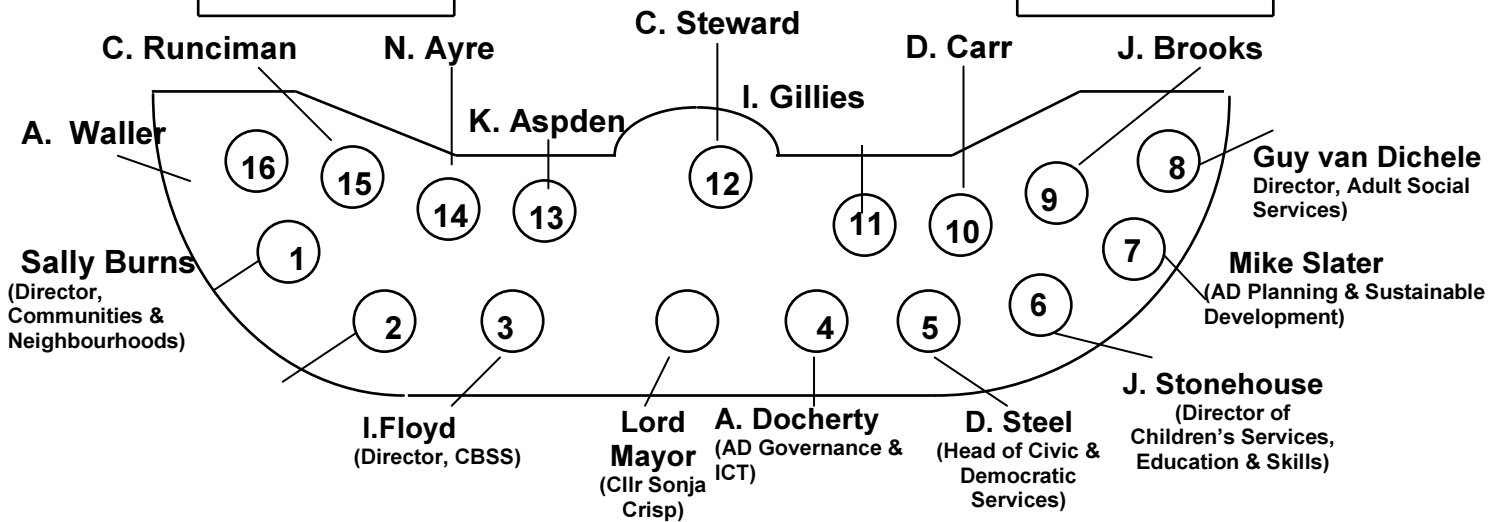
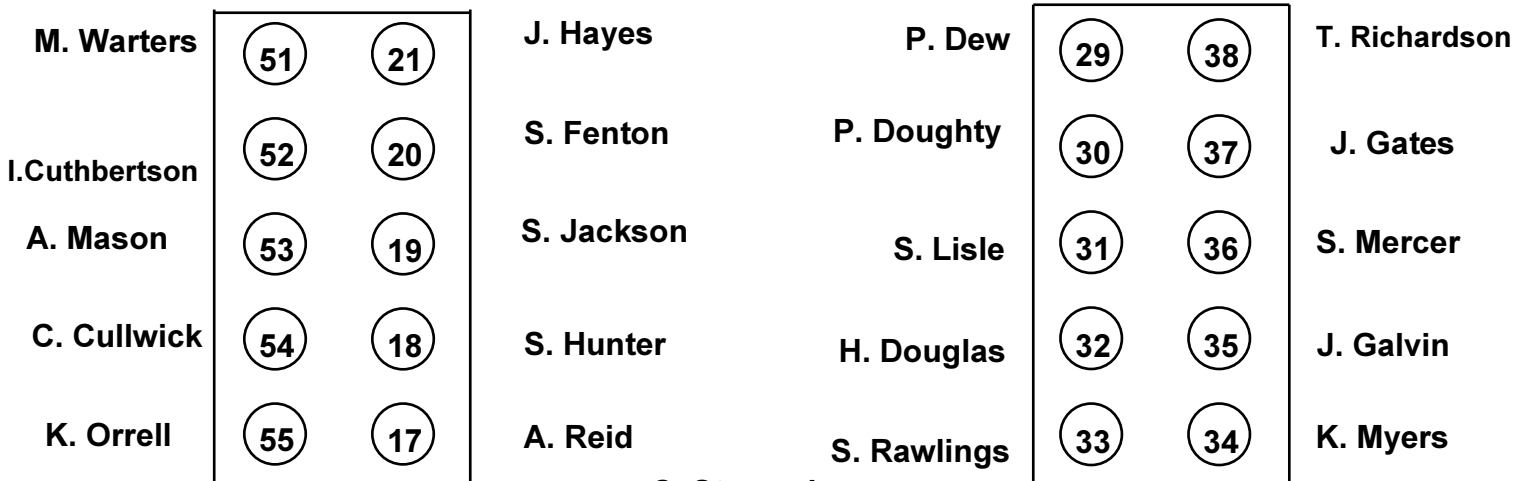
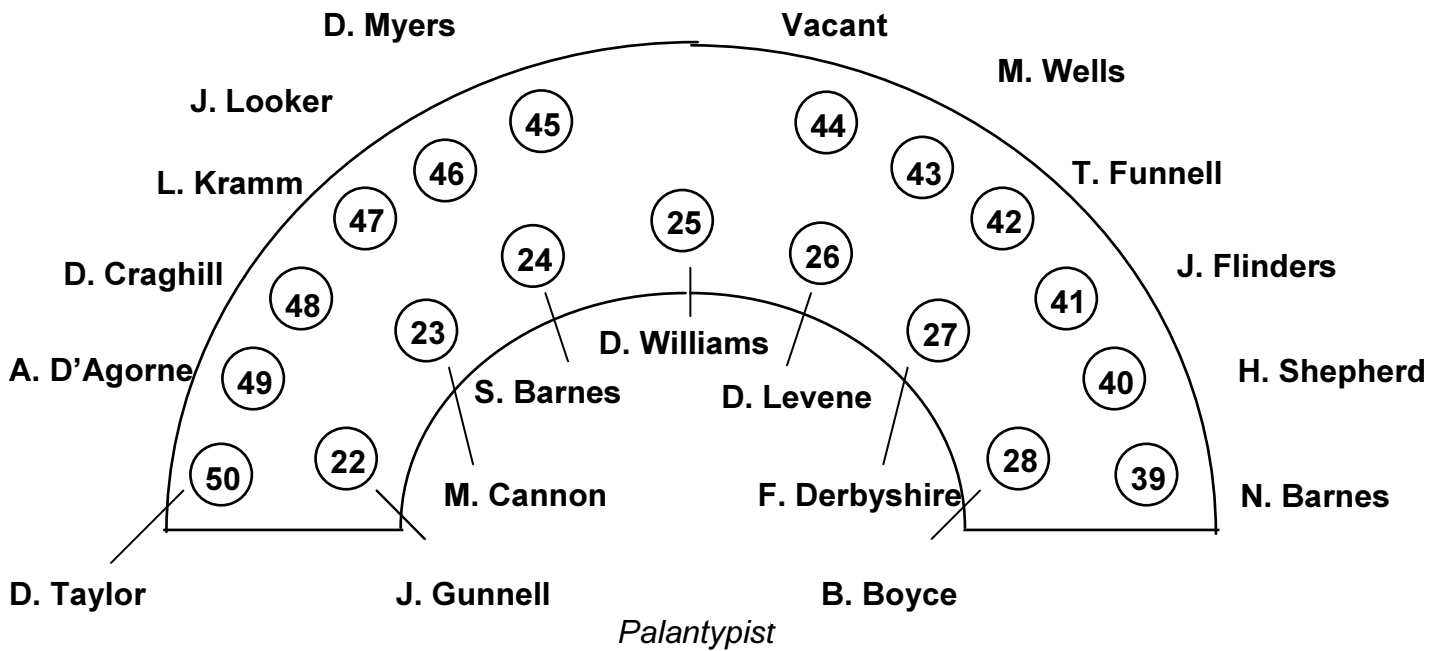


**CITY OF YORK COUNCIL
SUMMONS**

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

Thursday, 16 July 2015 at 6.30 pm

COUNCIL CHAMBER



A G E N D A

1. Declarations of Interest

At this point, Members are asked to declare:

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

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

2. Minutes (Pages 1 - 60)

To approve and sign the minutes of the Special meeting and the last Ordinary meeting of Council held on 26 March 2015 and the Annual meeting of Council held on 21 May 2015.

3. Civic Announcements

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

4. Public Participation

At this point in the meeting, any member of the public who has registered to address the Council, or to ask a Member of the Council a question, on a matter directly relevant to the business of the Council or the City, may do so. The deadline for registering is **5:00pm on Wednesday 15 July 2015**.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

WEBCASTING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the internet - at the start of the meeting the Lord Mayor will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Public seating areas will not be filmed by the Council.

5. Report of Executive Leader and Executive Recommendations
(Pages 61 - 66)

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

| Meeting | Date | Recommendations |
|-----------|--------------|--|
| Executive | 25 June 2015 | Minute 16 : New Council Housing & Approval for Development at Ordnance Lane http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=8839&Ver=4 |

6. Budget Amendment (Pages 67 - 68)

In light of the results of the local election and the formation of a Conservative and Liberal Democrat joint administration Council is asked to make the amendments, as set out in the spreadsheet attached at Annex A, to the Council's budget agreed in February 2015.

7. Motions on Notice

To consider the following Motions on Notice under Standing Order 22:

Motions submitted for consideration directly by Council, in accordance with Standing Order 22.1

(i) From Cllr Gunnell

Academy Status

“This Council understands the difficult choice being faced by schools following considerable pressure from the Government to change from local authority maintained to academy status. However, we fully believe that the choice is one that should be made by the whole community and not just the leadership of a school.

This Council resolves to make it official City of York Council

policy that all schools in York considering a change to academy status will be encouraged as strongly as the law allows to hold a community ballot of every household in the affected catchment areas to take full account of the views of local residents on the proposed change."

(ii) From Cllr K Myers

Early Night-Time Economy

"Council notes a recent trend of negative media reports concerning problems with drunkenness in York and believes that whilst there is always more that can and should be done to ensure York's continued broad appeal the council does not feel these reports give a fair impression of York.

Regarding tourism council notes:

77% of all visitors return to York;

York's approval score for the "would you recommend friends and family visit York" is an outstanding 97%;

VisitYork4Meetings; Make it York's arm promoting York as a conference venue has seen inquiries up 1/3rd in the past year.

On the problems of drunkenness council notes:

The clear willingness of the new administration to deal with the issue;

The creation of the cross service committee on Saturday afternoon behaviour; and

The ongoing excellent work of the Police and organisations such as Street Angels.

Council recognises however that York's visitor economy can be improved and therefore commits to the following:

Ensuring that, to the extent legally possible, planning and licensing are used as a positive influence on the city centre by limiting the excessive increase in the number of pubs;

Endeavouring to implement the findings of the 2014 early night-time economy scrutiny review as soon as possible;

Encouraging Make it York to focus its efforts on the early night-

time economy, including considering an evening market for some days in the week;

Looking proactively at European cities and what they have done in broadening the evening appeal, including, for example, Holland, where it is common for shops to stay open one night a week in cities;

Supporting to the extent the budget allows the projects highlighted in the York Civic Trust's 'Sustaining the City Beautiful' report;

Instructing officers to report back to the Executive on how to maximise the unique asset of the City Walls in order to broaden their appeal.

The Council gives its full backing to working jointly with all organisations in York to renew and refresh York's unique role as a visitor destination."

(ii) From Cllr Cuthbertson:

Rail Investment for York

"Council Notes:

- Plans for a fully electrified route between Manchester, Leeds and York were originally announced in December 2011 with work due to be completed by 2019.
- Before the General Election the Secretary of State for Transport Patrick McLoughlin said the "electrification programme is central to our ambitious plans to transform the rail network across the country".
- On 25th June, Patrick McLoughlin told the House of Commons that the planned electrification of Trans-Pennine routes will be "paused".

Council Believes:

- Electrification brings significant economic and environmental benefits along with improvement in capacity and faster journey times.
- If the rhetoric of the Government's "Northern Powerhouse"

ambition is to be realised then there is a need for significant infrastructure investment across the north of England and improved transport connectivity.

Council Resolves:

- To write to the Secretary of State for Transport Patrick McLoughlin MP calling on him to commit to the electrification of the Manchester-York route and outline an amended timetable.”

(iv) From Cllr D’Agorne:

Tackling Congestion in York

“Council notes:

The need for a revised traffic strategy to limit traffic growth following the demise of the Lendal Bridge trial.

The health impact of poor air quality and the legal and moral requirements to limit NO2 and PM10 pollution especially in York city centre which is largely from traffic.

The importance of work on developing our low emission strategy alongside tackling congestion

The success of itravelyork initiative working with businesses and individual residents to promote alternatives to the private car.

The importance of maintaining and improving bus networks across the city with the minimum level of public subsidy

The desire of all political groups to tackle traffic congestion and pollution in ways which have broad public support.

Council therefore calls on the Executive to adopt a transport strategy to replace the ‘Congestion Commission’ following a citywide consultation”

8. Questions to the Leader or Executive Members

To question the Leader and/or Executive Members in respect of any matter within their portfolio responsibility, in accordance with Standing Order 20.

- 9. Report of Executive Member** (Pages 69 - 78)
To receive a written report from the Deputy Leader and Executive Member for Economic Development and Community Engagement, and to question the Executive Member thereon, in accordance with Standing Order 19.

10. Scrutiny - Report of the Chair of the Corporate and Scrutiny Management Policy and Scrutiny Committee and Scrutiny Recommendations (Pages 79 - 94)

To receive a report from Councillor Levene, as Chair of the Corporate and Scrutiny Management Policy and Scrutiny Committee (CSMPSC) on the work of the Committee, and the CSMPSC recommendations for approval, as set out below:

| Meeting | Date | Recommendations |
|---------|--------------|--|
| CSMPSC | 13 July 2015 | <i>Minute tbc : Scrutiny Annual Report (minute to follow)</i> http://democracy.york.gov.uk/ieListDocuments.aspx?Clid=144&MId=8900&Ver=4 |

11. Recommendations of the Staffing Matters & Urgency Committee (Pages 95 - 98)

| Meeting | Date | Recommendations |
|--------------------------------------|--------------|--|
| Staffing Matters & Urgency Committee | 8 June 2015 | Minute 6: Appointment of Acting Chief Executive http://democracy.york.gov.uk/ieListDocuments.aspx?Clid=120&MId=8774&Ver=4 |
| Staffing Matters & Urgency Committee | 22 June 2015 | Minute 14: Appointments to Committees & Outside Bodies Minute 15: Appointment of Acting Director of City & Environmental Services |

<http://democracy.york.gov.uk/ieListDocuments.aspx?Cld=120&MId=8944&Ver=4>

12. Annual Report of the Audit and Governance Committee

(Pages 99 - 114)

This report presents to Council the recommendations of the Audit and Governance Committee in respect of their Annual Report for the year ending 25 March 2015.

13. New Procedure for Dismissal of Statutory Chief Officers

(Pages 115 - 128)

This report sets out changes to the Council's Constitution arising from new arrangements for the dismissal of statutory officers contained in the Local Authorities (Standing orders) (England) (Amendment) Regulations 2015.

14. Appointments and Changes to Membership (Pages 129 - 130)

To consider the appointments and changes to membership of committees and outside bodies set out on the list attached to this summons.

15. Urgent Business

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

Democracy Officer for this meeting:

Name: Jill Pickering

Contact details:

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

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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City of York Council

Resolutions and proceedings of the Special Meeting of the City of York Council held on Thursday, 26th March, 2015, starting at 6.45 pm

Present: The Lord Mayor (Cllr Ian Gillies) in the Chair, and the following Councillors:

| | |
|------------------------------------|----------------------|
| Acomb Ward | Bishopthorpe Ward |
| Horton Simpson-Laing | Galvin |
| Clifton Ward | Derwent Ward |
| Douglas King Scott | Brooks |
| Dringhouses & Woodthorpe Ward | Fishergate Ward |
| Reid Semlyen | D'Agorne Taylor |
| Fulford Ward | Guildhall Ward |
| Aspden | Looker Watson |
| Haxby & Wigginton Ward | Heslington Ward |
| Cuthbertson Firth Richardson | Levene |
| Heworth Ward | Heworth Without Ward |
| Funnell Potter | Ayre |

Holgate Ward

Hull Road Ward

Alexander
Crisp
Riches

Barnes
Fitzpatrick

Huntington & New Earswick Ward

Micklegate Ward

Hyman
Orrell
Runciman

Fraser
Gunnell
Merrett

Osbaldwick Ward

Rural West York Ward

Warters

Gillies
Healey
Steward

Skelton, Rawcliffe & Clifton
Without Ward

Strensall Ward

Cunningham
McIlveen

Doughty
Wiseman

Westfield Ward

Wheldrake Ward

Burton
Williams

Barton

Apologies for absence were received from Councillors Hodgson,
Boyce and Watt

74. Freedom of the City

The Lord Mayor declared the object of the meeting, under Section 249 of the Local Government Act 1972, which was to confer the Freedom of the City upon the Queen's Gurkha Signals Regiment.

It was then moved by Cllr Williams and seconded by Cllr Steward:

“That, pursuant to its powers under Section 249(i) of the Local Government Act 1972, the Council do confer the Freedom of the City of York upon:

The Queen's Gurkha Signals Regiment

in formal recognition of the eminent service that they have rendered to the City.”

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

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

Action Required

1. Arrange a civic presentation to the Queen's Gurkha Signals Regiment.

AP

Cllr Ian Gillies

LORD MAYOR OF YORK

[The meeting started at 6.45 pm and concluded at 6.50 pm]

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City of York Council

Resolutions and proceedings of the Meeting of the City of York Council held in The Guildhall, York on Thursday, 26th March, 2015, starting at 6.50 pm

Present: The Lord Mayor (Cllr Ian Gillies) in the Chair, and the following Councillors:

| | |
|------------------------------------|----------------------|
| Acomb Ward | Bishopthorpe Ward |
| Horton Simpson-Laing | Galvin |
| Clifton Ward | Derwent Ward |
| Douglas King Scott | Brooks |
| Dringhouses & Woodthorpe Ward | Fishergate Ward |
| Reid Semlyen | D'Agorne Taylor |
| Fulford Ward | Guildhall Ward |
| Aspden | Looker Watson |
| Haxby & Wigginton Ward | Heslington Ward |
| Cuthbertson Firth Richardson | Levene |
| Heworth Ward | Heworth Without Ward |
| Funnell Potter | Ayre |

Holgate Ward

Alexander
Crisp
Riches

Hull Road Ward

Barnes
Fitzpatrick

Huntington & New Earswick Ward

Hyman
Orrell
Runciman

Micklegate Ward

Fraser
Gunnell
Merrett

Osbalwick Ward

Warters

Rural West York Ward

Gillies
Healey
Steward

Skelton, Rawcliffe & Clifton
Without Ward

Cunningham
McIlveen

Strensall Ward

Doughty
Wiseman

Westfield Ward

Burton
Williams

Wheldrake Ward

Barton

Apologies for absence were received from Councillors Boyce,
Hodgson and Watt.

75. Declarations of Interest

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

The following **prejudicial** interests were declared and the Members took no part in the discussion or voting on these items:

| Councillor | Agenda Item | Description of Interest |
|------------|--|---|
| Alexander | 12B (i) Notice of Motion – Housing | In relation to the suggested Right to Buy exemption as a resident of a Housing Association property covered by this provision |
| Steward | 12B (iv) Notice of Motion – Cost of Living | As an employer of staff receiving the Living Wage |

The following **personal** interests were declared:

| Councillor | Agenda Item | Description of Interest |
|------------|--|---|
| Healey | 12B (iv) Notice of Motion – Cost of Living | As the owner of a business |
| Richardson | 12B (iv) Notice of Motion – Cost of Living | As the owner of a business and a member of Unite |
| Wiseman | 8. Recommendations of the Gambling, Licensing & Regulatory Committee – Community Governance Review | As a longstanding Member of Earswick Parish Council |

76. Minutes

Resolved: That the minutes of the Special Council meeting and the Ordinary meeting held on 11 December 2014 and the Budget Council meeting held on 26 February 2015 be approved and signed by the Chair as correct records.

77. Civic Announcements

The Lord Mayor reminded Members of the commemorative event, he had attended on behalf of the city, prior to the meeting, at York Minster to commemorate the reburial of Richard III in Leicester.

The Lord Mayor also announced receipt of the gift of an embroidered Mandala panel, an artwork produced by young carers to record, share and celebrate the cultural heritage of York's multicultural society. This had been presented to him following the Yorkshire Fair Trade Schools Conference held at St John's University on 12 March and would be put on display in a civic building.

Finally the Lord Mayor wished all Members good luck if they were standing for re-election on 7 May. He also conveyed his best wishes to all those Member that were not standing for re-election for their work and service to the Council and the cities residents during their term of office.

78. Public Participation

The Lord Mayor announced that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

79. Petitions

Under Standing Order 7, petitions were presented by the following Members for reference to the Corporate and Scrutiny Management Committee, in accordance with the Council's new petition arrangements:

- i) Cllr McIlveen, on behalf of local residents, calling upon the Council to use those powers that they had to reduce anti-social behaviour taking place on privately owned land forming part of Clifton Moor Retail Park, in liaison with the owners and occupiers of the Retail Park and North Yorkshire Police.¹
- (ii) Councillor Waller, on behalf of local residents, calling upon the Council to bring back proposals for the Lowfields Care Village, acknowledging the need for provision of services for an aging population in the city and the restricted road network to access the site.²

- (iii) Councillor Waller, on behalf of local residents, requesting that a pedestrian crossing is established at the crossing point on Askham Lane to Westfield School in order to assist with the safe crossing by residents, especially school children, on this busy road. ^{3.}
- (iv) Councillor Aspden, on behalf of local residents, calling upon the Council to adopt Nevinson Grove, Stirling Grove and Wilsthorpe Grove in order to allow the roads and footways to be included in future resurfacing plans. ^{4.}

Action Required

1-4. Refer to Corporate & Scrutiny Management Committee and appropriate Officers.

JP

80. Report of Cabinet Leader and Cabinet Recommendations

A written report was received from the Cabinet Leader, Cllr Daf Williams, on the work of the Cabinet.

A Questions

Notice had been received of twenty two questions on the written report, submitted by Members in accordance with Standing Orders. The first seven questions were put and answered as follows and Cllr Williams undertook to provide Members with written answers to the remaining questions:

(i) From Cllr Steward

“Do you accept that the reason the Conservative Group initiated the Local Government Association’s review of City of York Council’s political culture was not because there was an objection to the ‘Strong Leader’ model of cabinet government, but included because the Labour administration and in particular certain members of the Labour cabinet operated in a deliberately opaque and punitively aggressive manner towards opposition councillors and officers when they did not agree with the administration’s policies?”

The Leader replied:

“I believe Cllr Steward to be an honourable man so if he says those were the motivations for the Conservative Group I entirely accept him at his word. However, that does not mean that I agree with the Conservatives perception about the conduct of the Labour Cabinet, which is a picture I do not recognise at all.”

(ii) From Cllr Waller

“Regarding enforcement, residents have asked for information on the locations checked by the camera car such as schools. Why is the Council unable to provide this information?”

The Leader replied:

“Councillor Waller needs to do his research a little better. The Council is able and has provided the information which it took me all of three minutes to find on the Council’s website when researching the answer to this question. For schools which Cllr Waller specifically mentions, the information can be found at:

http://www.york.gov.uk/directory/5/primary_schools”

(iii) From Cllr Warters

“The Leader refers to a new residential care home in the community hub in Burnholme, I will ask the same question I have asked numerous times at Cabinet without a satisfactory answer. Will the Leader rule out any development on the sports pitches and green field elements of the Burnholme school site and if not why not?”

The Leader replied:

“Cllr Warters certainly should win the Lord Mayor’s Special Star Prize for persistence. Whether he would win the prize for effectiveness is rather more debatable.

I can only repeat what I have said before. There are no plans to build on the playing fields at the Burnholme site and whatever happens there the total provision for playing field space will remain at least as much, if not more. It is possible that this could be reconfigured to allow the space to work better, but the total playing field space on that site will not be reduced.”

(iv) From Cllr Barton

“Can the Leader explain why, given his proclaimed desire to “protect the Greenbelt”, every time a Travellers Site is proposed (and subsequently abandoned in the face of public opposition) in York South, it always seems to be on a Greenbelt site?”

The Leader replied:

“It is a legal requirement to provide space for traveler accommodation. The specific allocation of those sites within the

Local Plan is based on professional guidance from our planning and housing officers.”

(v) From Cllr Ayre

“Could the Cabinet Leader give an example of when Cllr Steward has made a “very positive” contribution to Cabinet proceedings?”

The Leader replied:

“Cllr Steward has made a positive contribution to every Cabinet meeting since he has been sitting at the table. I re-iterate that it is a great shame that the Liberal Democrats have chosen not to take part in proceedings and so they have intentionally denied themselves a voice on the key decision making body of this authority. The electorate may wish to reflect on this when they make their choice on May 7th.”

(vi) From Cllr Steward

“Regarding the West Yorkshire Combined Authority and the current direction of travel towards further devolution, would you support an elected mayor for the combined authority along the Manchester model?”

The Leader replied:

“I believe in devolution and as such I believe it should be for the people of York and West Yorkshire to decide on the governance arrangements for the authority and that it should not be dictated to us by George Osborne and Nick Clegg.

(vii) From Cllr Reid

“According to the officer report at the Cabinet Member’s Decision Session on 19th March there was a “clear winner” in the bid to takeover Oliver House (providing 30 apartment retirement homes). Why was the Cabinet Leader therefore unable to come to a decision about the sale?”

The Leader replied:

“I believed that given the large level of interest in the decision that it would benefit from the increased scrutiny of a decision by the full cabinet and not just one member.”

(viii) From Cllr Warters

“At the public inquiry into Derwenthorpe in 2006 City of York Council’s case against alternative sites mentioned the Lowfields school site as only being suitable for future development on the existing built footprint, is this still the case?”

Reply:

“The Lowfields school site is a draft allocation (H5) in the emerging Local Plan. The entire site (including the playing fields) was considered through the Local Plan Site Selection process after being submitted through the Call for Sites in 2012. The existing playing fields were excluded from the developable area as they were existing open space (part of criteria 2 of the local plan site selection methodology). The Preferred Options Local Plan consulted on during Summer 2013 allocated the remaining 2.24 ha site (including the built footprint of the school) for housing.

The whole site (including the existing playing fields) was re-considered as part of the Further Sites Consultation in Summer 2014. The technical officer assessment concluded that the loss of this openspace would have a detrimental impact on the urban landscape. The Publication Draft Local Plan which was approved by Cabinet in September 2014 continued to include the site as draft allocation H5 excluding the playing fields.

Following the motion agreed at Full Council in October 2014, the publication draft of the York Local Plan has not yet progressed through its statutory consultation pending further consideration of the Council’s housing requirements. As such, there is a possibility that the position in relation to this site may change when the Local Plan recommences its passage to adoption after the elections.”

(ix) From Cllr Barton

“As part of the Leaders ambition to “protect the Greenbelt”, does he plan to abandon yet the third proposed invasion into the York South Greenbelt, this time in Naburn, by a desperately unpopular Travellers Site?”

Reply:

“I am sensing a theme here. It is unfortunate in his last set of questions at Full Council that Cllr Barton is displaying this rather distasteful attitude towards the travelling community using words like ‘invasion’ in this context.

The detailed set of proposals on the allocations of accommodation sites within the Local Plan is still under consideration.”

(x) From Cllr Cuthbertson

“Could the Cabinet Leader be honest with the public and accept it is not down to the current administration that crime figures have fallen and it was not down to the previous administration that they rose for a single year (after falling between 2003 and 2010). Please can he just congratulate the Police for their hard work and not continue to spin like his predecessor?”

Reply:

“I am happy to congratulate the police for their hard work. I am also happy to re-state that crime increased in York during the last year of Liberal Democrat control and crime has fallen sharply every year during the last four years of Labour control.”

(xi) From Cllr Steward

“On housing, are you not in danger of confusing national trends with local needs when you speak of a “housing crisis” in York, and do you not agree that one can accept that York needs more new homes whilst differing on the number of new houses that York actually needs?”

Reply:

“This question neatly demonstrates the dividing between Labour and the Conservatives in York.

York has a housing crisis and the fact that Cllr Steward even asks if I am confusing that with a national trend just shows how staggeringly out of touch with the normal working people of York he is.

In 2013 the average income in this City was £24,990 per year. The average house price in the same year was £211,844 – eight and a half times the average income. Since then the problem has become worse and you will struggle to find a family sized home on the market for less than £190,000, around eight times average incomes. No mortgage lender will lend someone anything like eight times their gross annual income. In fact, to buy a house on the mean average value in York in 2013 you need to earn around £53,000 to get a

typical mortgage at four times your annual income. This is well beyond the income of the typical working family in York.

Which means renting is the only option for working families in our city. But in 2013 the average monthly rent level was £738. Meaning that many people are paying 60% or more of their monthly income to meet the cost of their housing needs and far too many working families in York are forced to live in over-crowded houses.

We need more houses to fix this simple supply and demand issue. Labour in York get this. And for as long as the Conservatives speak about housing as they do, they continue to demonstrate how out of touch with working families they have become.”

(xii) From Cllr Aspden

“The Cabinet Leader claims that the ‘Leader and Cabinet Model’ enables councillors to be “held accountable” for decisions. Could he therefore detail which Cabinet Member has been held accountable for the botched Lendal Bridge trial or the £187,000 loss-making ‘Grand Departy’?”

Reply:

“Cabinet Members are accountable to the public in a way you will not see under the committee system. If Cllr Aspden disagrees with this, as he appears to from the Lib Dem motion, then he can put forward his alternative and we can all vote on it.”

(xiii) From Cllr Steward

“What are the “long cherished views” on which you and your group are willing to compromise in order to pass a Local Plan that is acceptable and fair to all residents?”

Reply:

“Let us have a sensible discussion based on you accepting the genuine need for more housing in York and we will see what compromises are to be had.”

(xiv) From Cllr Orrell

In order to progress an “evidence-based” Local Plan, how will the Cabinet Leader revise the current proposals in light of the recent ruling on the Brecks Lane site and the recent government projections on household growth?

Reply:

“As Cabinet Leader I will not be revising anything. Officers will take account of the projection figures and bring forward options for LPWG Members to consider. The ruling on Brecks Lane I don’t feel will have quite the impact on the Local Plan many Members believe it will.”

(xv) From Cllr Steward

“Given all developments, not least the recent Department for Communities and Local Government revision to population projections and the Durham Planning Inspector’s view on their Local Plan, what current level of annual housing demand do you support?”

Reply:

“I think the question is about what level of supply rather than demand I support. I wish demand were not so high but we live in a highly attractive city with a great quality of life for most residents. That makes people want to live here.

The level of annual supply I support is one that is evidenced based and I look forward to officers presenting that evidence and proposals at the next Local Plan Working Group.”

(xvi) From Cllr Waller

“Why is the Council preventing residents in Gale Farm Court from introducing CCTV to the entrances of the complex despite this being how they want to spend their allocation of the Estate Improvement Grant?”

Reply:

“For the second time in these questions Cllr Waller is factually wrong. The council isn’t preventing the installation of CCTV to the entrance to Gale Farm Court, we have been exploring the options available. The intention is to fit CCTV to the entrance of the scheme.”

(xvii) From Cllr Reid

“If the Cabinet Leader wants the Council to become more transparent - and in the light of the Audit report on the allocation of the highways maintenance budget which criticised behind closed doors decision making - why was the highways programme for 2015/16 decided by a council officer using delegated powers and

without the meeting agenda being publicised until after the decision had been taken?”

Reply:

“The Internal Audit Memorandum on this matter (referred to at the Audit & Governance on 25 March 2015) says that:

Members should be asked to approve the overall budget and principles to be used in allocating funding. Officers should determine actual schemes to be undertaken in accordance with the budget and principles set by Members.

The budget for the highways programme was set by full Council at its last meeting on 26 February. The principles for allocation are based on a full visual inspection of the highways network in accordance with the ‘Well Maintained Highways’ codes of practices which together with safety, location, usage, accidents, hierarchy, affordability and complaints form the scoring which underpins the scheme allocation. These have not changed in recent years and are well established.

Officers therefore allocated the capital programme in accordance with the advice of the Auditors. The final decision was taken by the Director in accordance with her delegated powers under the Council’s Constitution on 18 March and the relevant report was published on 19 March at 12:51. There is no requirement for advance publication of the papers.”

(xviii) From Cllr Ayre

“Does the Cabinet Leader believe that the Labour Cabinet were being “honest with people” when in April 2013 they pushed on with public consultation on Local Plan proposals despite being told by council officers and consultants that evidence (on housing need) in the consultation was out-of-date and incorrect?”

Reply:

“I think Cllr Ayre, not for the first time, is seeking to spin this as something it quite obviously is not. The consultation involved asking the public for their views on various options for annual housing targets, with the caveat that new household projections due out were likely to result in a reduction of those targets. We did not at any point say the options were all based purely on household projections, historic shortfall was always a consideration as well.”

(xix) From Cllr Aspden

“Does the Cabinet Leader agree with Ed Miliband that the New Homes Bonus should be scrapped?”

Reply:

“If it is replaced with a more sensible funding formula for local government then I’d have no problem with it. I hope Coun. Aspden will be seeking a better settlement for York residents following his party’s role in supporting a Tory led Government hell bent on ideological cuts to local councils.”

(xx) From Cllr Waller

“When was the Cabinet Leader informed that Option 1, Lowfields Care Village, was being abandoned due to the financial model not working?”

Reply:

“I have been aware throughout the whole process – as indeed all councillors should have been, since it was made explicit in the report presented to cabinet on 4th June 2013 – that there were risks associated with this project and that there was a chance the bidders might not be able to come back with a proposal that met all the criteria we had set out within the funding available.

It became conclusive that the council could not proceed with the procurement process when officers brought a report to cabinet in March, which clearly set out the affordability gap (of £1.5 million year on year) between the funding that was allocated to the project and the best offer on the table from any of the potential bidders.”

(xxi) From Cllr Waller

After learning that the plan for Lowfields Care Village was being abandoned what action did the Cabinet Leader take as a consequence between then and the Cabinet report papers going public?

Reply:

“I took action to ensure that there was a comprehensive and strong plan for the future of older people’s accommodation in this City which is what the Council is proposing. I still await with eager anticipation to hear what plans the Liberal Democrats have for the future of older people’s accommodation.”

(xxii) From Cllr Waller

“In terms of enforcement and as a precursor to the new ASB Hub could the Cabinet Leader say how many penalty notices have been given for parking around schools - broken down by school for the last six months?”

Reply:

“I am advised by officers that it will take some time to compile the data to answer this question. I will write to him with a full answer once the data is available.”

B Cabinet Recommendations

Capital Programme – Monitor Two 2014/15

Cllr Williams moved, and Cllr Simpson-Laing seconded the following recommendation contained in Minute 72 of the Cabinet meeting held on 16 December 2014:

Recommended: That Council agree the adjustments in the Capital programme of a decrease of £3.764m in 2014/15 as detailed in the report and contained in Annex A.

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

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

Resolved: That the above recommendation in respect of the Capital Programme – Monitor Two be approved.¹

Replacement of Ordnance Lane Homeless Hostel

Cllr Williams moved, and Cllr Simpson-Laing seconded the following recommendation contained in Minute 74 of the Cabinet meeting held on 16 December 2014:

Recommended: That Council use £3.56m from the Housing Revenue Account Investment Fund to demolish the existing accommodation and rebuild the new hostel. Any material changes will be reported to full Council through the capital monitoring process.

Reason: To release funding from the HRA Investment Fund to finance the required new hostel accommodation.

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

Resolved: That the above recommendation in respect of funding for the replacement of the Ordnance Lane Homeless Hostel be approved.^{2.}

Yorwaste Limited and Implementation of the Teckal Exemption

Cllr Williams moved, and Cllr Simpson-Laing seconded the following recommendations contained in Minute 123 of the Cabinet meeting held on 3 March 2015:

Recommended: That Council be asked to confirm:

- (i) The City Council is supportive of the County Council's recommendation to its Executive that the County Council takes the steps necessary to facilitate Yorwaste Limited's obtaining Teckal compliant status.
- (ii) That delegated authority be given to the Director of Customer and Business Support Services (acting in consultation with the Director of City and Environmental Services and the Assistant Director (Governance & ICT) to:
 - to adopt new articles of association (as a shareholder of Yorwaste Limited) to evidence the control condition;
 - enter into a Shareholders Agreement with Yorwaste Limited and NYCC to evidence the control condition;
 - enter into a non binding collaboration agreement with Yorwaste Limited and NYCC and other such documents as necessary;

- take such steps and enter into such documents as necessary to approve the transfer of the shares of SJB Recycling Limited once satisfied that due diligence is complete and legal and financial advice has been provided identifying the most appropriate route;
- take any ancillary steps necessary to meet the control condition or the economic dependence condition required to assist Yorwaste Limited in achieving Teckal compliant status; and
- award future waste management to Yorwaste Limited without the need for a competitive procurement exercise if the tests required to make use of the Teckal exemption have been satisfied.

Reason: In order to facilitate Yorwaste Limited meeting the control condition and the economic dependence condition required to utilise the Teckal exemption thereby enabling the Council to award contracts for future waste management contracts to Yorwaste Limited without conducting a competitive procurement exercise.

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

Resolved: That the above recommendations to facilitate Yorwaste Limited obtaining Teckal compliant status be approved.^{3.}

Action Required

- | | |
|---|----|
| 1. Amend Capital Programme accordingly. | RB |
| 2. Proceed with works and use of monies from the HRA Investment Fund. | AK |
| 3. Confirm to NYCC, CYC's support and note delegation to Officers in respect of legal requirements. | AD |

81. Recommendations of the Audit and Governance Committee

As Chair of the Audit and Governance Committee, Councillor Ayre firstly moved, and Cllr Brooks seconded, the following recommendation, in respect of proposed changes to the Council's

Contract Procedure Rules contained in Minute 74 of the Audit and Governance Committee meeting held on 11 February 2015:

Recommend: *[That Council agree]*

That the Contract Procedure Rules, as set out in the annex to the report, be adopted and included within the Council's Constitution.

Reason: So that the Council has controls in place to ensure that procurement activity is effective and lawful.

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

Resolved: That the above recommendation of the Audit and Governance Committee meeting held on 11 February 2015 be approved. ^{1.}

Secondly, Councillor Ayre, moved and Cllr Brooks seconded, the following recommendations, in respect constitutional changes required in relation to the accessing of information rules contained in Minute 75 also from the meeting held on 11 February 2015:

Recommend: *[That Council agree]*

- (i) That the rules in the annex to the report be included in the Constitution. ^{2.}
- (ii) That the Monitoring Officer make consequential changes to the Constitution. ^{3.}
- (iii) That the Monitoring Officer bring a report to a future meeting of the Audit and Governance Committee in relation to guidance to officers on recording decisions. ^{4.}

- Reasons:
- (i) To ensure that the Council has effective and accessible rules in place.
 - (ii) To ensure that the Constitution is kept up to date.
 - (iii) To allow Members to comment on the guidance.

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

Resolved: That the above recommendations of the Audit and Governance Committee meeting held on 11 February 2015 be approved.

Action Required

- | | |
|--|----|
| 1/2. Include revised rules in the Council's Constitution. | JC |
| 3. Make any necessary changes to the Constitution in respect of access to information rules. | AD |
| 4. Prepare officer guidance on recording decisions and schedule item on A&G workplan. | AD |

82. Recommendations of the Gambling, Licensing and Regulatory Committee

As Chair of the Gambling, Licensing & Regulatory Committee, Cllr Aspden moved and Cllr Runciman seconded, the following recommendations contained in Minute 7 of the meeting of that Committee held on 23 February 2015:

City Of York Council Community Governance Review

Recommended: (b) That Council approves the following two items and instruct Officers to complete the necessary formalities:

- An increase in the number of Parish Councillors for the Parish of Earswick from five to seven.
- The alteration of the cycle of elections for the Parish of Strensall with Towthorpe to be the same as all other parish councils, commencing with next full elections on Thursday 7 May 2015.

(c) That Council confirm that no other changes to community governance arrangements are to be pursued at this time.

Reason: To allow better local representation for the electors of the parishes.

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

Resolved: That the recommendations in relation to the City Of York Council Community Governance Review from the Gambling, Licensing and Regulatory Committee meeting held on 23 February 2015 be approved. ¹.

Action Required

1. Proceed to complete the necessary formalities in relation to the two Parish Councils concerned. AF

83. Scrutiny - Report of the Chair of the Corporate and Scrutiny Management Committee

Council received the report of the Chair of the Corporate and Scrutiny Management Committee at pages 105 to 109, on the work of the Committee.

Councillor Galvin expressed his thanks to the Scrutiny Officers and all Members involved in scrutiny reviews over the past year for their work and then moved receipt of the report and it was

Resolved: That the scrutiny report be received and noted.

84. Report of Cabinet Member

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

Notice had been received of fourteen questions on the written report, submitted by Members in accordance with Standing Orders. The first four questions were put and answered as follows and Cllr Looker undertook to provide Members with a written answer to the remaining questions.

(i) From Cllr Aspden

“Can the Cabinet Member explain why nationally the performance gap between disadvantaged pupils and their peers at Key Stage 4 is narrowing, but in York it is widening?”

The Cabinet Member replied:

“Nationally the gap between disadvantaged pupils and their peers has remained static over the last three years with the gap remaining at 26% nationally. In York between 2012 and 2013 we were narrowing the gap at a faster rate than national.

In 2014 the gap has widened largely due to contextual issues related to the disadvantaged Year 11 cohort in 2014. This particular cohort had with many pupils experiencing multiple challenging characteristics – among other factors, three-quarters of them had low prior attainment at the end of Key Stage 2. Thus, in context their outcomes were about in line with reasonable expectation.

Due to the small size of the disadvantaged cohort (288 pupils in the 2014 Y11) the City’s data can see wide fluctuations based on the contextual mix within the cohort. In any year group a higher proportion of disadvantaged pupils in York have special educational needs than is the case nationally and this impacts on the attainment performance indicator, 5A-C including English and mathematics.*

In 2014 the percentage of the disadvantaged cohort achieving 5A-G was 2 percentage points higher than the national average (York 88%, National 86%) and the gap was the same as the national gap at 9%.”*

(ii) From Cllr Brooks

“Does the Cabinet Member agree that little or no progress was made under the previous two administrations to narrow the gap between disadvantaged pupils and their peers?”

The Cabinet Member replied:

“York has historically had wide gaps – these predate the current administration.”

(iii) From Cllr Runciman

“The Cabinet Member states that there has been some ‘progress in narrowing the gap’ between disadvantaged pupils and others and mentions new initiatives to achieve further progress. Will she describe those new initiatives and say how and when she feels the gap will narrow further?”

The Cabinet Member replied:

“Initiatives in Early Years to develop speech and language and early literacy eg the FRED initiative (Fathers Reading Every Day) have resulted in the gap narrowing by 8 percentage points in 2014.

The refocusing of the work of the Children's Centres to focus on improving the engagement with the most disadvantaged families is a key strand within the Childrens Centre transformation.

Detailed analysis of the disadvantaged cohort in the current Year 6 to provide schools with intelligence about the potential barriers to learning experienced by the York 300 cohort. Our schools are working hard to close the gap and in order to help them to target their interventions more precisely we been identifying the characteristics of underperforming groups. We are working with schools to build a clear profile of the pupil groups who are most likely to under achieve.

A cross party scrutiny of the work schools are doing to narrow the gap and a task group of the Learning and Culture scrutiny committee are due to publish their report in to how schools are using the Pupil Premium to close the gaps on 24 February 2015.

On 9 December 2014 we held a Pupil Premium Conference led by Sir John Dunford, the National Pupil Premium Champion. This conference focused on sharing national and local case studies of best practice and encouraged participants to develop an action plan to review and develop their use of the pupil premium. The conference was attended by head teachers, governors and elected members from the Learning and Culture Scrutiny Committee task group.

The six geographical school clusters have been funded to focus their action plans on closing the gap.

Work with schools is taking place to develop a city wide closing the gaps strategy which will incorporate the recommendations from the Learning and Culture Scrutiny Committee Task Group report.

The securest way to narrow the gap is to ensure that gaps are closing in early years and that disadvantaged children are then securely supported at points of transition. The gaps between the disadvantaged cohort and their peers have been a long standing issue in York and pre-date the introduction of national initiatives such as the Pupil Premium. The work that schools, particularly primary schools, are currently doing to narrow the gap are beginning to have an impact as shown by the recent letters to three primary schools highlighting the success of the work they've done to narrow gaps. Closing the gaps in early years and primary are crucial to securely closing the gap at KS4."

(iv) From Cllr Brooks

“Was the selling off of Castlegate originally proposed in the Transformation programme influenced by the then ongoing correspondence with York Civic Trust concerning it buying Castlegate?”

The Cabinet Member replied:

“No, the proposal was focused on developing a more sustainable and holistic model for providing the Castlegate services to young people. It was felt that the model could be enhanced if a range of services for young people could be accessed from one site (West Offices) and that this would mean that young people would have greater direct access to the full range of specialist services provided by CYC and partners eg Housing, Job Centre plus, Citizens Advice etc.”

(v) From Cllr Aspden

“After a U-Turn on the plans to close Castlegate as part of the ‘transformation programme’ could the Cabinet Member outline the progress made in securing a future for the services currently offered at Castlegate?”

Reply:

“A further period of consultation with young people has taken place and the findings from this have been shared with the members of the YorOk board.

A working group of representatives from the YorOK partnership has been formed and has met twice since January to discuss and develop new proposals to secure the future of the services currently offered at Castlegate. This group includes representatives from the 3rd sector, health and education.

A group of staff from Castlegate are continuing to investigate the mutual/social enterprise model as a possible option.

Discussions with a number of partners, including health, are continuing to take place to inform the development of sustainable model for the services currently offered at Castlegate through developing a partnership delivery model.

Following the next meeting of the working group an options paper will be submitted to the YorOK board.”

(vi) From Cllr Cuthbertson

“The report says that schools will take a central role in a sector-led system of school-to-school support. Will the Cabinet Member state how schools involved with these new school-to-school improvement arrangements can be certain that their own school is not disadvantaged whilst they are supporting others?”

Reply:

“There are two Teaching School Alliances in York, five National Leaders of Education, eight Local Leaders of Education and twenty eight Specialist Leaders of Education. This forms part of the national framework for school to school support which has been actively encouraged by the Department of Education; research from the National College for Teaching and Leadership also shows that schools involved in school to school support benefit from the experience as it provides the opportunity to share best practice and develop the leadership skills of teachers across a school.

This practice is already happening in York schools both providing support within York and also in other Local Authorities, this has not had any adverse impact on the school; most Head teachers and teachers are very positive about the opportunities it provides to support professional development across the school from the Head teachers themselves, through middle managers to and classroom teachers.

Clusters are already leading on this approach and seeing real improvements in the quality of teaching. The work is school led and has involved and has involved the development and delivery of coaching programmes to move schools requiring improvement to good.

These schemes are always developed after an analysis of risk and importantly only those schools that have the secure capacity to provide school to school support are commissioned to be providers of support.”

(vii) From Cllr Orrell

“How much success has the Cabinet Member had in working together with the Youth Offending Team (YOT) and the police to reduce the number of first time entrants to the criminal justice system?”

Reply:

“As Cabinet Member I meet regularly with the YOT Manager to discuss the youth justice and prevention services. I have regular access to all YOT Management Board strategic meetings and performance data. I have included the YOT Manager as a full member of the YorOK Board and first time entrants are a key indicator on the Children and Young Person’s Plan and reported and monitored regularly by the YorOK Board, which I chair.

The YOT has developed a Triage and Diversion Scheme with the police to offer alternatives to entering the formal criminal justice system, and this began in November 2013. Initial indications of the scheme’s effectiveness show reoffending rates are less than 10% of the cohort.

Between April 2011 and March 2012 there were 122 first time entrants to the youth justice system in York. Between January and December 2014 this had fallen to 64. This is effectively a 47.5% reduction, and puts York on a par with the latest England average.”

(viii) From Cllr Runciman

“Will the Cabinet Member give the reasons for the widening gap at Key Stage 4 compared to the narrowing gap at Key Stage 2 and state what one key stage can gain from the experience of the other?”

Reply:

“As mentioned in my first answer to Cllr. Aspden the disadvantaged cohort in York is small (288 pupils in the 2014 Year 11). So the City’s data can see wide fluctuations based on the contextual mix within the cohort. As I also mentioned before in any year group York has a higher proportion of disadvantaged pupils who also have Special Education Needs than is the case nationally and this obviously impacts on the attainment performance indicator of 5A -C including English and Mathematics.*

The 2014 cohort entered KS4 with wide gaps, and their performance was compounded by the changes to the examination system and performance tables in 2014. The removal of non-GCSE equivalent qualifications and the limited opportunities for high quality vocational learning in KS4 also had an impact on the attainment in particular schools in 2014.

We are very much focusing on transitions between primary and secondary schools for all our pupils and it is increasingly a focus of the work taking place in clusters. Developing and strengthening cross phase links are a key driver for the more formal partnerships which are currently being explored by some schools.”

(ix) From Cllr Runciman

“The Cabinet Member claims that existing children’s centre sites are being retained. Could she outline how the services within them are to be retained also or enhanced?”

Reply:

“The Children’s Centre workforce has now been restructured focusing on retaining the skills needed to support the statutory offer from Children’s Centres. We are focusing the work ever more closely on improving the outcomes for disadvantaged children and their families. All 9 Children’s Centres are remaining open and are developing service delivery models more closely aligned to the needs of their localities.

Key to this is working ever more closely with key partners – schools, health and the third sector – so that we can enhance the offer from each Children’s Centre.”

(x) From Cllr Cuthbertson

“In terms of the skills agenda, what is the Cabinet Member doing to work with employers to promote learning in the workplace as an alternative to school, college or apprenticeships?”

Reply:

“Work currently taking place to develop the City’s economic strategy is involving engagement with employers and providers of skills training. This is informing the analysis of the City’s future skills needs. This takes alongside the working taking place in the regional LEPS.

We are seeking to influence schools and colleges to better align the curriculum with the needs of the local economy and to encourage links between schools and employers in key industries such as construction and rail”.

(xi) From Cllr Runciman

“What is the Cabinet Member doing to work with employers to promote learning in the workplace as an alternative to school, college or apprenticeships?”

Reply:

“There is an identified priority within our Local Area Statement of Need around the development of traineeships and have formed a project group with the major providers of work based training opportunities to develop traineeships and other work based learning routes for young people particularly those not qualified to Level 2 at age 16.

It should be noted that 16-19 study programme principles require that all young people taking vocational programmes undertake substantial work experience and also encourage its inclusion in the programmes of academic learners. The national policy focus on work experience and work related learning is now firmly centred within post 16 and not at Key Stage 4.”

(xii) From Cllr Runciman

“ Will the Cabinet Member describe the work that is being undertaken to raise’ the aspirations of girls who are struggling’ as mentioned in her report?”

Reply:

“Girls mentoring schemes are in place in a number of secondary schools. The work taking place to further develop the CEIAG offer across the city and in particular to develop girls understanding of the opportunities offered by apprenticeships are also a key strand in the work.

The development of the emotional and mental health pilots in two clusters in the city will also be used to focus on developing a clearer understanding of the emotional health and well being needs of girls which impact on their aspirations and achievement.

Higher York has secured funding for some HEFCE outreach work which will provide support for groups of young people under-represented in HE.

It must be noted that the move away from course work and a greater requirement for the one exam at the end of the year does not help girls in the assessment of their overall achievements.”

(xiii) From Cllr Runciman

“The Cabinet Member reports that 170 Early Help Assessments have been made. How can she assure council that these have led to tangible and sustainable outcomes for the families concerned?”

Reply:

“The City’s refreshed Early Help Strategy provides for a range of early assessment tools to be in place. These will be deployed, depending on the context, nature and extent of the issues children/young people and their families are facing. The Early Help Offer for the City is a collaborative venture with a wide range of partner agencies including colleagues from the Local Authority, Health, the Police, Schools and the Voluntary Sector.

As a very high level indicator of success it is fair to report that the significant and sustained reduction in the number of children and young people entering care in York is in part attributable to the effectiveness of the City’s preventative and Early Help strategy.

The Children’s Safeguarding Board has final responsibility for ensuring these arrangements are safe and effective and the Board receives regular reports on this activity.”

(xiv) From Cllr Runciman

“Several members attended the meeting with some of the city’s children who are looked after. Can the Cabinet Member tell us what has happened to address the issues and concerns brought up at that meeting and how that will be fed back to the young people concerned?”

Reply:

“There is extensive ongoing consultation and engagement with our looked after children and young people in relation to every aspect of their care.

The Show me that I Matter Panel, and I Matter Too group’s views and concerns are at the heart of the refreshed Looked After Children’s strategy for the City that is currently being developed.

The issues raised at the useful and innovative meeting between Corporate Parenting Board and Show me that I Matter Panel is one part of this consultation. There will be specific feedback to the young

people as things move on and when appropriate the Corporate Parenting Board will also receive a report.”

85. Pay Policy 2015/16

Councillor Williams, as Cabinet Leader and Cabinet Member for Finance and Performance, presented a written report detailing the Council's Pay Policy Statement for 2015/16 relating to the pay of the Council's senior staff and any Chief Officer pay increases for local consideration, to fulfil the requirements of Sections 38-43 of the Localism Act 2011.

Councillor Williams then moved a motion to approve the Pay Policy Statement, which was seconded by Councillor Simpson-Laing.

Resolved: That the motion in respect of the Pay Policy Statement for 2015/16 be approved.

Reason: In order to fulfil the requirements of Section 38 – 43 of the Localism Act 2011 for the council to produce and publish an annual policy statement that covers a number of matters concerning the pay of the council's senior staff, principally Chief Officers and relationships with the pay of the rest of the workforce.

86. Activities of Outside Bodies

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

- Local Government North Yorkshire & York – Employers Committee - 20 November 2014
- North Yorkshire Fire and Rescue Authority – 10 December 2014
- Pension Fund Sub-Committee – 21 November 2014
- North Yorkshire Police & Crime Panel – 15 January 2015
- Quality Bus Partnership – 15 December 2014
- York NHS Foundation Trust – 10th December 2014

No questions had been submitted to representatives on outside bodies.

87. Suspension of Standing Orders

Councillor King moved and Councillor Scott seconded a motion to suspend Standing Orders in order to allow five Notices of Motion to be considered at the meeting.

Resolved: That Standing Order 12.2 not be suspended in order to allow five Notices of Motion to be considered at the meeting.

88. Notices of Motion

A Motions submitted for consideration directly by Council, in accordance with Standing Order 12.1(b)

- (i) Housing Affordability
(proposed by Cllr Merrett, seconded by Cllr Riches)

“Council recognises the depth of the housing and affordability crisis facing the younger generation in York and the country, with home ownership amongst the 25-34 year olds falling from 59% in 2004 to 36% in 2014. Council notes the even bleaker position in York with house prices **8.5** times average earnings.

Council also recognises that private sector renting correspondingly has more than doubled from 21% to 48%, and that private sector average rent levels rose from £153 per week to £176.40 in 2014, at a time when incomes have been significantly squeezed in real terms, particularly for younger workers. York now has the most expensive private rents - by a significant margin – for one, two & three bedroom properties in the region and north of England.

Council notes that many younger families and individuals are paying disproportionate amounts of their incomes on rents. Those on middling incomes cannot now realistically save for deposits for home ownership whilst those on lower pay face a lifetime paying out increasing rents, with one in five renters now dependent on housing benefit, with the bill to taxpayers twice what it was five years ago – a completely unsustainable trend. Lower rent council housing is under double pressure from loss of stock through Right to Buy sales (with only one in ten being replaced nationally) and increased demand.

Council therefore notes the various National party commitments to much higher levels of house building:
Lib Dems 250-300k per annum

Labour 220k per annum

Conservatives 200k starter purchase homes (albeit in place of Section 106 requirements)

Greens 500k social need housing by 2020

These figures reinforce the need for early adoption of a local plan in York providing good levels of new and affordable housing for the city, and Council welcomes the major increase in housing permissions, including affordable housing requirements, that the Council has given in the last two years.

Council also agrees to support the cross party LGA proposals in their “Investing for our Nation’s Future – First 100 days of the next Government” report and agrees to the Chief Executive writing to the national parties in support of this, and also to the Secretary of State to make an immediate request for an exemption for York from the Right to Buy provision given the exceptionally difficult York housing picture.”

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

Resolved: That the above motion be approved. ¹.

(ii) Draft Local Plan
(proposed by Cllr Healey, seconded by Cllr Steward)

“Council notes that since York became a unitary authority that it has failed to secure a Local Plan and that it is now vital that a Local Plan which includes the wishes of residents is put in place;

Council believes that to date the proposed plan has favoured excessive housing growth based on a reliance on presumed high employment growth and associated in-migration which is not reflected in current statistics;

Council also believes that the reliance on such inflated statistics would fail an inspection, resulting in a verdict similar to that recently given by the Planning Inspector to the City of Durham Council, who said that their proposed local plan relying on similar high growth assumptions ‘represents an unacceptable risk’ and that it ‘necessitates huge releases of green belt land around the city, which I cannot support’;

Council also notes the recent DCLG census data which shows the level of demand for York is not as high as the current Labour plan and that a further reduction should be made to reflect this;

Council concludes that whilst the Labour administration's modest proposal to reduce housing numbers is a move in the right direction, it does not adequately reduce proposed building on the green belt, nor adequately reflect the number of brown field sites potentially available, possible windfall sites or differences of opinion regarding the amounts of safeguarded land necessary to be provided;

Council therefore instructs officers to review and present to Cabinet a revised draft local plan for York reflecting the number of houses actually needed and achievable in York rather than a plan based on assumptions of high growth which will not be supported at inspection."

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

Resolved: That the above motion be approved. ².

(iii) Committee System

(proposed by Cllr Aspden, seconded by Cllr Waller:

"Council Notes:

- The 2011 Localism Act gave local authorities new powers over their executive arrangements allowing them to operate a committee system. Subsequently, a number of councils including Sutton, Brighton, Reading, Norfolk and Hartlepool have moved to a committee-style system.

Council Believes:

- Since 2011 (under both a majority group rule and no overall control) the Cabinet and leader system has proved that it is not fit-for-purpose.
- Regardless of the results of May's elections, it is in the public interest for different political viewpoints to have an influence on the decision-making process and for decisions to be made in a more open and collaborative way.

- All councillors should have the opportunity to be involved in making real decisions on matters that affect their residents and be held accountable for them.

Council Resolves:

- To instruct Officers to bring forward proposals to change the Council's governance arrangements to implement a return to a committee system after May's local elections. Under this system executive power will be exercised by a number of committees made up of councillors in proportion to the political balance of the Council."

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

Resolved: That the above motion be not approved.

Order of Business

It was then moved by Cllr Scott and seconded by Cllr King that in accordance with Standing Order 4.2.2, the order of business of the meeting be varied, in order to allow the fifth motion, relating to Councillor Champions, to be considered as the fourth motion. On being put to the vote it was

Resolved: That the order of business not be varied and no changes made to the order of the notices of motion.

At this point in the meeting, the guillotine fell and the following business was deemed moved and seconded. Where a proposer and seconder were before Council, at the time of the guillotine falling, details are listed below:

- (iv) Cost of Living
(proposed by Cllr Burton)

"Council notes that those living in Yorkshire are £2,380 a year worse off on average in real terms compared to 2010 [1]. This is equivalent to almost a 9% pay cut, worse than the national average.

Council resolves to:

- Commit to the principle of a business rate discount for small businesses paying the Living Wage, as Labour-run Brent Council has done. This will in turn help support the small, independent businesses that make York special;
- Lobby for greater devolution to local government over regulation of bus fares and private tenancy rents, as the Local Government Association (LGA) Labour Group is doing. This is a particular issue in York which has the most expensive private rents - by a significant margin - in the region and north of England [2];
- Support the freezing of energy bills and the extension of free childcare, as a Labour Government would deliver. York's 2014 Childcare Sufficiency Assessment states that "Parents and carers expressing that they feel that childcare is not affordable is the strongest single message from families through the parental consultation."

In order to start tackling the cost of living crisis facing York residents."

[1] February 2015, Annual Survey of Hours and Earnings RPI adjusted

[2] Shelter Housing Databank

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

Resolved: That the above motion be approved. ³.

Action Required

1. Write to national parties and the Secretary of State on the lines requested in the motion. KE, TE
2. Review and present to Cabinet a revised plan to reflect the number of houses actually needed and achievable. SCT
3. Lobby in line with the motions request. TE, KE, NF, SCT, SW

89. Questions to the Cabinet Leader and Cabinet Members received under Standing Order 11.3(a)

Thirty three questions to the Leader and Cabinet Members had been received 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 (including Finance & Performance)
from Cllr Steward:

“Does the council leader see York’s Combined Authority future as sitting in the West Yorkshire Combined Authority or does he think a different authority should be considered, whether entirely different or one including West Yorkshire plus other council areas, and, if he is prepared to consider other options what discussions has he had and what does he propose to have with North Yorkshire and East Yorkshire Councils?”

“I have had private conversations with the Leaders of both North Yorkshire and East Yorkshire about these matters.

My view is that I would prefer a greater Combined Authority taking in all of West Yorkshire, North Yorkshire and East Yorkshire including Hull. How practical or desired by other this I do not yet know. However I believe a body on that scale is the best way to drive forward economic growth in our region.”

(ii) To the Cabinet Leader (including Finance & Performance)
from Cllr Aspden:

“Does the Cabinet Leader believe that with the publication of the latest household projections (Department for Communities and Local Government 27th February) the annual housing targets in York’s Local Plan should be revised down from the 926 figure agreed in December?”

“Yes.”

(iii) To the Cabinet Leader (including Finance & Performance)
from Cllr Doughty:

“As the Cabinet Leader also has the main Finance portfolio responsibility within the Council, can he please tell Council when he first became aware that his own groups much-touted and failed Care Home programme was unaffordable?”

“I have been aware throughout the whole process – as indeed all councillors should have been, since it was made explicit in the report presented to cabinet on 4th June 2013 – that there were risks associated with this project and that there was a chance the bidders might not be able to come back with a proposal that met all the criteria we had set out within the funding available.

It became conclusive that the council could not proceed with the procurement process when officers brought a report to cabinet in March, which clearly set out the affordability gap (of £1.5 million year on year) between the funding that was allocated to the project and the best offer on the table from any of the potential bidders.”

(iv) To the Cabinet Leader (including Finance & Performance)
from Cllr Ayre:

“Could the Cabinet Leader detail the results of the 2015/16 public budget consultation process?”

“Please see Annex 8 of Financial Strategy, February Budget Cabinet.”

(v) To the Cabinet Leader (including Finance & Performance)
from Cllr Steward:

“Would a future Labour administration always try and take government council tax grant freezes if they are baselined?”

“That rather depends on how much more of our budget a Government is going to remove and keep in Whitehall. If we are unfortunate enough to have another Conservative-led Government whose cuts continue unabated and we move from losing almost 50% of our grant towards 75% or more, then the answer is no.

If the ideological cuts to local government are stopped and we move to taking on our share of deficit reduction, and remain able to deliver our core functions by accepting freeze grants which remain in the base budget, then yes.”

(vi) To the Cabinet Leader (including Finance & Performance)
from Cllr Galvin:

“What are the current arrangements for the management and operation of the use of the Guildhall Complex, including staffing and security?”

“The Guildhall complex has remained the responsibility of the Mansion House, Guildhall and Civic Services Manager since the council vacated in March / April 2013. In addition to council use, bookings for the main hall and former committee rooms have continued with reasonable levels of use and with forward bookings

being taken to Dec 2015 at this time. Other use includes; office rental to consultancy JMP who are delivering a council ittravel contract, Adult Education used the annex between Sept and Dec 2014, the Tour d Yorkshire team have an office there and space is used for theatre group rehearsals ahead of performances booked in the main hall / council chamber. The core staffing has remained with rota hours to cover events as required.

The security arrangements have recently changed with Gough Kelly (who have the WO contract) taking over the out of hours (7pm – 7am cover) for security and fire calls and also including for nightly inspection visits.”

(vii) To the Cabinet Leader (including Finance & Performance)
from Cllr Galvin:

“Are there any other alternative short or medium term proposals for the management and useage of the Guildhall complex, including staffing and security, which the Council ought to be aware of?”

“There have been consistent requests for greater interim use and on 16 Dec 2014 Cabinet approved the investigation of interim use. Proposals are being sought from a number of organisations who have expressed an interest and these will be presented to Cabinet for consideration in June.”

(viii) To the Cabinet Leader (including Finance & Performance)
from Cllr Doughty:

“How will the Cabinet Leader ensure there is a full and open review into Labour's Care Home debacle?”

“The only debacle I’m aware of is the calling in of the elderly people’s housing decision by the opposition, of which the reasoning was spurious to say the least. The original vision has been market tested and rather than plough ahead with a major funding gap and a market which was not able to deliver that vision, we have altered plans to reflect the changing nature of elderly people’s housing need within the funding envelope we have agreed. The new proposals are actually very positive and deliver a wider range of options that reflect different needs of elderly people in our communities.

The calling in was exposed for what it was and was rightly rejected by the committee.

We have learned lessons from the process and look forward to the outcome of the review commissioned by the Chief Executive when it is completed.”

(ix) To the Cabinet Leader (including Finance & Performance) from Cllr Steward:

“Will the leader use the last Full Council of this term to offer the first ever Labour apology for the Lendal Bridge debacle?”

I’m not going to apologise for trying something to tackle the congestion problem in the city. Of course I’m disappointed that it did not operate as I would’ve wished, but your question exposes what the Conservatives are all about and which was so ably highlighted by your former comrade when he left your benches.

“That is, that you have no plan for tackling congestion, only a plan to oppose anything a Labour council does to try and address it.

Without any commitment to a Congestion Commission, it would be illuminating for you to share with the electorate what you plan to do about congestion before the election. But I suspect we will all be waiting a long time for that.”

(x) To the Deputy Cabinet Leader from Cllr Doughty

“Does the Cabinet Member find it a worrying indictment on this Labour Council administration that in testament to the failure of engagement, the Freedom of Information process is now becoming commonplace as the only realistic means of route to elected Members as well as citizens of the city in obtaining some answers at least to questions that are vitally important to the running of the city? I would appreciate a yes or no”

“No.....and I say this in light of this Council being one of the most open and democratic Councils in the country. Whether Cllr Doughty, and those he asks this question on behalf of, accepts this or not is a matter for him to consider, what I am stating is fact and that the Council has followed the letter of the law.”

(xi) To Cabinet Member for Leisure, Culture & Tourism from Cllr Barton:

“How much to date has been spent on Consultants Fees, Officers Time and Overheads in preparation for the building of the Community Stadium?”

“To date £2,815,807 has been spent on the project overall. This includes capital expenditure on the construction of the new county standard athletics stadium at Heslington West and the provision of the new 3G floodlit pitch and support facilities that has been completed at York St John University’s Haxby Road sports ground.

I would remind Members that the CYC contribution to the overall project would be around £8m pounds with a total investment value of £47M.

Put in simple terms. For every £1 of public money invested £5 of private / external investment is being leveraged into York.

It would not be a simple exercise to separate out all of the project costs, consultancy and legal fees from this figure as some of the capital works have professional fee allocations within them. What I can say is that the current spend on project fees is well below industry standards for a project of this complexity and value.”

(xii) To Cabinet Member for Leisure, Culture & Tourism from Cllr Barton:

“Can she give an accurate date for “the first brick to be laid” in the planned Community Stadium?”

“As we do not yet have detailed planning consent and confirmation of the conditions attached to a consent, so it is not possible to give an accurate date for the laying of the “first brick”. Furthermore, significant pre-construction work and site enablement works are to be undertaken before that.

Subject to the planning process, construction is still programmed to begin in Summer 2015.”

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

“Can she give an accurate cost to the Council, including all facets of the overheads incurred, for the building of the Community Stadium?”

“Members were provided with a breakdown of the estimated costs and risks at the Cabinet in September 2014 and the Council meeting in October 2014. The position has not changed. As reported then, the total cost to the Council can only be confirmed at the point of contract award. Authority to proceed with the project was given within the financial parameters set which are as follows:

The Council costs for the design, build, operation and maintenance of the Community Stadium Leisure Complex and the operation and maintenance of the City's Leisure portfolio:

- £8M CYC capital contribution*
- £323K per annum revenue budget."*

(xiv) To Cabinet Member for Leisure, Culture & Tourism from Cllr Barton:

"Does she plan to continue abdicating responsibility to a senior officer for informing of fellow Councillors of the progress (or lack of it) in the building of the Community Stadium?"

"As you still don't seem to grasp the mechanics of the council delivering large projects, which is evident from the rest of your questions Cllr Barton, I'm happy to explain that it is normal for officers to report and brief members on the progress of major and complex projects and this is one of the largest most complex projects to be delivered by this council thus far.

I also would like to point out that regular briefings by officers have been held at the specific request of members to enable members to keep up with progress.

Briefings by officers enables the more complicated technical questions to be answered there and then without the need to come back with information at a later date and as you now have to travel quite some distance back to York should you wish to attend briefings, one would assume that it is to your benefit to have your questions answered first time around leaving you free to ask any further questions that emanate from any reply, on the day.

In respect of progress or implied lack of it, If you have attended briefings recently, you would have been aware that significant and satisfactory progress has been made and the planning application will be coming before planning committee tomorrow."

(xv) To Cabinet Member for Leisure, Culture & Tourism from Cllr Barton:

“In view of York City’s current poor performance, should they sadly be relegated from the Football League, will plans to build the Community Stadium continue?”

“I’m happy to confirm that the stadium will continue to be built.

This is a joint facility for use of both football and rugby teams as well as a first class leisure facility and home for our community partners.

This project was started and approved whilst York City were playing in the conference and will continue should they return or not as is the case.

This Labour administration promised to deliver on this project and I’m determined to play my part in ensuring we keep that promise. Furthermore, we wish York City FC every success in their remaining fixtures.”

(xvi) To the Cabinet Member for Health & Community Engagement from Cllr Doughty:

“Could you please advise the Council when you or your predecessor as Cabinet Member for health or indeed any member of the Cabinet became aware that the plans for Labour’s abandoned care home programme were unviable and unworkable, that is, at what point did it become conclusive that these plans needed a financial commitment that the council could not meet and therefore the council could not proceed?”

“ It became conclusive that the council could not proceed with the procurement process when officers brought a report to cabinet in March, which clearly set out the affordability gap (of £1.5 million year on year) between the funding that was allocated to the project and the best offer on the table from any of the potential bidders.

I have been aware throughout the whole process – as indeed all councillors should have been, since it was made explicit in the report presented to cabinet on 4th June 2013 – that there were risks associated with this project and that there was a chance the bidders might not be able to come back with a proposal that met all the criteria we had set out within the funding available.”

(xvii) To the Cabinet Member for Health & Community Engagement from Cllr Runciman:

“What is the total amount of Better Care Funding received in York since the scheme was launched in 2013 and can the Cabinet Member outline how this money has been spent?”

“The Better Care Fund (BCF) came into effect in 2014/15 and totals £3.4m. This is made up of £2.7m relating to transfer of health funding to social care and £0.7m for the investment in pilot schemes intended to integrate health and social care in readiness for the full introduction of the BCF in 2015/16.

The £2.7m is the continuation of Health transferring funding to adult social care for spend on areas having a health benefit. This started in 2011/12 when £1.997m was transferred. This has been primarily spent on staffing needed to support the reablement of customers and long term care packages for those needing a lower level of support following reablement. There has also been funding to support carers and telecare provision within this period.

The £0.7m in 14/15 has been invested in schemes targeted to reduce hospital admissions. The 2015/16 BCF has approx £1m of funding which can only be accessed if we are successful in reducing hospital admissions by 11.7%, about 6 people per day.

The schemes contributing to this in 2014/15 are the Priory Medical Group community hub (£261k), eight Urgent Care Practitioners (£198k), Hospice at Home (£135k) and Street Triage (£100k).

Priory Medical Group is a multi disciplinary team which has both health and social care staff and looks at the holistic needs of the individual and looks to deliver positive outcomes for that person, irrespective of whether it's a health or social care need. They have also looked at targeting certain at-risk groups to prevent admissions.

Urgent Care Practitioners are able to treat patients in their homes, at the scene of accidents etc and have been successful in stopping people being conveyed to hospital and cared for in their own home where previously an ambulance trip and a stay in hospital was the only option.

Hospice at Home has allowed patients to be cared for in their own homes as they approach the end of their lives whereas previously the hospital would have been the setting.

Street Triage is a service where the police and care professionals have a presence on the street and can deal with people with mental health issues they find in situations which may have escalated to hospital stays or detention.

Other areas supported by the integration funding are community facilitators who work with individuals and signpost them to services supporting their needs and a data analyst who has worked on a data sharing agreement to allow both organisations to share information for the benefit of customers/patients.”

(xviii) To the Cabinet Member for Health & Community Engagement from Cllr Doughty:

“Can the Cabinet Member please advise which areas of social care in the city have suffered or will suffer because her own group has squandered at least £350,000 in the failed procurement of Care homes in the city?”

“There was a £500,000 budget allocated to the procurement process. The approx £150,000 underspend will be added to the general adult social care budget. There will be no reductions in frontline services as a result of this procurement exercise and to suggest otherwise demonstrates, at best, a misunderstanding of the budget process.”

(xix) To the Cabinet Member for Health & Community Engagement from Cllr Waller:

“What performance indicators exist for residents coming into West Offices for benefits advice and what is the current average waiting time before being seen?”

“The customer centre keeps weekly statistics of the number of customers visiting the customer centre and the reason why. The number of customers seeking benefits advice varies on a weekly basis but normally account for between 25% and 30% of customers. The numbers can vary greatly at certain points of the year but the recent 4 week average is 347. In w/c 13th March (last full week we

have data for) we saw 409 Benefit customers the average waiting time was 11 minutes.”

(xx) To the Cabinet Member for Transport, Planning and Economic Development from Cllr Richardson:

“Of the sites with in the City of York Boundary measuring NOx emissions. What percentage of them have risen under this administration in the past four years and what lessons have been learned in tackling the high levels of emissions across the City?”

“Nitrogen dioxide concentrations have fallen at all real-time monitoring locations between 2010 and 2014, except for Holgate which is the same.

Low Emission measures undertaken since the adoption of the Low Emission Strategy in October 2012 include:

- *Electric buses at Poppleton Park & Ride, tour buses and other locations*
- *Low emission taxi incentive including York’s first low emission taxi company*
- *Continued development of an electric vehicle charging infrastructure throughout York*
- *Delivery of low emission measures through the planning process*
- *Reduced emissions from the council fleet*
- *Expansion of the Eco Stars fleet management scheme*

In October 2014 the Air Quality Action Plan 3 agreed to consult on the following additional measures to improve air quality:

- *A Clean Air Zone to regulate the emissions of buses travelling through the city centre*
- *Anti idling measures*
- *Delivery of a Compressed Natural Gas refuelling facility and freight transshipment centre*
- *Development of marketing and incentive campaigns to support the above.*

This consultation is now complete and a further report to confirm next steps will be considered early in the new civic year.”

(xxi) To the Cabinet Member for Transport, Planning and Economic Development from Cllr Reid:

“What are the target times for repairing streetlights and could the Cabinet Member outline performance in this area over the last 12 months?”

“Service standards for streetlighting are as follows:

- *Urgent faults will be attended and either repaired or made safe within 2 hours*
- *Normal faults will be attended and either repaired or made safe within 4 working days*
- *When a defect has been made safe and further works are required, we aim to have the repairs carried out within 20 working days. When there is an issue with the electricity supply, and we have to work with a utility company to resolve, the national standard allows 35 working days for the repairs to be completed*

Performance is as follows:

| Month | Total Faults | Faults out of standard | % Faults out of standard |
|--------------|---------------------|-------------------------------|---------------------------------|
| Jan-14 | 347 | 70 | 20.2% |
| Feb-14 | 209 | 43 | 20.6% |
| Mar-14 | 158 | 4 | 2.5% |
| Apr-14 | 131 | 13 | 9.9% |
| May-14 | 128 | 2 | 1.56% |
| Jun-14 | 125 | 10 | 8.0% |
| Jul-14 | 124 | 4 | 3.2% |
| Aug-14 | 208 | 18 | 8.7% |
| Sep-14 | 224 | 81 | 36.2% |
| Oct-14 | 369 | 293 | 79.4% |
| Nov-14 | 393 | 313 | 79.6% |
| Dec-14 | 339 | 278 | 82.0% |
| Jan-15 | 335 | 216 | 64.09% |
| Feb-15 | 252 | 169 | 67.06% |

The increase in number of faults reflects the aging of the street lighting asset due to chronic underinvestment during the previous administration that this administration is addressing, initially through the £1m of funding introduced in 2012 and now through the £1.2m programme of LED replacement.”

(xxii) To the Cabinet Member for Transport, Planning and Economic Development from Cllr Richardson:

“Will the Cabinet Member give his assurance that the works preventing vehicles from turning outside the Art Gallery will be moved to reduce traffic over Lendal Bridge and reduce the NOx emissions in that area?”

“I am assuming Cllr Richardson is referring to the changes at Exhibition Square that have made the area less dominated by vehicular traffic and improved the environment for pedestrians. I am not sure if Cllr Richardson is proposing to change the layout again, and if so how this would be funded, but the current layout was made in consultation with bus operators who I am not aware have raised any problems. The small number of bus services which previously turned around in the area now continue over Lendal Bridge providing an improved connection to the railway station. The conversion of the tour bus fleet to electric in 2015/16 will also reduce emissions in the area.”

(xxiii) To the Cabinet Member for Transport, Planning and Economic Development from Cllr Waller:

“What was the reasoning for leaving Vesper Drive deteriorating for three years and then filling in potholes shortly before the whole road was resurfaced and how much did this pothole filling cost?”

“As per the Council’s standard highway maintenance process – a process unchanged since the previous administration – Vesper Drive was patched at a cost of £500 in order to ensure it did not present an immediate risk to users or open the authority up to an increased risk of claims and litigation. It was then resurfaced in line with the 14/15 programme thanks to the additional £2m this administration agreed for local roads and footpaths.

The alternative to this approach was either to not patch the road, a legally and physically dangerous course of action, or to move Vesper Drive up the resurfacing programme at the expense of schemes elsewhere in the city that were assessed as in greater need. Which would Cllr Waller have preferred?”

(xxiv) To the Cabinet Member for Transport, Planning and Economic Development from Cllr Richardson:

“Given the drop in the percentage of recycled waste from 2011 for the City of York, can the Cabinet Member quote the percentage of recycled waste for this financial year?”

“Given that waste services is in the portfolio of the Cabinet Member for Communities, I suggest you ask her.

I do find it concerning that the Conservatives are still unable to correctly identify which Cabinet Member is responsible for which area.”

(xxv) To the Cabinet Member for Transport, Planning and Economic Development from Cllr Orrell:

“Could the Cabinet Member outline the total costs of the blanket 20mph roll-out across York so far and provide a road-by-road record of average speeds before and after the limits were introduced?”

“Cllr Orrell is incorrect in stating that this programme was a blanket 20mph roll-out. Every road was carefully individually assessed and considered whether suitable to be included , leaving a comprehensive network of primary, secondary and feeder/distributor roads at their existing speed limits.

Regarding the total cost of this programme, we are still awaiting some final charges, but officers are confident that the total cost will be within the £500k budget as funded by dedicated Government grant. This represents an approximate £25k underspend in the 14/15 budget.

We do not have average speeds available for all roads with new limits. At time of writing, there are two areas of York where comparison data is available: South Bank, introduced in late 2012, and the West of York, introduced in late 2013.

In the West of York, the average reduction in speed was over 3%. This was similar to the average in South Bank after the first year, where speeds continued to decrease in the second year as the new limits ‘bedded-in’.

In South Bank, on roads where average speeds exceeded 20mph, speeds reduced by an average of 8% over the two years. This is in

line with Department for Transport guidelines on expected speed reductions for signed-only 20mph schemes and, taking Department for Transport figures, could be expected to lead to a longer-term average reduction in collisions of around 9% on those roads. This is in line with Department for Transport guidelines on expected speed reductions for signed-only 20mph schemes and, taking Department for Transport figures, could be expected to lead to a longer-term average reduction in collisions of around 9% on those roads.”

(xxvi) To the Cabinet Member for Transport, Planning and Economic Development from Cllr Richardson:

“How many of the Company’s providing Bus Services across the City have applied for the government Grant to replace existing buses running on diesel to the new hybrid units and when will this council introduce a city wide exclusion area for diesel powered units?”

“Three of the eight companies operating local bus services in the City of York area have applied through the various funding streams made available by Government for either purchase of new ultra low emission vehicles or the ‘greening’ of existing buses in their fleets. This includes the successful application to the Clean Vehicle Technology Fund which will see all six of Transdev’s ‘City Sightseeing’ tour buses converted from diesel to electric operation, a national first.

The consultation on the Council’s Air Quality Action Plan included a Clean Air Zone for the city centre. This consultation is now complete and a further report to confirm next steps will be considered early in the new civic year. A Clean Air Zone would require that the majority of frequent bus services in the city centre are operated using ultra low emission vehicles by 2018.”

(xxvii) To the Cabinet Member for Transport, Planning and Economic Development from Cllr Aspden:

“Could the Cabinet Member confirm how much money has been spent so far contesting the legal decision on the Lendal Bridge/Coppergate ruling and when he expects a final judgement to be announced?”

“The Council has spent £11,330 on a QC’s advice in respect of the bus lane enforcement decisions. It has been absolutely prudent for this advice to be obtained given that the decisions have

ramifications for the enforcement of all bus lanes in York, some of which have been in operation for many years, as well as ensuring the refund process was lawful.

The Council has no control over or knowledge of when the decision will be issued.”

(xxviii) To the Cabinet Member for Transport, Planning and Economic Development from Cllr Waller:

“When the Cabinet announced a scheme for additional business rate relief on new small businesses in Acomb, £50,000 was allocated for businesses opening in previously empty premises. Please could the Cabinet Member detail how many businesses have benefitted from the scheme to March 2015, and how much support has been given?”

“The £50,000 allocation was to support all four of our business rate discount priorities, of which the Acomb initiative was one. Two businesses have benefitted under the scheme in Acomb with £7284 of support to date.”

(xxix) To the Cabinet Member for Transport, Planning and Economic Development from Cllr Waller:

“Would the Cabinet Member detail how much of the £30,000 investment scheme for Acomb Shops (as allocated by the Cabinet report in September 2013) has been spent to date and will he give a guarantee that any unspent resources will be carried forward into the new financial year?”

“£6000 has been drawn down to date and has been used for a number of improvements to public areas, including installation of new benches. Future proposals currently being developed with local business owners and residents.

I can confirm that all resources allocated for Acomb shops from the Economic Infrastructure Fund will be reprofiled so they can be spent in the 15/16 financial year.”

(xxx) To the Cabinet Member for Communities from Cllr Waller:

“In the last six months how many households have seen their recycling collected in a normal refuse lorry to be sent to landfill?”

"I will be very clear. No waste that has been presented for recycling has ended up in landfill and those that are suggesting so are damaging the good work that Council staff undertake.

The service has had to, at times, use normal refuse vehicles when specialist, recycling vehicles have not been available. Due to the small amount of material involved, our disposal contractor has sent this for processing to ensure that the recycle is separated at no extra cost to the council."

(xxxix) To the Cabinet Member for Communities from Cllr Reid:

"Could the Cabinet Member outline the timetable for introducing a charge for all green bin collections as agreed in the Budget last month?"

"Officers are analysing the feedback from the recent Rewiring consultation exercise (over 11,000 residents have taken part in the discussions over the last year) in order that it can inform Council post May 7th 2015 of the public views in respect of changes to green Waste Collections.

Officers from waste services, IT and customer services are working to determine a time frame in which chargeable Green waste collections could be implemented should the Council choose to proceed. It is anticipated that sufficient evidence will be available in the summer of 2015 for the Council to consider this matter."

(xxxix) To the Cabinet Member for Communities from Cllr Cuthbertson:

"Could the Cabinet Member outline the total cost to the Council of Landfill Tax for every year since 2010 along with the yearly recycling rates (including the present rate)?"

"The total costs are:

- *2010/2011: Landfill Tax - £2,668,320 (£48 per tn)/ Recycling Rate - 45.06%*
- *2011/2012: Landfill Tax - £2,995,440 (£56 per tn)/ Recycling Rate - 46.41%*
- *2012/2013: Landfill Tax - £3,337,600 (£64 per tn) / Recycling Rate - 45.96%*

- 2013/2014: Landfill Tax - £3,777,840 (£72 per tn) / Recycling Rate - 43.63%
- 2014/2015: Landfill Tax - £4,196,800 (Estimate) (£80 per tn) / Recycling Rate - 44.45% (Estimate)
- It should be noted that Landfill Tax increased by £8 per tonne annually until 2014/15 and by inflation thereafter having reached £80 per tonne.

I would note that these figures are in line with Councils throughout the country which have seen a slight dip in recycling due to a combination of the economic recession and as manufacturers have reduced their packaging

Officers will continue to work with residents to recycle as there are many households who are currently either not recycling or finding it difficult to do so."

(xxxiii) To the Cabinet Member for Communities from Cllr Waller:

"What action has been taken to deal with dog fouling complaints by residents to council officers in the past year?"

"When Council Officers are informed of dog fouling they are required to gather evidence to tackle offenders. This financial year one fine has been issued, despite Officers going out to hotspots at different times of the day to catch offenders.

Thanks to the investment of this Labour administration we have set up the Anti Social Behaviour Hub and increased its funding which the two main opposition parties did not support at this year's Budget Council. This has resulted in an increase in the numbers of Neighbourhood Enforcement Officers (NEOs) that can tackle such issues. There are currently 11.6 FTE posts, and agreement has been given for an additional 3 posts which are currently being recruited to. I have asked officers to look at monthly campaigns which will use Community Protection Notices, new legislation that covers both private and public areas and which could lead to a £100 fine if people breach the notice."

Cllr Ian Gillies

LORD MAYOR OF YORK

[The meeting started at 6.50 pm and concluded at 10.15 pm]

City of York Council

Resolutions and proceedings of the Annual Meeting of the City of York Council held in the Guildhall, York on Thursday, 21st May, 2015, starting at 11.00 am

Present: The Lord Mayor Councillor Ian Gillies, in the Chair, during the first part of the meeting; the Lord Mayor Councillor Sonja Crisp in the Chair for the second part of the meeting, and the following Councillors:

| | |
|-------------------------------|--------------------------------|
| Acomb Ward | Bishopthorpe Ward |
| S Barnes K Myers | Galvin |
| Clifton Ward | Copmanthorpe Ward |
| D Myers Wells | Carr |
| Dringhouses & Woodthorpe Ward | Fishergate Ward |
| Fenton Mason Reid | D'Agorne Taylor |
| Fulford and Heslington Ward | Guildhall Ward |
| Aspden | Craghill Flinders Looker |
| Haxby & Wigginton Ward | Heworth Ward |
| Cuthbertson | Boyce Williams |
| Heworth Without Ward | Holgate Ward |
| Ayre | Cannon Crisp Derbyshire |

Hull Road Ward

Huntington and New Earswick
Ward

N Barnes
Levene
Shepherd

Cullwick
Orrell
Runciman

Micklegate Ward

Osbaldwick and Derwent Ward

Gunnell
Hayes
Kramm

Brooks
Warters

Rawcliffe and Clifton Without Ward

Rural West York Ward

Dew
Lisle
Rawlings

Gillies
Steward

Strensall Ward

Westfield Ward

Doughty
Douglas

Hunter
Jackson
Waller

Wheldrake Ward

Mercer

Apologies for absence were received from Councillors Gates,
Richardson and Funnell

Also in attendance: Honorary Aldermen M Bwye, R Carr, M Kirk,
J Morley, R Pulleyn, R Watson, I Waudby, D Wilde and K Wood

1. Declarations of Interest

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

2. Appointment of Lord Mayor

Councillor Dave Taylor moved, Councillor Julie Gunnell seconded and the Council unanimously

Resolved: That Councillor Sonja Crisp of 88 Manor Drive North, Holgate, York YO26 5RY, be elected Lord Mayor of the City of York for the ensuing municipal year.

3. Qualification of Lord Mayor

Councillor Sonja Crisp signified Acceptance of the Office of the Lord Mayor of the City of York, subscribed the Declaration of such acceptance and took the Oath of Allegiance prescribed by the law in that behalf.

4. Appointment of Sheriff

Councillor Julie Gunnell moved, Councillor Keith Orrell seconded and Council unanimously

Resolved: That Mr Brian Smith, of Windfall Lodge, Clay Lane, Brighton, Selby YO8 6BH, be appointed Sheriff of the City of York for the ensuing municipal year.

5. Qualification of Sheriff

Mr Brian Smith made and subscribed the Declaration of Acceptance of Office of Sheriff for the City of York Council and took the Oath of Allegiance prescribed by law in that behalf.

6. Appointment of Deputy Lord Mayor

Councillor Sonja Crisp as Lord Mayor moved, Councillor Chris Steward seconded and the Council unanimously

Resolved: That Councillor Ian Gillies, of 6 Chantry Grove, Upper Poppleton, York YO26 6DQ be appointed Deputy Lord Mayor for the ensuing municipal year

7. Qualification of Deputy Lord Mayor

Councillor Ian Gillies made and subscribed the Declaration of Acceptance of Office of Deputy Lord Mayor for the City of York Council and took the Oath of Allegiance prescribed by law.

8. Lord Mayor's Chaplain

The Lord Mayor advised Council that she had appointed Reverend John Lee to serve as her Chaplain during her year of office.

9. Sheriffs Chaplain and Under Sheriff

The Sheriff advised Council that he had appointed Reverend Rory Dalgliesh to serve as his Chaplain and Mr John Howard to serve as his Under Sheriff during his year of office.

10. Vote of Thanks to the Outgoing Lord Mayor and Lady Mayoress

Councillor Chris Steward moved, Councillor Carol Runciman seconded and Council unanimously

Resolved: That the Council express its sincere thanks to the outgoing Lord Mayor and Lady Mayoress for their services to the City during the past municipal year.

11. Vote of Thanks to the Outgoing Sheriff and Sheriff's Lady

Councillor Janet Looker moved, Councillor Ian Cuthbertson seconded and Council unanimously

Resolved: That the Council express its sincere thanks to the outgoing Sheriff and Sheriff's Lady for their services to the City during the past municipal year.

12. Formal Business of Council - Allocations to Seats and Appointments to the Council Structure and Outside Bodies 2015/16

With reference to the recommendations contained in paragraph 18 of the report at page 7 of the Council papers, Councillor Galvin moved the recommendations, which were seconded by Councillor Runciman, namely the appointment of a Council Leader and the allocation of places and Councillors to Committees and other bodies for 2015/16, as shown in the republished papers circulated at the meeting.

It was then

Resolved: That Council

- (i) Agree the allocation of seats in accordance with the revised arrangements at Annex A circulated at the meeting and republished online;
- (ii) Approve the nominations to Committees and outside or partnership bodies, including the appointment of Chairs and Vice-Chairs to Committees, at Annex B, as circulated at the meeting and set out online in the republished papers for the meeting.
- (iii) Approve the appointment of Councillor Aspden to Heslington Parish Council, pending the election to fill the Parish Council vacancies.¹

Reason: To fulfil the Council's statutory requirements.

Action Required

1. Arrange to update memberships and inform Outside Bodies of the nominations.

JP

Cllr Sonja Crisp

LORD MAYOR OF YORK

[The meeting started at 11.00 am and concluded at 12.00 pm]

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Report of the Leader of the Council

It is a great pleasure to give this first report as leader of the new joint administration. As we have made clear the focus of the administration will be different to the previous administration. We will prioritise frontline services and delivering the sort of services residents rightly expect from their council, whilst ensuring council tax remains low and we will also listen to residents and engage with what they want.

We will work closely with council colleagues over the months and years ahead to deliver all the things we want to and we will not lose sight of the fact they are our best resource and the excellence of the overwhelming majority of what the council does is due to their hardwork. Although satisfaction with the council remains high too often people have thought less of our work due to the incompetence of the previous administration.

The new Executive system and policy committees will give a way for all councillors to feed into the process, although there will still be the accountability with Executive members' portfolios. Due to the backlog of decisions we have faced, not all decisions can initially go through this process; however we look forward to the full workings of the Policy and Scrutiny committees later in the year. It is also pleasing that Cllrs Williams and D'Agorne have agreed to take seats at the Executive table and I look forward to their further contributions, whether critical or supportive.

Our Emergency Budget will be discussed later tonight and this will show how our priorities differ to those of Labour. Whichever party took power nationally this year it was clear government funding to councils would continue to decline and we must increasingly plan for the long-term as we continue to face funding pressures. The focus should be on the best way to get the best value services, whether provided as a council or in partnership with other organisations, it is important to also look at how we can boost income sources.

The Local Plan is one of the huge priority issues for the new administration. York needs a Local Plan and we will deliver one, but it will be one that takes residents with us and this will be done by ensuring strong protection for the Greenbelt and working with communities. This includes consideration of Neighbourhood Plans

and I welcome the fact it looks like these are spreading further into the city, led by the Micklegate councillors. The previous housing numbers have all been proved to be too high and we look forward to an evidence based plan.

Devolution is the topical, rapidly changing and huge opportunity for councils as the government has focused on giving powers to regions. This in itself raises numerous questions in terms of the powers councils want, the spending implications of these, but first of all the areas which wish to join together. Some parts of the country have clearer defined areas of economic geography than others and York's is in many ways in this position. We have strong historic links to parts of our region like North Yorkshire in particular but much of our jobs focus centres around the Leeds City Region. There are clearly other links with areas like Hull as a port or the likes of the new potash mine in North Yorkshire. A number of models are being explored and it is entirely right that, as this administration has committed to, we will consult with residents and businesses on the best option. Whilst the pace of devolution is rapid it is vital we do not rush into the wrong option as these changes will be significant and long-term.

The executive has faced a number of early decisions which have generated significant public interest, including Reynards Garage and the sale of Oliver House. Although neither were easy the fact they were not called in hopefully reflects the view of other councillors that they were correct. The campaign led by YorSpace rightly highlighted the issue we have in York with finding housing that people can afford and this is something we will address.

Cllr Williams has said that he will provide a constructive opposition and whilst there have been few signs of this in Labour Group press releases to date, it is early days! I hope and believe we can work together and having outlined some of the things we will change it is worth mentioning some things we will build on. For example as council leader I have been pleased to be involved in the recent launch of Sky and TalkTalk's CityFibre project to roll out and also at the recent, ever growing, York Pride festival. These very differing events combine strong officer working with very worthwhile ventures and were certainly things the previous administration took a strong lead on.

Where Labour got things right we will continue them and where they got things wrong we will change them. In all cases we should see how we can work together to achieve the most for our great city. My door and that of the group is always open to all.

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| | |
|---------------|--|
| Meeting | Executive |
| Date | 25 June 2015 |
| Present | Councillors Steward (Chair), Aspden (Vice-Chair), Ayre, Brooks, Carr, Gillies, Runciman and Waller |
| In attendance | Councillors N Barnes, Craghill, Cuthbertson, D'Agorne, Hayes, Taylor, Warters and Williams |

Part B - Matters Referred To Council

16. New Council Housing and approval for development at Ordnance Lane

Members considered a report which sought approval to include new council housing as part of the ongoing project to demolish and replace Ordnance Lane homeless hostel. The feasibility analysis of the site had shown that, in addition to the new homeless scheme, the site could also accommodate a development of up to 24 new flats. It was noted that if the same contractor was appointed for both developments under a single contract this would provide significant development and cost saving benefits.

It was also noted that, at the present time, funding approval was only in place to develop the homeless accommodation and that a budget of around £3.6m would be required in order to deliver up to 24 homes on the Ordnance Lane site. Details of the proposed funding for the schemes had been reported at Table One of the report.

Recommended: That Council approve a budget of up to £3,600,887 to build up to 24 new homes on this site with 30% of this is to be funded from Right to Buy receipts with the remaining funds to come from the Housing Revenue Account Investment Fund and Section 106 commuted sums where available.

Reason: To allow the construction of new homes within an agreed budget whilst minimising the budget draw from the investment fund.

Cllr C Steward, Chair

[The meeting started at 5.30 pm and finished at 8.10 pm].

| Budget Amendment - Annex A | 2015/16 £000 | 2016/17 £000 | Ongoing Effect £000 |
|---|-------------------------|-------------------------|--------------------------------|
| REVENUE SAVINGS | | | |
| Use of 14/15 underspend | 688 | 0 | 0 |
| Allocation from contingency | 164 | 0 | 0 |
| Reallocated reinvigorate york to 'Built Environment Fund' and reprofile into 2016/17 to save on interest charges | 160 | 0 | 0 |
| Remove from capital plan £75k Arts barge and take £75k savings on New homes bonus to revenue budget | 75 | 0 | 0 |
| Bring an end to the use of interim consultants on medium/long term assignments at rates that are significantly above the Councils grading structure. | 20 | 0 | 0 |
| Halt further roll out of 20mph zones using any savings for general highways expenditure | 0 | 0 | 0 |
| Reduce corporate subscriptions | 20 | 20 | 20 |
| Reduce Trade Union Budget | 31 | 61 | 61 |
| Move TU into West Offices | 8 | 15 | 15 |
| Savings within the Media and Communications Team | 25 | 50 | 50 |
| Restructure Senior Management | 0 | 150 | 150 |
| Use of New Homes Bonus towards frontline services | 0 | 1,364 | 1,259 |
| Reverse green amendment - trial of city centre bus improvements. | 150 | 0 | 0 |
| Reduction to Social Media Analysis Budget | 45 | 0 | 0 |
| Reduce funding on Officer Delivery Team | 10 | 75 | 0 |
| Reduce funding for work with international markets and marketing, to focus on front line services | 45 | 50 | 0 |
| Use of venture fund for review of Adult and Housing services | 50 | 0 | 0 |
| Total | 1,490 | 1,660 | 1,555 |
| REVENUE EXPENDITURE | | | |
| Improve democracy, decision making and transparency. To bring forward new arrangements for governance and democratic support. | 30 | 100 | 100 |
| Improve Customer Services, including response times by additional staffing and improvements to customer support systems. | 50 | 80 | 80 |
| Extra investment into Children & Young People's Services - specifically to enhance work with community partners and the continuation of the Shine magazine. | 50 | 50 | 50 |
| Investment and Review of Community Centres | 70 | 70 | 70 |
| Increase Recycling Promotion Budget for 2 years | 30 | 30 | 0 |

| Budget Amendment - Annex A | 2015/16 £000 | 2016/17 £000 | Ongoing Effect £000 |
|---|-------------------------|-------------------------|--------------------------------|
| Reverse savings proposals for charging for green bin collection | 800 | 1,000 | 1,000 |
| Extra support for local small businesses to cut red tape and bid for council contracts | 30 | 0 | 0 |
| Extend Green Waste provision (2 rounds) | 64 | 64 | 64 |
| Carry out a service review of Health, Social Care and Housing as the largest expenditure area of the Council, to improve efficiency and services. | 50 | 0 | 0 |
| Planning Enforcement Officer | 35 | 35 | 35 |
| Extra support for local and rural bus travel and subsidies | 75 | 75 | 0 |
| Extra support to review and help to boost the attainment of pupils from disadvantaged backgrounds for 1 year. | 25 | 0 | 0 |
| Additional Investment for Ward Grants as part of new Ward Committee system. | 75 | 75 | 75 |
| Highways Increase (250k Capital). To create a Highways, Road Adoption and Drainage Hotspot Fund. | 21 | 21 | 21 |
| Additional city wide cleaning programme | 25 | 0 | 0 |
| Additional Investment in gritting | 60 | 60 | 60 |
| Total | 1,490 | 1,660 | 1,555 |

HRA REVENUE AND CAPITAL

To carry out a review of HRA expenditure, including additional estate improvements and council house building

| | | | |
|--|---|---|---|
| | 0 | 0 | 0 |
|--|---|---|---|

Deputy Leader, including Economic Development and Community Engagement

Since May, the joint Executive has been setting out its headline priorities including the publication of our 12 point plan. This includes commitments to safeguard valued frontline services such as Yearsley Pool, rewrite the Local Plan to protect York's Green Belt, and work with residents to increase recycling.

Local Plan

The new Executive is committed to delivering a Local Plan which protects the Green Belt and focuses development on brownfield sites. A paper will be going to the Executive on the 30th July which will provide an update on the work being undertaken by officers.

Staffing

I would also like to take this opportunity to formally welcome Steve Stewart as the new Acting Chief Executive and Ian Floyd as the Deputy Chief Executive.

The Executive has also brought forward a review of senior management which will save £150,000. Linked to this review is our plan to also examine the council's use of interim and agency staff to ensure we are getting value for money.

Early work in my portfolio area has included bringing forward plans for cross-party decision making and proposals to devolve power and funding to revised Ward Committees.

This report gives an overview of the work in my portfolio area. For reference this now covers:

- Electoral Services
- Legal Services and Information Management
- Civic and Democratic Services (inc. Scrutiny)
- Communications and Media
- Community Engagement
- Ward Committees

- Parish Council liaison
- Play Policy
- Youth Support Services
- Economic Development and Regeneration
- Business and Skills Development
- Apprenticeships
- Local Plan and Regional Matters (jointly with the Leader)

Electoral Services

The May elections were the first combined parliamentary, City of York Council and Parish Council elections held since York became a unitary authority in 1996. The small core team of four staff worked hard with support provided by 250 polling staff on Election Day, 200 counting staff on each count, and 100 postal vote staff during the election.

Lots of work went into the preparations, including for the first time individual briefings to political groups in advance of the nomination process. I know these were appreciated by candidates.

For those of us who attended at Energise the count was a long one. Various reasons have been given for this including the combined nature of the elections with higher turnout, more candidates, and electors not voting along party patterns. However, officers say that the parliamentary and local counts were successful in the processes.

Work continues in the team on the Community Governance Review, the 2015 Annual Canvass (the first canvass not using a household registration system) and the continuing effort to make students aware of their need to register.

A request has also been received for City of York Council to remain as the lead authority for the Police Area Returning Officer (PARO) for North Yorkshire for the 2016 Police and Crime Commissioner Elections. Work has begun with the seven local authority Electoral Services teams in North Yorkshire around provisional arrangements for this.

Legal Services and Information Management

I have met with managers in legal services and learnt about the range of work the small team do. This includes taking court action to protect vulnerable children, handling legal work on the Council's major projects (most recently, Make it York), undertaking the legal work on all the Council's property transactions, taking legal action to deal with anti-social behaviour, advising and representing the council on employment law issues, defending judicial reviews against the Council and a whole range of other issues.

The Information Management team is transferring to sit under the Assistant Director of Governance and ICT. It is notable that Freedom of Information (FOI) requests have more than doubled in the last four years with 94.1% answered on time. Officers have taken steps to improve the visibility of FOI responses on the website, but more work will continue in this area.

The Council has invited the ICO (Information Commissioner's Office) to undertake an audit. Officers have agreed areas where they and the ICO think the Council can benefit most from their input including records management, subject access requests, and data sharing.

Civic and Democratic Services

I am bringing forward a governance paper and will work closely with Democratic Services to change the way decisions are taken by City of York Council.

This paper will see new policy and scrutiny committees introduced which will allow all councillors to debate and make recommendations on issues before a final decision is taken by the Executive. I hope that the new committees will help to ensure that policy is developed in a more open way with greater cross-party involvement. It also means that the public will be able to contribute every step of the way.

We are also recommending an end to 'officer in consultation decisions'. Instead, these decisions will be taken by the relevant Executive Member in a public decision session with papers published in advance and residents able to attend to have their say.

The recommendations will be taken to a Corporate and Scrutiny Management Policy and Scrutiny Committee on 13th July, the Audit and Governance Committee will also be consulted on the proposals along with political groups and independent members. Following this, a final proposal will then be brought forward in August.

Democratic Services have just completed a full induction programme for newly elected and, in part, returning Members. A key focus of the induction has been the range of sessions, covering a full 'Development Day'.

A further new feature of the induction in 2015 has been the introduction of new 'app', notionally called the 'Membersphere'. This is a developing programme which aims to improve communication and to make it easier for members to access key information and perform day to day tasks. Officers tell me there are teething issues with getting use of the 'Membersphere' properly off the ground. A launch and user guide is planned for the coming months and evaluation of member induction is ongoing.

I have met with officers to discuss the next phase of the Mansion House 'Opening Doors' restoration project. The project will:

- Restore the kitchens and basements
- Provide an oral history project
- Display the gold and silver collection
- Provide conservation of the building and contents.

I look forward to updating members and residents as this project develops.

Communications and Media

I am working closely with officers in the team on a number of projects, including the consultation on the Draft Council Plan.

Community Engagement, Ward Committees and Parish Council

I have worked with officers on a paper called Listening to Residents: Ward Committees. This will begin the process of devolving budget and power to residents through revised Ward Committees.

The plans will see an increased pot of money given to ward committees (£800,000). In 2015/2016 this will be for them to allocate to fund projects such as street clean-ups, offer grants to voluntary groups, and for the first time fund road repairs. I hope the localisation of part of the adult social care voluntary sector capacity funding and road maintenance budget is the first step in devolving a number of funding streams to wards and the paper asks officers to identify further budget areas which could be localised.

The recommendations will be taken to a Communities and Environment Policy & Scrutiny Committee on 27th July before going to the Executive on 30th July. If agreed, the revised Ward Committees will hold their first meeting in the autumn with a review later in the year.

I was pleased that the council supported the successful York Pride event, including grant aiding the event, providing the venue at the Knavesmire and assisting with rolling road closures for the York Pride Parade as well as joining with other employers in the city in the "Raise your Rainbow" event.

The new Executive is committed to improving partnership working between City of York Council and Parish Councils. The next 'Working Together' meeting, convened by the Council and to which all parishes are invited to send two representatives, is 1pm to 3pm on Wednesday 16th September in King Richard III Room. As well as ensuring that we work with Parish Councils we are committed to fully engaging with Resident Associations. I will continue to work with officers on both these things in the coming months.

Play Policy and Youth Support Services

I am meeting officers in this area and I was delighted that one of my first acts was to secure the future of the Shine magazine after discovering the previous Labour administration had cut funding.

Shine is an excellent resource and the summer edition of the magazine and website, which advertises activities and clubs for 5-18 year olds across York, has just been released. Shine is produced four times a year and as well as being online is available in schools, libraries and

community centres usually three weeks before the start of each school holiday.

An online version can be found here: www.yor-ok.org.uk/young-people/shine-new.htm

August is the month that formally celebrates play, with a National Day to mark children's right to play. Door 84 Youth Centre is hosting York's celebrations, with a host of activities and street based play.

Economic Development and Regeneration/ Business and Skills Development

The new Executive is determined to ensure that the council does everything it can to support local businesses. In our Emergency Budget we are providing extra funding to help local businesses cut red tape and bid for council contracts. I will also be working with my colleague Cllr Waller to re-establish the Green Jobs Task Group.

Over the summer I will be meeting key business leaders in the city as well as representative bodies such as the Federation of Small Businesses and the Chambers of Commerce to discuss the challenges they are facing and how we can work together to improve York's economy.

There are elements of York's economic performance that are strong and we continue to have one of the lowest Jobseeker's Allowance claimant counts in the UK. However, it is clear that there are some challenges with York's economy, especially around productivity and high value jobs.

We are working with businesses in the city to consult on both the council plan and the economic strategy. It is important that these two pieces of work are clearly aligned.

Make it York, the new destination management organisation for York covering the remits of business support, inward investment, tourism, and culture and city centre management; commenced operation as a wholly-owned company by the Council in April this year. The first Shareholder Committee has met as we begin to set up arrangements to ensure the organisation is delivering for the city. I would like to thank Cllr Hayes for

agreeing to chair the committee; the Committee's future meetings will be in public to enable Make it York's progress and performance to be transparent to residents.

The new Executive is supporting the idea of a Business Improvement District (BID). The City Team Executive led by Adam Sinclair of Mulberry Hall is working to ensure that a ballot will take place in the autumn for the city centre. If the ballot is successful, the Business Improvement District will provide nearly £800,000 to be invested to improve the city and will include measures to address anti-social behavior in the city centre, particularly on weekends and improve the public realm and cleanliness of the area. There will be a paper going to Executive later this month on whether we go ahead with the ballot in November.

The new Executive is continuing to keep a watching brief on ongoing activity in the city in relation to York businesses, working with Aviva in understanding any impact their restructure has on York offices and staff; and early work with Primark in making sure York residents will be able to fully benefit from the new jobs its new stores will create in the city.

We are continuing to seek to get the most for York from regional bodies, including broadband funding focused on York's rural areas and a new 'Growth Hub' service for Small Businesses through the Local Enterprise Partnerships we are part of.

As part of this regional economic work (and linking to my portfolio area on Regional Matters), I have had numerous meetings with partners across the region in regards to devolution and attended the West Yorkshire Combined Authority Annual General Meeting.

It is clear that recent discussions show the opportunities which exist for York and the changes which could be on the cards. This is why the new Executive want to examine all options and make sure that for the first time local residents and businesses can have their say. The previous Labour Council took a decision to enter into the West Yorkshire Combined Authority without any proper consultation. We cannot repeat this approach and we are determined to let residents have their say.

We want to present an impartial set of options on York's future. The options will be centred on the pluses and minuses of all options open to York, including a Yorkshire wide partnership, York working with Leeds and West Yorkshire, or working with North and East Yorkshire.

Any new structure put in place must have public backing, deliver the best economic deal for York, and be more accountable to residents.

Apprenticeships

A focus of the new Executive will be to support apprenticeships both inside and outside the council. As of July 1st there were 267 live apprenticeship vacancies in York. The Apprenticeship Hub Team will be running a fourth Apprenticeship Recruitment event at West Offices on the evening of 18th August. This will give young people the opportunity to meet employers and to receive support with applications. It has been timed to take place after the AS and A Level results so that young people completing those qualifications and other Sixth Form or Further Education programmes will be able to attend with results "in the bag".

I am meeting with officers to discuss how to increase the number of apprentices taken on by City of York; numbers fell from 35 in 2011/12 to 11 in 2014/15. We have already recruited 8 apprentices since the start of the 2015/16 financial year, and will soon be launching communications to managers with the aim of having a further cohort of posts available from the autumn term.

It is important that as an organisation we are also able to support potentially vulnerable young people with the application/selection process, and that we are able to better equip them to take on apprenticeships (and succeed in them) by promoting traineeships and more consistent and high quality work experience.

Additional Engagements

In addition to these commitments I have also been meeting and engaging with a wide range of groups and individuals across the city. For example, I have met with York CVS to discuss voluntary capacity

within the city and the future role they can play in the delivery of Adult and Social Care within the city.

If councillors or residents would like any further information on the contents of this report or anything going forward then please do not hesitate to get in touch: my email is cldr.kaspden@york.gov.uk

Cllr Keith Aspden

7th July 2015

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Report to Council of the Chair of Corporate & Scrutiny Management Policy & Scrutiny Committee, 16 July 2015

1. This report is submitted by the Chair of Corporate & Scrutiny Management Policy & Scrutiny Committee, in accordance with the constitutional requirements set out in Standing Order 8.3(l) to update Council on scrutiny work since the last report to Council and to set out any recommendations such as may be made to Council in relation to that work.

Work to date

Finance & Performance

2. The four standing Policy & Scrutiny Committees have received no Finance & Performance monitoring Reports since the last report to Council in March 2015. They will be receiving their year end reports and Quarter 1 reports at the September round of scrutiny meetings.

Attendance of Executive Members

3. The majority of Executive Members are scheduled to attend the July round of Policy & Scrutiny Committee meetings to outline the priorities and challenges within their portfolio areas for this municipal year.

Communities and Environment Policy & Scrutiny Committee

4. This committee has met once since the last report to Council. In June 2015 it considered a further report on the implementation of recommendations from the Community Resilience Scrutiny review and agreed to sign off this work as having been completed. It also received a verbal update on the cost associated with fly tipping in the city.

Economic Development & Transport Policy & Scrutiny Committee

5. This committee has met twice since the last report to Council. The former Economic & City Development Overview & Scrutiny Committee held an extra meeting in late March 2015 specifically to review and discuss the Commissioning Agreement for Make it York. The re-named committee met again in June 2015 when they received an update report on scrutiny arrangements around Make it York and were given a presentation from

the Managing Director of Make it York on the work and aspirations of the new organisation.

Health & Adult Social Care Policy & Scrutiny Committee

6. The committee has met once since the last report to Council. In June 2015 the committee was given an update on the progress of the Leeds & York Partnership Foundation Trust action plan following their recent Care Quality Commission inspection and an update report on the changes to direct payments in the city.

Learning & Culture Policy & Scrutiny Committee

7. The Committee has met once since the last report to Council. In June 2015 the Committee received bi-annual update reports from both York Museums Trust's and Explore York Libraries & Archives Mutual Ltd. They also considered a feasibility report on a proposed scrutiny topic on Tour de France. The Committee agreed to proceed with the review and set up a Task Group to carry out the review on their behalf. The review will concentrate on the Grand Depart, merchandising, and the provision of the entertainment hubs and camping sites.

Corporate & Scrutiny Management Policy & Scrutiny Committee

8. Since the full Council meeting in March 2015 the committee has met twice. In early June 2015 the Committee considered an update on the implementation of outstanding recommendations of the Community Engagement Scrutiny Review and signed off the review recommendations as having been completed, and expressed an interest in contributing to the Executive's emerging plans for ward committees. The Committee also considered membership of the Yearsley Pool Ad Hoc Scrutiny Committee. A majority decided that work on the review was no longer required, and asked for an update report at their July meeting.
9. At the time of writing, the committee was due to meet again before full Council. The Committee will consider a scrutiny topic proposal on 'Expansion of Local Democracy using Digital Means', and received a Yearsley Pool Scrutiny Review update report. The Committee also agreed their Scrutiny Annual Report, shown elsewhere on this agenda.

10. At each of its meetings, the committee continues to receive its standing report on Council Petitions providing details of new petitions received by the Council and the appropriate course of action in each case.
11. There have been three decisions called-in since the last report to Council. At the time of writing, the committee was due to meet to consider the following:
 - New Council Housing and Approval for Development at Ordnance Lane
 - Procurement of Council Security Services
 - Applications for Community Right to Bid under the Localism Act 2011 - Clementhorpe Malt House
12. As this report was written prior to the call-in meeting, the decisions were unknown at the time. However, during the last civic year there were concerns that among some members there was a reluctance to refer decisions back to the decision maker; I hope this is not the case this civic year.

Future Arrangements for Scrutiny

13. At the first round of scrutiny meetings in June, each of the Policy & Scrutiny Committees received a terms of reference report highlighting the Council's current structure for the provision of the scrutiny function.
14. At the time of writing, the Corporate & Scrutiny Management Policy & Scrutiny Committee was due to receive a report detailing the planned new governance arrangements for decision making which the Executive are consulting on (with any resulting changes to terms of reference or working processes to be formally approved at October Council). As such, comments are not available in this report.
15. However, the principle of greater pre-decision scrutiny involvement is a welcome one, subject to the details.
16. One detail will be resourcing: in the past there has been cross-party consensus on the need to resource scrutiny properly. If scrutiny is to be given more responsibility, it follows that it may need more resource. In particular, given a greater policy function, it may need support from policy staff.

17. Similarly, training will need to be considered. As Chair I have already had discussions with officers, given the high number of new members, about general scrutiny training. This needs to be formalised and, given the possible greater policy function, thought given to subject-specific scrutiny training for all members involved in scrutiny.



Corporate & Scrutiny Management Policy & Scrutiny Committee

13 July 2015

Report of the Assistant Director of Governance & ICT

Draft Annual Scrutiny Report 2014-15

Summary

1. This Draft Annual Scrutiny Report summarises the work of the five Overview & Scrutiny Committees for the municipal year June 2014 – May 2015, and asks Members to agree the report prior to its presentation to Council in July 2015.

Background

2. This committee is charged with monitoring overall performance in relation to scrutiny review work and providing an Annual Report to Full Council. The last Annual Report for the period June 2013 – May 2014 was presented to this Committee in May 2014 and to Council in July 2014.

Consultation

3. Consultation was not required for the production of this Annual Report. However, consultation is an important element of Overview & Scrutiny and is regularly carried out in support of all scrutiny reviews.
4. The final reports produced for each of the reviews completed during the period June 2014 – May 2015 detail all of the work undertaken, including any consultation carried out. Those final reports and all supporting information can be viewed in full at:

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

Options

5. Having considered the draft Annual Report, Members may choose to:
 - Agree any amendments required to the report

- Approve the report for presentation to the meeting of Full Council in July 2015.

Scrutiny Reviews in 2014-15

6. Corporate Scrutiny Review

In June 2014, Corporate & Scrutiny Management Committee expressed an interest in carrying out a corporate scrutiny review during the 2014-15 municipal year to which each of the Overview & Scrutiny Committees could contribute.

7. The Corporate & Scrutiny Management Committee agreed that the theme of the Corporate Review should be around Supporting Older People.

8. Having considered possible topics a number of the scrutiny committees agreed not to contribute as they were either unable to identify a suitable topic or they had insufficient time to complete a review before the start of the purdah period based on their already busy workplans. As a consequence CSMC agreed to abandon the 2014-15 Corporate Review.

9. Other Scrutiny Reviews:

The following scrutiny review was carried out by the Corporate & Scrutiny Management Committee in the last municipal year:

- Equalities Review

In November 2013 CSMC agreed to proceed with a review to raise awareness of the democratic process amongst York's Communities of Identity, and identify any required equalities training for Members. A Task Group was set up and as part of the review a consultation event was held at the Mansion House to meet with representatives from York's Communities of Identity to raise awareness of the democratic process, ways of getting involved, and to identify any barriers preventing their community engagement/involvement. The recommendations arising from the review were endorsed by CSMC in November 2014 and approved by Cabinet in early January 2015.

10. The Economic & City Development Overview & Scrutiny Committee completed two scrutiny reviews in 2014-15:

- Online Business / E-Commerce Scrutiny Review

Started in the previous municipal year, the Committee concluded its work to identify how CYC may better support city businesses to develop their online opportunities and improve their sales, marketing and profitability. To identify any gaps in this support an online survey

was launched asking businesses for feedback and the Task Group also received information on how other towns and cities are supporting the development of online business opportunities. The Task Group held a series of pop-up business cafe events to further identify gaps in support, examined funding opportunities and met with business and trader organisations. The recommendations in the final report were endorsed by ECDOSC in March 2015 and presented and approved by the Executive in June 2015.

- Graduate Business Start-Ups, Entrepreneurialism and Higher Value Jobs Scrutiny Review

At the beginning of the 2014-15 municipal year the Committee agreed to proceed with a review around identifying cost effective ways to attract graduates and entrepreneurs to start up or relocate in York thus enabling the employment of local people at higher than average wages. A Task Group was appointed, and to gather evidence they visited the University of York and York St John University as well as considering best practices from other local authorities and investigating the support available through Higher York and Science City York. The Task Group also met entrepreneurs who had established businesses in the city. The review final report was endorsed by ECDOSC in January 2015 and in early March 2015 Cabinet agreed to note the recommendations and pursue these as part of the work streams for Make it York and the Economic Strategy.

- Proposed Review of the Lendal Bridge Trial

The Economic & City Development Committee twice discussed proposals for a scrutiny review of the Lendal Bridge Trial. In June 2014 the Committee agreed not to proceed on the grounds that such a review would not add value and could be used as a forum for attributing blame. Later, in November 2014 the Committee voted not to proceed as it was felt that a review would not be objective.

11. The Health Overview & Scrutiny Committee carried out one review during 2014-15:

- Supporting Older People Scrutiny Review

Despite the decision by CSMC to abandon the Corporate Review around Supporting Older People, the Committee agreed to progress with a standalone review. After a series of delays and a change of Committee Chair, a Task Group was set up in November 2014 to establish what City of York Council is doing to assist older people. They met with the Vale of York Clinical Commissioning Group and representatives from voluntary organisations to examine how the work

of health workers in the community could be complemented by the voluntary sector with the aim of reducing hospital admissions and enabling older people to live independently for longer. The work on this review is ongoing and is likely to conclude in late 2015.

Proposed Review of NHS Underfunding & Efficiency Savings

In January 2014 the Committee considered a feasibility report arising from a resolution agreed by Full Council to consider a review of the impact on local health services, based on so called 'efficiency' savings and chronic underfunding of the NHS in York. The intention of the review was to enable residents to understand what future services would look like over the period 2015-2020.

Having been informed that Parliament was conducting an examination of the funding arrangements, and recognising the subject was politically charged, the Committee took account of the limited time available to conduct the review before the purdah period began, and chose not to carry out the review at that time.

12. In 2014-15 the Community Safety Overview & Scrutiny Committee concluded two reviews carried over from previous years:

- Domestic Waste Recycling Scrutiny Review

In July 2012, a Task Group was set up to look at ways of increasing domestic waste recycling. Having carried out an analysis of the recycling rates for the 20 top performing Local Authorities in order to identify best practice, the Task Group agreed to focus their review on the Council's 2013-14 'Recycle More' initiative, initiating test and control areas to gather evidence on the effectiveness of and the benefits arising from the Council's initiatives employed to improve kerbside recycling and reduce the amount of waste sent to landfill. This led to delays in the review whilst the work on those initiatives took place and the comparison work was undertaken. The Task Group's final report was endorsed by the Committee in September 2014 and the recommendations were approved by Cabinet in October 2014.

- A-Boards Scrutiny Review

Work continued on this review throughout 2014-15. Having considered all of the options and combinations of options available to the city regarding the appropriate use of A-boards, the Task Group recommended the introduction of a policy allowing the use of A-boards under strict criteria. They suggested the policy should include a list of streets where the use of A-boards is prohibited at all times due to the limited widths of footways, and that appropriate resources should be identified to ensure the full and proper enforcement of the new policy.

In January 2015 the Committee endorsed the Task Group's views and agreed a further recommendation that the new policy should be trialled for a two year period. In February 2015 Cabinet instructed the Director of City and Environmental Services to prepare guidelines for the use of A-boards across the city, for consideration at a future meeting, and to date this remains outstanding.

- Discretionary Charges in Waste Management Scrutiny Review
The Community Safety Overview & Scrutiny Committee considered carrying out a further review during 2014-15. The intention was to review Discretionary Charges in Waste Management. In July 2014 the Committee received a scoping report which provided an introduction to the topic, which presented some initial information on a number of charging schemes in operation nationally, and suggested a number of other service areas that could be included in a review of charging policy. The Committee agreed to proceed with the review in order to identify possible savings that could be fed into the budget planning process. A Task Group was set up and its first meeting was scheduled to take place in October 2014, but this was later postponed following a change to the membership of the Committee. In November 2015 the Committee reconsidered the topic realising it would not be possible to complete the review within the required timescale to allow its recommendations to feed into the budget planning process. As a result, they agreed not to proceed and the review was abandoned.

13. The Learning & Culture Overview & Scrutiny Committee completed three reviews during 2014-15:

- Disabled Access to York's Heritage and Cultural Offer Scrutiny Review.
In June 2014 the Committee agreed to review disabled access to York's heritage and cultural offer, and set up a Task Group to carry out this work. Current access to York's many heritage and cultural venues was assessed and the Task Group considered best practice in relation to cinemas and theatres; live music venues and tourist attractions. Members also considered Planning Guidance on Disabled Access to Historic Buildings and took into account the views of English Heritage. The Task group consulted with representatives from various groups and interested individuals, and in November 2014 the Task Group met with Visit York to gather their views. In February 2015 the full Committee endorsed the Task Group's recommendations and the final report was presented and the recommendations agreed by the Executive in June 2015.

- Entrepreneurship in York Schools Scrutiny Review

In June 2014 the Committee formed a Task Group to undertake a review aimed at improving entrepreneurship education in York schools. The Task Group considered best practice in other Local Authority areas and a number of national and European schemes designed to encourage enterprise in young people. They also reviewed current practices in York and met with representatives from York schools, NYBEP, and the Children's University and some of its business partners. In an effort to encourage York schools to undertake some form of entrepreneurial activity, the Task Group made a number of recommendations that could work in partnership with the projects that were already underway. They also welcomed the introduction of an Enterprise Governor at each York school and recommended the introduction of both an annual 'Tenner' challenge and a Young Entrepreneur Award as part of the annual Press Awards. The full Committee endorsed the Task Group's final report in March 2015 and this was approved by the Executive in June 2015.

- Narrowing the Gap Scrutiny Review

In November 2014 the Committee commenced a review of the attainment gap of York pupils recognising that the gap between disadvantaged young people and their peers in York was amongst the widest anywhere in the country. A Task Group was appointed and its members attended a conference in early December 2014 which brought together school representatives and partners to share information and examples of best practice, and focussed on what schools needed to do to further improve their efforts. The Task Group also visited a number of York schools to gauge the uptake of the best practice approach, and to gather information on the initiatives schools are implementing. In February 2015 the Task Group's recommendations were endorsed by the Committee and again the final report was approved by the Executive in June 2015.

14. Ad-hoc Scrutiny Reviews

In January 2015 CSMC agreed to a request from the Learning & Culture Overview & Scrutiny Committee to set up an Ad Hoc Scrutiny Committee to undertake a scrutiny review on ways to safeguard the long-term future of Yearsley Swimming Pool.

15. Work on this review is ongoing, and to date the Ad Hoc Scrutiny Committee has taken part in a site visit to Yearsley Pool, held a consultation meeting with pool users and interested parties and visited York City Baths Club to watch two swim squads in action. It has also considered information on the way community-led schemes from

elsewhere are funded. The review is expected to conclude in late summer 2015.

Supporting the Council Plan 2011-15

16. All of the reviews carried out during 2014-15 (identified above) took account of the Council's need to be inclusive and ensure equality in accessing the services being reviewed. Each review also supported a number of the council's other improvement priorities and direction statements:
17. The following reviews were directly linked to the 'Protect Vulnerable People' element of the Council Plan 2011-15:
 - Equalities;
 - Yearsley Pool;
 - Supporting Older People;
 - A-Boards;
 - Disabled Access to York's Heritage and Cultural Offer;
 - Narrowing the Gap.
18. The following reviews were directly linked to the 'Build Strong Communities' element of the Council Plan 2011-15:
 - Equalities;
 - Yearsley Pool;
19. The following reviews were directly linked to the 'Create Jobs & Grow the Economy' element of the Council Plan 2011-15:
 - Online Business / E-Commerce Review.
 - Graduate Business Start-Ups, Entrepreneurialism and Higher Value Jobs Scrutiny Review
 - Entrepreneurship in York Schools
20. The Domestic Waste Recycling Review supported the 'Protect the Environment' element of the Council Plan 2011-15.

Finance & Performance Monitoring

21. Throughout 2014-15 the Overview & Scrutiny Committees received regular quarterly monitoring reports relating to the council's performance and finance management, in service areas specific to their individual remits.

22. In addition, they also received other monitoring reports specific to their individual terms of reference, as detailed below:
23. Corporate & Scrutiny Management Committee received updates / reports on:
 - The Workforce Strategy 2012-15;
 - The Annual Scrutiny Support Budget;
 - The Procurement Strategy;
 - Proposed changes to the terms of reference of two Scrutiny Committees;
 - The progress of the Single Equalities Scheme;
 - The Annual Overview & Scrutiny Report for 2013-14;
24. The Community Safety Overview & Scrutiny Committee received updates on:
 - The embedding of CYCs revised Taxi Licensing Policy;
 - The work of the Horse Bailiff;
 - The Refresh of the Single Equalities Scheme;
25. Throughout 2014-15, the Committee also received a number of updates in support of its responsibility for the discharge of the functions conferred on the Council by sections 19 & 20 of the Police & Justice Act 2006, in relation to the scrutiny of community safety issues, the Police and the work of the local Crime and Disorder Reduction Partnership (CDRP):
 - Bi-annual performance reports from Safer York Partnership (SYP);
 - A presentation from the Probation Service on delivery changes within the service;
 - Update on the work of AVANTE (Alcohol, Violence & Night-Time Economy);
 - A presentation from North Yorkshire Police on the new North Yorkshire Policing Model.
 - An update on the Anti-Social Behaviour Hub;
26. The Economic & City Development Overview & Scrutiny Committee received briefings/updates on:
 - Major developments within the city;
 - Major transport initiatives and issues arising from them;
 - York Economic Dashboard;
 - Update on the Refresh of the Single Equalities Scheme;
 - Low Emissions Strategy including an update of the Air Quality Action Plan;

- Bulk Buying of Energy;
- Update Report from YorCity Construction;
- Management of Regeneration projects in York;
- Universal Credit;
- Update on the economic implications of the Tour de France;
- Update on Newgate / Shambles market;
- Report on the Service Level Agreement for Make it York.

27. The Health Overview & Scrutiny Committee has a statutory role to review and scrutinise the impact of services and policies of key partners on the health of the city's population. As such it received updates on:

- York Health and Wellbeing Board;
- Safeguarding Arrangements;
- Carers' Strategy;
- Residential, Nursing and Home Care Services;
- Proposals for mental health services in York including improving child and adolescent mental health services and the future vision of mental health services across the city.
- Update of Refresh of the Single Equalities Scheme;
- Implications of Deprivation of Liberties Safeguards;
- Lunchtime meal arrangements for sheltered housing residents;
- Castlegate Centre;
- Re-procurement of Musculoskeletal Services;
- Personal Medical Services;
- Elderly People's Homes programme.

28. The Committee were also consulted on a number of issues:

- CCG five-year strategy for integrated health care in York
- Interim plans for Bootham Park Hospital;
- Monitor Investigation into York Teaching Hospital;
- Challenges faced by York Hospital over the Christmas and New Year period;
- Outcome of the Leeds and York Partnership Foundation Trust Care Quality Commission inspection;
- the merger of a number of medical practices in York – York Medical Group and Clifton; Gillygate and Jorvik; Haxby and Gale Farm.

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

- Presentation by the CYC Head of Transformation about the work around Adult Social Care;

- Be Independent presentation about the development of the Community Interest Company and how it provides community equipment loan and telecare services;
- Healthwatch presentation into Discrimination Against Disabled People;
- Presentation by the Care Quality Commission on the new inspection process;
- Presentation by Health Education Yorkshire and the Humber on nurse training and workforce planning;
- Annual report of the Chief Executive of Yorkshire Ambulance Service;
- Annual report of the Chief Executive of York Teaching Hospital NHS Foundation Trust;
- Annual report of the Chief Executive of Leeds and York Partnership NHS Foundation Trust.

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

- York Museums Trust Bi-annual Partnership Delivery Plan Updates;
- York Theatre Royal Bi-annual Service Level Agreement Performance Updates;
- The first bi-annual update on Explore York Libraries and Archives Service Level Agreement;
- Bi-annual Progress Reports on Safeguarding and Looked After Children;
- CYC Stonewall Challenge (Anti-Bullying Strategy Group);
- Update on the Refresh of the Single Equalities Scheme;
- Update on Parks Development;
- School improvement and Ofsted update report;
- School Results outturn.

31. In addition the Committee received presentations from the Chair of York @ Large on the ongoing work of York @ Large; the Chair of Learning City York Partnership and the Chair of York Safeguarding Board.

Acting as Critical Friend

32. During the municipal year 2014-15 each of the Overview & Scrutiny Committees met with the relevant Cabinet Members to hear about their challenges and priorities for the year. They also met with some of the council's appropriate statutory partners to hear about their priorities and challenges.

Monitoring Previous Recommendations

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

Calling - In

34. Throughout the municipal year 2014-15 there were nine Cabinet/ Cabinet Member decisions called-in for consideration by CSMC. The decision of the Cabinet was upheld in six instances. Those upheld were:
- Improving York's City Centre - Reinvigorate York Public Realm Improvement Projects: Exhibition Square/Theatre Interchange project;
 - Lendal Bridge and Coppergate Traffic Regulation Orders;
 - Community Stadium and Leisure Facilities Update;
 - York Guildhall and Riverside creating a Digital Media and Arts Centre;
 - City of York Local Plan Publication Draft.
 - The Council's Housing for Older People Programme.
35. Three other call-ins were referred back for further consideration. These were:
- Rewiring of Public Services: Business Case for Children's Services in relation to the Castlegate service;
 - Jockey Lane Pedestrian and Cycle Improvement Scheme;
 - A Congestion Committee for York;

Implications

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

Risk Management

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

Recommendations

38. Having considered the information within this report, Members are asked to approve this Annual Scrutiny Report which covers the period between June 2014 and May 2015.

Reason: To enable its presentation to Full Council in July 2015, in line with Constitutional requirements.

Contact Details

Author:

Steve Entwistle
Scrutiny Officer
Tel: 01904 554279

Chief Officer Responsible for the report:

Andrew Docherty
Assistant Director Governance & ICT

Melanie Carr
Scrutiny Officer
Tel: 01904 552054

Report Approved



Date: 17 April 2015

Specialist Implications Officer(s) - None

Wards Affected:

All



For further information please contact the authors of the report

Background Papers: None

Annexes: None

Abbreviations:

AVANTE - Alcohol, Violence & Night-Time Economy

CSMC – Corporate & Scrutiny Management Committee

CCG – Clinical Commissioning Group

CDRP - Crime and Disorder Reduction Partnership

CYC – City of York Council

ECDOSC – Economic& Development Overview & Scrutiny Committee

NHS – National Health Service

NYBEP – North Yorkshire Business Enterprise Partnership

SYP – Safer York Partnership

City of York Council

Extract from Committee Minutes

| | |
|---------|---|
| Meeting | Staffing Matters & Urgency Committee |
| Date | 8 June 2015 |
| Present | Councillors Steward (Chair), Aspden (Vice-Chair) and Williams |

Part B- Matters Referred to Full Council**6. Appointment of Acting Chief Executive**

Members received a report which asked them to establish an Appointments Sub Committee for Chief Officer appointments and to delegate sufficient powers to that Sub Committee in order to enable it to conduct a recruitment process to select and recommend for appointment an Acting Chief Executive and Head of Paid Service, subject to the requirements of the standing orders on appointment.

It was reported that the post would for a fixed period pending a permanent appointment. It was expected that an appointment would be made at the bottom of the existing Chief Executive pay scale and Members would have a further opportunity to review the salary and terms and conditions of the post before the permanent position was recruited to.

Members asked if an Acting Chief Executive would be entitled to take a bonus payment under their terms and conditions. It was confirmed that progression through the pay scale was 50% time served and 50% performance related. Progression could only be considered after the Acting Chief Executive had been in post for a minimum of twelve months and the Acting Chief Executive appointment was expected to be for a shorter period than that.

Recommended:

- (i) That Full Council approve the salary package which is in excess of £100,000.

Reason: To allow the appointment to an Acting Chief Executive and Head of Paid Service to be made.

Councillor C Steward, Chair

[The meeting started at 5.30 pm and finished at 5.45 pm].

Addendum:

In light of the decision made by the Appointments Sub-Committee, Council is asked to formally confirm the appointment of Steve Stewart as the new Acting Chief Executive of the City of York Council.

| | |
|---------|---|
| Meeting | Staffing Matters & Urgency Committee |
| Date | 22 June 2015 |
| Present | Councillors Steward (Chair), Aspden (Vice-Chair) and Williams |

Part B - Matters Referred To Full Council

14. Appointments to Committees and Outside Bodies

Members received a report which asked them to agree a change in the proportionality of two of the Policy and Scrutiny Committees, Economic Development & Transport and Health & Adult Social Care.

Recommended: That Council agree the change in proportionality of the Economic Development & Transport Policy & Scrutiny Committee and the Health & Adult Social Care Policy & Scrutiny Committee, as detailed in paragraph 3 of the report.

Reason: In order to make appropriate appointments to the Council's Committees for the current municipal year.

15. Appointment of Acting Director of City and Environmental Services

Members received a report which sought their approval to establish an Appointments Sub Committee for Chief Officer appointments and to delegate sufficient powers to that Sub Committee to enable it to conduct the recruitment process, select and appoint an Acting Director of City and Environmental Services, subject to the requirements of the standing orders on appointment.

Recommended: That Council approve a salary package which is in excess of £100,000 for the post of Acting Director of City and Environmental Services, should it be necessary.

Reason: To allow the appointment to an Acting Director of City and Environmental Services to be made

Cllr C Steward, Chair

[The meeting started at 5.34 pm and finished at 5.55 pm].



Council

16 July 2015

Report of the Chair of the Audit and Governance Committee

Annual Report of the Audit and Governance Committee

Summary and Background

1. This report presents to Council the recommendations of the Audit and Governance Committee in respect of their Annual Report for the year ending 25th March 2015.
2. The Chartered Institute of Public Finance and Accountancy (CIPFA) has issued guidance to local authorities to help ensure that audit committees operate effectively. The Guidance recommends that audit committees should report annually on how they have discharged their responsibilities.

Annual report of the Audit and Governance Committee

3. A copy of the draft annual report of the Committee is attached at Appendix 1. A copy of the Committee's terms of reference as set out in Section 7, Part 3C of the Constitution is also attached to the report at Appendix 2, for information

Consultation

4. Consultation was not required for the production of this annual report.

Options

5. Not relevant for the purpose of the report.

Analysis

6. Not relevant for the purpose of the report.

Council Plan

7. This report contributes to the overall effectiveness of the council's governance and assurance arrangements contributing to an 'Effective Organisation'.

Implications

8. There are no known Legal, HR and financial implications associated with the recommendation within his report.

Risk Management

9. Assurance in respect of the council's arrangements for managing risk, the maintenance of effective controls including those designed to prevent and detect fraud, and compliance with relevant legislation, may not be provided if the Audit and Governance Committee does not produce an annual report.

Recommendations

10. Having considered the information within this covering report, Council are asked to note the Annual Report of the Audit & Governance Committee for the year ending 25th March 2015.

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

Contact Details

Authors:

Emma Audrain
Technical Accountant
(01904) 551170

Chief Officer Responsible for the report:

Ian Floyd
Director of Customer and Business
Support Services

**Report
Approved**

Date 16th July 2015

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

All

For further information please contact the authors of the report

Background Papers: None

Annexes: Annex A – Annual Report of the Audit & Governance Committee



Audit and Governance Committee

24 June 2015

Report of the Chair of the Audit Committee**Annual Report of the Audit and Governance Committee****Summary**

- 1 This report seeks Members' views on the draft annual report of the Audit and Governance Committee for the year ended 25th March 2015, prior to its submission to Full Council.

Background

- 2 The Chartered Institute of Public Finance and Accountancy (CIPFA) has issued guidance to local authorities to help ensure that audit committees operate effectively. The guidance recommends that audit committees should report annually on how they have discharged their responsibilities.

Annual Report of the Audit and Governance Committee

- 3 A copy of the draft annual report of the Committee is attached at Appendix 1. A copy of the Committee's terms of reference as set out in Section 7, Part 3C of the Constitution is also attached to the report at Appendix 2, for information.

Options

- 4 This report sets out the proposed wording of the Committee's Annual Report. Members are asked to suggest alternative wording if necessary.

Analysis

- 5 Not relevant for the purpose of the report.

Corporate Priorities

- 6 This report contributes to the council's overall aims and priorities by helping to ensure probity, integrity and honesty in everything we do.

Implications

- 7 The implications are:
- **Financial** – none
 - **Human Resources (HR)** – there are no HR implications to this report.
 - **Equalities** – there are no equalities implications to this report.
 - **Legal** – there are no legal implications to this report.
 - **Crime and Disorder** – there are no crime and disorder implications to this report.
 - **Information Technology (IT)** – there are no IT implications to this report.
 - **Property** – there are no property implications to this report.

Risk Management

- 8 Assurance in respect of the council's arrangements for managing risk, the maintenance of effective controls including those designed to prevent and detect fraud, and compliance with relevant legislation, may not be provided if the Audit and Governance Committee does not effectively discharge its responsibilities.

Recommendations

- 9 Members are asked to:

Consider and comment on the Annual Report of the Audit and Governance Committee prior to its submission to Full Council.

Reason

To enable the Committee to fulfil its role in providing assurance about the adequacy of the council's internal control environment and arrangements for managing risk and for reporting on financial and other performance.

Contact Details

Author:

Emma Audrain
Technical Accountant
01904 551170

Chief Officer Responsible for the report:

Ian Floyd
Director Customer & Business Support
Services
Telephone: 01904 551100

**Report
Approved**



Date 10/06/2015

Specialist Implications Officers

Not applicable

Wards Affected: Not applicable

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Appendix 1- Draft Annual Report of the Audit and Governance
Committee

Appendix 2 - Part 3C of the Constitution

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PURPOSE OF THE REPORT

To provide Members of the council with details of the work of the Audit and Governance Committee covering the year to 25th March 2015. The report also details how the Audit and Governance Committee has fulfilled its terms of reference.

BACKGROUND

The Audit and Governance Committee is responsible for overseeing the council's corporate governance, audit and risk management arrangements. The Committee is also responsible for approving the Statement of Accounts and the Annual Governance Statement. The functions of the Audit and Governance Committee are set out in Section 7, Part 3C of the Constitution. A copy of the list of the Committee's responsibilities is attached at **Appendix 2** for information.

The Chartered Institute of Public Finance and Accountancy (CIPFA) has issued guidance to local authorities to help ensure that audit committees are operating effectively. The guidance recommends that audit committees should report annually on how they have discharged their responsibilities.

WORK UNDERTAKEN

The Audit and Governance Committee has met on seven occasions in the year to 25th March 2015. During this period, the Committee has assessed the adequacy and effectiveness of the council's risk management arrangements, control environment and associated counter fraud arrangements through regular reports from officers, internal audit and the external auditors, Mazars. The Committee has sought assurance that action has been taken, or is otherwise planned, by management to address any risk related issues that have been identified by auditors or inspectors during this period. The Committee has also sought to ensure effective relationships exist between internal and external auditors, inspection agencies and other relevant bodies.

The specific work undertaken by the Committee is set out below by subcategory.

Risk

1. The Committee considered a report which presented an update on the key corporate risks, which highlighted in more detail emerging

risk issues with a view to members considering any further information they would wish to receive on these matters.

2. The Committee also received an overview National Risk report which provided members with an update on the new and emerging wider risks that might face the council. Members had the opportunity to identify any further information they would like to receive on these matters.
3. Members also received a session of Risk Management training during the year.

Internal Audit and Counter Fraud

4. The Committee received and considered the results of internal audit work completed during the period and monitored the progress made by management to address identified control weaknesses.
5. Received, considered and approved the initial Internal Audit and Counter Fraud plan along with a number of update reports on the progress made throughout the year.
6. Received two reports which provided an update on the progress in implementing the Information governance strategy, information governance developments and progress made to develop the Councils information governance arrangements.
7. Members requested and received an additional update report on the Councils Absence Management procedures in light of concerns raised in the Annual Governance Statement. The report outlined plans in place to address these concerns.
8. Considered a report which sought member's views on the priorities for internal audit for 2015/16, to inform the preparation of the Internal Audit plan. The report also informed members about potential fraud risks facing the council and potential counter fraud activity to address those risks.
9. Received the Annual Report of the Head of Internal Audit which summarised the outcome of audit and fraud work undertaken in 2013/14 and provided an opinion on the overall adequacy and effectiveness of the council's internal control arrangements. Members scrutinised the significant control issues highlighted in the report and noted that these were reflected within the Annual Governance Statement.

External Audit

10. Received and considered Mazars Audit Strategy Memorandum which set out the audit plan in respect of the audit of the Councils Financial statements for 2014/15 along with the Value for Money audit plan. The Committee were satisfied the plan sufficiently reflected the audit needs and interests of the Council.
11. Received and considered the Annual Audit Letter which summarised the outcome of the 2013/14 audit carried out by Mazars. Members noted the findings of the audit contained in the report.
12. Considered a report that presented the results of Mazars certification of Claims and grants in 2013/14.
13. Received regular reports on the progress made by Mazars in meeting their responsibilities as the Council's external Auditor. The Committee were also kept updated on key emerging national issues and developments
14. Received and considered an Audit Completion report from Mazars which summarised their audit conclusions for the year ended March 2014.

Treasury

15. The committee continued the role of scrutinising the council's treasury management strategy and policies and considered two update reports during the year.
16. Members received and considered the annual treasury management strategy statement and prudential indicators for 2014/15, and also later considered a mid year review report updating members on the performance for the first six months of the year.

Governance and Statement of Accounts

17. Considered and approved the Annual Governance Statement, noting that action plans would be put in place to address each of the significant governance issues identified. The Committee received various update reports from officers during the year on the progress that had been made on each of the items identified as significant governance issues. These included:

- a. Adult Social Care Progress report
 - b. Absence Management Progress Report
 - c. Information Governance update reports
 - d. Partnership Governance update report
18. Considered the Annual report of the Audit & Governance Committee prior to its submission to Full Council.
 19. Initially considered a draft pre audited version of the Statement of Accounts for 2013/14 before approving the Final audited Statement of Accounts at a later meeting.

Democratic Governance

20. The Committee have received a number of reports related to Democratic Governance throughout the year including:
21. A report advising members on the Council's response to a recent internal audit report in relation to democratic governance. The report included details of the progress being made against recommendations made.
22. A report setting out limited changes to the committee's terms of reference. Members considered the report prior to recommending to full council for approval.
23. Two progress reports throughout the year summarising progress made in respect of a revision to the Council's constitution.
24. A report setting out revised Council procedure rules. Members considered the revisions and made recommendations to full Council that the revised rules be adopted.
25. A report proposing new arrangements for handling petitions made to the Council. Members made recommendations which resulted in an updated petitions scheme and amendments made to the terms of reference of the Corporate and Scrutiny Management Committee.
26. A report which sought member's views on whether any changes were required in the governance arrangements for scrutiny. Members made a number of recommendations for changes to scrutiny arrangements, which were fed back to the Corporate and Scrutiny Management Committee

27. A report setting out the ~~CURRENT~~ and early findings of a review carried out by the Local Government Association (LGA) into member-officer relations. Members requested an additional meeting to receive the written report and consider the way forward.
28. Members later received a further report setting out the draft action plan prepared in response to findings following the LGA peer review, to ensure arrangements were in place to address the recommendations from the review
29. Considered a report detailing a list of governance changes submitted by Oppositions groups and Independent Members, and the Leaders response to the proposed changes.
30. Received a report in relation to constitutional changes regarding contract procedure rules, to ensure that the Council's procurement activity is both effective and lawful. Members scrutinised the report before recommending to Council for approval.
31. Received a report in relation to constitutional changes regarding access to information rules, to ensure the council has effective and accessible rules in place and the constitution is kept up to date. Members put forward amendments before recommending to Council for approval.

Other

32. At each meeting the Committee has maintained a rolling Forward Plan for meetings a year in advance, to ensure that its responsibilities are discharged in full and appropriate reports are scheduled to be brought by officers on a timely basis.
33. Received a report presenting the draft revised financial regulations to ensure they remain appropriate in maintaining the integrity of the Councils financial arrangements. Members commented on the proposed changes before recommending to Full Council for consideration.
34. Received a partnership governance report setting out work ongoing as part of an action plan to ensure that the council has a methodology and approach in place to ensure partnerships operate effectively.
35. Members considered a report that covered the actions taken in respect of the governance of major projects, as a result of the review of the trial closure of Lendal Bridge in 2013/14.

36. Considered a further project management update report, to ensure members are fully updated on the Council's approach to the management of programmes and projects.
37. Received three update reports on progress made by Adult Social Care against the ten recommendations made by the External Auditors to assist the service to respond more effectively and quickly to the challenges posed by the continuing demographic changes and by financial constraints.
38. Members received a report providing an update on the Council's progress and performance in responding to Freedom of Information requests and scrutinised the contents.
39. Considered a report setting out the Council's approach to business continuity, and the current position of the council with regards to identifying those service areas which provide critical services and the progress made towards the development of business continuity plans for these critical service areas.
40. Received an update report on the Council's progress in implementing the requirements under the revised local government transparency code.
41. Received a report seeking approval for the appointment of two independent co-opted members to the Committee to be recommended to Full Council.

Summary

42. The Audit & Governance Committee have considered a large number of reports during 2014-15 in carrying out their responsibility for overseeing the council's corporate governance, audit and risk management arrangements and providing assurance that the Council's financial and governance procedures are effective. The Committee has also carried out its duty in scrutinising the Statement of Accounts and Annual Governance statement prior to approval, alongside overseeing the appointment of two new independent co-opted members to the Committee for the upcoming year.

Cllr Neil Barnes
Chair of the Audit & Governance Committee

Part 3 C of the Constitution (Council Committees and Other Bodies)

7.1 The functions of the Audit & Governance Committee are:

| No. | Delegated authority | Conditions |
|-----|---|--|
| | Audit | |
| 1 | To consider the annual report and opinion of the Head of Internal Audit. The report should include a summary of internal audit activity in the relevant period and the level of assurance that can be given over the control environment and corporate governance arrangements at the Council | |
| 2 | To consider periodic reports from the Head of Internal Audit detailing the summary findings and the main issues arising from internal audit work. | |
| 3 | To consider reports dealing with the management and performance of the Internal and External Audit functions. | |
| 4 | To review the effectiveness of Internal Audit and the Committee itself on an annual basis. | |
| 5 | To consider reports of the Head of Internal Audit detailing the progress made by management to address control weaknesses identified by Internal or External Audit. | |
| 6 | To consider the action plan arising from the Annual Letter of the External Auditor. | With respect to the Annual Letter being first considered and accepted by the Cabinet |
| 7 | To consider all other relevant reports received from the External Auditor as scheduled in the forward plan for the | |

| No. | Delegated authority | Conditions |
|------------------------------------|---|---------------------------------|
| | Committee or otherwise requested by Members. | |
| 8 | To comment on the scope and depth of external audit work and ensure it provides value for money. | |
| 9 | To liaise with the Audit Commission over the appointment of the Councils External Auditor. | |
| 10 | To approve the Internal Audit Strategy | |
| 11 | To approve the Annual Plans of the Internal Audit Service and the External Auditor. | |
| 12. | To commission work from the Internal Audit Service and External Audit with regard to the resources available and the existing scope and breadth of their respective work programmes and the forward plan for the Committee. | Subject to budgetary provision. |
| Governance & Regulatory | | |
| 13. | To keep under review the Councils contract procedure rules, financial regulations, working protocols and codes of conduct and behaviour (not otherwise reserved to the Joint Standards Committee). | |
| 14 | To review any relevant issue referred to it by the Chief Executive, S151 Officer, the Assistant Director (Financial Services), the Monitoring Officer, the Head of internal Audit or any other Council body. | |
| 15 | To consider the effectiveness of the Councils arrangements for corporate governance (including information governance). | |
| 16 | To monitor the effective development and operation of risk management arrangements across the Council. | |

| No. | Delegated authority | Conditions |
|-----|--|--|
| 17 | To assess the effectiveness of the Councils counter fraud arrangements including the Whistle blowing policy and other relevant counter fraud policies and plans. | |
| 18 | To consider the Councils compliance with its own and other relevant published regulations, controls, operational standards and codes of practice. | |
| 19 | To bring to Full Council all proposals for amendment to this Constitution submitted by Members in accordance with this Constitution. | Subject to the advice of the Assistant Director of Governance and ICT. |
| | Annual Governance Statement and Accounts etc | |
| 20 | To approve the Statement of Accounts and the Annual Governance Statement. | |
| 21 | To consider the External Auditors report to those charged with governance on issues arising from the audit of the accounts. | |
| 22 | To scrutinise the Treasury Management Strategy and Monitoring Reports. | |
| | General | |
| 23 | To meet informally with the External Auditor and the Head of Internal Audit on a periodic basis to discuss audit related matters. | |
| 24 | To report on the discharge of the Committees responsibilities under the Constitution to Full Council on an annual basis. | |
| 25 | To maintain and participate in a programme of training relevant to the activities and responsibilities of the Committee | |

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Council

16th July 2015

Report of the Assistant Director Customer and Employees

New Procedures for dismissal of statutory chief officers

Summary

1. This report sets out changes to the Council's Constitution arising from new arrangements for the dismissal of statutory officers contained in the Local Authorities (Standing orders) (England) (Amendment) Regulations 2015. The Council is legally obliged to incorporate in its Constitution at this meeting of full Council provisions reflecting these Regulations. The opportunity has also been taken for some updating of and stylistic change to the current provisions.

Background

2. The law until recently provided that no disciplinary action could be taken in respect of the Head of Paid Service, Chief Finance Officer or Monitoring Officer other than in accordance with a recommendation in a report made by a Designated Independent Person (DIP). These provisions were included in the Council's Constitution as required by the Local Authorities (Standing orders) (England) (Regulations) 2001. The 2015 Regulations remove the requirement for a DIP and establish an alternative process which applies to proposed dismissals only. The Council is therefore required to amend its constitution.
3. The key elements of the new process are that the dismissal of any of the Officers listed above, must be approved by way of a vote at a meeting of Full Council, who instead of only being able to take action in accordance with DIP recommendations, will be able to dismiss provided they take into account:
 - any advice, views or recommendations of a panel (the Panel),

- the conclusions of any investigation into the proposed dismissal; and
 - any representations from the protected officer concerned.
4. The Panel must include at least two independent persons appointed in accordance with the member code of conduct regime. The Council has two independent persons and would be required to invite them to act in the first place but there is provision allowing the use of an independent person appointed by another local authority.
 5. The Panel will formally be an Advisory Committee to Full Council. The independent persons will therefore have voting rights.
 6. The Regulations say very little about the disciplinary process to be followed. They do not, however, override employment law duties both statutory and contractual by which the Council is bound. In particular there must continue to be fair process for investigating disciplinary allegations and Chief Executives' terms and conditions include specific provisions for investigation by a designated independent person.
 7. The current statutory procedures for disciplinary action are contained in the Officer Employment Procedure Rules within the Council's Constitution. A revised version of these Rules appears at Annex One. The revised rules:
 - Make the amendments required by the Regulations
 - Clarify that the Chief Officer appointment procedures apply to all chief officer appointments including those on a temporary basis
 - Clarify that the appointments committee does not have to proceed to interview if it has shortlisted an insufficient number of candidates
 - Remove a provision which would allow Members to sit on an appeal by an Officer against another person being appointed to a post – there are no such appeals
 - Make various stylistic changes to make the rules easier to read but without changing their meaning

8. In addition a change is suggested to the terms of reference to the Staffing Matters and Urgency Committee. The terms of reference currently include at paragraph 1 all of Council's staffing functions other than those which must be exercised by Full Council. That provision is broad enough to cover the requirements of the new law. Paragraph 2, however, seeks to clarify the powers included within the first paragraph. Changes are proposed to this paragraph as set out in Annex two. The changes:

- Confirm that the Committee may appoint disciplinary as well as recruitment Sub Committees
- Confirm that the Sub Committees may act in respect of Assistant Directors. This reflects current practice but the existing wording suggests otherwise.
- Make reference to the Committee appointing the Panels required under the 2015 Regulations

Council Plan

9. The Council's Constitution is its key governance document and is an essential tool in delivering its priorities.

Implications

10. **Legal:** The revised rules incorporate provisions in the Constitution to the effect of those required by the Local Authorities (Standing orders) (England) (Amendment) Regulations 2015 and ensure that the Council is complying with the law.

11. **HR:** The legislative changes do not alter the Council's obligation to ensure that proper investigations take place and fair disciplinary processes are followed which comply with any conditions set out in respect officers conditions of employment.

12. There are no specific Financial, Equalities, Crime and Disorder, ICT or Property implications

Risk Management

13. There are no specific risk management issues arising from this report.

Recommendations

14. Council are asked to:

- a) Agree the amended Officer Employment Procedure Rules set out in Annex One

Reason: to ensure that the Council has complied with the law

- b) Agree the changes to the terms of reference for the Staffing Matters and Urgency Committee set out in Annex Two

Reason: to ensure that the Constitution is clear

- c) Request Audit and Governance Committee to review the documents set out at Annexes One and Two and report back to Council on any further changes which they consider to be appropriate.

Reason: to enable more detailed oversight of the constitutional changes

Contact Details

**Author and Chief
Officer responsible for
the report:**

Pauline Stuchfield
Assistant Director
Telephone: 01904

**Report
Approved**

Date 07 July 2015

Specialist Implications Officers

Not applicable

Wards Affected: Not applicable

All

For further information please contact the author of the report

Background Papers

None

Annexes

Annex One - Officer Employment Procedure Rules

Annex Two - Terms of reference for Staffing Matters and Urgency
Committee

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APPOINTMENT AND DISMISSAL OF STAFF

1. Staff other than Chief Officers

- 1.1 Only the Head of Paid Service or Officers nominated by him or her may appoint, dismiss or take disciplinary action against a member of staff. This rule is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001. It does not, however, apply to members of staff who are Chief Officers of the Council or to political assistants.
- 1.2 Any disciplinary action will be taken in accordance with the Council's Disciplinary Policy and Procedure, as adopted from time to time.
- 1.3 These rules do not prevent a person from serving as a member of any committee or sub-committee established by the authority a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

2. Political Assistants

- 2.1 A group qualifies for a political assistant post if:-
 - a) the membership of that group comprises at least one tenth of the membership of the Council;
 - b) no more than two other groups on the Council are larger; or if more than two other groups are larger or the same size as the group, the Council has decided that a post should be allocated to the group.
- 2.2 No appointment to a post of assistant to a political group on the Council may be made until such posts have been allocated to each group which qualifies; no more than three such posts shall be created; no group shall be allocated more than one such post and no such post shall be allocated to a group which does not qualify for one.
- 2.3 Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

- 2.4 A political assistant may not have delegated to them any of the powers of the Council or of the Executive.

3 Recruitment of Head of Paid Service and Chief Officers

- 3.1 This Standing Order applies to the appointment of all Chief Officer posts including temporary appointments. It does not apply, however, where it is proposed that the appointment be made exclusively from among the Council's existing officers.

- 3.2 Before an appointment is made the Council will:

- (a) draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of the persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned above to be sent to any person on request.

- 3.3 A Chief Officer Appointments Sub Committee will either interview all qualified applicants for the post or select a shortlist of such applicants and interview those included on the shortlist. The Appointments Committee must include at least one Member of the Executive.

- 3.4 Where no qualified person has applied or, the Appointments Committee determines that it has not identified a sufficient shortlist to proceed to interview, the Council will make further arrangements for an advertisement.

4 Appointment, dismissal and disciplinary action in respect of Head of Paid Service

- 4.1 Full Council will approve the appointment of the Head of Paid Service following a recommendation made by the Chief Officer Appointments Sub Committee.

- 4.2 Disciplinary action against the Head of Paid Service will be conducted in accordance with the Council's disciplinary procedures for the Chief Executive.
- 4.3 A Committee or Sub Committee (including at least one Member of the Executive) will hear disciplinary proceedings against the Head of Paid Service but Full Council must approve any decision to dismiss him or her before notice is given.
- 4.4 Before making a decision to dismiss the Head of Paid Service Council must consider a recommendation from the Disciplinary Committee and take into account:
- (a) any advice, views or recommendations of a Panel appointed in accordance with schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 and whose membership includes independent persons;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the Head of Paid Service

5 Appointment, dismissal and disciplinary action in respect of Chief and Deputy Chief Officers

- 5.1 These provisions apply in respect of statutory and non statutory Chief and Deputy Chief Officers. In York these posts are:
- a) Directors
 - b) Assistant Directors
- and are referred to in these rules as "Chief Officers"
- 5.2 A Chief Officer Appointments Sub Committee will appoint Chief Officers.
- 5.3 Disciplinary action against a Chief Officer will be conducted in accordance with the Council's disciplinary procedures for Chief Officers.
- 5.4 A Committee or Sub Committee (including at least one Member of the Executive) will hear and will have delegated powers to conclude disciplinary proceedings against a Chief Officer.

However, additional rules apply in respect of any proposed dismissal of the Section 151 Officer or the Monitoring Officer. Full Council must approve any decision to dismiss either of these Officers.

5.5 Before making a decision to approve the dismissal of the Section 151 Officer or the Monitoring Officer for disciplinary reasons Full Council must consider a recommendation from the Disciplinary Committee and take into account:

- (a) any advice, views or recommendations of a Panel appointed in accordance with schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 and whose membership includes independent persons;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant Officer

6. Consultation with Executive Members

6.1 No offer of an appointment or notice of dismissal in relation to the appointment or dismissal of the Head of Paid Service or a Chief Officer or shall be given by the appointor or dismissor (as defined in the Local Authorities (Standing Orders) (England) Regulations 2001) until:

- (a) the appointer or dismissor has notified the proper officer of the name of the person to whom the appointer wishes to make the offer and any other particulars which the appointer considers are relevant to the appointment;
- (b) the proper officer has notified every member of the Executive of –
 - i. the name of the person to whom the appointer wishes to make the offer or who the dismissor wishes to dismiss;
 - ii. any other particulars relevant to the appointment or dismissal which the appointer or dismissor has notified to the proper officer; and

- iii. the period within which any objection to the making of the offer or to the dismissal is to be made by the Leader on behalf of the Executive to the proper officer; and

either –

- (i) the Leader has, notified the appointer or dismissor that neither he nor any other member of the Executive has any objection to the making of the offer or;
- (ii) the proper officer has notified the appointer or dismissor that no objection was received by him within that period from the Leader; or
- (iii) the appointer or dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

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Amended paragraph 2 delegations to Staffing Matters and Urgency Committee

For the avoidance of doubt this shall include the following:-

- (a) To arrange for the conduct of or conduct the recruitment and selection process in respect of:-
 - (i) The Head of Paid Service. **NB this appointment is subject to Full Council approval**
 - (ii) Directors
 - (iii) Assistant Directors

- (b) In conducting its recruitment functions the Committee may establish Chief Officer appointment sub-committees of no less than three elected Members including at least one Member of the Executive.

- (c) To arrange for the conduct of or conduct disciplinary proceedings in respect of:
 - (i) The Head of Paid Service, Section 151 Officer, Monitoring Officer. **NB any decision to dismiss is subject to Full Council approval**
 - (ii) Directors
 - (iii) Assistant Directors

- (d) In conducting its disciplinary functions the Committee may establish Disciplinary Sub committees of no less than three elected Members including at least one Member of the Executive and may in respect of proposed disciplinary action against the Head of Paid Service, Section 151 Officer or Monitoring Officer establish the Panel required by schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001.

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Membership of Committees, Working Groups and Outside Bodies

Committees and Working Groups

Area Planning Sub-Committee

To appoint Councillor Cannon to replace Councillor S Barnes, as a Labour representative, on the Area Planning Sub-Committee

Equality Advisory Group

To appoint Cllr Cannon as Labour substitute for Cllr Gunnell on the Group

Corporate Parenting Board

To appoint Cllrs Gunnell and Cannon as the two additional Labour representatives on the Board

Health and Wellbeing Board

To appoint Cllrs Funnell and S Barnes as Labour substitutes for Cllr Cannon on the Board

Outside Bodies

Community Stadium Lead Members Group

To appoint Councillor Gunnell as a Labour Member to replace Councillor Levene on the Group

Heslington East Community Forum

To appoint Cllr N Barnes as a Labour substitute for Cllr Levene on the Forum

19 Wenlock Terrace (Looked After Children)

To appoint Councillor S Barnes as the Labour Member to undertake Quarterly visits

SACRE (Standing Advisory Conference on Religious Education)

To appoint Cllr Funnell as the Labour Member on the body

Derwenthorpe Partnership Forum

To appoint Cllr Funnell as the Labour Member to replace Cllr Williams on the Forum

St Michael le Belfrey with St Wilfrid Charities for the Poor

To appoint Cllr Cannon as the CYC representative on this Charity

St Wilfrid's Eleemosynary Charity

To appoint Cllr Mason as the second CYC representative on this Charity

North Yorkshire Pension Fund Committee

To appoint Cllr Mercer as substitute for Cllr Steward on the Committee

North Yorkshire Pension Fund – Local Pension Board

To appoint Cllr Waller as substitute for Cllr Cuthbertson on the Board