

City of York Council

Resolutions and proceedings of the Meeting of the City of York Council held at The Guildhall, York on Thursday, 20 October 2022, starting at 6.30 pm

Present: The Lord Mayor (Cllr David Carr) in the Chair, and the following Councillors:

Acomb Ward

S Barnes

Clifton Ward

D Myers
Wells

Dringhouses & Woodthorpe Ward

Fenton
Mason
Widdowson

Fulford and Heslington Ward

Aspden

Haxby & Wigginton Ward

Cuthbertson
Hollyer
Pearson

Heworth Without Ward

Ayre

Bishopthorpe Ward

Galvin

Copmanthorpe Ward

Fishergate Ward

D'Agorne

Guildhall Ward

Craghill
Fitzpatrick
Looker

Heworth Ward

Douglas
Perrett
Webb

Holgate Ward

Heaton
Melly
K Taylor

Hull Road Ward

Huntington and New Earswick
Ward

Musson
Norman

Cullwick
Orrell
Runciman

Micklegate Ward

Osbalwick and Derwent Ward

Baker
Crawshaw
Kilbane

Rowley
Warters

Rawcliffe and Clifton Without Ward

Rural West York Ward

Smalley
Wann
Waudby

Hook

Strensall Ward

Westfield Ward

Doughty
Fisher

Daubeney
Waller

Wheldrake Ward

Vassie

Apologies for absence were received from Councillors Barker, Hunter, Lomas, Pavlovic and D Taylor.

18. Declarations of Interest (18:35)

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.

Cllr Widdowson declared a pecuniary interest in Motion (ii) at Agenda Item 8, Controlling the Concentration of Short Term and Holiday Lets, as the owner of an Air B&B property. She left the Chamber during consideration of that motion, and took no part in the debate or decision thereon.

Cllr Crawshaw declared, for the sake of transparency, that his mother would be addressing the Council as one of the speakers under Public Participation, at Agenda Item 4.

19. Minutes (18:37)

Resolved: That the minutes of the Ordinary Council meeting held on 14 July 2022 and the Extraordinary Council meeting held on 6 October 2022 be approved, and signed by the Chair as a correct record in each case.

20. Civic Announcements (18:38)

The Lord Mayor announced the recent sad death of Tom Brittain, former Assistant Director of Housing and Community Safety. He invited Members to observe a minute's silence as a mark of respect for Tom's work and loyalty to the council.

21. Public Participation (18:39)

It was reported that substantially more than 10 people had registered to speak at the meeting under the Council's Public Participation Scheme and that consequently only the first 10 to register would be afforded the opportunity to speak, in accordance with the provisions of the Constitution.

Flick Williams spoke in support of Motion (ii) at Agenda Item 8, Equality for Disabled People. She objected to the meeting being held in the Council Chamber despite advice that it was inaccessible, and urged Council to adopt the social model of disability.

Gwen Swinburn spoke on governance issues, as matters relevant to the Council or City. She referred to a number of issues and complaints relating to governance since 2011, and proposed that a 'democracy emergency' be called for the council.

Marilyn Crawshaw spoke in support of the Reverse the Ban petition at Item 5(iii) on behalf of the non-political coalition that had organised the petition, highlighting the number of people who had signed it and reading out some of the comments provided.

Jade Puckering also spoke in support of the Reverse the Ban petition, describing the effects on her independence as a blind person when she could not be collected by car from the city centre.

Jane Burton, of York Accessibility Action and Reverse the Ban also spoke in support of the petition, emphasising the strength of feeling on this issue and its effect on the Council's reputation.

Diane Roworth also spoke in support of the Reverse the Ban petition, noting it was about equality for children and adults in York and that businesses in the city centre needed disabled people.

Niall McFerran, of York Bus Forum, spoke in support of Motion (iii) at Item 8, Protecting and Improving Local Bus Services, stating that a new solution was needed post-covid to encourage a return to bus services as a convenient, accessible alternative to car use.

Peter Rollings, Chairman of Rufforth & Knapton Parish Council, also spoke on Motion (iii). He urged the Council to find a solution for the 412 service due to cease on 10 December, and a long-term strategy to secure the sustainability of rural bus services.

Carole Green also spoke on Motion (iii), drawing attention to a petition submitted in respect of the no. 11 bus, signed by 1,235 people, which was awaiting a response.

Chris Brace also spoke on Motion (iii), stating that current political events must not distract from the climate emergency, and asking if the source of power used for electric buses had been considered.

22. Petitions (19:18)

Under Rule B5 2, the following petitions were presented for reference to the Customer and Corporate Services Scrutiny

Management Committee, in accordance with the Council's petition arrangements:

- (i) A petition presented by Cllr Hook, on behalf of residents of Skelton calling for the installation of a pedestrian crossing to allow safe crossing to all between Fairfield Croft and Fairfield Drive.¹
- (ii) A petition presented by Cllr Fisher, on behalf of residents of Moor Lane and Princess Road in Strensall, seeking to have these roads fully resurfaced.²
- (iii) A petition presented by Cllr Melly, on behalf of residents and visitors supporting Reverse the Ban in calling for a reversal of the ban on Blue Badge Holders from entering the city centre.³

Action Required

- 1. Add the petition for a pedestrian crossing between Fairfield Cross and Fairfield Drive to the petitions log for referral to CCSMC SS
- 2. Add the petition for the resurfacing of Moor Lane and Princess Road, Strensall, to the petitions log for referral to CCSMC SS
- 3. Add the 'Reverse the Ban' petition to the petitions log for referral to CCSMC SS

23. Report of Executive Leader and Questions (19:21)

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

Members were then invited to question the Leader on his report. Questions were received from the floor from the following Members in relation to the subjects listed, and replied to as indicated:

Devolution

From Cllr Daubeney: With the impending change of government following the resignation of the Prime Minister this afternoon, is there any risk of delay to the Devolution plan discussed at the last meeting?

Response: It's imperative that these changes do not slow our timetable. We will launch the 8-week consultation tomorrow so that it can come back to Council in February. I have had

assurances from civil servants that the current turbulence will not affect this. Now more than ever we need certainty.

Purple Flag

From Cllr Kilbane: Do you accept that Purple Flag does nothing to tackle the most acute anti-social behaviour such as that in Westfield, and what are you doing about this?

Response: The scheme is about partnership working, urging all to work together to create as safe and welcoming city as possible. We need to ensure it focuses on the problems that communities see and challenge the police to do what they can. I'd be happy to meet with Cllr Douglas to discuss the specifics.

[Supplementary: We were told the scheme would tackle drunken behaviour by persuading people to book tables in advance - but what about youth services in Wakefield?]

Supplementary Response: We need to work with communities and with partners on the underlying causes - early intervention is needed. The council must do all it can, but I would go back to the key point of investment in councils and key services; we have seen year on year of cuts, and if the cuts get worse so will public services; we need to make the case to government.

[Supplementary from Cllr Crawshaw: I agree that multi-agency work is necessary, but having identified problems in several wards I invited councillors to come together to discuss these but received no response except from colleagues in Micklegate and Heworth wards, so your words sound good but your actions don't match.]

Supplementary Response: If you'd like to contact me or my colleagues with specific information about that, I am sure it can be explained.

Cost of Living Crisis

From Cllr Hollyer: As the Tory government chaos continues, what work is being undertaken to ensure that key services are protected as much as possible?

Response: The government has said there will not be a spending review or a fair funding review for local government, which poses challenges. So we are taking action in-year to ensure we can control the budget as soon as possible before consulting as early as possible on next year's budget. We will have to look at a level of cuts similar to those made over the past decade. It's about making sure that we concentrate on prioritising those services that are most important to residents, and making it clear that it is the

current government turbulence that's leading to these cuts across the country, unless the new PM changes their tune next week.

24. **Report of Deputy Leader and Questions (19:52)**

A written report was received from the Deputy Leader, Cllr D'Agorne.

Members were then invited to question the Deputy Leader on his report. Questions were received from the floor from the following Members in relation to the subjects listed, and replied to as indicated:

Bus Service Improvement Plan and Bus Services

From Cllr Orrell: Can you explain what improvements the Bus Service Improvement Plan could deliver?

Response: We will be discussing the motion on this later. As set out in my report and the report to Executive in October, uniquely in the region York was awarded funding from government of £17.3m over 2.5 years. We have put forward our submission on how this will be spent, which will be determined by the Enhanced Partnership. We have consulted with bus operators, including on a range of measures to make buses more attractive over a period of time. There is also an allowance for some short-term support to try to maintain services for local communities, which will be part of the debate later on.

Dualling of the Ring Road

From Cllr Kilbane: Do you personally think dualling the ring road is a good idea, and does the Green party think so?

Response: I think you already know the answer. The Green party is the only party opposed to dualling, [a policy] which has been brought forward over the last decade by successive administrations. You have my comments about the ring road on record. I am aware we have a climate emergency, and a key element of the documents alongside the Local Plan is the reference to the carbon impact of development. There are questions to be raised on whether you consider this to come from induced traffic.

[Supplementary: Are you personally in favour of dualling the ring road, or not?]

Supplementary Response: Personally, I am not.

Devolution Deal

From Cllr K Taylor: Do you have any thoughts on whether the £50m for York Central in the Devolution Deal is to make up for anticipated business rates not received, or to plug the funding gap for the infrastructure costs of the development, or a bit of both?

Response: I've not been involved in negotiations on that, so I am happy to give you a written answer.

[Supplementary: Will you come to the next York Central Lead Members briefing, as you missed the last one?]

Supplementary Response: I was unable to attend the last briefing, which is why so I asked Cllr Dave Taylor if he wanted to attend to represent Fishergate Ward.

Haxby Station

From Cllr Cuthbertson: Can you update councillors on the next steps of the Haxby Station project?

Response: I have given some detail in my report and there are regular updates to ward councillors. We are working as fast as possible to proceed to a planning application in order to meet the timetable; the most recent briefing indicated that this application might be in January or February.

[The meeting was adjourned for a break at 20:03 hrs.]

25. **Motions on Notice (20:21)**

(i) Protecting and Improving Local Bus Services

Cllr Fenton sought consent to alter his motion to incorporate the amendment submitted by Cllr Melly.

Council having granted consent, the altered motion was moved by Cllr Fenton and seconded by Cllr Hollyer, as follows:

“Council notes that:

- Bus operating companies have been affected by falling passenger numbers, rising costs and driver shortages since the Covid pandemic.
- Financial aid from Government has been important in supporting the provision of bus services since the start of the pandemic, but this is due to come to an end in March 2023.

- There is a wide variety of support for local bus franchising powers to better tailor services to meet local need, from the Government through its devolution deals to leading think tanks focussed on economic growth such as Centre for Cities.
- Intensive work is currently taking place by Council officers and providers to encourage and support residents to return to buses and retain as many services as possible.
- City of York Council has entered into an 'Enhanced Partnership' with bus operators, which is a prerequisite for unlocking the £17.3m Government funding secured from York's successful Bus Service Improvement Plan bid.
- City of York Council was successful in securing £8.4m from the Government's Zero Emission Bus Regional Area (ZEBRA) fund, which will support the purchase of 44 more electric buses.
- The £2 maximum single fare delivered in West Yorkshire by Labour Metro Mayor, Tracy Brabin, is under an 'Enhanced Partnership' arrangement, something not achieved through York's EP.
- Encouraging more residents and visitors to choose to travel by bus rather than car is an important part of the city's efforts to tackle transport-related carbon emissions and reduce congestion.
- Some communities and individuals are poorly served by current bus services, which limit their ability to access employment, education, essential services and social interaction, particularly in some outer parts of York, a situation that will not change under an Enhanced Partnership.

Council believes that:

- A reliable, accessible and affordable bus service is essential to all York residents to access shops, services, leisure, employment and education, and to help tackle air pollution, congestion and the Climate Emergency.
- Part of the way to start planning a reversal in the decline of bus journeys taken in York is to update a strategic Local Transport Plan that's over a decade old and increasingly out of date, so that infrastructure investment better supports local bus services;
- Continued engagement with bus operators through the 'Enhanced Partnership' will be vital in making best use of

available financial resources; however, ensuring that bus routes and timetables are configured in a way that best serves the needs of residents will not be achieved locally unless franchising powers are taken up through a Mayoral Combined Authority.

- The absence of certainty around Government funding support beyond March 2023 creates the risk of a ‘cliff edge’ situation where some bus services may be reduced or cut entirely, leading to a material impact on residents’ lives.

Council therefore resolves that:

- Officers should continue negotiations with bus providers to retain as many routes as possible and to prevent a gap in service provision, while recognising that when Govt funding stops in March, this can only be guaranteed if the Lib Dem-led council is willing to subsidise and secure such services.
- Officers should actively engage with all elected councillors, including transport spokespersons and user groups as part of their work with operators to review bus routes and timetables.
- The Executive should use all opportunities, including working with regional political leaders, to continue to lobby Government for long-term funding to support public transport networks, including support for driver recruitment and training schemes.
- Whilst the agreed ‘Enhanced Partnership’ approach should be pursued, alternative feasible models should be kept under review and lessons learned from the experience of other cities and regions, including the bus franchising systems being pursued by Labour Metro Mayors in Liverpool City Region and Greater Manchester.”

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

Resolved: That the above motion be approved.¹

(ii) Controlling the Concentration of Short Term and Holiday Lets

Moved by Cllr Melly and seconded by Cllr Kilbane.

“This council notes the rapid rise of whole property holiday lets in our city, particularly in wards in and around but not restricted to, the city centre.

Council welcomes more affordable holiday accommodation options and the positive impact this can have on the local economy. But Council has concerns about the unrestricted nature of whole home lets and their wider impact on a city with a long-standing and serious housing supply and affordability problem.

Council notes:

- the council’s recent Housing Scrutiny report highlighting an almost tripling of whole-property holiday lets in York over the past four years;
- the unsatisfactory position on planning use for holidays lets, which lacks clarity and leaves local authorities with insufficient resources to take on the burden of proving ‘material change of use’ concerning holiday lets;
- Edinburgh’s positive steps this year to control the unrestricted rise of holidays lets, showing what can be achieved where the political will exists;
- Rachael Maskell MP’s current *Short-term and Holiday-let accommodation (Licensing) Bill* progressing through Parliament, which seeks to confer powers on local authorities to both control the concentration of holiday lets and to introduce conditions on how such lets operate.

Council believes inaction now will undermine the council’s Local Plan and its housing supply projections, by turning a blind eye to an escalating loss of family and other housing to the unregulated holiday lets sector. It also believes the financial incentives linked to holiday lets is resulting in no-fault evictions and tenancies being abruptly ended, potentially adding to the council’s housing waiting list. Council recognises the impact on the private rented sector is already significant, and growing.

Council therefore calls on Executive to:

- agree to commence the process of compiling an evidence base, from which the council can consider adopting a new policy in the future on controlling the spread of short term and holiday let accommodation, post-adoption of the Local Plan;
- consider bringing forward, in a report to Executive in due course, options for s106 planning conditions that include, but are not restricted to:

- exclusivity sales periods for York residents on new build developments;
- main residence only conditions/restrictions on short term lets on new developments;
- consider the impact of short term and holiday lets in the development of the council's various housing policies, including the loss of ordinary family and other housing in York;
- ensure the council lobbies Government, through the Local Government Association and its two MPs, to alter the tax regime to ensure parity between short term lets operating as businesses, and long term lets, removing preferential treatment for the former."

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

Resolved: That the above motion be approved.²

(iii) York Opposes Fracking

Moved by Cllr Fisher and seconded by Cllr Waller.

"This Council notes that:

- On 8th September, the Prime Minister announced plans to lift the ban on fracking for shale gas, breaking Conservative party's 2019 manifesto pledge to not press ahead with fracking without further scientific study.
- INEOS holds Petroleum Exploration and Development Licences (PEDL) for areas in and around York and Ryedale.
- Companies such as INEOS and Cuadrilla could seek permission to frack in areas where they hold PEDL licences.
- In 2018 City of York Councillors opposed fracking, outlining the Council's objections to fracking through 'permitted development' rights.
- extracting new fossil fuels distracts from investing in renewable projects and decarbonising heating systems

- Fracking could put communities at risk of micro-earthquakes, ground water contamination, loss of species and many other health and environmental hazards.
- There is a lack of evidence that fracking in the UK would lower bills for consumers. It has not done so in the USA.
- Earlier this February, after more than 7 years of work, councillors approved the Minerals and Waste Joint Plan which introduced controls on fracking in York and North Yorkshire if the government lifted the moratorium. The plan will be used to decide planning applications until 2030, with minimum distances between homes and well pads and for greater controls around protected areas.

Council believes that:

- Fracking poses unacceptable risks to people, livestock, wildlife, the climate and the environment, bringing with it the potential threat of earthquakes, water pollution, and green spaces transforming into industrial landscapes.
- With soaring energy bills and inflation overwhelmingly being driven by record-high gas prices – and with renewables four times cheaper – fracking is not the answer. Other sources of energy, including renewable, and ‘buffers’ such as battery storage, liquid air and hydrogen, are fast making any plans to introduce fracking irrelevant.
- The UK has a vast potential for clean energy. Investment in renewable energy, public transport and energy efficiency will create far more jobs than fracking, deliver energy security, boost York’s local economy and allow us to play our part in avoiding dangerous climate change.
- This announcement seriously calls into question the government’s commitment to reduce the country’s reliance on fossil fuels and to move to net zero emissions by 2050.

This Council resolves to:

- Ask the COO to write on behalf of the Council to the Prime Minister, the Secretary of State for Business, Energy and Industrial Strategy and the Minister for State (Minister for Climate) to make them aware of the opposition to fracking in York, in light of the Government’s statement that it will only progress with fracking where there is local support.”

Notice had been given by Cllr Doughty of an amendment to the above motion. Cllr Doughty now sought Council's consent to alter his amendment. Council having granted consent, the altered amendment was moved by Cllr Doughty and seconded by Cllr Rowley, as follows:

“Under ‘This Council resolves to’, add a second bullet point, to read:

‘Ask the Government to commit to decision-making on fracking to remain solely with locally elected members in the local planning authority, and with ratification by local referendum in the affected parished and non-parished areas.’”

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

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

Resolved: That the above motion be approved.³

(iv) Equality for Disabled People

Moved by Cllr Norman and seconded by Cllr Wells.

“Disabled people make up around one quarter of the population and include people of all ages, ethnicities, genders, religions and sexual orientation. Disabled people have varying levels of independence, with some relying on statutory and voluntary services, while others don't.

Some with chronic health conditions, either physical or mental, regard themselves as being unwell rather than disabled, while others do not. Some people with impairment may self-identify as disabled people, whilst others may not.

In other words, disabled people have all the diversity of the non-disabled population.

This Council notes:

- that disabled people still experience widespread discrimination and attitudinal barriers in all aspects of daily life, including the provision of goods and services, the built environment, access to transport and housing across all sectors;

- that failure to provide accessible services of whatever type creates avoidable dependency;
- that its Public Sector Equality Duty (PSED) in the exercise of its functions, to have due regard to the need to eliminate discrimination which is prohibited by the Equality Act 2010, encourage good relations and advance equality of opportunity between people who share a protected characteristic and those who don't;
- that combined with their own impairment issues, disabled people face many challenges in their daily lives as a result of avoidable barriers they experience;
- that disabled people collectively identify these barriers faced as the Social Model understanding of disability, in direct contrast to the Medical or Individual Models, which identify disabled people as either being or owning the 'problem' of disability.

This Council recognises:

- that city council decisions and policy made using the 'One Planet' tool will give confidence to the public where Equalities Impact Assessments (EqIAs) are completed consistently, helping contribute to the council fulfilling its PSED;
- there is currently a culture of expectation that disabled people will repeatedly participate in consultations and meetings without adequate consideration of their often challenging personal circumstances;
- its tendency to use the language of inclusion without the corresponding understanding of genuine inclusivity in its policy making processes;
- that co-production must be meaningful and the experience and expertise of disabled peoples' lived experience properly listened to, considered and embraced.

This Council resolves:

- to adopt the Social Model of Disability and embed it into every area of its working, operation, policy and practice, including in how it communicates;
- to review the extent to which disability awareness training, inclusive and universal design training and disability equality is embedded across the organisation in how the council delivers services, making recommendations as appropriate;

- to prepare and adopt a Supplementary Planning Document (SPD) on building design, post Local Plan adoption, in order to deliver accessible and inclusive new developments in the future;
- to commit to genuine co-production on all council developments, where disabled people's views are incorporated alongside those of appropriate professionals when considering inclusion and accessibility;
- upon the appointment of an Access Officer, to convene a quarterly Access Forum, resourced so that it will work in an entirely inclusive and accessible way, supporting a genuine commitment to co-production."

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

Resolved: That the above motion be approved.⁴

Action Required

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| 1. To note approval of the motion on Protecting and Improving Local Bus Services and take appropriate action. | NF |
| 2. To note approval of the motion on Controlling the Concentration of Short Term and Holiday Lets and take appropriate action. | NF |
| 3. To note approval of the motion 'York Opposes Fracking' and take appropriate action. | IF |
| 4. To note approval of the motion on Equality for Disabled People and take appropriate action. | JH |

[The guillotine fell at 22:18 hrs and the remaining items of business were deemed moved and seconded, and voted on without debate].

26. Questions to the Leader or Executive Members (22:18)

No questions were put, as the guillotine had fallen.

27. Report of Executive Member (22:18)

A written report was received from Cllr Ayre, the Executive Member for Finance and Major Projects.

No questions were put on the report, as the guillotine had fallen.

28. Scrutiny - Report of the Chair of the Customer & Corporate Services Scrutiny Management Committee (22:18)

A written report was received from Cllr Crawshaw, Chair of the Customer & Corporate Services Scrutiny Management Committee, on the work of the committee.

29. Recommendations of the Licensing & Regulatory Committee (22:19)

Cllr Cuthbertson, as Chair of the Licensing & Regulatory Committee, moved, and Cllr Melly seconded, the following recommendation from the meeting of the committee held on 4 October 2022.

“Recommended: That Council approve the issuing of *ten* new hackney carriage vehicle licences (three that have not been renewed and seven additional licences), bringing the total number to 190.

Reason: To help meet unmet demand for hackney carriage vehicles, particularly from users with a disability, and coupled with the proposed specification for those newly licensed vehicles provide a more environmentally friendly and easily recognisable hackney carriage fleet in the city in response to the declared climate emergency and continuing desire to improve air quality.”

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

Resolved: That the above recommendation be approved.¹

Action Required

1. Make the agreed change to the Taxi Licensing Policy MB

30. Appointments and Changes to Membership (22:20)

Resolved: That the appointments and changes to membership set out in Section A on the list at page 3 of the supplementary papers be approved, and that the

appointments made by the Staffing Matters & Urgency Committee, as set out in Section B on the list, be noted.¹

Action Required

Make the agreed changes to memberships on the system JB

Cllr D.Carr

LORD MAYOR OF YORK

[The meeting started at 6.34 pm and concluded at 10.20 pm]