
Meeting	Corporate and Scrutiny Management Committee (Calling In)
Date	12 August 2013
Present	Councillors Galvin (Chair), Fraser, Horton, McIlveen, Potter, Runciman (Vice-Chair), Steward, Burton (Sub for Cllr King) and Cuthbertson (Sub for Cllr Jeffries)
In Attendance	Councillors Ayre, Barton, Crisp, Levene and Reid
Apologies	Councillors Jeffries and King

9. Declarations Of Interest

Members were invited to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. No further interests were declared.

10. Public Participation/Other Speakers

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme and a member of Council had also requested to speak.

Councillor Barton spoke in respect of the Co-operative Council: A Community Benefit Society for Libraries and Archives (Minute 12 refers), referring to the lack of information available when researching community benefit societies in general. Concern was expressed at the proposed removal of the statutory responsibility for libraries from Council control to an untried organisation, privatising a vital service. Reference was also made to the risk to taxpayers, employees and the library service.

Mr Ellerton spoke in respect of the 20mph in the West of York – Speed Limit Order Consultation and Petition Response (Minute 13 refers), reiterating that only 7 residents were in favour of

implementation of this scheme. He pointed out that the Green Cross Code saved more pedestrian lives than 20's Plenty. Concern was expressed at the possible increase in air pollution and accidents if this scheme was undertaken and that the finance would be utilised on road safety and road maintenance.

11. Minutes

Resolved: That the minutes of the last meeting of the Committee held on 22 July 2013 be confirmed as a correct record and signed by the Chair.

12. Called In Item: The Co-Operative Council: A Community Benefit Society For Libraries And Archives

Members received a report which asked them to consider the decisions made by the Cabinet on 16 July 2013, in relation to the establishment of an Explore Libraries and Archives Mutual as a Community Benefit Society. The report to the meeting summarised the work undertaken by a project board whose key conclusion had been that the best possible legal model to transfer the service to a social enterprise had been via a Community Benefit Society (CBS), with exempt charitable status.

Details of the Cabinet's decision was attached at Annex A to the report, with the original report to the Cabinet attached at Annex B. The decision had been called in by Cllrs Ayre, Jeffries and Reid on the following grounds:

- The report claims the aim has been to determine "whether it would be in the overall interests of the Council to transfer its Libraries and Archive service to a social enterprise". This is not what has happened. All the approved report does is provide shaky evidence that a social enterprise might work, it does not explore other options to determine whether a social enterprise is the best option for the Council or for residents. There is no evidence presented that the Council has looked at any other options not even 'co-location', which is national Labour Party policy and has been successfully implemented in Northamptonshire. Despite repeated

requests we have not seen a copy of the social enterprise business case.

- No proper public consultation has taken place – the consultation which took place in October 2012 only asked residents questions such as where libraries should be based, what they should provide and whether people can volunteer to help operate them. It did not ask people for their views on the potential move to a social enterprise. The ‘Focus Group’ only provides very limited evidence. For this proposal to work it has to have the full support of the public and there is no evidence that this is the case.
- Staff have raised considerable concerns over the move to a social enterprise and the consultation process. A sample of these included in the report are:

“It has always felt like the decision to go to a Social Enterprise has been made without consulting staff. It feels like we are being asked for the sake of asking, not because what we think will be taken into account or thought about seriously”

“In many ways it feels like it's a done deal, and anything we or the public say will not have any effect on whether it happens or not”

“This is tokenism. We are asked for our opinions, but in the final analysis, if our opinions differ from those in the top seat they will not be counted”

“I think is a forgone conclusion and this has come across when workshop etc are done”

“Good thing who knows? Again all progress as if it will happen nothing about alternative etc”

- UNISON also consistently raise concerns on behalf of staff and we have no confidence that this move enjoys the support of library or archive staff. For this proposal to work it has to have the full support of staff and there is no evidence that this is the case.
- Throughout this report there is lack of proper evidence on why the projected ‘benefits’ (revenue

increases etc) can not be achieved with the service remaining part of the Council. The £450,000 savings, needed after Labour's budget cuts, could as the report shows largely be achieved with or without the move to a social enterprise. The plans to increase revenue are simply not dependent on a move to a social enterprise.

- We are concerned that the new model will be less accountable to residents as the familiar structure of local council control is removed while at the same time there are considerable changes in the service. The service has already seen job cuts and changes in library opening hours and the original report, which went to Cabinet last year, spoke openly about a 're-location programme'.

Members were asked whether to confirm the decision (Option a) or to refer it back to the Cabinet for re-consideration (Option b) as set out in the report.

Councillor Ayre addressed the meeting on behalf of the Calling-In members expanding on the reasons given for the call in. Particular concern was expressed at the lack of evidence put forward for the transfer of the service pointing out that other alternative options had not been explored. The lack of proper public consultation was highlighted and the absence of full staff support, as detailed in the background papers. It was felt this was a decision too important to take without all options having been considered, full public consultation and sight of all information including the exempt business case.

The Cabinet Member for Leisure, Culture and Tourism responded to the points raised. Confirming that, prior to the decision being taken by Cabinet, every option had been considered and weighted with the best legal model proving to be a Community Benefit Society (CBS) with exempt charitable status. Whilst challenging, the proposals would build upon the success of the Explore concept and provide new income streams whilst delivering the necessary savings. Although the business plan had been considered commercially sensitive this had been available for inspection, on request. In answer to earlier comments it was also confirmed that the majority of staff were in favour of the proposals.

Members went on to discuss the points raised and in response to questions, Officers confirmed that the business plan had been available to Cabinet Members and Members of the Corporate and Scrutiny Managing Committee on request. With the sensitivity being related to the award of future contracts which could affect trading relations in the areas of room hire, conferences and the cafe concept, amongst others. Further details of the award of the contract in respect of support services was also provided, together with the savings targets and income projections.

Assurances were given that the Archives would be run by fully qualified staff to ensure that all records were well maintained for the future and that this would be ensured through the contract between the Council and the CBS.

Following further lengthy discussion it was

Resolved: That Option (a) identified in the report be approved and that the decision of the Cabinet be confirmed.

Reason: In accordance with the requirements of the Council's Constitution.

13. Called In Item: 20mph In The West Of York - Speed Limit Order Consultation And Petition Response

Members received a report which asked them to consider the decisions made by the Cabinet Member for Transport, Planning and Sustainability on 19 July 2013, in relation to the delivery of the 20mph speed limit for residential roads across the West of York urban area, as a Council priority. The report to the meeting also set out details of the representations received following advertisement of the proposed order and to receipt of an e-petition entitled "Stop the 20mph Proposals" signed by 240 people.

Details of the Cabinet Members decision was attached at Annex A to the report, with the original report to the Cabinet Member attached at Annex B. The decision had been called in by Cllrs Reid, Jeffries and Ayre on the following grounds:

- This policy does not enjoy public support – the report confirms that out of 13,000 residents consulted, only 7 responded in favour. This is abysmally low for a project that will cost £600,000 of taxpayers' money in total.
- Average speeds on many of the roads proposed for the new limit are already below 20mph and additional signage would make no practical difference, except to increase street 'clutter' and maintenance costs. As an example, over the last 5 years Moorcroft Road has a record of 1 slight accident, an 85th percentile speed of 19mph, and a highest recorded speed of 25mph.
- This scheme does not target roads with safety problems – figures provided to us by officers show that of the 338 accidents recorded in West York over the last 5 years only 48 (13%) occurred on roads where it is now proposed to reduce the speed limit. In response to this point, the report claims that “The scheme has never been primarily focussed on casualty reduction” (paragraph 36). However, on paragraph 26 the report justifies the costs of implementation against the costs of accidents.
- Evidence from elsewhere in the country with blanket schemes undermines the recommendation. In Portsmouth casualty levels are higher than before the scheme was implemented and in Oxford “a similar pattern is emerging”. In Bristol residents do not feel that the roads are safer or that speeding has reduced. And returning to Portsmouth, the scheme has not encouraged a 'modal shift' away from car use or encouraged cycling and walking with analysis concluding that the scheme “made little difference to the majority of respondents in the amount they travelled by their chosen mode”.
- The evidence is that locally and nationally the police do not have the resources or inclination to enforce all new 20mphs, with the Association of Chief Police Officers telling Parliament in March that “We are not

enforcing 20mph speed limits at this moment in time”.

- The decision to take Option 3 in this report and exclude Trenchard Road and Portal Road is baffling. There will be other roads in the area where “residents are against the idea” so it is unclear why these roads have been singled out.
- KSI (Killed or seriously injured) figures have steadily reduced in York over the last 10 years by taking an evidence-based approach and targeting resources on areas with accident records and/or high pedestrian footfall - targeted 20mph limits have played an important part in this. This report does not provide a convincing case that this targeted and evidence-based approach should change.
- If the Cabinet Member is not prepared to abandon the scheme completely, then he should delay implementation for at least 18 months so that the impact of the 20mph limit – introduced earlier in the year in South Bank – can be assessed and more evidence can be produced from other schemes across the country.

Members were asked whether to confirm the decision (Option a) or to refer it back to the Cabinet Member for re-consideration (Option b) as set out in the report.

Councillor Reid addressed the meeting on behalf of the Calling-In members expressing concern at the proposed roll out of the 20mph scheme in the West as the report did not provide a convincing case, and did not target roads with safety problems. Reference was made to Annex 2 of the original report to the Cabinet Member which provided casualty data from Oxford and Portsmouth in 20/30mph areas pointing out that this showed a rise in the accident rates over the period 2004 to 2011. Concern was also expressed at the significant amount of signage required to promote any scheme with less money than available for proactive accident reduction work.

The Cabinet Member for Environmental Services responded, on behalf of the Cabinet Member for Planning, Transport and

Sustainability, to the points raised. Pointing out that the consultation undertaken had only asked residents for their comments in relation to the proposals rather than asking for their support or otherwise, to ensure that all residents were fully aware of the proposals. Although the scheme required a significant culture change it was hoped that this would encourage walking and cycling. It was pointed out that the Portsmouth scheme had shown fewer accidents since its introduction and that if the York scheme reduced accidents by 30% it was considered that the money had been well spent.

In response to questions and points raised, Officers confirmed that the scheme had been agreed with the Police and that this fitted with their speed review process, to ensure that they would deal with any subsequent complaints following collection of speed data. Confirmation that other speed reduction measures had been considered however many involved expensive engineering works.

Members also drew attention to resident's petitions, over a number of years, requesting 20mph limits on specific roads in the city

Following further lengthy discussion it was

Resolved: That Option (a) identified in the report be approved and that the decision of the Cabinet be confirmed.

Reason: In accordance with the requirements of the Council's Constitution.

Cllr J Galvin, Chair

[The meeting started at 5.00 pm and finished at 6.50 pm].