

CITY OF YORK COUNCIL

Resolutions and proceedings of the Meeting of the City of York Council held in The Guildhall, York on Thursday, 30th June, 2011, starting at 6.30 pm.

Present: The Lord Mayor, Councillor David Horton 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
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

Orrell
Runciman

MICKLEGATE WARD

Fraser
Gunnell
Merrett

OSBALDWICK WARD

Warters

RURAL WEST YORK WARD

Gillies
Healey
Steward

SKELTON, RAWCLIFFE &
CLIFTON WITHOUT WARD

Cunningham-Cross
McIlveen
Watt

STRENSALL WARD

Doughty
Wiseman

WESTFIELD WARD

Burton
Jeffries
Williams

WHELDRAKE WARD

Barton

Apologies for absence were received from Councillors Firth and Hyman

DECLARATIONS OF INTEREST

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

The following **prejudicial** interests were declared:

| <u>Councillor</u> | <u>Agenda Item</u> | <u>Description of Interest</u> |
|-------------------|--|--|
| Looker | 11 (i) Notice of Motion from Cllr Alexander (budget amendment) | Director of North Yorkshire Credit Union (she stated she would leave the room if the actual budget was discussed otherwise would treat as a personal interest) |

The following **personal** interests were declared:

| <u>Councillor</u> | <u>Agenda Item</u> | <u>Description of Interest</u> |
|-------------------|--|--|
| Alexander | 11 (i) Notice of Motion from Cllr Alexander (budget amendment) | Member of GMB Union |
| Aspden | 11 (i) Notice of Motion from Cllr Alexander (budget amendment) | Member of North Yorkshire Credit Union |
| Burton | 11 (i) Notice of Motion from Cllr Alexander (budget amendment) | Member of PCS Union |
| Crisp | 11(i) Notice of Motion from Cllr Alexander (budget amendment) | Member of retired section of Unison |
| Cuthbertson | 11(i) Notice of Motion from Cllr | Member of Board of North |

| | | |
|-------------|--|--|
| | Alexander (budget amendment) | Yorkshire Credit Union |
| Fitzpatrick | 11 (i) Notice of Motion from Cllr Alexander (budget amendment) | Member of ASPECT Union |
| Fraser | 11 (i) Notice of Motion from Cllr Alexander (budget amendment) | Member of retired section of Unison and Unite (ACTS/TGWU Sections) |
| Funnell | 11 (i) Notice of Motion from Cllr Alexander (budget amendment) | Member of North Yorkshire Credit Union |
| Hodgson | 11 (i) Notice of Motion from Cllr Alexander (budget amendment) | Member of Unison and PCS Union |
| Levene | 11 (i) Notice of Motion from Cllr Alexander (budget amendment) | Member of Unite Union |
| Merrett | 12. Questions to Cabinet Leader and Cabinet Members | Member of York Cycle Campaign Member of CTC (Cyclists Touring Club) |
| Orrell | 11 (i) Notice of Motion from Cllr Alexander (budget amendment) | Member of North Yorkshire Credit Union |
| Riches | 11 (i) Notice of Motion from Cllr Alexander (budget amendment) | Member of TSSA and RMT unions |
| | 6. Cabinet Leader and Cabinet Recommendations (Minute 7 LDF) | Live in area of York Central Area and Lemn Road Area re Flood Defences |
| Runciman | 11 (i) Notice of Motion from Cllr Alexander (budget | Member of North Yorkshire Credit Union |

| | | |
|---------------|--|--|
| | amendment) | |
| Scott | 11 (i) Notice of Motion from Cllr Alexander (budget amendment) | Member of Unite Wife is employed by CYC Child attends a primary school and benefits from out of school provision |
| Semlyen | 12. Questions to Cabinet Leader and Cabinet Members (xii) (xvii) (xxi) | Employed by 20s Plenty campaign Member of York Cycle Campaign |
| Simpson-Laing | 6. Cabinet Leader and Cabinet Recommendations (Minute 7 LDF) | LDF Working Group Committee Member Live in York Central Area – Leeman Road Area |
| | 11 (i) Notice of Motion from Cllr Alexander (Budget Amendment) | Member of Unison |
| | 11 (iv) Notice of Motion from Cllr Simpson-Laing | Member of Peasholme Advisory Committee |
| Williams | Notice of Motion from Cllr Alexander (Budget Amendment) | Member of Unison |

MINUTES

14. RESOLVED: That the minutes of the Ordinary Council meeting held on 7 April 2011 and the Annual Council meeting held on 26 May 2011 be approved and signed by the Chair as a correct record.

CIVIC ANNOUNCEMENTS

15. The Lord Mayor announced that a request had been received from Councillor Watson for this Council to confer the honour of Freedom of Entry to the City upon York's Normandy Veterans and that he had been advised that this request was likely to be considered by a Special Meeting of Council prior to the meeting on 6 October.

The Lord Mayor then announced that he would be taking part in the Jane Tomlinson 10k "Run for All" event in York on 31 July and would welcome Members support if they would like to sponsor him.

PUBLIC PARTICIPATION

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

Dan Sidley, a member of the Holocaust Memorial Day Steering Group, spoke on behalf of Lilian Black, Chair of the Holocaust Survivors' Friendship Association and her father Eugene Black, a Holocaust survivor, in support of the proposals in Cllr Alexander's notice of motion to reinstate funding for Holocaust Memorial Day.

Father Tim Jones, Church of England Parish Priest for St Lawrence's and St Hilda's Parish Churches, spoke in support of the proposals in the same notice of motion to reinstate funding for Hull Road Park. He said he had been disappointed by the original proposals to cut back funding for Hull Road Park as it was a facility which made a real difference to local people. He expressed his support for the proposals to reinstate the funding for this park.

Tom Hughes, a member of the Meadlands Area Residents Association, spoke about the Cabinet recommendations to Council on the Local Development Framework. He raised concerns that the Local Development Framework Working Group, and the views of its Members, had not been taken into account, with some meetings of the working group

cancelled and none held during the last six months. Furthermore he voiced the opinion that search area B was premature and unwelcome.

Rev Chris Cullwick spoke about the work of Faith groups in the City. He explained that he worked with the Chaplaincy Centre at York University as well as other organisations including the police, the council and local businesses. He stated that the work of the faith community was embedded and was therefore sometimes overlooked but that they played an important role working with groups including the elderly, homeless and the disabled.

Rachel Barber, Community Services Manager at the Salvation Army in York, expanded upon the comments made by Rev Cullwick, with specific reference to the work of the Salvation Army. She explained that the Salvation Army had long supported those people who had been excluded from society, explained their four priorities and their mission to create a community for those who have none and to fight for social injustice where people were oppressed. She stated that in York 13 people are employed in the York Social Action Projects; York Advocacy; Community Support Link; the luncheon club; the Early Intervention and Prevention Team; and Solid Foundations, and that all the teams played an essential role in the support provided by the Salvation Army.

PETITIONS

17. Under Standing Order 7 a petition was presented by Cllr Boyce, on behalf of residents of John Street, asking for their road to be re-surfaced.

RESOLVED: That the petition be referred to the Cabinet or appropriate committee.¹

REPORT OF CABINET LEADER AND CABINET RECOMMENDATIONS

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

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

(i) From Cllr Cuthbertson

“If the Cabinet Leader believes York is over reliant on public sector jobs, why he is proposing to put small businesses on Gillygate at risk by selling off Union Terrace car park?”

The Leader replied:

“I do not believe the Labour Group’s decision to support expansion of York St John University will put private sector jobs at risk. It will instead create 100 private sector jobs and 100 public sector jobs. It will also act as a catalyst for economic growth.

Former Liberal Democrat Councillor Steve Galloway has published on his website that discussions over this scheme began 12 months ago. I was aware of it for many months and I was in opposition. The Liberal Democrats could have said no to the scheme when in office. I am told instead they wanted to wait until after the local election.”

(ii) From Cllr Aspden

“Can the Cabinet Leader say when the alternative parking and coach drop off arrangements to replace Union Terrace will be made public?”

The Leader replied:

“As soon as the workings of officers are complete. I suspect in the coming weeks.”

(iii) From Cllr Ayre

“Has the Cabinet Leader considered the impact that the proposed budget changes will have on next year’s budget?”

The Leader replied:

“Yes. £0.6m reduction in council capital borrowing over the two year period.

In revenue terms, the added pressure is arguably £140k which is 0.1% of the entire council budget. This takes into account revenue spending

commitments for 2011/12 that are one off expenditure and not part of the base budget. I don't think this is unreasonable considering the previous Liberal Democrat administration left a £0.5m black hole in Property Services and a £0.8m black hole in Housing."

- (iv) From Cllr Cuthbertson
"If the Cabinet Leader is proposing to lead York in a new era of social democracy and fairness, how will he employ democracy in implementing the new 'strong leader' model and where will the fairness of his leadership style be seen?"

The Leader replied:

"I will employ democracy in implementing the 'strong leader' model by using the mandate given to my Group in implementing our manifesto pledges, by seeking counsel and also by directly engaging with residents. I do not know of any Group Leader here today or any other Council Leader who makes their mobile number public.

Meaning consultation and fairness will stem not only from the Labour Group's political values but also from the work of both the Equalities Advisory Group and the soon to be set up, and independently chaired, Fairness Commission."

The time limit having expired for this item, written answers were circulated after the meeting to the remaining question as follows:

- (v) From Cllr Reid
"Other than providing new street lighting and rubbish bins, can the Cabinet Leader explain more about what 'Reinvigorating York' will mean?"

Reply:

"It will mean a transformation of the city centre public realm with high quality infrastructure that will reduce maintenance costs and be consistent in design.

The concept is to invest in our city centre for the first time in many years. It has been allowed to become

shabby and it is no longer befitting of a great place like York.”

Cllr Alexander then moved, and Cllr Merrett seconded, the following recommendations contained in Minute 8 of the Cabinet meeting held on 21 June 2011:

- “(i) That Council be requested to agree to amend the provision for housing growth contained in the submission draft of the Local Development Framework core strategy to an average of 800 dwellings per annum, along with other textual amendments.¹
- (ii) That the Director of City Strategy be requested to prepare a report for Council highlighting the implications of these changes, along with an amended Core Strategy document and to arrange briefings for Members.
- (iii) That the Director of City Strategy be also requested to include the points highlighted in the document circulated at the meeting into the revised Core Strategy document.”

Cllr Reid then moved, and Cllr Cuthbertson seconded, an amendment to the recommendations, as follows:

“Delete recommendation (i).
In recommendation (ii), delete all after *‘be requested’* and insert:
‘to draft an up to date report on the current legislative framework including the impact of the impending Localism Bill and implications of the recent High Court judgements in relation to the Secretary of State v Cala Homes, along with an assessment of other local authority approaches to the new legislation.

Delete recommendation (iii) and substitute:
‘That the Director of City Strategy be requested to follow the democratic approach previously adhered to, with such a report brought first to the LDF Working Group, then Cabinet, then Full Council. Such process providing the correct democratic process for members of the public and elected Members to input into the development of the LDF Core Strategy.’”

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

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

RESOLVED: That the recommendations in Minute 8 of the Cabinet meeting on 21 June 2011 (Local Development Framework) be approved. ¹⁻²

Cllr Alexander then moved, and Cllr Simpson-Laing seconded, the following recommendations contained in the officer report at pages 41 to 56 of the Council papers:

“That Members:

- (i) Approve the attached Submission draft Core Strategy and supporting documents for publication and subsequent submission for public examination. ²
- (ii) Delegate to the Director of City Strategy in consultation with the Cabinet Member City Strategy the making of any changes to the Submission draft Core Strategy and supporting documents that are necessary as a result of the recommendations of Council.
- (iii) Delegate to the Director of City Strategy in consultation with the Cabinet Member City Strategy the making of any non substantive editorial or formatting changes to the Submission draft Core Strategy and supporting documents.
- (iv) Delegate to the Director of City Strategy in consultation with the Cabinet Member City Strategy the approval of relevant topic papers and other supporting documents to provide background information and explanation of the approach and process.”

Cllr Ayre then moved, and Cllr Runciman seconded, an amendment to the above recommendations, as follows:

“At the end of recommendation (ii), insert:

‘ including any changes necessary to designate the areas of search as ‘Countryside Areas’ as per the report to LDF Working Group on 4th October 2010. Land would only be taken out of Countryside delegation in exceptional circumstances through a review of the LDF development plan and would require consultation, Member support and public examination.’”

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

The original recommendations in the report were then put to the vote and declared CARRIED and it was

RESOLVED: That the recommendations in paragraph 54 of the report at pages 41 to 56 of the Council papers be approved.¹⁻²

Cllr Alexander then moved, and Cllr Simpson-Laing seconded, the following recommendations contained in Minute 9 of the Cabinet meeting held on 21 June 2011:

- “(i) That Council approve the revised Media Protocol at their meeting on 30 June 2011.³
- (ii) That Council agree to the removal of the Media Protocol from the Council’s Constitution.”⁴

For completeness, the minutes and comments of the Audit and Governance Committee (28 June 2011) on this matter were circulated to Members at the meeting.

Cllr Gillies moved and Councillor Healey seconded a motion to refer the recommendations back to the Cabinet for clarification on some of the terms used in the Media Protocol. On being put to the vote this motion was declared LOST.

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

RESOLVED: That the recommendations in Minute 9 of the Cabinet meeting on 31 June 2011 (Media Protocol) be approved.³⁻⁴

SCRUTINY - REPORT OF THE CHAIR OF THE SCRUTINY MANAGEMENT COMMITTEE

19. A written report was received from Cllr John Galvin, the Chair of the Scrutiny Management Committee (SMC) on the work of scrutiny since the last report to Council, on 7 April 2011.

REPORT OF CABINET MEMBER

20. A written report was received from Cllr Tracey Simpson-Laing, the Cabinet Member for Health, Housing & Adult Social Services.

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

- (i) From Cllr Wiseman
“I’m pleased the Cabinet Member has reported positively on the Personalisation Agenda, which is a central part of the Government’s patient choice initiative. Could you give us any up to date numbers of how many patients in York have taken up the individual budget option?”

The Cabinet Member replied:

“The total number of personal budgets provided by the Council last year was 1,968, or 24.9% of those receiving services. This year, 2011/12, the Council is aiming for a target of 40% of those receiving services receiving personal budgets, which, based on those receiving a service last year, would be 2,725 people. This number will change slightly as the number of residents receiving services has changed and will change on a yearly basis.

I would, however, note that whilst Personalisation is good for the majority, it may not be suitable for everyone and this must be remembered when looking at numbers in future years.”

- (ii) From Cllr Cuthbertson
"Given that the Cabinet Member has detailed in her report the meetings she has attended, can she explain if there was a reason why she didn't attend the North Yorkshire and York Housing Board meeting on 6th June?"

The Cabinet Member replied:

I was not invited to that meeting which may be a consequence of our annual council system and nominations going in late. I was informed the day before so had a briefing with the officer who was going. I then had another briefing after the meeting.

- (iii) From Cllr Wiseman
"You note that good progress has been made in the council's liaison with the PCT and other health partners. Now that the NHS Listening Exercise is complete, could you tell us what you understand to be the approximate time scale for the handover of PCT responsibilities to GP Commissioning Groups?"

The Cabinet Member replied:

"It is perhaps a decision that will have consequences, that the NHS Listening Exercise was short in duration and has not taken the time to truly understand concerns raised and taken action following those concerns, before further announcements have been made by the Minister.

With regard to the approximate timescale for the handover of PCT responsibilities to GP Commissioning Groups, I am expecting no change from the original timescale of full responsibility by April 2013. Steps are currently underway to move forward with shadow operating arrangements, although I understand that regionally some doctors are pulling out of the process.

I would also like to agree with recent comments from the GMC which noted that those doctors responsible for commissioning need a detailed understanding of management and how it impacts on patient care. I also believe that those doctors with additional responsibility for the purchasing and delivery of health services must have more detailed knowledge

of management processes.

I would totally agree further with the GMC that those who manage have the necessary skills and advice to fulfil their roles and that doctors who are concerned that their management decisions might conflict with their primary duty to patients should seek advice from colleagues or regulatory bodies.

GMC Chief Executive Niall Dickson said that doctors are facing the challenge of delivering quality patient care at a time of economic restraint and that any pause in the process is for the good of patients.

(iv) From Cllr Reid

“Would the Executive Member agree that decisive action by the previous administration has meant that residents in council houses will get the opportunity to benefit from reduced electricity charges and improved windows?”

The Cabinet Member replied:

“I welcome steps being undertaken to reduce high utility bills but I am concerned that the programme had not been funded properly. Officers are working on making sure that the HRA will be in balance at the end of the process.”

The time limit having expired for this item, written answers were circulated after the meeting to the remaining question as follows:

(v) From Cllr Wiseman

“Regarding your comments on Telecare, I believe the referral rates are up by over 60% due to the efforts of the previous Executive. You have said that Labour will be increasing Telecare funding by £250,000, can you tell us from where in the budget this money will be coming from?”

Reply:

“Councillors and officers are delighted that City of York Council’s Telecare service is the fastest growing Telecare service in the region, as it plays a crucial role in offering new opportunities for home and community based support. It will remain a key service

in our drive to respond to the challenge of the York Older People's Assembly to reshape care provision away from traditional institutional care. The £250K figure is recurring capital funding included as part of the council's capital funding strategy already approved by council".

ACTIVITIES OF OUTSIDE BODIES

21. Minutes of the following meeting had been made available for Members to view on the Council's website:
- North Yorkshire Fire and Rescue Authority - meeting on 8 December 2010
 - Quality Bus Partnership – meeting on 24 March 2011
 - North Yorkshire Police Authority – meeting on 26 May 2011
 - Safer York Partnership – meetings on 4 April and 23 May 2011

No questions had been submitted to representatives on outside bodies.

APPOINTMENTS AND CHANGES TO MEMBERSHIP

22. RESOLVED: That the appointments to, and changes to membership of, committees, outside bodies and working groups set out in the revised list at page 153 circulated around the Council Chamber (and attached as an annex to these minutes) be approved.

NOTICES OF MOTION

23. (i) Budget Amendments

Having sought and received Council's consent to alter his notice of motion by removing from the associated spreadsheet (page 105 of the agenda refers) the additional funding in the sum of £8.12k to "increase the Conservative

political assistant entitlement to full-time etc, Cllr Alexander moved, and Cllr Gunnell seconded, that:

“At February’s Budget Council Meeting, the Labour Group proposed an amendment which would have rejected a number of cuts subsequently agreed by the Liberal Democrat and Conservative Groups, as well as other changes to capital and revenue budgets.

Since taking control of the Council, the Labour Group has produced a revised set of budget amendments, which fulfil its manifesto commitments to the residents of York by reversing just under £1m of these cuts to services that the most vulnerable rely on, and which also take account of the dreadful financial position that the Government has placed this and other local authorities in.

Council is therefore asked to rescind those decisions previously made in setting the Council’s budget in February 2011, where affected, and make the following amendments, as attached (at the end of the agenda papers at page 103).”

[In accordance with Standing Order 13.1 signed by: Councillors Tracey Simpson-Laing, Dave Merrett, Ruth Potter, Sandy Fraser, Sonja Crisp and Janet Looker]

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

“At the end of the final paragraph, add:-

‘ *subject to these amendments being revised as follows:*

- Delete ‘ACES99 – maintain support for last cohort of government-cut two year old childcare pilot by using funds from 3 and 4 year olds budget, -52’
- Delete ‘Reverse cut in Trades Unions convenor time to have capacity required to deal with redundancies resulting from government cuts, 37.65’
- Insert ‘Reverse funding to create an extra Cabinet post with a Special Responsibility Allowance of £14,700’
- Delete ‘Increase Conservative political assistant entitlement to full time whilst also maintaining Liberal Democrat entitlement at full time, 8.12”’.

[In accordance with Standing Order 13.1 signed by:
Councillors Ian Gillies, Sian Wiseman, Paul Healey, Joe
Watt and Chris Steward]

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

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

RESOLVED: That the above notice of motion be
approved.¹

At this point in the meeting, the guillotine fell and the
remaining motions were moved, seconded and voted on
without debate.

(ii) Scrutiny Chairs

It was moved by Cllr Galvin and seconded by Cllr Healey
that:

"Council agrees that chairs of all Scrutiny Committees must
be from members of the main opposition parties and as
such shall indicate which opposition party will chair the
scrutiny committees currently chaired by members of the
ruling party. Specific nominations from the relevant
opposition groups shall be forwarded to Democratic
Services for processing and the Monitoring Officer is
authorised to confirm the appointments"

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

RESOLVED: That the above notice of motion not be
approved.

(iii) Congestion Charge

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

"Council believes that local businesses would be

significantly harmed if York were to introduce a unilateral congestion charge. Council believes that such a unilateral charge should be ruled out now in order to give certainty to concerned residents and businesses.

Council therefore resolves not to introduce a unilateral congestion charge in York for the duration of this Council and to commit to finding other ways to tackle congestion in the city.”

Cllr D’Agorne then moved, and Cllr Taylor seconded, and amendment to the above motion, as follows:

“In the first sentence, replace 'harmed' with 'affected'

Delete the second sentence and replace with:

'Council believes that local imposition of congestion charging is not a realistic option and that proactive work with local businesses, schools and major trip attractors to cut car use and promote sustainable modes of travel is likely to be a more effective approach.'

Add at the end:

'Council calls on the Cabinet Member for City Strategy to commit to an early review of LTP3 in the light of the new administration's pledges to 'Get York Moving Again' and on improving public transport in the city.'

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

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

RESOLVED: That the above notice of motion be approved.

(iv) From Cllr Simpson-Laing

It was moved by Cllr Simpson-Laing and seconded by Cllr Riches that:

“Council expresses concern at the Conservative Liberal Democrat Government’s proposed changes to the eligibility criteria for-residents who currently access Income Support, Income Based JSA, income-related ESA, Working Tax Credit, Child Tax Credit, Disability Living Allowance, Housing Benefit or Council Tax Benefit.

Under the proposals, Housing Benefit will be cut to those households deemed to be 'under-occupying' their properties, with the result that many in York will struggle to pay their rent and could end up being forced to leave their home.

This situation will be exacerbated by the Government proposing to push rents for social housing up to near market levels from April 2011.

The introduction of a household benefit cap on the total amount of welfare benefits a claimant or a couple receives, set by reference to the average earnings of working households in England will adversely effect York residents due to higher than regional average rent levels.

The City of York Council takes an official position against the changes to Housing Benefit and-requests the Chief Executive to write to the Prime Minister and Deputy Prime Minister requesting a rethink due to the hardships the changes will bring to many of York's working households.”

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

RESOLVED: That the above notice of motion be approved.

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

24. Twenty-two questions had been submitted to the Executive Leader and Executive 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 D'Agorne
“Can the Leader say what consultation is taking place with council 'champions' about their future role?”

Reply

None so far as the review has not begun but Group Leaders will all be consulted on the future of

champions and also committee structure.

- (ii) To the Cabinet Leader, from Cllr D'Agorne
“Can the Leader outline the proposed process and timescale for establishing the 'Fairness Commission', whether it will include representatives from all parties represented on the council and how the voluntary and private sector representatives will be selected?”

Reply provided verbally to Cllr D'Agorne at the meeting.

- (iii) To the Cabinet Leader, from Cllr Ayre
“Does the Leader believe the workload he inherited from his predecessor was more than he could manage?”

Reply

Not at all, but I think my predecessor did not handle his workload well. If he had done so, he may not have lost his seat at the local elections. I believe what Councillor Ayre is alluding to is that by sticking to a Labour manifesto pledge of creating a new Cabinet Member for Crime and Anti-Social Behaviour, that this reduces the remit of the Council Leader.

This isn't the case, but it does allow me to devote my time to promoting economic growth and job creation, a top priority for the Labour administration and not something my predecessor was very good at. It also gives this Council a crime focus that it has not had before. The new Cabinet role has been welcomed by the police.

- (iv) To the Cabinet Leader, from Cllr Runciman
“Can the Leader explain what event led to him reversing his position that all scrutiny chairs should belong to opposition councillors?”

Reply

It was not my decision but that of my Group, though I do agree with it. Two main factors played a part. The first is that we have a Group over three times the size of yours and almost three times the main opposition. Therefore we felt that jobs had to be

more evenly spread out across Council Members and proportionality was the best way of achieving this on a fair basis. The second reason was that 68% of councils give some chairs to opposition parties but only 4% give them all chairs. In light of this, we felt we should go with the majority view, as it is said to lead to more effective scrutiny, which is the priority. I would also say to Cllr Runciman that effective overview and scrutiny can be carried out by members of any party, and I fully expect scrutiny of Cabinet decision making by all Labour colleagues not on the Cabinet.

- (v) To the Cabinet Leader, from Cllr Reid
“Does the Leader support the current capital programme?”

Reply

I support the programme in its present form, as amended by the Labour Group tonight. However, as Cllr Reid knows, the capital programme is always subject to change over a significant period such as that of a council administration, and the Transport capital programme is subject to a separate review.

- (vi) To the Cabinet Leader, from Cllr Runciman
“Will the Leader please state on what date this financial year new boilers will be installed at Yearsley Pool?”

Reply

It will be installed in accordance with your own party’s budget amendment that was put forward at the Executive meeting in February. This was to place the finances for this in the financial year 2012/13. We did not try to reverse this position in February and we are not reversing it now. If you have changed your mind on the previous Executive’s view on this timescale that you voted for, please let me know.

A report has been provided to the Council on the various options available for providing a heating plant for Yearsley Pool. These options are being evaluated by officers, including the Council’s Carbon and Energy Manager. The Yearsley Action Group is also being consulted.

The current discounted steam price is fixed until December 2012, so we would potentially make the final decision in the light of negotiations with Nestle nearer to that date.

(vii) To the Cabinet Member for Leisure, Culture & Social Inclusion, from Cllr Aspden

"Where does the Cabinet Member expect that the promised city centre pool will be located, now that the sale of Labour's stated preferred site at Kent Street has been agreed?"

Reply

I realise the Liberal Democrat Group Room has our manifesto across its walls and I am pleased to see the Liberal Democrat minority opposition Group taking a keen interest in the new direction of the Council.

Cllr Aspden should note that our commitment to a city centre pool is listed under the heading 'long term aspirations'.

This section states: 'since the Liberal Democrats shut the Barbican the number of swimming lanes lost in the city has not been replaced.'

It should be remembered that the previous Labour administration put forward a scheme which would have delivered a competition standard pool next the auditorium.

The Liberal Democrat administration revised the scheme to propose a (very small) pool on the Kent Street site which involved demolishing Kent Street car park.....once land values fell and this scheme had to be abandoned the Kent Street car park was then sold as is.

The remaining coach park site was not then big enough to accommodate a swimming pool. Its sale now is therefore irrelevant to any previous preferences about city centre pools.

Labour is committed to finding a site and funding for a new city centre pool and will seek developer contributions towards this. We realise how difficult this will be to achieve but it will remain our ambition. As your Government is cutting funding to the council it is difficult to find funding for a new city centre pool and without necessary funding, the location is

irrelevant.

However, the LDF reinforces our long-term aspiration and as and when there is a suitable site and funding, we will deliver a city centre pool.

(viii) To the Cabinet Member for Leisure, Culture & Social Inclusion, from Cllr Ayre

"Has the Cabinet Member visited all of the council's customer offices?"

Reply

Not as yet, no. However, the Cabinet is planning to carry out a joint visit to talk to council staff across the organisation. This is something the previous Executive did not do. Many staff feel the previous administration did not engage with them or at worse, was unsupportive of the work they do.

This administration is determined to change that relationship.

(ix) To the Cabinet Member for Leisure, Culture & Social Inclusion, from Cllr Runciman

"Is the Cabinet Member in favour of the two stadium proposal submitted as an alternative to the Community Stadium?"

Reply

I can see the merits of the proposed alternative and we have not said no to this, however we realise the imperative of working to an agreed timescale over this scheme.

The Liberal Democrats gave a commitment to a new sports stadium being open by 2011 and failed.

The Community Stadium project was deliberately stalled and delayed by the previous Liberal Democrat administration and we are anxious to get it back on track.

We are also mindful of the fact that the alternative scheme would mean a proposed significant increase in retail space at the Monks Cross site compared to the Community Stadium proposal, and this could have a negative impact on retailers in the city centre.

- (x) To the Cabinet Member for Leisure, Culture & Social Inclusion, from Cllr Ayre
"Can the Cabinet Member please state what involvement she has with the Oakgate group?"

Reply

There have been no direct meetings between myself and Oakgate Group apart from my speaking with them and several other interested parties at the recent consultation event at the Guildhall. However, officers have spoken to them and shared with them the direction of the current administration.

- (xi) To the Cabinet Member for Health, Housing & Adult Social Services, from Cllr Watt:
"In view of the universal expression of opinion in the York Press that you have no understanding of how to achieve York's affordable housing needs and the failure of the 50% affordable housing policy, would the Cabinet Member explain how she will help both to stimulate local housing construction and achieve York's affordable housing needs."

Reply

I would firstly answer Cllr Watt's question by saying that the views expressed in his question apply to four individuals involved in development, one former Councillor and one current Councillor, so a long way from universal expression of opinion.

I have been consistently clear in saying that the Council never had a fixed 50% policy but a 50% target policy which had cross-party support. The principle of the policy was to maximise affordable housing provision on the basis that an unencumbered greenfield site could viably deliver 50% affordable housing at the time it was introduced.

Then, individual site circumstances would be considered to set an affordable housing target for developments that had associated costs which meant 50% was not viable. This approach has resulted in lower percentages agreed on developments such as Ouseacres (37.5%), Terrys (30.3%) and Shipton Street School (28%). The policy aim was to maximise affordable housing provision whilst ensuring developers were able to make a profit of 15 to 20%.

The 50% approach was no different to that which has been applied to affordable housing policy since 1996 when the target was 25%. There are examples since that time of developments delivering lower than 25% affordable housing after individual site viability assessments such as Forge Close, Jockey Lane 19%, Piccadilly Plaza 20%, St. Martins' Court and Leeman Road 21%.

Regarding statistics on what sites have delivered under the 50% target, this is open to confusion and misunderstanding. Firstly, there's the difference between planning permissions granted under the policy and homes actually built/completed. Under any market conditions there is a time lag between permissions granted and homes delivered and this has been exacerbated by the housing market conditions since 2007. On planning permissions there are some good examples of achieving over 25% but less than 50% due to viability.

Due to the credit crunch and housing market conditions, since 2007 development across Yorkshire and England has slowed dramatically, leading to a range of initiatives from the previous government to kick-start the house-building industry, including HomeBuy Direct targeted at private developments that were stalled.

Locally, following a detailed study of economic viability, affordable housing targets have been reduced to 25% for brownfield sites and 35% for greenfield sites. These are again a target and if a development is not viable at these levels it will be reduced further. The long term target remains at 50% but will always be subject to viability.

The 50% target was introduced at the peak of the housing market. York has responded quickly to the national housing market crisis by reducing its targets which are now the lowest in North Yorkshire. These targets are also linked to market conditions so if the housing market improves, then affordable housing targets will go up, and if the market continues to suffer due to the lack of mortgages and finance, it will reduce further.

The affordable targets in neighbouring local authorities are Selby 40%, East Riding 40%, Ryedale 35%, Harrogate 40%. Even Rotherham which has a

low value housing market has a target of 25%. Due to the drastically reduced funding from the Homes and Communities Agency the Council will need to continue to have a policy of site by site negotiation. With this up to date factual information it leaves the Council in a good place to undertake site by site analysis as a means to achieve affordable housing for the city.

Last week at the National Housing Conference in Harrogate I asked the CEOs of Taylor Wimpey and Barratts if they had any problems delivering affordable housing and were targets stopping them building; they said no.

What was stopping their companies building was the issue of finance. The CEOs of Barratts, Taylor Wimpey and Stewart Basley, Chair of the House Builders Federation, all said that the lack of house building was a result of the lack of affordable mortgages for first time buyers and too high deposits – down from 600,000 4 years ago to 200,000 the last financial year; a reduction in Buy to Let mortgages from 346,000 in 2007/08 to 96,000 last year; as well as high land prices and that the current situation reflects the position of the economy more generally. It is therefore Government's role to stimulate the housing market and not Local Authorities' as it is Government that needs to tackle the lack of mortgage availability, lack of builder and consumer confidence and cuts in funding to the HCA, all of which are linked to the wider global economic recession.

- (xii) To the Cabinet Member for Health, Housing & Adult Social Services, from Cllr Healey:
“Could the Cabinet Member update Council on the track record of Community Energy Solutions in delivering residential solar schemes.”

Reply

I would like to thank Cllr Healey for this question as he obviously has concerns about the environment and for those in fuel poverty.

The approach that City of York Council and Community Energy Solutions is taking is to provide a fully funded scheme which creates a 'Community Profit Share'. This is an innovative scheme to bring

forward funding to support the provision of Solar PVs at no cost to the property owner and City of York Council, and Community Energy Solutions are leading the way. Community Energy Solutions is currently working with 5 other organisations within the Yorkshire & Humber Region to develop such schemes and install Solar PVs.

In relation to the York scheme, the Heads of Terms Agreement has been signed and surveying work of suitable properties is being undertaken. Priority is being given to family houses and 2,962 have been identified as potentially suitable for works. Further surveying work will take place, i.e. to check the structural stability of the roofs to ensure that the additional weight associated with the installation of solar PVs will not cause any problems. Work is ongoing to develop the roof access agreement and it is anticipated that installation will begin towards the end of the summer.

- (xiii) To the Cabinet Member for Health, Housing and Adult Social Services, from Cllr Cuthbertson
"Can the Cabinet Member confirm that the Cabinet will be reversing the decision to outsource the reablement service and explain how the subsequent £1.4m budget gap will be plugged?"

Reply

Councillor Cuthbertson is right to ask his question but I would suggest that it indicates that he has either not been briefed about the situation the Lib Dems created before the election or that he has not understood the situation since as Labour was unable to make any changes until 26th May, after Annual Council. By 19th May the authority had already issued tender documentation to those organisations who had successfully passed through the PQQ evaluation process.

The timetable and budget position that Cllr Morley, Cllr Waller and their Group left the Council with was not reversible. Not to have made the changes would have left the Council with a budgetary deficit of £268K for 11/12 whilst any attempt to have stopped the process could have resulted in legal challenges from those who had put time and money into the

tendering process, and possible financial penalties. Councillor Cuthbertson should know this as his ex-colleagues had made it clear that there was no Plan B and that they were ploughing ahead regardless.

- (xiv) To the Cabinet Member for Health, Housing and Adult Social Services, from Cllr Aspden
“Does the Cabinet Member still support a 50% affordable housing target and does she agree with the Council Leader that targets should be reduced to ensure developments like Germany Beck are profitable for big developers?”

Reply

Again as I have said many times the Council does not and has never had a 50% affordable policy, but a target. However, due to the current economic situation the Council currently has an agreed policy with a target of 25% on brownfield and 35% on greenfield which will be based on a site by site economic viability assessment.

The 35% affordable housing requirement at Germany Beck was set by an Independent Planning Inspector in 2007/08 and agreed by the developer. However, if Persimmon feels that they are unable to deliver 35% affordable in the current market then they can approach officers who will work alongside them to review the viability, and if appropriate reduce the level of affordable housing required.

They were invited to do so many times when the Liberal Democrats were the controlling administration but did not take up the offer. The policy is clear that the level of affordable housing will only be set at a level that allows a developer profit of 20%, and if the developer can evidence that they can only get finance to build at 25% profit then the target will reduce again by 3.5%. These are accepted standard industry profits.

- (xv) To the Cabinet Member for Crime and Community Safety, from Cllr Healey:
“On what quantifiable success targets should the Cabinet Member be judged?”

Reply

Clearly the key issue on crime and community safety is to ensure that the recent trend of falling overall crime figures across the city is a continuing one. However, Council will be aware that the City Council is but one of the partners involved in dealing with crime and community safety. Amongst the other partners, the other main partner is of course the police and it is the Chief Constable who has day to day operational control over the allocation of police resources.

The creation of the post of Cabinet Member for Crime and Community Safety is to provide a sharper focus for the Council's involvement in the partnership with North Yorkshire Police and to seek to develop a clearer understanding of, and to better influence, the setting of the priorities in combating crime and anti-social behaviour.

It should also be recognised that, at a time of savage cuts by this Tory-led Government, with North Yorkshire Police set to lose 200 Officers and some 300 police civilian staff, the force will be severely stretched and its resources spread even more thinly. A further important indicator is the public's perception of crime and anti-social behaviour in the city and public confidence in feeling that York is a safe place to live remains a key measure. York is, in fact, a very safe city but community perception does not always reflect this. We will, therefore, work with all partners to improve community cohesion and to reduce the fear of crime.

(xvi) To the Cabinet Member for Crime and Community Safety, from Cllr Healey:

"What plans does the Cabinet Member have for enforcing 20 mph zones in residential areas?"

Reply

I assume Cllr Healey is referring to enforcement of the small number of 20mph zones reluctantly introduced by the previous administration.

As he will know, only the police have the authority to enforce traffic regulations in terms of moving vehicles and the police have always made it clear that they do not have the capacity to undertake such enforcement. This will only be exacerbated by his Government's

cuts to police funding, which will see a reduction of 200 Officers across North Yorkshire.

I have, however, already met with the Commander of the York area and discussed areas for closer collaboration and this has included enforcement issues generally.

However, given this administration's commitment to a city-wide 20mph limit in residential streets, and the fact that it has been demonstrated elsewhere, where such a blanket approach has been adopted, that this results in greater compliance with the reduced limit. It is therefore expected that enforcement will become less of an issue, than with the piece-meal approach adopted by the previous Lib Dem administration.

(xvii) To the Cabinet Member for Crime and Community Safety, from Cllr Aspden

"Can the Cabinet Member detail the budgets that are covered by his new portfolio, including the amount in each budget?"

Reply

The budgets that fall within the new portfolio of Crime & Community Safety currently include the following heads:

| <u>Crime & Community Safety</u> | | | |
|--|-------------|---------|---------|
| | Expenditure | Income | Net |
| | £'000 | £'000 | £'000 |
| Safer Neighbourhoods | 632.8 | -42.4 | 590.4 |
| Licensing & Enforcement | 703.8 | -702.9 | 0.9 |
| Env Health & Trading Standards | 2,680.1 | -601.1 | 2,079.0 |
| Youth Offending | 872.2 | -858.2 | 14.0 |
| Drug Action Team | 1,850.9 | - | 102.2 |
| | | 1,748.7 | |
| Target Hardening | 39.0 | 39.0 | 0.0 |
| | 6,778.8 | - | 2,786.5 |
| | | 3,914.3 | |

(xviii) To the Cabinet Member for Corporate Services, from Cllr Steward:

“In what areas of current council services will the Cabinet Member be looking for greater external provision?”

Reply

Given the scale of the funding reductions being imposed upon this Council, which don't help the local economy and are totally unfair, we will need to consider all options in the delivery of services.

It is impossible to say at this moment which, if any, services we will be looking for external organisations to provide. Any such decision will need to be subject of a full options appraisal, and risk assessment. Only then will we be able to make clear decisions which aim to deliver the most efficient and effective services to our residents.

We are, however, very open to new ways of working, and are seeking to create innovative, cost-effective solutions to the challenges we face.

(xix) To the Cabinet Member for Communities and Neighbourhoods, from Cllr Reid (referred to Cabinet Member for City Strategy, whose area it covers)

“Can the Cabinet Member say what she expects the likely impact on air quality will be from the extra traffic generated by increasing the house building levels by 225 homes per year?”

Reply from Cabinet Member for City Strategy

In the absence of time to obtain a detailed analysis in response to your question, and bearing in mind previous answers to your question, the effect is likely to be more or less neutral, as providing sufficient houses within the 'greater urban area' of York (i.e. within the A1237 and A64) to keep pace with employment growth is likely to result in more sustainable travel compared to increased inward commuting otherwise. However, the real issue and concern is that congestion delay could almost double air pollution on both the previous and proposed versions of the LDF, even with all mitigation

measures in place, so there is potentially an absolute detrimental impact on air quality, which will need to be considered in its own right further.

- (xx) To the Cabinet Member for City Strategy, from Cllr Taylor

“Can the Cabinet Member justify the plans to build a new stadium at such an unsustainable transport location as Monk’s Cross, requiring the support of massive additional development which departs wildly from the retail strategy as set out in the Local Development Framework?”

Reply

Enabling development is development that would not normally be considered acceptable in planning terms but can be justified where there are overriding public benefits that could otherwise not be achieved, so by definition it involves some detriment. I agree the health of the City centre retail area is a very important issue, and we will need to make a very careful judgment about the stadium related proposals and their potential impacts on the City centre, on traffic and other issues. These assessments can not be made yet, as the planning application has not yet been submitted, but they will need to be thorough, as will the associated consultations, to enable members to make an informed decision.

- (xxi) To the Cabinet Member for City Strategy, from Cllr Runciman

”Can the Cabinet Member state when he expects a city wide 20mph zone to be in place and how much it is expected to cost?”

Reply

In response to the question at Council relating to delivery of 20mph limits across the city, officers are currently investigating in detail how this significant shift in policy will be implemented across the city. It is anticipated that a policy and implementation report will be presented to the Cabinet Member for City Strategy Decision Session in October. A report enabling the advance delivery of pilot areas will be submitted to the July Decision Session.

The current expectation is that the policy will be delivered in phases with the first areas implemented in 2011/12. The programming will form part of the review of the LTP3 capital programme that I have asked for.

(xxii) To the Cabinet Member for City Strategy, from Cllr Reid

"Can the Cabinet Member state when he expects that the FTR buses will be scrapped?"

Reply

I have had an initial meeting with First, and this was one of the issues I raised, along with our other commitments to improving public transport in the City and tackling poor air quality that you failed to adequately address in office. I have also flagged our ambition to the recent Bus Quality Partnership meeting of making a step change improvement in local public transport that will see the implementation of smart and integrated ticketing, help bus reliability through tackling of congestion and bottlenecks, and other measures to develop a single integrated service from the bus users point of view in York. We have a significant set of issues to address here and I am working closely with officers towards developing a comprehensive approach to them and to working with our partners in the bus industry to deliver it.

Councillor D Horton, LORD MAYOR OF YORK

[The meeting started at 6.30 pm and concluded at 10.05 am]