheme budget is allocated following a review of the accident data so that the most effective use of the funding is made. This has been focussed on sites where a cluster of accidents have occurred and changes to the road layout will reduce the likelihood of incidents occurring. Owing to works undertaken across the city over the last 10 years there are now fewer locations which fall into this group. Our 13/14 local safety scheme programme does not include any cluster sites in the west York area, which tends to suggest the roads in this are experiencing low accidents numbers, which is considered to be a consequence of the work we have done in the area over recent years.

Speed Management schemes are identified through the Speed Management process which is operated with the Police and Fire Service. This process deals with locations where speeding has been identified by the public as a concern.

The Danger Reduction budget is allocated to schemes where there is a perception of danger identified by the public but no injury accidents have been recorded.

In addition we also undertake Road Safety Education, Training and Publicity (ETP) projects, which tend to cover the whole of York, (with partners) and also work on Regional basis, with NYCC via 95 Alive and on a wider Yorkshire and Humber basis. We all have similar issues and similar vulnerable road user groups and pooling resources and funding in this way gives us more for our money. The current Road Safety Action plan includes a wide range of activities including: School Crossing Patrols, Cycle Training, iTravel road safety pledge, Road Safety Education, 95 Alive Campaign, Publicity and Campaigns focused on young drivers etc.

Regionally we have been working on a motorbike awareness campaign called "someone's son" which as a spin off has given us access to a DVD aimed at motorcycle riders. We have also recently worked and produced regionally a DVD for commuting cyclists, called the "Urban Cycling Guide" which is partly filmed in York."

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

"In congratulating the Minster authorities on the success of their 'York Minster Revealed' project, does the Cabinet Member share my concern about the conflict between some fast moving cyclists and pedestrians in the new "Minster Piazza" on Deangate and would he agree to sign the area as a pedestrian priority zone?"

Reply:

"The Piazza scheme is a bold scheme in a very active area. The space allows for access by pedestrians, cyclists and horse drawn carriages, as previously. All users are expected to use the space with due consideration and respect. The issue of potential user conflict was considered during the detailed design of the scheme, and it was not considered appropriate or necessary to seek to prohibit cycle access. Introducing a cyclist ban is likely to push some cyclists onto the very narrow and already congested Gillygate corridor, and discourage others from cycling, contrary to long standing Council policy. There is

recognition that there will be some initial teething issues. Officers have liaised with those involved in both New Road, Brighton and Exhibition Road, London, both of which experienced some initial problems. To seek to counter any early downsides to this project, officers (working with the Minster) are looking to assist people and monitor how people use the space and move through it. To that effect we will be placing some additional temporary signage on the approaches while users adapt to the new layout. These will seek to raise awareness of the presence of pedestrians, cyclists and horse drawn carriages and encourage sharing and consideration. This being a measure which has been successful elsewhere. The scheme will be subject to a stage 3 Safety Audit (as is standard practise) and a further audit could also be undertaken in 12 months time.

Officers are hopeful that through these actions such initial concerns will be allayed.”

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

“How much has been raised by the organisers towards the cost of the “Arts Barge” project, when will a business plan for running the barge be published, when will the barge be open for business and what process is in place to recover the Council’s contribution - to the purchase price of the barge - should the project fail?”

Reply:

“The Arts Barge Project is currently looking at feasibility options around mooring sites on the river. They continue to raise funds and have placed a deposit on a boat. It is scheduled to be operating during 2014. Lawyers for the Council and Arts Barge Project have agreed that a ‘charge’, in effect a mortgage, be secured against the boat to protect the Council’s investment, should it be made.”

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

“The yearly rubbish and recycling calendars came to an end on 31st March 2013 with the interim April-June calendars running out at the end of last month. Could the Cabinet Member outline when people will be given information on the new collection rounds and could he explain why there has been a delay in

getting this information to residents?”

Reply:

“All residents will get a new calendar in advance of changes to the collection rounds.

Making changes to a service like refuse and recycling collections whilst keeping disruption for residents to an absolute minimum, when there is an increasing demand but reducing resources due to massive Government cuts, is complicated and challenging.

New and different vehicles are required; consultations have to be undertaken with staff and the unions; support services such as the customer centre and the post code checker need to be updated and checked.

As part of the collection round changes we are adding recycling services to nearly 2,000 properties that do not currently have them, demonstrating our deep commitment to increasing recycling.”

(xxii) To the Cabinet Member for Transport, Planning & Sustainability from Cllr Aspden:

“Following the unsuccessful bid to secure government funding for the A19 update in Fulford, could the Cabinet Member confirm that the Council will work with and consult local residents on any future bids or schemes?”

Reply:

“Unfortunately the short timetable available for preparation of the A19 Pinch Point Fund bid disappointingly did not allow time for our usual consultation processes. The local community will be fully involved in any future funding bids provided a reasonable period of time is available for the bid and dependent on the level of detail required at the bidding stage. If funding is secured then we will work with and consult local residents to determine the extent and design the most appropriate scheme for the area.”

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

“In regards to the Local Plan consultation, can the Cabinet Member state how many deliveries by Local Link have had

significant failures, how much the contract is and whether any money has been recouped?"

Reply:

"Your Local Link delivered to 85,000 households in York (separate from the magazine) and were the most cost effective option for this service, at a total cost of £5,400– equating to 0.0.6p per household for delivery.

Overall 2.62% of total households may have been affected with either non-delivery or within Your Local Link. This is within the distributor's customer guarantee of 95% delivery (and Royal Mail's 92% delivery guarantee). Additional leaflets were redistributed to those affected areas that we were made aware of at no cost to the council."

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

"Could the Cabinet Member outline what progress has been made in introducing charges for second green bins and for replacement black rubbish wheeled bins and for recycling boxes?"

Reply:

"Both of these are progressing well. It has been vital to involve the customer centre and ICT in this process and there are a number of issues that have had to be investigated and resolved, for example, as the charges for garden bins are classed as distance selling, legal have had to be consulted on the terms and conditions, which include a cooling off period and potential for refunds."

(xxv) To the Cabinet Member for Finance, Performance & Customer Services from Cllr Ayre:

"How many temporary or interim staff who are on FTE salaries of £40k or more are working for City of York Council through 'Work with York' or other temporary/interim staffing agencies and which departments are they in?"

Reply:

"One - in Office of the Chief Executive."

(xxvi) To the Cabinet Member for Finance, Performance & Customer Services from Cllr Ayre:

“This year citizens were allowed to pay their council tax in 12 parts, instead of 10. Could the Cabinet Member outline what the Council did to inform home owners/renters, social tenants and those in receipt of benefits of these rights, what promotion of the new arrangements took place, and how many home owners/renters, benefit recipients, social tenants elected to pay in 12 monthly instalments (overall and as a proportion by group)?”

Reply:

“The council as part of the Public Consultation exercise for Local Council Tax Support (LCTS) actively promoted this option to customers including:

- *13 Public Consultation Sessions;*
- *Individual letters to all affected customers;*
- *Outbound telephony (to those customers where we had numbers and where they were at home when we called);*
- *All staff made aware when contacted by customers.*

All CT customers were made aware as it was one of the options on the Council Tax Bill sent to all customers.

Where customers have got into difficulty with their account this is an option we have always provided to try and support customers.

The number of customers paying by 12 monthly instalments this year is 1,332 broken down as follows:

- *Direct Debit 1st Month LCTS 125*
- *Direct Debit 1st Month non-LCTS 359*
- *Direct Debit 15th Month LCTS 100*
- *Direct Debit 15th Month non LCTS 224*
- *Direct Debit 15th Month Councillors 2*
- *Cash Payers 1st Month LCTS 152*

- *Cash Payers 1st Month non-LCTS 141*
- *Cash Payers 15th Month LCTS 118*
- *Cash Payers 15th Months non-LCTS 111*

It is not possible to split this by tenure type as the system does not hold this information for CT payers.”

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

“Will the Cabinet Member state which meetings of the ‘Community Stadium Project Group’ have been attended by key stakeholders e.g. the football club, rugby club, athletics club?”

Reply:

“Meetings of the Community Stadium Partnership Forum were held in September ’12, October ’12 and January ’13 and attended by the Football Club and the Rugby League Club, with the exception of the Rugby League Club in October. These meetings came to end with the beginning of the procurement process. As contact between each key stakeholder is now of a commercially sensitive nature regular meetings and discussions have continued on an individual basis with the Football Club, the Rugby League Club and the Athletics Club.”

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

“Will the Cabinet Member confirm publically that the only reason for the delay in the stadium project is the ‘newt issue’?”

Reply:

“Yes.”

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

“On the 5th October 2009 the Cabinet Member proudly announced she would set up a leisure reserve to fund a city-centre pool. She repeated this promise again in November 2009 stating "we are the party that will do rather than offer empty promises". Can she therefore state how much is currently in the promised leisure reserve?”

Reply:

“A great deal has changed since October 2009, not least the election of the current Coalition Government which has slashed the Council’s funding.

What has also changed, however, is the level of supply and demand for swimming in York. Whereas Cllr Ayre’s administration presided over a shortfall in swimming provision we now have a more than adequate supply of facilities.

In planning the city’s requirement this administration works with Active York (the city’s sport & active leisure partnership).

The Built Sports Facilities Strategy produced by Active York is currently out to public consultation. This document compares supply and demand for sports facilities and shows that the city currently has a surplus of approximately 900m² of pool space.

The document also sets out areas of deficiencies in provision, particularly for indoor sports hall space, and some specialist outdoor facilities (for example cycling facilities).

We are prioritising our work with Active York to find ways of delivering the facilities that the community has actually identified a need for.

I am pleased to say that my work to deliver the community stadium, that had stalled miserably under Cllr Ayre’s administration, will drive forward a range of new facilities, such as the closed circuit cycle facility at York Sports Village.”

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

“Given Labour’s pledge to provide a city-centre swimming pool, yet its omission from their strategic plan to 2030, could the Cabinet Member define what she would say a “long term aspiration” is?”

Reply:

“I would refer the Member to the answer to the previous question. In addition, I would urge him not to belittle an administration having aspiration, vision and drive, however unfamiliar these things may be to him.

As an administration we move with the times, being realistic about the huge cuts we face from Government, and adapt accordingly. Here endeth the lesson.”

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

“Can the Cabinet Member state the 2012/13 budget for each of the council leisure facilities and the total actual spend?”

Reply:

- *“For Yearsley: The Budget was £387k and the actual spend £369k*
- *In the case of Energise: the budget for the grant to York High School was £274k, whilst the actual grant required was £271k - I am pleased to say that due to our investment in Energise the grant required in this financial year will be reduced to just £161k*
- *For Waterworld: The Budget was for £83k of income, whilst the actual received was £41k (the budget is higher than the income received due to an error made in the budget process by the previous administration).”*

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

“What is the cost of establishing and maintaining the ‘i-travel’ web site and could he explain what the technical problem has been with the feed from the traffic cameras to the website?”

Reply:

“The iTravel York website is the cornerstone of the LSTF funded iTravel York programme, providing a dynamic ‘one stop shop’ to advise the communities we serve with sustainable travel options. The website also acts as a conduit for all new developments in all areas of travel affecting communities, schools, businesses and all travel modes.

The cost of establishing and maintaining the web site was included in the original bid document to the department of Environment, (DfT), for LSTF funding. This cost, over the life of

the LSTF funding 2011 -2015, (within the approved bid) was for £38.6k. This figure having been arrived at following a thorough test of the market place and formal procurement procedures. The overall award to York from the DfT LSTF funding was £4.6m.

The main body of the iTravel York web site is now a fully functioning site and a total of £35.4k has been spent. The remaining balance of the £38.6k will be spent on maintenance and upgrades and is on target to meet the projected financial profile to 2015.

The iTravel York web site enables us to link to other websites but iTravel York do not maintain those sites it links too.

The recent technical problem related to the upgrade of the communications between the CCTV cameras on street and the central control facility from analogue to the digital 'dark fibre' network. This resulted in the previous computer system used to 'grab' images off the live camera feeds no longer working (it was built to deal with analogue inputs only). The provider of our digital control equipment does not produce an equivalent system to grab images from digital feeds and so has had to develop one specifically to meet our needs. As with all bespoke computer systems, there has been a period of developing and testing for this bespoke system, and delays in completing this have lead to the loss of CCTV images from the website. Staff are now in the final stages of commissioning this new system and are finalising the list of which cameras will be presented on the website. This process should be completed within the next week and then live images will once again be available via YorkLIVE and i-travel."

(xxxiii) To the Cabinet Leader from Cllr Ayre:

"Regarding the Tour de France, how many new posts are being created or adapted to support the TDF – on which scale and at what cost to the Council?"

Reply:

"One post: 'Regional Director – Tour de France Legacy'.

It is proposed that this will be funded by a £5k contribution from each of the region's local authorities, so York's contribution would be £5k if agreed."

(xxxiv) To the Cabinet Leader from Cllr Ayre:

“Besides the £500,000 hosting fees already paid by the citizens of York to secure the Tour De France what other expenses are forecast to be incurred, (broken down by category where possible)?”

Reply:

“Anyone reading Coun. Ayre’s question would be forgiven for thinking he is opposed to York being part of Le Grand Départ and hosting the stage 2 start of next year’s Tour De France. He may indeed be happy to confirm this is the case.

The Government is still to be clear about the allocation and governance of its £10m contribution. I discussed this matter last week with district and county leaders and it is a matter we are eager to resolve, for my part to ensure the cost to the local taxpayer is minimised and that it represents excellent value for money when judged against the economic gain for York businesses.

The detailed specifications are being finalised with ASO and will be come forward in September in the form of a published report.”

(xxxv) To the Cabinet Leader from Cllr Ayre:

“In responding negatively to the government proposal to allow conversions of offices to housing, the Cabinet Leader said there is a shortage of office accommodation in York. Could he tell me how many square feet of office space is currently vacant in the City?”

Reply:

“I can provide some clarity for Coun. Ayre so he is entirely clear on my position. What I support is conversion in some cases where it is appropriate but not a one size fits all, carte blanche policy for converting offices into homes. Whilst we have some office stock available, we need to protect the availability of Grade A office stock which is more limited, particularly in the city centre, in order to attract more businesses to the city.

York must retain the ability to decide on preventing conversion of this type of stock if we are to ensure the future business

needs of the city are being met.

However, even with carte blanche to convert offices to homes, this would still not provide sufficient homes to address York's acute housing shortage. York needs more homes but office to homes conversions is not an alternative to a credible Local Plan.

There is currently a total of 562,096sq ft (17.95%) of York's office space being marketed as available (source CYC Economic Development commercial property database)

Of this:

- 27% is Grade A – 152,388sqft*
- 58% is Grade B – 332,264sqft*
- 11% is Grade C – 63,548sqft*
- 4% are Listed Buildings – 22,676sqft*

Of the total office stock % is being marketed as available:

- City Centre – 7.73%*
- Clifton Moor – 2.71%*
- Clifton Park Business Park – 1.97%*
- Edge of City Centre – 0.68%*
- Elvington – 0.14%*
- Monks Cross – 1.93%*
- Northminster Business Park – 0.34%*
- Outside Ring Road – 0.34%*
- Station Business Park – 0.20%*
- Within Ring Road – 0.75%*
- York Business Park & Millfield Lane – 0.87%*
- York Science Park – 0.87%*

This is made up of Grade A, B, C & Listed Buildings % within:

	Grade A	Grade B	Grade C	Listed Buildings
City Centre	2%	68%	21%	9%
Clifton Moor	0	99%	1%	0
Clifton Park Business Park	100%			
Edge of City Centre	80%	6%	6%	8%
Elvington		100%		
Monks Cross	86%	14%		
Northminster	56%	44%		

<i>Business Park</i>				
<i>Outside Ring Road</i>		81%	19%	
<i>Station Business Park</i>		100%		
<i>Within Ring Road</i>	12%	54%	34%	
<i>York Business Park & Millfield Lane</i>		100%		
<i>York Science Park</i>	100%			

Of the office space currently being marketed as available the following has been approved for change of use:

*City Centre – 9816sqft (Grade C – 8556sqft and Listed Buildings 1260sqft
Monks Cross – 8402sqft (Grade B))”*

(xxxvi) To the Cabinet Leader from Cllr Ayre:

“Does the Cabinet Leader think it is acceptable that opposition councillors were prevented from seeing key evidence for the Local Plan prior to the public consultation?”

Reply:

“All councillors should be entitled to see documentation when reports are complete. The council will follow what it is legally required to do to fulfil its obligations on the Local Plan.

Coun. Ayre should remember that the Local Plan evidence base is an extension of the LDF evidence base, which all political parties have discussed through the LDF Working Group.

The key thing is that opposition Members are able to see the entire evidence base, which they are.”

(xxxvii) To the Cabinet Leader from Cllr Ayre:

“Given the Labour Leader’s public statement in 2010 that opposition councillors should not be prevented from seeing key Community Stadium documents because of commercial confidentiality, can he explain why his administration is now preventing councillors from seeing documents for this very reason?”

Reply:

“In 2010 the Community Stadium project was in crisis. York Knights were not on board and my predecessor made promises to people that could not be kept.

It was clear the project required political leadership and Labour provided it. Since then we seen a planning application passed, money from developers provided to pay for most of the Community Stadium and we are currently out to procurement, so good progress is being made. Making the business case of the project publicly available at this critically important stage would threaten the successfully delivery of the project, due to its commercial sensitivity.

The time for opposition councillors to influence the Community Stadium has gone as the focus is now on this administration delivering. This is a matter for officers and commercial confidentiality for York City FC and York City Knights is crucial.”

Cllr Julie Gunnell

LORD MAYOR OF YORK

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



Council

10th October 2013

Report of the Cabinet Member for Transport, Planning and Sustainability

City of York Local Plan Preferred Options Consultation Petitions and consultation update

Purpose of the Report

1. The purpose of this report is to inform members of the petitions with over 1,000 signatures submitted to the Council on the subject of the Local Plan. The report summarises the petitions and indicates the next steps in producing the Local Plan.

Consultation on the Local Plan

2. Consultation on the Local Plan Preferred Options ran for 8 weeks from 5th June until 31st July 2013. During that period, we held 14 public exhibitions, a staff exhibition at West Offices, 16 meetings with prescribed bodies and key groups and an event was held at the Bar Convent with potential developers for key sites. This was coupled with a high level of media coverage in the local, regional and national press (including the York Press, Yorkshire Post, The Economist and Telegraph).
3. Additionally, a leaflet advertising the consultation and letting people know how they could comment on the proposals was distributed to every household. Specific consultees including Natural England, English Heritage, the Highways Agency, neighbouring authorities and parish councils were contacted by email or letter to inform them of the consultation process. We also wrote to or emailed approximately 1800 groups, businesses and individuals who previously registered an interest in planning in York, to make them aware of the consultation.
4. A copy of the main documents was available for the public to view in each CYC library and in West Offices reception. A list of evidence base

documents and how they could be viewed was also provided. A link was created from the Council homepage to a new Local Plan Preferred Options page. The new webpage set out what the document was, listed the consultation documents and provided details on the consultation.

Petitions

5. Four of the petitions received as part of the Local Plan consultation contain over 1,000 signatures and therefore need to be considered at Council. A summary of the petitions is set out below.

- **Cllr Ann Reid – see Council Meeting 18th July 2013 agenda item 6 (ii)**
2302 signatures
I/We the undersigned oppose Labour's plans to use Green Belt land across York to build 22,000 houses over the next 15 years.

- **Dunnington Parish Council**
1323 signatures
We the undersigned petition the City of York Council to stop the building of a permanent 15 pitch Gypsy/Traveller site using land at Common Lane and Hassacarr Lane in Dunnington, York. It's located on Green Belt land, adjacent to Hassacarr Nature Reserve and will have a major impact on the people living in the surrounding area, homes and businesses. There are plenty of areas around York that would be suitable for these traveller locations that would not affect local residences and businesses. City of York Council needs to support our petition and keep residents happy by providing areas and communities that people feel content to live in.

- **“Save the Green Belt” Petition (Cllr Ann Reid - see Council Meeting 18th July 2013 agenda item 6 (ii))**
1084 signatures
We the undersigned object to the proposals in the council's Local Plan for the development of land lying between Wetherby Road and Knapton village. We believe that the site should continue to be included in the Green Belt as it protects the rural setting of the western approach to the city which would otherwise begin to merge with the outer ring road.

- **Gypsy & Travellers site, Malton Road, Huntington**

1036 signatures

We the undersigned petition the council to stop the building of a permanent site for 20 pitches (20-80 caravans) on a 3 acre plus site, Huntington York. The placement of this site right at the heart of an established community, locating it immediately adjacent to homes, a nature reserve and businesses would not be appropriate in this locality, by virtue of its potential impact on Huntington & Heworth residents. We believe it is hard to conceive of a more inappropriate proposal.

6. In addition, two e-petitions running on democracy.york.gov.uk also covered issues relating to the Local Plan and have received over 1,000 signatures each, as detailed below:

- **Say No to the proposed plans of a 16 acre permanent travellers site in Knapton York**

1204 signatures (closed 1st September 2013)

We the undersigned petition the council to stop the building of a permanent site for 20 static caravans on a 16 acre site, Knapton York. The council of York want to build it for 'show men ' as a permanent home. The site is bigger than the whole village of knapton put together. Its green belt land and the owner hasn't even been approached about the proposal. This will have a major impact on the people living in the surrounding area, homes and businesses. There are plenty of areas around York that would be suitable for these traveller locations that would not affect local residences and businesses in the York area. York Council needs to support our decisions and keep residents happy by providing areas and communities that people feel content to live in.

(It should be noted that this e-petition was submitted after the end date of the Local Plan consultation).

- **Protect York's Greenbelt**

1232 signatures on 2nd October 2013 (closes 31st December 2013)

We the undersigned petition the council to amend the draft Local Plan and save a number of traditionally Greenbelt-protected sites from being developed upon. The sites which have been earmarked by the Council for large scale housing development include Holme Hill and various plots of land at Clifton Moor, Osbaldwick, Copmanthorpe, Woodthorpe, Haxby and Monks Cross. We want to see the character of our villages surrounding

York protected. We acknowledge the need for more housing in York, but believe the figure of 22,000 homes to be too high and the loss of over 1000 acres of Greenbelt land to be unsustainable. We believe it is absolutely vital that Brownfield sites are used first.

(It should be noted that this e-petition does not close until 31st December 2013).

Next Steps

7. Officers are currently analysing and summarising all of the responses received during the Local Plan consultation including both policy comments and those relating specifically to sites. This information will form the basis of a report to the Local Plan Working Group in due course and will inform future stages of the Local Plan.

Options

8. This is primarily an information report, requiring no decision from Council.

Corporate Priorities

9. The option outlined above accords with the following priorities from the Council Plan:
 - Create jobs and grow the economy
 - Get York moving
 - Build strong communities
 - Protect the environment

Implications

10. The following implications have been assessed.
 - **Financial** – *Work on the Local Plan is funded through the Local Plan Reserve.*
 - **Human Resources (HR)** – *The production of a Local Plan and associated evidence base requires the continued implementation of a comprehensive work programme that will predominantly, although not exclusively, need to be resourced within CES.*

- **Equalities** – *An assessment was undertaken for the Local Plan and will continue to be undertaken during the life time of the plan.*
- **Legal** – *The Local Plan has been produced in a way that reflects strategy and regulatory requirements. In due course Council will be asked to approve a plan which will be subject to examination by a member of the Planning Inspectorate before being finally adopted. Members must only finally make their mind up on whether particular sites should or should not be included with particular designations once the plan comes before them for approval.*
- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** – *None*

Risk Management

11. In compliance with the Council's risk management strategy, the main risks in producing a Local Plan for the City of York are:
- The potential damage to the Council's image and reputation if a development plan is not adopted in an appropriate timeframe.
 - Risks arising from failure to comply with the laws and regulations relating to Planning and the SA and SEA processes and not exercising Local control of developments.
 - Risk associated with hindering the delivery of key projects for the Council and key stakeholders.
 - Financial risk associated with the Council's ability to utilize planning gain and deliver strategic infrastructure.
12. Measured in terms of impact and likelihood, the risk associated with this report have been assessed as requiring frequent monitoring.

Recommendations

13. This report is to inform members of the petitions over 1000 signatures on the subject of the Local Plan and no recommendation is required.

Contact Details

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Cabinet Member Responsible for the Report:

Cllr Dave Merrett
Cabinet Member for Planning,
Transport and Sustainability

**Report
Approved**



Date 1/10/13

Specialist Implications Officer(s)

N/A

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

All

For further information please contact the author of the report

Background Papers:

None



Councillor James Alexander
Labour Leader of City of York Council
Report to Full Council – October 2013

Employment

I am pleased to say unemployment fell again last month to the low level of 1.8%. This is one of the lowest of any city in the Yorkshire and Humber region. It is clear this administration's prioritisation of the local economy is beginning to yield results in a way not seen when compared with the national picture.

There was an increase in the last set of figures for the number of women claiming job seeker's allowance. Women have been particularly hard hit in the current economic crisis and our unemployment rate will mask unemployment where people, often women, have had to reduce hours or take part-time work.

I am very proud that since Labour won control of the council the number of children in workless households has decreased by 40%. However, we are also aware that the current economic crisis is leading to an increase in child poverty. This shows the growing problem of in-work poverty. I get quite perplexed when some seek to paint people on benefits as shirkers or scroungers when there are many receiving in-work benefits due to current and previous Governments' use of tax revenue to subsidise low wages.

As our economy continues to grow and we commit more time and resources to this end the growing challenge will become about the cost of living and addressing the wage gap in this city. This is where York Labour policies such as the Living Wage will become more and more important.

Vacant Shops

A further indicator of the relative success of York's economy is the city having the second lowest shop vacancy rate in the country. Of course any vacant units we want to see occupied and will work to that end, but this shows that our city centre is standing up well to the country's current economic challenges.

Cities of Service

I was honoured to be invited to a meeting with the Mayor of New York, Mayor Michael Bloomberg last month. He was launching the Cities of Service programme to the UK. Boris Johnson registered London's interest and I signalled York's intent to explore what this model could do for improving services in our city. This makes us the first UK city outside the capital to register our interest.

The scheme is live in 169 cities across the US. It is a scheme that harnesses the talents and contributions of communities in bringing solutions to city-wide challenges. It could afford us the opportunity to build on the already good work we have done with NESTA through our GeniUS initiative where the public is at the forefront of generating ideas to help us improve how we deliver services and improve the city we live and work in.

Castle Piccadilly

After the announcement that Primark was keen to move into the soon-to-be vacated Marks and Spencer's site on Piccadilly, Centros has come forward with new plans for Castle Piccadilly. Martin Burgess also submitted plans for the land within his ownership at the same time. The previous Piccadilly scheme was criticised by city centre retailers for being too large and providing unfair competition. Therefore I hope this reduced scale development is more welcome.

White Swan Hotel

I welcome this site being brought back into use as housing association homes with a Sainsbury's store below. This comes on the back of council investment committed to upgrading the Coppergate junction through the Reinvigorate York initiative.

Reynard Garage Site

Following progress on plans for Castle Piccadilly the council is putting the Reynard Garage site on the market. This is a key site in reinvigorating Piccadilly as one of the key access points to the city centre. For too long it has not been befitting of its position in the city so I'm pleased that things are beginning to move on this front.

Monks Cross

It is good news that Primark wants to open a second store in York. This will provide more choice for shoppers, underpin the retail offer in the city centre and at Monks Cross whilst providing jobs.

British Sugar

I welcome the release of a vision for 1,300 new homes on this site. This is a complicated site but I am encouraged by the progress being made.

Bus Fare Reductions

I want to pay tribute to Councillor Dave Merrett and his tireless efforts to improve bus services in this city over many decades.

As Members will be aware the council does not regulate, own, operate or licence buses since deregulation in the 1980s. However, Councillor Merrett has built a good relationship with bus operators leading to the all York bus ticket and now significant bus fare reductions. I believe that through his representations Coun. Merrett has impressed on First that hiking prices has done little to progress the shared aim of increased bus patronage, and that price reductions should in the longer term benefit both customers and its own business.

Coppergate

Traffic restrictions were put in place along Coppergate in the 1960s. Residents, bus drivers, taxi drivers, the media and Members have complained for a number of years at the lack of enforcement of this restriction. This has now been put in place.

Lendal Bridge Trial

This has been debated in council before. It was first discussed in 1974 by the then County Council and under the previous administration this was placed in the council's future transport plans.

It is early days so far but it is becoming clear that traffic along Leeman Road, Bootham, Gillygate and Lord Mayor's Walk has reduced whilst traffic along Foss Islands Road and Clifton Bridge has increased.

I do not believe the trial has so far created the chaos or justified the hysteria some in the opposition and media expected or hungered for. I remember well the comments of the Deputy Leader of the Conservatives, Councillor George Barton when he said "the thought of this frightens me to death".

I welcome the comments made by the previous Deputy Leader of the Conservatives, Councillor Joe Watt at the recent Economic Scrutiny meeting where he expressed his personal support for the trial and its objectives.

Over the course of the six month trial evidence will be accumulated to see whether the trial is made permanent in its present form, if we revert back to the previous system or we extend the hours of operation.

Apprenticeship Living Wage

I am proud that Labour dramatically increased the number of apprentices in the council. This had been supported by the Conservatives and their contribution should be recognised. However, our apprentices were being paid £2.45 an hour. This reflected the in-work training that the roles include. I do not believe this pay was right and so we have now changed the policies we inherited on this issue. From April we began paying the apprenticeship living wage, which is the same as the minimum wage. We have effectively doubled the pay of some of our apprentices, ensuring they can afford to properly support themselves during this training period.

National Railway Museum

I am pleased with the efforts the community and the council went to in lobbying for a future for the National Railway Museum. I would like to thank all the Labour Members who took part in the rally and Councillor Paul Healey from the Conservatives who also attended.

Together we showed the Government how important the National Railway Museum is to York. The Government reduced the cut planned for the Science Museum Group.

Jobs Fairs

We are continuing to hold job fairs more frequently. They are helping local residents gain access to new jobs that the council is helping to attract to York.

It is an honour to send invitations to those seeking work. Employment gives hope and a sense of self-determination and pride.

Late Night Levy

We are currently consulting on the introduction of a late night levy. The commitment to allow councils to introduce such a levy was in the Conservative manifesto and in the Coalition Programme for Government.

Despite the Federation of Small Businesses being against introduction of the late night levy, their survey of city centre businesses showed most businesses are in favour.

The policy received widespread support at the annual crime summit.

Local Enterprise Partnerships

As some are aware there has been a lack of clarity from Government over future funding streams to councils in the two Local Enterprise Partnerships covering Leeds and North Yorkshire. This raised concern about the ability of York to access large capital funds for transport schemes required both to improve transport and facilitate economic growth.

I am pleased to say that this problem has been recognised by Government and both the Leeds City Region and York, North Yorkshire and East Riding Local Enterprise Partnerships.

The York, North Yorkshire and East Riding Economic Plan that came to the last meeting I chair of Local Government North Yorkshire and York recognised that large capital funds should be facilitated through the Leeds City Region.

The Government has also said that a large proportion of single pot growth funds will be allocated along Department for Transport splits.

We are working with both Local Enterprise Partnerships constructively to ensure we can work with both in the key sectors York has a functioning economic area for.

I look forward to updating council as soon as this clarity and demarcation is confirmed.

New Chief Constable

I took part in the selection process for Chief Constable David Jones and have publicly welcomed him to his new role. I have already begun working with him.

Former Terry's site

Terry's is an iconic building that is important to the heritage of this city. It has been sad to see aborted plans over the past few years. It has also been sad to see the site deteriorating over that same period. I welcome Henry Boot Developments and David Wilson homes buying this site. It is clear they felt the market conditions in York and economic growth facilitated by the council working with the private sector made it possible for them to invest. This turns a new page on the site. The new owners will be keen to make a return as quickly as possible.

Changes in Planning

The Government has announced plans to be able to allow change of use of properties without planning permission. This could mean an increase of conversions from retail to housing. I disagree with the Labour opposition that this would be a good thing. To pursue this course of action is to give up on the high street and our retail centres will suffer if a quantum of retail is not maintained or increased. I have made representation to this effect.

Councillor James Alexander
1st October, 2013

Meeting	Cabinet
Date	3 September 2013
Present	Councillors Alexander (Chair), Crisp, Cunningham-Cross, Levene, Looker, Merrett, Simpson-Laing (Vice-Chair) and Williams
In attendance	Councillors Barton, Cuthbertson, Runciman and Warters

Part B - Matters Referred to Council

40. Capital Programme - Monitor One 2013/14

[See also Part A minute]

Members considered a report which set out the projected capital programme outturn position for 2013/14, including any under or overspends and adjustments, together with requests to re-profile budget between years, set out in full at Annex A of the report.

The approved 2013/14 capital programme, updated in July, of £75.7m had been increased in this monitor by £1.4m resulting in a revised capital programme of £77.1m. The variances by Directorate were set out at Table 1 of the report, with a summary of the key exceptions and implications for the capital programme set out at paragraphs 8 to 24.

As a result of the changes, the revised 5 year capital programme was set out at Table 2 with details of the financing of the programme at Table 3.

Recommended: That Cabinet agree to recommend to Council:

- The adjustments in the Capital programme of an increase of £1.473m in 2013/14 as detailed in the report and contained in Annex A.
- Approval the following Housing & Public Protection schemes:

- (i) The allocation of £385k of external grants for Housing Grants & Associated investments programme;
- (ii) The use of £255k of housing balances to fund the HRA Property Buy Back scheme;
- (iii) Note the removal of £153k of grant resulting in a reduction of the Disabled Facilities Grant programme of works. ¹.

Reason: To enable the effective management and monitoring of the Council's capital programme.

Action Required

1. Refer to Council.

JP

CLlr J Alexander, Chair

[The meeting started at 5.30 pm and finished at 6.00 pm].

**Scrutiny Report to Council
10 October 2013**

**Report of the Chair of
Corporate & Scrutiny Management Committee**

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

Corporate & Scrutiny Management Committee (CSMC)

Call-ins

2. Since the last report of this kind in July 2013, CSMC has considered the following call-ins and decided in each case that having had the opportunity to look at the issues in more detail, not to refer them back to the Cabinet for further consideration:
 - 22nd July 2013 – Alternative Services to those currently provided by the Toy Bus.
 - 12th August 2013 – The Co-Operative – A Community Benefit Society for Libraries and Archives
 - 12th August 2013 - 20mph Speed Limits in the West of York
 - 16th September 2013 – Closer working with Leeds Bradford Airport

CSMC Reviews

3. At CSMC on 9 September 2013, the Committee considered a further report on the Council's ambition to be 'Excellent' under the Equalities Framework for Local Government. The Committee met with an officer and elected Member from Barnsley Metropolitan Borough Council, where an 'excellence' award had already been achieved. As a result, they have requested a further briefing from officers to identify specific areas of concerns in York and to scope a potential review to bring about change in this authority.
4. CSMC have asked all four Overview & Scrutiny Committees to undertake a corporate review of the Night-Time Economy (NTE) in

York. All the Committees are currently involved in this work by investigating how the NTE impacts on their areas or responsibility and how it can be improved. The Committees are to present their findings to CSMC by February when they will be assessed to provide overarching recommendations to improve the NTE in the city.

Standing Overview & Scrutiny Committees

5. **Community Safety Overview & Scrutiny Committee** has met twice since the last report to Council, in July and September 2013, and received a briefing by the Cabinet Member for Crime & Stronger Communities regarding priorities and challenges.
6. The Committee also has a second Task Group reviewing A Boards.
7. The Committee next meets on 12 November when Members will receive a briefing from the Police Commissioner (Julia Mulligan) as well as being given updates reports on the two scrutiny reviews.
8. **Learning & Culture Overview & Scrutiny Committee** has met once since the last report to Council, in September 2013, when Members were given a briefing on School Improvement and an update on Ofsted.
9. The Committee has one Task Group currently appointed, to review school meals in the city, and a draft final report on a scrutiny review into Careers, Education, Information, Advice and Guidance (CEIAG) was approved at the September 2013 meeting and this will be put before Cabinet in November 2013.
10. The Committee meets again on 20 November when members will be given updates on the ongoing scrutiny review.
11. **Economic & City Development Overview & Scrutiny Committee (ECDOSC)** has met twice since the last CSMC report to Council, firstly in July when Members were given a Report on major developments within City of York Council, and received briefing notes on new potential reviews relating to Construction Skills and to Supporting Online Working. A Task Group was subsequently set up to carry out a review into Construction Skills and this work is ongoing.
12. In September 2013 a draft final report into External Funding was approved by the Committee and this will be presented to Cabinet in November 2013. At the September meeting Members were also given a briefing by the Cabinet Member for Transport, Planning & Sustainability and a presentation on the Grand Depart.

13. The committee next meets on 19 November when Members will be given a briefing by the Cabinet Member for Health, Housing & Adult Social Services and update reports on the two ongoing scrutiny
14. **Health Overview & Scrutiny Committee**, has met twice since the last report to Council, firstly in July 2013, when Members were given a briefing by the Cabinet Member for Health, Housing and Adult Social Services. They also received reports into Adult Safeguarding (Annual Assurance of Governance Arrangements) and the Public Health Service Plan.)
15. A scheduled meeting in August was cancelled but at their meeting in September Members received the Annual report from Chief Executive at York Teaching Hospital NHS Foundation Trust, including a report on the Liverpool care pathway and the Progress of the Francis report progress They also had a joint update from Vale of York Clinical Commissioning Group and York Teaching Hospital NHS Foundation Trust on how they are working together.
16. The committee next meets on 23 October when members will receive a Report on Section 136 of the Mental Health Act – provision of a place of safety, an update report on the provision of medical services for travellers and the homeless and a presentation on loneliness by a representative of the Joseph Rowntree Foundation. The Committee will also receive the Draft final report of Community Mental Health & Care of Young People Task Group.

Councillor John Galvin
Chair of Corporate & Scrutiny Management Committee

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Full Council Report of the Cabinet Member for Finance, Performance and Customer Service

It is now five months since I moved into the new portfolio which takes in all of the previous Corporate Services portfolio with the addition of corporate communications and emergency planning which both transferred with me from my old portfolio.

These two additions allow for the joining up of communications with customer services and emergency planning with business continuity into one portfolio, which are natural partners in each case.

Customer Service

I see a major part of my role as being to serve as the champion of good customer service in the Council. The residents of York interact with the Council in many varied ways from simply paying their council tax and paying for Respark permits, to more in-depth discussions about their home life and personal circumstances and different levels of engagement in between.

It is important that every time a resident has a reason to engage with the Council at any level, their contact is dealt with in a timely, efficient and professional way and as far as possible they view the engagement positively.

Whilst great strides forward have been made in the last two years and we have many examples of good practice with an excellent team working in customer services, I do not feel we are currently performing at the level we would like to in this regard. Improving the experience of our residents when they engage with the Council is an important focus of my work moving forward. It is vital that this is not just seen as something delivered by staff in our call centre but an integral part of the culture of the whole authority.

Benefit Changes

Recent performance in customer services have been adversely affected by the impact of benefit changes by the Government. There has been a massive increase in all forms of contact with the council since the benefit reforms took effect which have had a significant impact on our response times. To give Members an idea of the increased workloads, we have had:

- 5000 more telephone enquiries in the first quarter of 2013-14 than for the same period last year;
- 6000 more items of work in the first quarter of 2013-14 than for same period last year;
- 284 Discretionary HP applications in the first quarter of 2013-14 compared with 60 over the same period last year.

We have had 56 successful claims for the York Financial Assistance Scheme (YFAS) and a large volume of claims from people who are experiencing new hardships as a result of changes introduced by the Government.

A very significant amount of staff time is being taken up having to deal with often very complex cases of human suffering.

I would like to highlight to councillors a case study which demonstrates the difficulties being suffered by some York residents. Although this is one of the worst cases, it is by no means untypical of the cases being confronted by our staff on a daily basis.

The case study is about a single female parent and her boy.

The resident has made four applications to YFAS between July and September.

Her partner left her in 2001 and she lived in a housing association property until 2009, when she moved into private rented accommodation. In 2009, she moved into a Council property with a rent of £83.07 per week covered by Housing Benefit.

Her son receives highest rate disability living allowance for care and low rate for mobility. She receives carer's allowance as a full time carer for her son, child benefit, income support and child tax credits but was in receipt of Employment & Support Allowance until this was cancelled.

Her son has many disabilities requiring him needing full time care including: severe behavioural problems, attention deficit hyperactivity disorder, obsessive compulsive disorder, blackouts, seizures and severe violent outbursts and incontinence, mainly at night.

He was witness to his mother's abusive relationship with his father which ended up with his mother in hospital.

By acting as a full time carer she is not only giving a loving home environment to her son but she is saving tax payers considerable sums of money because if the authority had to provide for his care it would be much more costly than the sums she receives in benefits.

The result of the Government's cap on benefits is that she is £91 per week worse off and has run into extreme financial difficulties.

She applied to YFAS to 'ease exceptional pressure' on the family with a large list of household items that they needed. They included applications for basics such as food and her son's bed which was broken due to his behaviour. She has received several payments and taken up a very significant amount of Council staff time to assist her.

This customer can only make one more claim for an emergency assistance grant in this 12 month period and is unlikely to qualify for another community grant on the basis of exceptional pressure.

City of York Trading Limited (CYT)

The business was expanded in September 2013, after profitable first year's trading to take in all of the Council's casual workers. The expansion seems to have progressed successfully with some positive feedback having been received from the staff involved.

During the next six months management teams will be reviewing all contracts to ensure proper use of permanent or temporary posts and any remaining casual activity will be operated through CYT.

I am very happy to report that by April 2014 no zero hours contracts will exist within CYT, and they will become a Living Wage employer underlining the commitment of this authority to be a decent employer.

Accommodation

I am delighted to report that the move of 1,600 staff from 17 buildings into two (West Offices and Hazel Court) has gone ahead very successfully, on time and on budget. A very considerable achievement and all the staff involved rightly deserve the recognition for how well this was done.

We are in the process of disposing of the sites we have moved out of, with the clear focus on ensuring best value for the Council.

We have set out in procedures that obtaining this best value can be dealt with in a number of ways:

- Open market sale – the asset is placed on the market and offers are received with the highest one being accepted. These offers are made unconditionally and ensure a sale goes through quickly. Examples of these which have recently taken place are the sale of Hollycroft and it is proposed to sell Ashbank on this same basis.
- Open market sale with conditions – the asset is placed on the market with a planning brief and offers are invited setting out the conditions (ie. obtaining planning permission) which the offer is subject to. These offers are then considered both on price and the risk of the conditions not being fulfilled. Examples of this type of approach employed recently on the disposal of council assets are the Yearsley Bridge site and the Edmund Wilson Pool site. This approach will be followed at 17/21 Piccadilly and part of the former Manor School site which are shortly to be marketed.
- Direct negotiations with one party – this method is not often followed but is used when the other party has an interest in the property – ie. a current tenant – or there is a very good economic and financial reason for dealing directly with them such as the creation of new jobs or the assembly of a larger site for residential development. These other parties are known as ‘special purchasers’ or ‘particular buyer.’ Disposal by this method is permitted as long as an independent valuation is carried out by a firm of chartered surveyors not connected to the case showing that market value has been obtained. An example of this would be the agreement to sell the Hungate site to Hiscox and Kent Street Coach Park for the new fire station.

Two current properties under consideration for disposal are St Anthony’s House and 13/15 Redeness Street. At the time of writing both sites are recommended for disposal, subject to the approval of Cabinet.

St Anthony’s House was vacated earlier this year as part of the migration of staff to West Offices. The Council has no requirement for this building and therefore it was agreed to dispose of this property and seek to maximise the capital receipt.

York St John University (YSJU) have expressed an interest in this property as they have an urgent need for additional teaching and staff accommodation as part of the expansion plans for YSJU.

Negotiations have taken place with a property professional for YSJU and terms have been provisionally agreed.

An external firm of valuers have undertaken a valuation of this building and site, calculating the value for the current use, the proposed use by YSJU and alternative uses which could be permitted under current planning guidance such as residential.

They have confirmed that the figure agreed is the best value.

13/15 Redeness Street, Layerthorpe is let on two long ground leases from 1970 to 2064 at a combined yearly rent of £8,250. The lessee was Yorkshire Water (I should declare that I am employee of Yorkshire Water) but they ceased using the site several years ago and Maple Grove Developments are the leaseholders. This development company have also agreed to buy the adjoining site (not owned by the Council). They have approached the Council, through their development partner, Yorvale, to buy the freehold so they can develop both sites, subject to obtaining planning permission, for a 325 bed student accommodation. Initial discussions with planners have been positive.

Procurement

Significant changes over the summer have taken place in procurement as a number of senior staff left the organisation. We have recruited replacements who are implementing a review of category management and undertaking spend analysis to deliver savings and efficiencies across priority areas, starting with facilities management, building and construction.

Officers are developing a toolkit for commissioners across the authority and for local small businesses to help the trade with public sector organisations.

They have also developed mechanisms to build a living wage into future CYC contracts, starting with the Community Stadium, the Elderly People's Homes project and West Offices security contract.

Facilities Management (FM)

We have successfully established a new FM service at West offices and Hazel Court delivering a comprehensive programme of repair and maintenance, as well as programmes for business functions such as printing and scanning, the post room, cleaning, meeting room support

and security. We have also appointed a new Head of FM who will be leading a business support review to consolidate administrative functions, explore income generation opportunities for our buildings and reduce FM costs through better procurement.

Legal Services

Legal services are currently advising on most of the council's major projects including: the libraries and warden call social enterprises, elderly persons homes, the waste project, the community stadium and others. Many of these projects are novel and require significant, expert legal input. Despite this our spending on external solicitors has been half that of the last administration.

Some of Legal Services' most difficult work goes under the radar. For example, its work in children's and adult social care helping to protect vulnerable people. Adult social care is an extremely complex and developing area of law and some of the cases we deal with are at the cutting edge. We have worked on cases in recent months which have been setting new law in this area.

ICT

ICT's biggest achievement of the year was undoubtedly their contribution to the smooth office move. The long hours and hard work they put in each weekend meant that staff could leave their office on a Friday and pick up where they left off on the following Monday morning without any disruption to their work due to moving offices.

We had some disappointing news in the summer when the Government cut £1m off our successful super connected cities bid. We have though reviewed what we can deliver and a procurement process is just beginning to enable us to expand the free City Centre wi-fi provision. In the coming months we will be launching a voucher scheme which will cut the costs for local small businesses and community centres who wish to connect to super-fast broadband. We are also hopeful that we will be able to fund the cost of wi-fi on buses to and from Park and Ride sites. The latter is subject only to us being able to satisfy DCMS that this provision can be made without breaching EU law.

I hope that all Members with the means to do so will have downloaded the York tour app which is great fun as well as informative. Some Members have also been trialling the Membersphere app which will put all the information that Members routinely use in one easily accessible

place. We already have interest from a number of bodies in purchasing versions of that app from us and that is one of a number of products and services which ICT will be looking to market, possibly through CYT Limited.

Budget

It will come as no surprise to anyone that the council continues to face significant financial challenges due to continued reductions in government funding alongside pressures on a number of services, most notably adult services.

In terms, of the current financial year, the first quarter monitor highlighted a number of pressures, and work is ongoing to ensure that spending is brought in line with budget. I should stress, before opposition members get too excited, that we are in a better position now than we were in at this point last year and we came in under budget last year. It is the normal run of events in local authority finance that pressures are identified early on and plans are put in place to bring us in on budget.

Looking ahead, the challenges for 14/15 were set out in the report to council in February of this year, including planned savings of some £11m which will need to be made.

In recent weeks the Government has made a number of announcements regarding funding plans for 14/15 and 15/16. Whilst these announcements have indicated the broad level of reductions to be made to local government funding, there remains significant uncertainty and the track record of this Government is to treat local authorities as the poor relation of the public sector with last minute cuts falling on us when further savings are needed from the public purse.

Recent announcements have confirmed an additional 1 per cent cut in grant for 14/15, over and above planned cuts, meaning that a reduction in grant of some 10 per cent is likely in 14/15. For 15/16, there are continued reductions in funding, and taking account of the loss of the council tax freeze grant the overall reductions in grant are estimated at some 13 per cent.

A report will come to Cabinet in the coming weeks updating more on the impact of likely funding changes. Many areas remain concerning, including the Government's top slicing of new homes bonus, and continued uncertainty over funding for adult care.

Despite all of these challenges work is underway to present a balanced two year budget to council in February and to ensure the continued financial health of the organisation, alongside ensuring priority services are funded and our manifesto pledges are delivered. We are currently working on future budgets and I most firmly take the view that we should approach the process by reviewing how the Council spends its money so that we can realise future savings. I am very keen to avoid salami slicing of budgets wherever possible and that the approach to savings being taken is done in a strategic way.

The Audit Committee recently considered the council's accounts for 12/13, and whilst this may not attract the level of interest that the budget does, it is a key element in this council's financial management. The external auditor's report identifies no issues of concern and councillors should be reassured in terms of both the timeliness of completion of the accounts and also the strong financial health of the organisation.

In addition to work related to the accounts and the budget, the Finance team has actively supported a number of major Council projects, including amongst others the joint Waste project with North Yorkshire CC, the EPH programme and the Community Stadium. The Income Collection team continues to achieve high levels of performance in relation to council tax income and business rates and is actively pursuing work that seeks to increase income collected and reduce transactional costs. Our internal audit service continues to operate effectively through Veritau, including the provision of a highly effective fraud team who have had a number of notable successes.

In addition to being a Director on the Veritau board, I am also a Director on our other Local Authority Company, City of York Trading. In its first year the company has made a profit of almost £40,000 and we anticipate the turnover and profit to increase significantly in coming years. Both these companies are real examples of successful innovation that seek to deliver efficiency and increased income.

Meeting	Joint Standards Committee
Date	11 September 2013
Present	Councillor Runciman (Chair) (CYC Member) Councillor Barton (CYC Member) Councillor Crawford (Parish Councillor) Councillor Horton (CYC Member) Councillor Taylor (CYC Member)
In attendance	Mr Hall (Independent Person) Mr Laverick (Independent Person)
Apologies	Councillors Martin and Simpson (Parish Councillors)

PART B - MATTERS REFERRED TO COUNCIL

20. PLANNING CODE OF GOOD PRACTICE

[See also Part A minute]

Members considered a report that provided an update in respect of the production of a local planning code of good practice.

Members noted the amendments that had been made to the draft that had previously been considered by the Committee. The amendments, detailed in paragraph 4 of the report, took into account the recently published revised Local Government Association “Probity in Planning” guidance.

It was noted that the Council’s existing code went further than the new guidance in that the code stated that Members should not act as the lead spokesman for a group supporting or opposing a development. This advice was not contained in the guidance. Instead the guidance suggested that whenever a councillor, whether or not a committee member, spoke on behalf of a lobby group they should withdraw from the meeting after the public speaking session. Members were asked to consider whether to replicate this advice.

Members suggested the following amendments to the draft code:

- Greater clarity in the wording of the code to better differentiate between Members of Council and Members of Planning Committees
- Replicate the advice in the LGA guidance in respect of Members of Council withdrawing from meetings after the public speaking session in the circumstances when they have spoken on behalf of a lobby group.
- Deletion of paragraph 7.3
- Paragraph 10.3 to include reference to the requirement to comply with National Planning Guidance.
- Paragraph 14.1 to be amended to read “prescribed *training*”

Recommend: That, subject to the agreed amendments, the revised Planning Code of Good Practice be adopted.

Reason: To ensure that planning decisions are made openly, impartially and for justifiable reasons.

Councillor Runciman, Chair

[The meeting started at 3.00 pm and finished at 3.50 pm].

PLANNING - CODE OF GOOD PRACTICE

1. Reasons for Guidance

- 1.1 One of the key purposes of the planning system is to balance private interests in the development and use of land against the wider public interest. Planning necessarily affects land and property interests and as such is often highly contentious. It is important therefore that planning decisions are made openly, impartially, with sound judgement and for justifiable reasons. The aim of this Code of Good Practice is to promote public confidence in the planning decision making process.
- 1.2 If you do not abide by this Code of Good Practice, you may put:
- the Council at risk of proceedings on the legality or maladministration of the related decision; and
 - yourself at risk of being the subject of a standards complaint

2. When does this code apply?

- 2.1 This Code of Good Practice applies to Members at all times when they are involved in the planning process. This includes both Planning Committee meetings, any meetings of the full Council when exercising the functions of the Planning Authority, and less formal occasions, such as meetings with Officers or the public and consultative meetings. It applies to planning enforcement matters or site specific policy issues as well as to planning applications. Although much of the Code applies only to members (including substitute members) of the Planning Committees, some aspects affect any Member who becomes involved with a planning matter.
- 2.2 This Code of Practice supplements the Council's Code of Conduct for Members, and gives detailed advice on dealing with planning issues.
- 2.3 If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or Deputy Monitoring Officer, and preferably well before any meeting takes place.

Do apply the rules in the Members' Code of Conduct first.

Do then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control.

Do seek early advice if in doubt

Dealing with Interests under the Members' Code

- 3.1 Members must always declare personal, prejudicial and disclosable pecuniary interests in accordance with the Members' Code of Conduct. All Members must follow these rules not just members of the Planning Committees.
- 3.2 A personal interest arises where the business affects you, somebody with whom you have a close association, one of the outside bodies referred to in the second schedule of the Code of Conduct or someone from whom you have received a gift or hospitality valued at £50 or more. You must declare these interests unless they appear on your register of interests.
- 3.3 A prejudicial interest arises where your personal interest is so significant that it would be likely to prejudice your judgement of the public interest. You should not participate in the debate or vote where you have such an interest and, if the interest arises in a decision making meeting, you should leave the room. Simply being a member of an outside body will not automatically amount to a prejudicial interest but you need to think about whether your involvement is more significant than that and consider taking specific advice.
- 3.4 A disclosable pecuniary interest arises where the business relates to one of the interests prescribed by law and referred to in the first schedule of the Code of Conduct. It is a criminal offence to participate in a Council meeting if you have such an interest and have not been granted a dispensation.

Do disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with Officers and other Members. Disclose your interest at the commencement of discussion on that particular matter.

Where your interest is a prejudicial or disclosable pecuniary interest and you have not obtained a dispensation:-

Don't participate, or give the appearance of trying to participate, in the making of any decision on the matter by the Planning Authority.

Don't get involved in the processing of the application*.

Don't use your position to discuss the proposal with Officers or Members when other members of the public would not have the same opportunity to do so

- * A Councillor who has a prejudicial or disclosable pecuniary interest in a matter is permitted to seek to persuade Planning Officers of the merit of the application in the same way as a member of the public but should be careful to avoid creating an impression of placing pressure on an Officer for a particular recommendation. See also paragraph 3.3 for advice on speaking at meetings in these circumstances.

4. Keeping an open mind

- 4.1 Members of a Planning Committee must not make up their minds before they have all relevant material and arguments before them at a Planning Committee meeting. The use of a political whip is not permitted for decisions on planning applications.
- 4.2 Members of a Committee are entitled to feel predisposed towards a particular decision, but must still be able to consider and weigh relevant factors before reaching the final decision. Pre-determination arises when Members' minds are closed (or reasonably perceived to be closed) to the consideration and weighing of the relevant factors. That risks making the whole decision vulnerable to legal challenge. It also risks a public perception being created of unfairness in the planning process.

- 4.3 The Localism Act 2011 has built on clarification of the law provided by the Courts in a number of cases and Members can take some comfort that they are entitled to express views on planning matters prior to a decision being made without being challenged on grounds of predetermination. Nevertheless it remains the case that Members must not have closed their mind to possible alternative decisions and must be prepared to consider representations made and the advice of Officers and listen to the debate before reaching a final view.

Don't make up your mind, or appear to have made up your mind, on how you will vote on any planning matter until you have heard the Officer's presentation and all the evidence and arguments at the Planning Committee when the matter will be considered.

- 4.4 A member of a Planning Committee who is also a Parish Councillor may already have been consulted on a planning application at a Parish Council meeting. It is permissible to express a view at a Parish Council meeting on a matter and still participate at a Planning Committee so long as you have not closed your mind to reaching a different view. It is good practice in these cases to:
- make it clear during the discussion at the consultee body that your views are expressed on the limited information before you only; and
 - you will reserve judgement and the independence to make up your own mind when it comes before the Planning Committee and you hear all of the relevant information; and
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Planning Committee; and
 - you disclose the personal interest regarding your membership of the Parish Council when the Planning Committee comes to consider the proposal
- 4.5 If you have already made up your mind you must not speak or vote on the business but you are not legally required to withdraw from the meeting (unless you also have a prejudicial or disclosable pecuniary interest). However, you may prefer to do so for the sake

of appearances. If you decide to stay in the meeting you should explain that you do not intend to speak and vote because you have (or you could reasonably be perceived as having) judged the matter elsewhere, so that this may be recorded in the minutes.

- 4.6 Cabinet Members may have been involved in promoting a particular development in their role as Cabinet Members for the Service. If a Cabinet Member also sits on Planning Committee it may be difficult for him or her to demonstrate objectivity in dealing with an application relating to that development. In those cases the best course of action would be for the Cabinet Member to withdraw from the debate and vote.

5 Contact with Applicants, Developers and Objectors

- 5.1 Members of a Planning Committee should discourage applicants or agents from approaching them in any way, should minimise social contacts with known developers and agents and should refrain altogether from such contacts when developments are contemplated or a planning application has been received.
- 5.2 All Members should refrain from involving themselves in discussions with developers or potential applicants at the pre-application stage of proposals unless such discussions are part of structured and recorded arrangements with Officers.
- 5.3. If an approach is received from an applicant/agent in relation to a particular planning application or a matter that may give rise to a planning application, the Member should:
- Refer the applicant or agent to the relevant Officers of the Council, and notify Officers of the approach.
 - Avoid giving any commitment or impression of a commitment or that they hold any particular view about the development or the future of the site in question.
 - Confine themselves to providing information on the Council's general planning policies or procedures only, where the Member is fully aware of these.
 - If they do express an opinion they should make it clear that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at committee.

- 5.4 When any Member speaks at a meeting of the Committee on the subject of a particular planning application, they should disclose the fact that they have been in contact with the applicant/agent, if this is the case. Members are able to articulate their own views on proposals, but should not speak on behalf of the applicant or the agent who will have their own opportunity to speak to Committee.
- 5.5 Any written information received by a Member of the relevant Committee from the applicant or agent, objectors or any other third party, should be passed or copied immediately to the relevant Planning Officer and declared at the start of the consideration of the particular application.

Do seek to minimise social contacts with known developers particularly when the developer is known to be contemplating development in the City

Do refer an applicant, developer or objector who approaches you about a planning application to Officers, if they need planning, procedural or technical advice.

6 Contact with neighbours, objectors, supporters, third parties or fellow Councillors

- 6.1 In order for the planning system to work effectively public concerns must be adequately aired. It is an important part of a Member's role to listen to residents' views and put these views forward within the Council. However, it is important that Members of the Planning Committees make decisions based on the full facts having considered all representations made and all other relevant considerations. Members will usually need a report from Officers to help them to do this.
- 6.2 Members of a Planning Committee should be wary of giving the impression that they have made up their mind about a particular matter. Discretion is always advisable. A good approach is to say something like: "From what I know at the moment I support (or have reservations about) this application, but I won't make a final decision until I have all the facts before me at Planning Committee".

- 6.3 All Members should advise anyone lobbying them that the Committee can only effectively consider representations if they are made in writing to the Assistant Director for City Development and Sustainability. Members can also advise objectors of the rights they have for speaking at meetings. If there are technical issues or alternatives to be considered, then Members should either ask the applicant/objector to raise these matters with Officers or ask Officers to consider such matters when reporting to Committee.
- 6.4 No Member should accept gifts or hospitality of any value from anyone who is lobbying them. You should inform the Monitoring Officer if you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality).
- 6.5 No Member should take part in negotiations with applicants or potential applicants regarding their proposals for development except where such negotiations are part of a structured arrangement with Officers.

If you are lobbied

Do explain that you are not in position to express a firm intention to vote one way or the other

Do explain how representations can be made formally

Don't accept any gifts or hospitality

7 Lobbying by Members

- 7.1 Members are quite entitled to join general interest groups which may have an interest in planning matters such as the Civic Society or the Victorian Society. If you are present at a Committee meeting where a group to which you belong has adopted a view on a particular matter then you need to declare a personal interest when the matter is discussed.
- 7.2 There may be circumstances where a political group has a policy commitment to a particular development. It may have been contained within the party's manifesto. This alone does not prevent a Member participating in decision making so long as you have not closed your mind to considering the planning arguments.

- 7.3 If a Councillor, whether or not a member of the Planning Committee, speaks on behalf of a lobby group at a Committee meeting they should withdraw from the meeting after the public speaking session.

8. Site Visits

- 8.1 Site visits can play an important role in ensuring that Members make decisions on a sound understanding of the relevant issues. However care must be taken to ensure that site visits are not misused as a lobbying device to help ensure a particular outcome in respect of controversial applications or to defer consideration of an application to a subsequent meeting. Site visits should only be requested where there is a clear and substantial benefit in having one.
- 8.2 You will have the opportunity to ask questions of Officers, the applicant and objectors at the site visit but you should avoid expressing opinions at this stage.
- 8.3 In addition it is important for Officers and Members to hear all the discussion and visit all parts of the site as a single group so as to ensure that any information which you gained from the site visit can be reported back to the Committee, and that all Members have the same information.
- 8.4 While visiting sites Members must not accept any form of gift, hospitality or refreshment.
- 8.5 Members of a Planning Committee should not normally accept invitations to visit a site unless this is in the company of a planning officer. This does not prevent you from going alone to view a site from public land.
- 8.6 Councillors have no rights to enter on private land. A Councillor might be invited to enter the site by the owner. It is not good practice for a member of a Planning Committee to do so as this can lead to a perception that the councillor is no longer impartial. If you feel that you need an explanation of the proposal then you should request a formal site visit by contacting the Case Officer at least 10 days before the Committee meeting.

Don't request a site visit unless you feel it is strictly necessary

Do ensure that you treat the site visit only as an opportunity to seek information and to observe the site.

Do ask the Officers at the site visit questions or seek clarification from them on factual matters which are relevant to the site inspection.

Don't express opinions or views on the proposal to anyone.

Don't enter a site which is subject to a planning application unless you can comply with the good practice rules in this Code

9. Presentations to Members

9.1 It may be that on larger, more complex, or design sensitive applications, it would be appropriate for a prior presentation to be made to the relevant Committee.

9.2 If so, such presentations will not be held less than two weeks in advance of the meeting. This is to allow Members due time for reflection on the proposal, and to allow any questions and issues to be followed up by Officers and covered in the agenda report to Members at the subsequent Committee.

9.3 The role of Members at such presentations is to listen to the presentation, and to raise questions on the details presented. It is important that Members do not promote or oppose the application at this stage, since not all the relevant information may be before them.

10. Decision Making

10.1 The Council's Constitution specifies that certain applications must be brought before the Committee and others may be determined by Officers. Members, including those who are not on the Committee, can request that a particular application should be

brought to Committee rather than being determined by Officers under delegated powers.

- 10.2 You should ensure that you only request that an application be brought to Committee in accordance with Constitutional requirements, and for proper planning reasons which are reported to the Committee.
- 10.3 In making decisions on planning applications, the law requires the application to be determined in accordance with the development plan and the requirement to comply with national planning guidance unless material considerations indicate otherwise. Adequate reasons must be given for any decision. It is particularly important to ensure that these are fully articulated and recorded where a decision is made contrary to an Officer recommendation or contrary to established policy. Where a decision is made contrary to policy it is Members responsibility to explain their reasons in full. Pressure should never be put on officers to “go away and sort out the planning reasons”.
- 10.4 You must come to a decision after proper consideration of all the information reasonably required. You should not participate in a vote if you have not been present for the full presentation and debate. You should not attempt to answer e-mail, monitor or contribute to social media discussions or engage in any other activity which may distract you from giving the proceedings your full attention.
- 10.5 You should ensure that you have had sufficient time to digest any new material which has been presented. You may need to ask for an adjournment to do so. Occasionally it may be necessary to defer an item to allow for proper consideration or for additional information to be obtained.
- 10.6 Messages should not be passed to individual committee members either from other member or members of the public. This could create an impression that a Member is being improperly influenced.

Do come to meetings with an open mind and demonstrate that you are open-minded.

Do make decisions in accordance with the Development Plan unless material considerations indicate otherwise

Do come to your decision only after due consideration of all of the information reasonably required.

Do make sure that if you are proposing, seconding or supporting a decision that you clearly identify the planning reasons leading to this conclusion and can identify the supporting evidence

11. Officers

11.1 Members, whether or not they sit on a Planning Committee, must not put improper pressure on any Officer to put forward a particular recommendation and should not do anything which compromises or is likely to compromise his or her professional integrity and impartiality. Doing so may be a breach of the Code of Conduct.

11.2 Planning Officers must act within officer and professional codes of conduct. The Royal Town Planning Institute requires its members to fearlessly and impartially exercise their independent professional judgment to the best of their skill and understanding. Accordingly there may be occasions where Officers make recommendations which may be contrary to the views and wishes of Members.

Do not apply improper pressure on Officers to make a particular recommendation

Do respect the professional obligations of planning Officers.

12. Members as developers or applicants

12.1 If you have an interest in land that may be the subject of

redesignation or other decision in the Development Plan process, or if you, or someone with whom they have a close association is making a planning application to the Council, then you should discuss this at the earliest opportunity with the Assistant Director for City Development and Sustainability . The planning application should contain a declaration (in the form of a covering letter) of the Member's position in relation to the planning application, so that all those consulted are aware of the relationship. The Assistant Director for City Development and Sustainability will oversee the consideration of the application with the case officer, including any discussions that may involve other Members.

- 12.2 Any applications by a Member will be reported to the Planning Committee or the Planning Area Sub-Committee as appropriate and will not be dealt with by an officer under delegated powers. The Member's interest should be made clear at the Committee.
- 12.3 If your planning application comes before the Planning Committee you will have a disclosable pecuniary interest in relation to the application. This must be declared and means that you may not participate in the discussion or vote on the application. Government guidance suggests that the prohibition on discussing the item would prevent you making representations to the Committee as an ordinary member of the public. While some lawyers have questioned this guidance there is a degree of uncertainty and the safest option would be for you to either seek a dispensation allowing you to make representations or ask someone else to make those representations on your behalf.

13. Enforcement cases

- 13.1 Planning enforcement is particularly sensitive since it can ultimately result in Court proceedings. All Members are encouraged to report breaches of planning control to Officers or to support their constituents in doing so. They may seek updates on progress which is being made to resolve matters but should avoid playing too pro-active a role such as by involving themselves in meetings between enforcement officers and developers.

14. Member Training

- 14.1 In order to ensure that Members are fully aware of the requirements placed on them when sitting on Planning

Committees it is the policy of the Council to require Members to attend prescribed training before sitting as a Member or Substitute Member.

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City of York Council

Committee Minutes

Meeting	Corporate and Scrutiny Management Committee
Date	9 September 2013
Present	Councillors Galvin (Chair), Fraser, Horton, Jeffries, King, McIlveen, Runciman (Vice-Chair), Steward and Riches (Sub for Cllr Potter)
Apologies	Councillor Potter

PART B - MATTERS REFERRED TO COUNCIL

21. Draft Annual Overview & Scrutiny Report for 2012/13

Consideration was given to the Annual Scrutiny Report which summarised the work of the five Overview and Scrutiny Committees for the 2012/13 municipal year. Members were asked for their comments or amendments prior to presentation to Council in October.

Recommended: That Council be asked to endorse the Annual Scrutiny Report, covering the period June 2012 and May 2013.

Reason: To comply with Constitutional requirements.

Councillor J Galvin, Chair
[The meeting started at 5.10 pm and finished at 6.45 pm].

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Report of the Corporate & Scrutiny Management Committee

9 September 2013

Report of the Assistant Director of Governance & ITT

Annual Scrutiny Report 2012-13

Summary

1. This annual scrutiny report summarises the work of the five Overview & Scrutiny Committees for the municipal year June 2012 – May 2013.

Background

2. This committee is charged with monitoring overall performance in relation to scrutiny review work and providing an annual report to Full Council. The last annual report was presented to this Committee in June 2012 for the period June 2011 – May 2012.

Consultation

3. Consultation was not required for the production of this annual report. However, consultation is an important element of Overview & Scrutiny and is regularly carried out in support of all scrutiny reviews.
4. The final reports produced for each of the reviews completed during the period June 2012 – May 2013 detail all of the work undertaken, including any consultation carried out. Those final reports and all supporting information can be viewed in full at:

<http://democracy.york.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13029&path=13028>

Options

5. Having considered the Annual Report, Members may choose to:
 - agree any amendments required to the report
 - approve the report for presentation to the meeting of Full Council in October 2013

Scrutiny Reviews in 2012-13

6. The following scrutiny reviews were carried out by the Overview & Scrutiny Committees in the last municipal year:
7. Youth Unemployment Scrutiny Review
Between June 2012 and March 2013 a Task Group of the Economic and City Development Overview and Scrutiny Committee (ECDOSC) carried out a review around youth unemployment with particular focus on vacancies within the care sector and business administration. The Task Group concentrated their focus around unemployed 18 to 24 year olds and made recommendations to reduce the number of young people out of work. As a result of the review, two targets were included within the new City Skills and Employment Strategy, to reduce youth unemployment by 40% to pre-recession levels by 2016 and to reduce unemployment (JSA claimant benefits) to pre-recession levels. In addition, the Learning City York Partnership has developed a programme that better supports unemployed 18-24 year olds into unfilled apprenticeship vacancies.
8. Out of Hours Childcare Review
A review into the lack of childcare or independent care for women working in York was carried out by an ECDOSC Task Group between September 2012 and January 2013. It highlighted the shortage of available childcare in the evenings and that the changes in tax credit which reduced the amount that could be paid for childcare. The review recognised that opportunities for parents to work or have access to training in the evenings could help improve York's evening economy. As a result of the review there was an audit of childcare providers to gather information on out of hour's availability, and a page was created on the YorOK website to provide parents with advice on finding informal childcare/babysitting. In addition, support options around out of hours childcare for parents and carers are now being offered through the Family Information Service's Awareness Strategy.
9. E-Planning Facilities Review
Following changes in legislation requiring all local planning authorities to introduce an electronic method for the submission of planning applications, an ECDOSC Task Group undertook a review in response to a number of concerns raised by Parish Councils and Planning Panels. The review was carried out by between June 2012 and November 2012 and resulted in Parish Councils and Planning Panels receiving comprehensive training on E-planning facilities and access to

the appropriate resources. In addition, the Council has since provided a point of contact for issues arising from the electronic system, and introduced a Good Practice Guide.

10. External Funding Review

In January 2013 an ECDOSC Task Group commenced a review into ways of unlocking potential external funding for economic development and regeneration projects. Its key objectives were to assess Leeds City Region's investment priorities, what resources were available to City of York Council and to present a strong case to attract funding for York's top investment priorities. The review was carried over into this municipal year and the final report which includes a number of strategic recommendations around the development of a CYC investment plan with measurable targets is due to go to Cabinet in October 2013.

11. Libraries Scrutiny Review

A Task Group of the Learning and Culture Overview & Scrutiny Committee was set up in September 2012 to examine the use of libraries as community hubs, with the aim of increasing their use by council partners and local communities without impacting on the library service. The review was concluded in May 2013 and as a result the Council adopted an agreed definition for a community hub i.e.: *'A Community Hub puts the local library at the heart of the community providing a flexible and welcoming space where local residents can come together for a wide range of community activities'*. Each local library has since been asked to identify ways to encourage more use of their facilities, increase the number of volunteer staff and improve their marketing to encourage the greater use of their facilities.

12. York Museums Trust Scrutiny Review

In March 2012 a Learning and Culture Overview & Scrutiny Committee Task Group was set up to determine whether York Museums Trust (YMT) had achieved appropriate collections management standards in line with their Collections Loan Agreement and Collections Management Protocol agreed in 2002. The review looked in detail at how YMT were storing, documenting and developing the council's collections. The Task Group concluded that the disposal of unsuitable or damaged items would free up valuable space required to prevent delays in documenting and developing the collections. As a result of the review YMT have reviewed and updated their Acquisition and Disposal Policy.

13. Staff Sickness Absence Management Review

In March 2013 a Corporate & Scrutiny Management Committee Task Group concluded a review which began in September 2011 to identify ways of reducing sickness absence levels. The review led to revisions to the Council's Absence Management Policy & Procedures to ensure they were in line with best national practice, taking into account the Council's new HR system (iTrent). The Council's policy has been rewritten as two separate documents – one a short, clear and succinct policy for employees and the other a more formal guide for managers. Both documents have been written in a clear, assertive and more formal language to provide clarity for all. In addition, mandatory absence management training for managers and induction training for new staff have both been introduced.

14. Improving Community Engagement Review

Between September 2012 and April 2013, a Task Group of the Corporate & Scrutiny Management Committee examined levels of community engagement across the city. The Task Group recognised that across all wards, Parish Councils, Residents' Associations and other bodies which brought together groups of residents, had much to offer in regard to community liaison and that they were a source of local information that could be better utilised. As a result of the review Parish Council and Residents' Association forum pages have been introduced on the CYC website to enable the council to disseminate information quickly and regularly. The council will also be including training on the importance of the relationship with Parish Councils and Residents' Associations in future induction programmes for new ward councillors. In addition, in line with Parish Council meeting dates, Residents' Association meeting dates have been included in the Council's Corporate Calendar in an effort to encourage more residents to attend and to provide advance notice to Ward Councillors. Finally the Council has set up a consultation and engagement group to improve practice throughout the Council and to provide structured guidance throughout the consultation process to maximise the quality of results.

15. Domestic Waste Recycling Scrutiny Review

In July 2012, the Community Safety Overview & Scrutiny Committee set up a Task Group to identify ways of increasing domestic waste recycling. The Task Group carried out an analysis of the recycling rates for the 20 top performing Local Authorities in order to identify best practice. The Task Group were particularly interested in the results from socio-demographic profiling undertaken as part of a study

in Southampton, and noted that Southampton City Council had used those findings to help focus their behaviour change campaigns and achieve better value for money. The Task Group considered that where those same profile groups existed in York, similar achievements could be made. The Task Group agreed to focus their work in support of the council's 'Recycle More' initiative, which was one of the themes in the Zero Waste York Challenge work plans for 2012/2013 and 2013/2014. The review is ongoing pending completion of the work on that initiative.

16. Improving Community Resilience Scrutiny Review

In September 2012 the Community Safety Overview and Scrutiny Committee began a review on adaptation to climate change. Their concerns centred on the increase in localised surface water flooding (not river flooding) and what plans the Council had in place to respond. As part of the review, the Committee received a detailed presentation on the approach taken by East Riding of Yorkshire Council – where a number of Town and Parish Councils had successfully implemented their own community resilience plan. The Committee agreed it could be adapted and combined with current York practices e.g. Snow Wardens, Flood Wardens etc, for introduction across York, and as a result recommended the introduction of community emergency plans. Officers are currently working towards providing support to local community groups to enable them to produce their own community resilience plan.

17. End of Life Care Review

The Health Overview & Scrutiny Committee carried out a Task Group Review of the use & effectiveness of DNACPR forms (Do Not Attempt Cardiopulmonary Resuscitation), with the aim of ensuring that patients' wishes and instructions were being acted upon by health professionals and carers at the end of life. The review identified several areas where improvements were needed, particularly raising public awareness about the DNACPR form and end of life care choices generally, and ensuring that once DNACPR forms had been completed the right people knew they were in place and knew what to do with them. It recommended that key health partners ensured that appropriate co-ordination arrangements were in place to ensure patients could discuss their end of life care wishes and that their wishes were respected.

18. Review into Community Mental Health Services and Care of Young People

A Health Scrutiny Task Group was set up in November 2012 to identify

levels of understanding and awareness of the importance of recognising early symptoms of emotional and mental health problems in young people. The review looked at ways of improving multi-agency working to support the emotional and health needs of young people. The review encouraged The Task Group recognised and supported the potential benefits of the widespread adoption of the Mental Health Toolkit throughout York secondary schools in order to help schools respond to children and young people's emotional and mental health needs. The review is currently looking at encouraging secondary schools to introduce a Mentally Healthy School Charter. A final report is due to be submitted to the Health Overview & Scrutiny Committee in October 2013.

19. Personalisation Security Review

In July 2012 a Health Scrutiny Task Group commenced a review with the aim of enabling people with mental health issues to exercise as much choice and control over their lives as possible. In an effort to identify key priorities around personalisation and make improvements, the review brought together residents, and service and support providers, to identify the areas of strength and weakness in City of York Council's approach to personalisation. Work on the review has to date included two workshops facilitated by an independent consultant, and consultation events involving the Vice-Chair of the Independent Living Network, the Chief Executive of York MIND, representatives of York Council for Voluntary Service (CVS) and York Older People's Assembly. The review is planned to conclude in October 2012.

Supporting the Council Plan 2011-15

20. All of the reviews carried out during 2012-13 (identified above) took account of the Council's need to be inclusive and ensure equality in accessing the services being reviewed. Each of the reviews also supported a number of the council's other improvement priorities and direction statements:

21 The following reviews were directly linked to the 'Protect Vulnerable People' element of the Council Plan 2011-15:

- End of Life Care – 'The Use & Effectiveness of DNACPR Forms' Review
- Review into Community Mental Health Services and Care of Young People
- Personalisation Review

22. The following reviews were directly linked to the 'Build Strong Communities' element of the Council Plan 2011-15:
- E-Planning Facilities Review
 - Improving Community Resilience Review
 - Improving Community Engagement Review
 - Libraries Review
23. The following reviews were directly linked to the 'Create Jobs & Grow the Economy' element of the Council Plan 2011-15:
- Youth Unemployment Review
 - Out of Hours Childcare Review
 - External Funding Review
24. The Domestic Waste Recycling Review supported the 'Protect the Environment' element of the Council Plan 2011-15.
25. Finally, whilst the Staff Sickness Absence Review was not directly linked to one of the aims within the Council Plan, it recognised that the council's employees were the most important resource of the Council and without them it could not deliver its services and priorities. Therefore ensuring staff received the proper levels of support in times of illness etc was one way in which staff could be made to feel valued and engaged.

Finance & Performance Monitoring

26. Throughout 2012-13 the Overview & Scrutiny Committees received regular quarterly monitoring reports relating to the council's performance and finance management, in service areas specific to their individual remits. In some cases this led to individual Committees requesting detailed reports on some of the exceptional issues identified and the initiatives being put in place to address them.
27. In addition, they also received other monitoring reports specific to their individual terms and references, as detailed below:
28. The Corporate & Scrutiny Management Committee received updates on:
- The work of the Financial Inclusions Board
 - The Annual Scrutiny Budget for 2012-13
 - The introduction of iTrent (Council's new HR system)

- Operation Reach - improving staff engagement and communication
29. The Corporate & Scrutiny Management Committee also received a number of presentations on Welfare reforms and their likely impact on York's vulnerable residents, and a number of introductory reports on various new corporate strategies:
- Innovation Strategy
 - Workforce Strategy
 - Procurement Strategy
 - Community Engagement Strategy
 - Customer Strategy
30. The Community & Safety Overview & Scrutiny Committee received updates on:
- Animal Health Proposals
 - Surface Water Management
 - Use of A-Boards
 - Options for Commercial Waste Recycling
31. The Community & Safety Overview & Scrutiny Committee is responsible for the discharge of the functions conferred on the Council by sections 19 & 20 of the Police & Justice Act 2006, in relation to the scrutiny of community safety issues, the Police and the work of the local Crime and Disorder Reduction Partnership. As such, it received bi-annual performance reports from Safer York Partnership (SYP), and met with representatives from Safer York Partnership and North Yorkshire Police to discuss crime and disorder issues. They also considered an SYP report on the Community Safety Plan & Joint Strategic Intelligence Assessment.
32. Finally, the Community & Safety Overview & Scrutiny Committee were consulted on a protocol for the working relationship between North Yorkshire Police and Crime Panel and the Crime and Disorder Overview and Scrutiny Committees in the region. They were also consulted on the Council's new Hate Crime Strategy.
32. The Economic & City Development Overview & Scrutiny Committee received updates on:
- Major developments within the city;
 - Major transport initiatives and issues arising from them;

- Local Enterprise Partnerships (LEPs);
33. The Economic & City Development Overview & Scrutiny Committee also received A Yorkcraft report on economic inclusion and supported employment for people with disabilities. And, a number of reports in support of a proposed Scrutiny topic on 'Reducing the Carbon Footprint in the Privately Rented Sector' which provided updates on a model for the delivery of Green Deal packages across the Leeds City Region. However, in light of information provided in January 2013, the committee decided not to progress with the review.
34. The Health Overview & Scrutiny Committee has a statutory role to review and scrutinise the impact of services and policies of key partners on the health of the city's population. As such it received updates on:
- The implementation of the NHS 111 service;
 - Access to Talking Therapies / Improving Access to Psychological Therapy from Leeds and Yorkshire Partnership NHS Foundation Trust
 - Complaints received by Yorkshire Ambulance Service
 - Yorkshire Ambulance Service Patient Transport Services
 - Local Health Watch York and Health Watch Procurement
 - The Local Account for Adult Social Care
 - Residential, Nursing and Homecare Services
 - North Yorkshire and York Clinical Services Review
 - The Vale of York Clinical Commissioning Group's inherited debt from NHS North Yorkshire and York.
 - Safeguarding Assurance
 - Proposed changes to Children's Cardiac Surgery and the formation of a Joint Health Overview and Scrutiny Committee to respond to National Consultation on Adult Cardiology Services
 - Changes to the Urgent Care Unit at York Hospital
35. The Committee were also consulted on a number of issues:
- Local Authority Health Scrutiny
 - Mandate to the NHS Commissioning Board
 - Proposed Closure of Mill Lodge
 - Proposals to redesign older people's mental health services
36. They also met with representatives of NHS North Yorkshire, York Teaching Hospital NHS Foundation Trust and York and Vale of York Clinical Commissioning Group, and received a verbal report from the

Chief Executive of York Teaching Hospital NHS Foundation Trust on the Francis Report.

37. Finally, they received a number of reports and presentations i.e.:

- A report from NHS North Yorkshire and York on the merger of two York GP surgeries
- A monitoring report on the identification of issues around provision of medical services for travellers and the homeless
- A presentation on Health and Wellbeing Strategy
- A presentation from the new Director of Public Health on challenges and priorities
- A verbal report from Leeds and York Partnership NHS Foundation Trust on mental health services
- An introduction from the Managing Director of the new Commissioning Support Unit

39. The Learning & Culture Overview & Scrutiny Committee received:

- Bi-annual Partnership Delivery Plan reports from York Museums Trust (YMT)
- Bi-annual Service Level Agreement Performance reports from York Theatre Royal
- A presentation on recent developments and future plans for York's parks and an update on the Young Inspectors work on Parks
- An Ofsted feedback report on Safeguarding
- Presentation on careers advice;
- Update on forthcoming public consultation on libraries
- Bi-annual progress reports on Safeguarding and Looked After Children
- A YMT Briefing on their Collections Development Policy Principles

Acting as Critical Friend

40. During the municipal year 2012-13 each of the Overview & Scrutiny Committees met with the relevant Cabinet Members to hear about their challenges and priorities for the year. They also met with some of the council's appropriate statutory partners to hear about their priorities and challenges.

Monitoring Previous Recommendations

41. Finally, each of the committees received bi-annual updates on the implementation of the approved recommendations arising from their previously completed scrutiny reviews. Those deemed to be fully completed were signed off.

Calling - In

42. Throughout the municipal year 2012-13 there were eight Cabinet/ Cabinet Member decisions called-in for consideration by CSMC. All were upheld. The items called-in were:
- Water End/Clifton Green Junction: Options for Reinstating a Separate Left Turn Traffic Lane on the Water End Approach
 - Changes to Eligibility Criteria for Adult Social Care
 - Winter Maintenance Arrangements for 2012/13
 - Future Credit Union Arrangements in York - Supporting the North Yorkshire and York Credit Union
 - Community Stadium Update
 - City Footstreets Review - Part Two
 - Tethered Horses - Proposed Policy Framework
 - Street Lighting Maintenance Procurement

Implications

43. There are no known legal, HR and financial implications associated with the recommendation within this report.

Risk Management

44. There are no known risks associated with the recommendation in this report.

Recommendations

45. Having considered the information within this report, Members are asked to approve and present to Council this Annual Scrutiny Report which covers the period between June 2012 and May 2013.

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

Contact Details

Author:

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Chief Officer Responsible for the report:

Andrew Docherty
Assistant Director Governance & ITT

Report Approved ✓ **Date** 21 August 2013

Specialist Implications Officer(s) - None

Wards Affected:

All

✓

For further information please contact the author of the report

Background Papers: None

Annexes: None

City of York Council

Committee Minutes

Meeting	Staffing Matters & Urgency Committee
Date	5 August 2013
Present	Councillors Alexander (Chair), Fraser, Gillies, Runciman (Substitute for Councillor Aspden) and Horton (Substitute for Councillor Boyce)
Apologies	Councillors Aspden and Boyce
In Attendance	Councillor Warters

Part B- Matters Referred to Council

25. Changes to Terms and Conditions of Chief Officers

Members considered a report which set out proposed arrangements for the introduction of a market supplement policy for Chief Officers.

The report also sought agreement to commence consultation with Staff and Trade Unions regarding a proposed 4 day reduction to annual leave entitlement and to introduce a link between incremental progression and the Chief Officer Performance Development Review (PDR) process. It was envisaged that these proposed changes would be introduced by April 2014 to align with the next round of PDR meetings.

Officers recommended that a Market Supplement policy was needed to address a disparity between the Chief Officers and Local Government staff, as Local Government staff already had a market supplement policy.

It was stated that a market supplement policy would, in very specific circumstances, allow CYC to attract and retain the highest quality staff in circumstances when it could be demonstrated that CYC were paying below the market rate for a particular role.

Some Members expressed concerns about the Market Supplement policy questioning whether its usage would set a precedent. In addition, they questioned how much implementation would cost and who would be affected.

Further concerns were raised regarding the removal of automatic increments and the replacement of these with Performance Related Pay. Members felt that Performance Related Pay should only be introduced for Chief Officers.

Other Members agreed with the recommendations in the report and felt that a market supplement policy was the most effective and cheapest way of helping to retain and attract people of a high calibre to work in York. They added that the policy should only be used in exceptional circumstances.

Recommended: That a market supplement policy for Chief Officers be recommended to Full Council for agreement and implementation as set out in the report.

Reason: In order for there to be flexibility within the Chief Officer terms and conditions in order for us to respond to market forces and recruit and retain talented staff.

Councillor J Alexander, Chair
[The meeting started at 1.00 pm and finished at 1.40 pm].



Staffing Matters and Urgency Committee

5th August 2013

Report of the Head of Business HR

Changes to Terms and Conditions for Chief Officers

Summary

1. This report sets out proposed arrangements for the introduction of a market supplement policy for Chief Officers to be implemented with immediate effect.
2. The report is also seeking agreement to commence consultation with Staff and Trade Unions regarding a proposed 4 day reduction to annual leave entitlement and to introduce a link between incremental progression and the Chief Officer Performance Development Review (PDR) process. It is envisaged that these proposed changes would be introduced by April 2014 to align with the next round of PDR meetings.

Detail of proposals

3. The City of York Council recognises that the pay for jobs must be fair, transparent and non discriminatory and the Council has a job evaluated pay structure for Chief Officers. The council also needs flexibility in the overall 'package' of pay and non pay benefits to attract and retain the highest calibre staff to provide high quality services for our customers.

Market Supplement

4. Whilst a job evaluation scheme and grading structure gives a robust measure for grading a post it takes no account of market factors. The purpose of a market supplement is to assist with the recruitment and retention of staff when it can be robustly demonstrated that the grade for a particular job or group of jobs, as determined by job evaluation, is significantly below local or national rates of pay. It would also need to be demonstrated this is impacting upon the ability to recruit to the role or retain a post holder.

5. For such exceptional cases many organisations have a market supplement policy as a mechanism to respond to these situations as they occur and can consider paying a discretionary market supplement in addition to the job evaluated salary. Any market supplement should only be used as a specific response to enable the Council to attract and retain employees who work in specific jobs that attract a market premium.
6. The potential need for a market supplement policy was recognised following the implementation of job evaluation and pay and grading review process for Local Government Staff and a Market Supplement policy was introduced for these staff in 2008, however there is no policy in place for Chief Officers.
7. Salary is by no means the only factor which influences the ability to recruit staff. The remuneration package must be part of an overall recruitment strategy and the potential need for market supplements will be considered in this context. On some occasions it may be more appropriate to consider financial barriers discouraging individuals from applying for posts and these may be more appropriately addressed through the council's relocation expenses scheme or utilising existing flexibilities for the starting salary offered on appointment (within the evaluated grade of the post).
8. Similarly a range of factors will contribute to the retention of existing staff and it is expected that these will be explored first before considering any need for market supplements.

Proposed introduction between incremental progression to the Chief Officer PDR process

9. Directors and Assistant Directors are employed on grades which have four salary levels. Progression through the salaries in the grade is on a 'time served' basis with annual progression each April until the post holder reaches the top salary of the grade.
10. The Chief Executive is employed on a grade which links performance to pay and progression through the salary levels is only achieved if performance is determined to be judged to be satisfactory using the Performance Development Review (PDR) process.

11. It is proposed to introduce a link between pay and performance for all Chief Officers to drive improved performance through linking desired outputs to incremental progression. Progression through the salaries in the grade would be based on the assessment of performance through the PDR process.
12. Where agreed targets and standards have been achieved a Chief Officer may progress by one increment annually.
13. It is proposed to consult with Chief Officers about the proposal and then form a small group to look at the current our process for PDR and review processes elsewhere in the region with the aim of developing a scheme which links pay and performance for use in York.

Proposed reduction to annual leave

14. The current annual leave entitlement for Chief Officers is 34 days increasing by five days to 39 days after five years continuous local government service. This is in addition to the eight public holidays per year. The Council's flexi time scheme does not apply to Chief Officers.
15. Under national terms and conditions for Chief Officer's annual leave and holiday arrangements are at the discretion of the local authority, but set out a minimum entitlement of 30 working days including annual and long service leave.
16. The annual leave entitlement for Local Government staff in York is 24 days, increasing to 29 days after five years continuous local government service. In addition the flexi time scheme operates for most employees which allow staff to take accrued time off work, subject to the needs of the service.
17. Leave arrangements in other local authorities vary significantly, however information obtained from other local authorities suggest that the Council does provide more annual leave for Chief Officers than some other Local Authorities.
18. It is proposed to consult with Chief Officers with a view to reducing the annual leave entitlement to 30 days increasing by five days to 35 days after five years continuous local government service.

Further Analysis of introduction of Market Supplement policy

Justification

- There is not a policy which applies to Chief Officers (we do for Local Government staff).
- The Council's Job Evaluation Scheme for Chief Officers (Hay Scheme) takes no account of market factors.
- There needs a strategy to be able to recruit and retain high quality Chief Officers.

Principles of a Market Supplement policy

19. The following principles will apply:
- Any market supplement must be objectively justifiable
 - Market supplements will be time-limited and subject to review
 - The process for agreeing, monitoring and reviewing supplements must be responsive and flexible. The process may be initiated in reaction to particular difficulties in recruitment and / or retention or more proactively because of longer term market data etc.
 - Where a market supplement is introduced for a particular category of post, it will apply to existing staff holding posts in that category.
 - The cost of market supplements will be met from service budgets
 - If a job is subsequently re-graded to a higher grade, any market supplement will normally be reduced by an equivalent amount
 - A market supplement payment is pensionable

Criteria

20. Consideration of market supplements will take account of the following evidence:
- i) Market Data
For these professional occupations national and/or regional data will be relevant. Data can be easily obtained for comparable posts which have been advertised. It is possible to obtain data from salary benchmarking service providers.

ii) Recruitment and Retention Difficulties

Recruitment and retention difficulties will normally be evidenced by a pattern of problems rather than one isolated individual case. Such a pattern may include;

- high levels of vacancies that are having a significantly adverse effect on the delivery of services
- re-advertising of posts (normally a post will have been advertised at least twice)
- very small numbers of applicants who meet the essential requirements of the post in relation to the size of the potential recruitment pool
- similar problems experienced for comparable posts in other groups/units

iii) Retention difficulties

This can be evidenced by the above factors. However for certain jobs where there is only one post holder in that particular category it may be necessary to rely to a greater extent on market data.

Quantification

21. Market supplements may be expressed in terms of a cash sum allowance or additional increments.
 - cash sum allowance – this may be appropriate for jobs where there is a defined linkage to a particular market index
 - additional increments (within the evaluated grade) – may be particularly appropriate where the need is to recruit and retain highly skilled and experienced staff.
22. A market supplement forms part of the overall remuneration package for an individual and as such will be pensionable.

Procedures and Approvals

23. The case for the introduction of a market supplement will be based on the criteria above. In order to obtain market data it may be necessary to obtain information from identified external agencies. The proposal will include supporting evidence and the proposed amounts.
24. The Head of Service for Human Resources will consider the report, discuss the proposals with UNISON and make recommendations to Staffing Matters and Urgency Committee.

25. The Human Resources Service will monitor the use of market supplements across the Council.

Review of Supplements

26. A similar process will be followed for the review of market supplements that have been agreed taking account of the particular circumstances.
27. Market Supplements will normally be reviewed at least biennial or earlier if market conditions change. It will be for the Head of Service for Human Resources to undertake the review. The review will be based on the criteria set out above.
28. Where as a result of a review a market supplement is to be reduced or withdrawn this will take place with immediate effect.
29. Market supplements will not be subject to the annual cost of living increase and where a supplement is reduced or removed it will not qualify for pay protection.
30. It may also be appropriate to review any market supplement payable when an individual leaves if there is evidence that the market has changed since the last review.

Review of Protocol

31. The effectiveness of this procedure will be monitored. The procedure may be amended by agreement at any time.

Consultation

32. Informal consultation regarding these proposals has taken place with the Chief Officer staff group. Formal consultation regarding the changes to leave and incremental progression would be required with staff and recognised trade unions

Options

33. The Committee has the power within the Council's procedures to agree this policy.
34. This policy is proposed as there are no alternative options within existing policy which specifically address these risks of recruitment and retention.

35. No workable alternatives to a market rate supplement have been identified to mitigate these risks.

Council Plan

36. The actions being proposed in the report are consistent with the Council Plan and the Council's Workforce Strategy 2012 – 15, which has 'Pay, reward and Recognition and 'Recruitment and Retention' as two of its key strategic aims so that the Council is able to 'retain as many of our talented people delivering services to our customers as we can'

Implications

37. The implications of this proposal are detailed within the body of the report.
38. The council currently has published on the Council website a Pay Policy for Chief Officers and the implementation of Market Supplements, changes to annual leave and performance related increments would require an amendment to that Pay Policy for April 2013.

Risk Management

39. Any specific risks associated with this proposal are detailed within the body of this report. The risks associated with the recommended option are financial, legal and guidance has been taken from these services.

Recommendations

40. Staffing Matters and Urgency Committee is asked to consider the information in this report and to agree to;
- i) The implementation of a market supplement policy for Chief Officers as detailed in the body of the report.
 - ii) The commencement of consultation with staff and trade unions regarding a 5 day reduction to annual leave entitlement and the introduction of a link between incremental progression to the Chief Officer the PDR process

Reason: In order for there to be flexibility within the Chief Officer terms and conditions in order for us to respond to market forces and recruit and retain talented staff.

Contact Details

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Chief Officer Responsible for the report:

Kersten England, Chief Executive

**Report
Approved**

Date 26 July 2013

Specialist Implications Officer(s):

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

All

For further information please contact the author of the report

Background Papers: None



Council

10 October 2013

Report of the Chief Executive

Director of Education, Skills & Children's Services - Appointment Process and Remuneration

Summary

1. Following the departure in March 2013 of the Director of Adults, Childrens and Education Services, an interim arrangement pending a permanent Director level restructure has been in place, with roles being allocated as follows:
 - a) Education, Skills & Childrens Services to an Interim Director;
 - b) Adults Services to the Director of Health & Wellbeing.
2. The position at a) will become vacant shortly and to minimise impact of further turbulence on the service and to ensure a critical statutory role is filled promptly, Cabinet (at its meeting on 1st October 2013) expressed support for the filling of this post on a permanent basis in advance of a wider change process. As the position will be vacant, no existing postholder will be detrimentally affected by this change.
3. This report seeks approval for:
 - a) filling the post and agreeing the remuneration package for the position in line with the Council's Pay Policy, including a market supplement;
 - b) formal approval to establish an Appointments Committee 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.

4. According to the Council's Pay Policy 2013 (approved at Council on 28th March 2013), the full Council should approve any Chief Officer Pay Package over £100,000 in value.
5. The Staffing Matters & Urgency Committee has recommended a Market Supplement Policy to full Council, and subject to that decision being made and agreed at this meeting, a market supplement for the role is also being sought.

Background

Remuneration Package

6. Council is asked to review the pay package that will be offered as part of the recruitment process which is currently set at a job evaluated grade of Director at a salary of £88,080 to £102,766 with access to the standard set of Chief Officer terms and conditions (see Pay Policy 28th March 2013).
7. In addition to the salary for this post it is proposed to offer a market supplement payment which will increase the total pay for this post to £115,000 per annum on grounds of recruitment (as opposed to retention).
8. There is evidence to support a view that the evaluated pay for a Director who has portfolio responsibility for Childrens Services and Education, and the critical statutory responsibility is significantly below market rates, this is evidenced at Appendix A.
9. The market supplement payment would commence from the date of appointment and forms part of the overall remuneration package and as such will be pensionable.
10. This market supplement payment will be reviewed at least bi-annually. The review will be carried out by the Head of Human Resources in line with the criteria set out in the policy.
11. There are no other enhancements recommended for this role. Any amendment to this position will be brought back to a future meeting of the relevant committee.
12. This role holds the statutory responsibility of Director of Childrens Services and as such is responsible for significant organisational and reputational risk in relation to the delivery of these services. The council currently holds an 'outstanding' Ofsted judgement in

relation to our Childrens services. Ofsted inspection, however is due within the next year and to have the best opportunity of retaining our outstanding status it is critical that we have a high calibre leader in this role which can carry the confidence of childrens services and the whole school community.

Appointments Committee

13. The council's Constitution allows for an Appointments Committee, including at least one member of the Cabinet, to shortlist and interview applicants for a post and to determine who should be offered the vacant post.
14. It is requested that for the Director of Education, Skills and Childrens Services Appointments Committee, that the Committee be constituted on a 2:1:1 proportionate basis. This will mean that there will be two Labour members, and one Conservative and Liberal Democrat Member. The details of the process will be approved by the Appointments Committee.

Consultation

15. Consultation has taken place with the Corporate Management Team and the outgoing interim Director 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/Analysis

16. Members can decide to accept, amend or reject the proposed market supplement.
17. There are no alternative options for Members on the recruitment process 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.

Council Plan

18. Making an appointment to this post will contribute to delivering the Council Plan and its priorities, in particular Protecting Vulnerable People.

Implications

19. The following implications have been considered:

- **Financial** – The recruitment costs and market supplement will be managed within the departmental budget.
- **Human Resources (HR)** –The job description for the Director of Education, Skills and Childrens Services has been subject to the council’s established job evaluation mechanism and a grade of 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. A procurement tendering exercise is currently being undertaken to determine which recruitment agency will support the recruitment activity to fill the position.
- **Equalities** - There are no equalities implications.
- **Legal** – The Appointments Committee is created pursuant to S.102 (1)(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 Director of Education, Skills & Childrens 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 Cabinet and further, that no formal offer of appointment may be made until all members of the Cabinet 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 no other implications.

Risk Management

20. The risk of no or delayed appointment could risk the lives of the council's more vulnerable residents.

Recommendations

21. It is recommended that Council:
- a) Approve the filling of the post and remuneration package of the Director of Education, Skills & Children Services, including the market supplement as set out in paragraphs 7 of this report.
 - b) Establish an Appointments Committee, consisting of four members, two from Labour, and one each Conservative and Liberal Democrat.
 - c) 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 progress appointment and reduce risks highlighted in the report in relation to this critical role.

Contact Details

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Assistant Director,
Customers
& Employees

Chief Officer Responsible for the report:
Kersten England
Chief Executive

**Report
Approved**



Date 1st October 2013

Specialist Implications Officer(s)

Legal: Andrew Docherty, Assistant Director, IT Democratic & Legal Services

Finance: Richard Hartle, Finance Manager

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Council – Pay Policy 28th March 2013 *re remuneration packages*

Council - 10th October 2013 *re market supplement policy*

Annex:

A. Market Supplement Information

ANNEX A

Comparators and analysis of CYC Data against other comparable Local Authorities

<u>Directors – Children’s Services</u>		<u>Directors – CYC</u>
The average salary for Directors – Children’s Services	£116,716 (Based on 14 posts) salaries range from £94,903 to £128,975	CYC salary range for Directors £88,080 to £102,766
Council (Regional comparators)	Post title	Salary
North Yorkshire County Council	Corporate Director Children’s and Young People Services	£128,975
East Riding Council	Director Children’s Families & Adults	£129,087
Wakefield Council	Corporate Director Children and Young People	£120,000
North East Lincolnshire	Director of Children’s and Adult Services	£120,000
Hull Council	Corporate Director Adults, Children and Families	£115,000
Calderdale Council	Director of Children and Young People's Services	£122,000
Rotherham Council	Strategic Director of Children and Young Peoples Services	£110,000 - £115,000
Barnsley Council	Executive Director Children, Young People & Families	£115,000 (at 2012)
Council (LA peers - as defined by the ONS)		
Stockton on Tees	Corporate Director of Children, Education and Social Care	£123,912-£128,525

ANNEX A

Poole Council	Strategic Director (Children)	£94,903
Trafford Council	Corporate Director (Children and Young People Service)	£122,000 (at 2012)
Stockport Council	Corporate Director (Services to People)	£120,000-£125,000
Vale of Glamorgan Council	Director of Social Services	£104,213 (at 2011)
Solihull Metropolitan Borough Council	Director of Children's Services	£101,633