

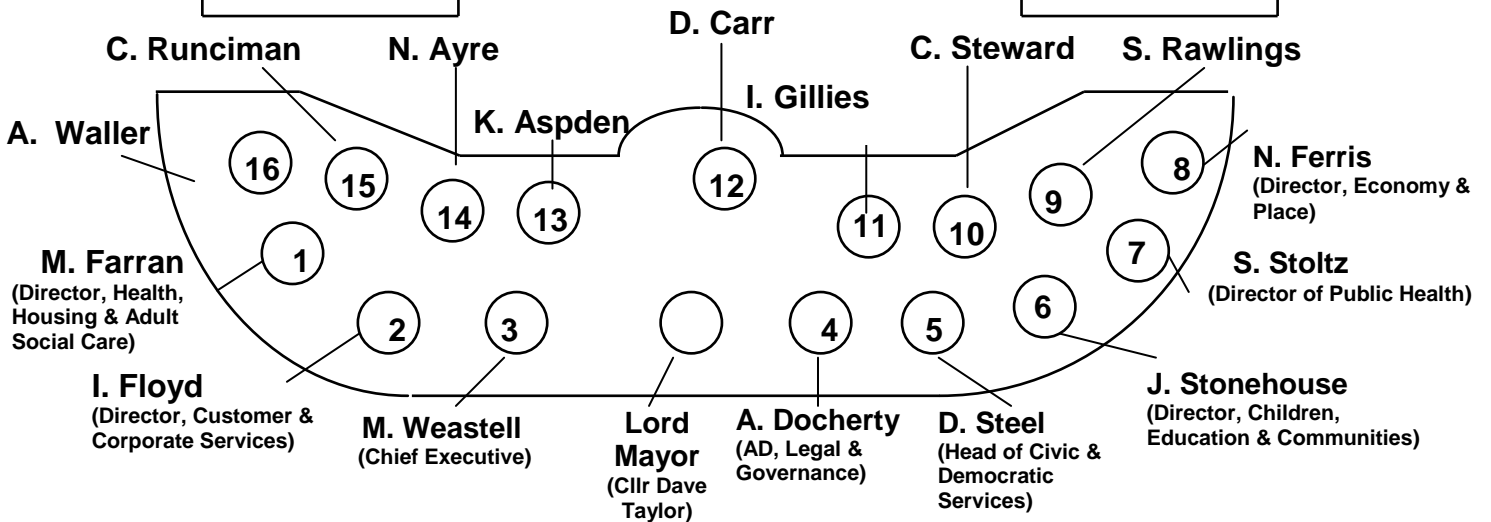
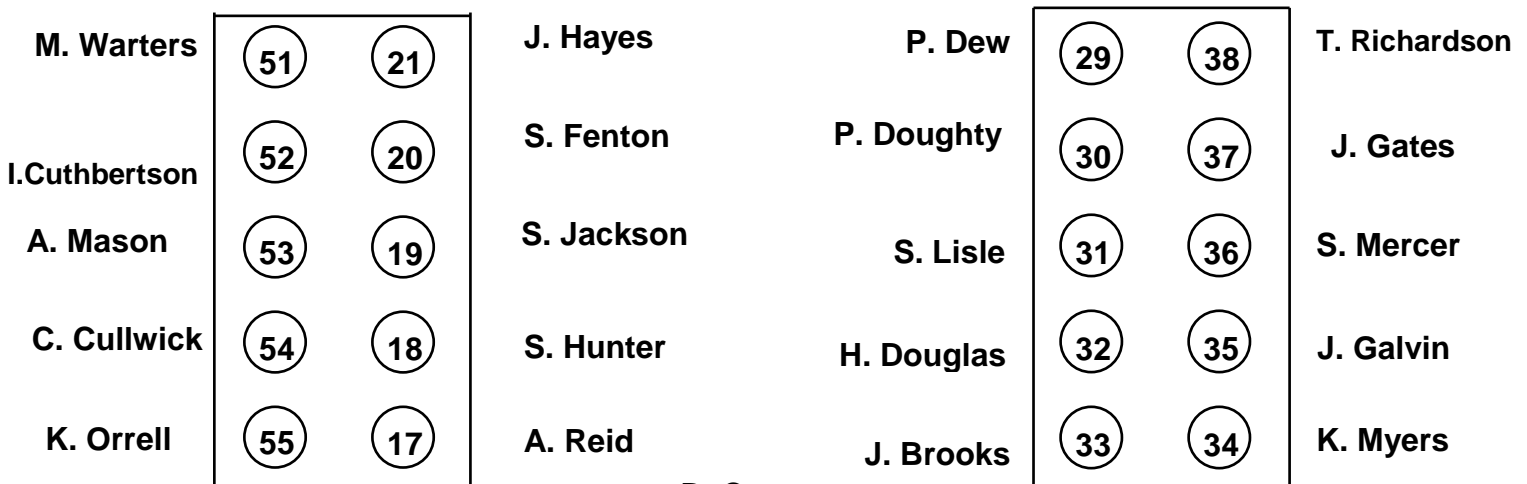
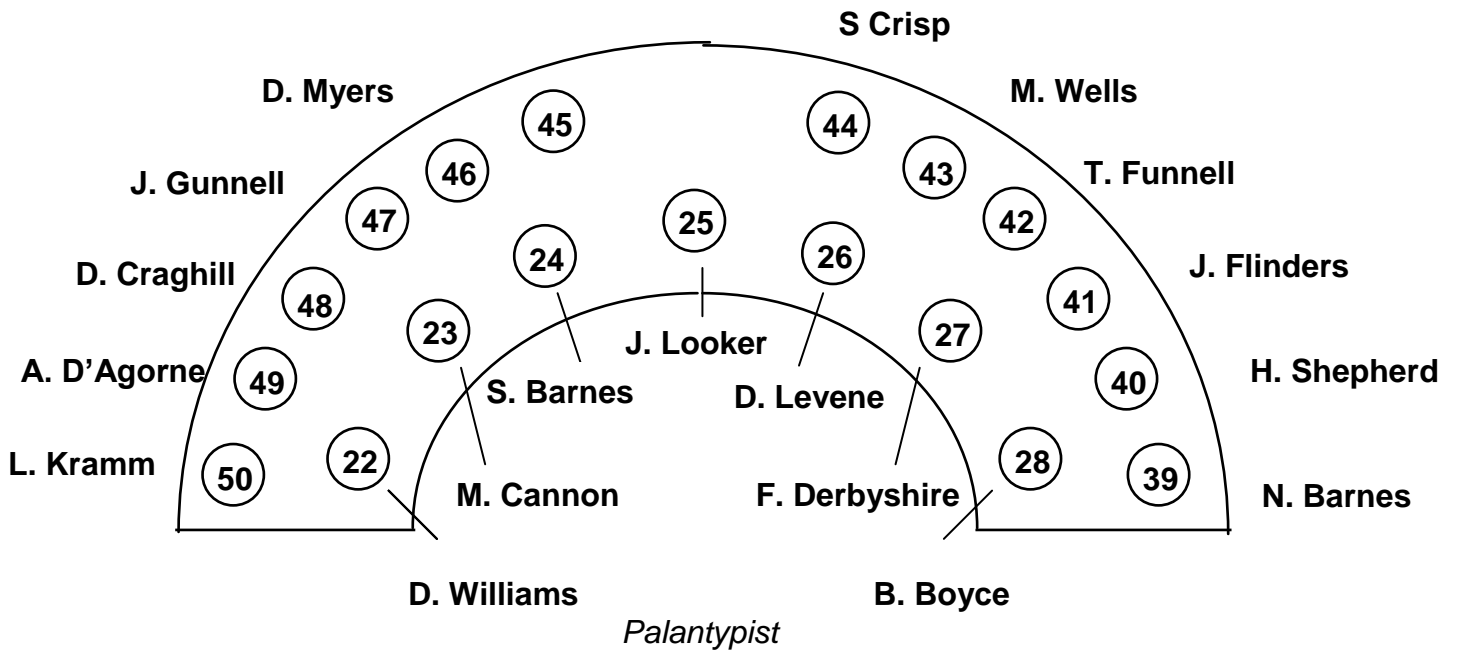
**CITY OF YORK COUNCIL  
SUMMONS**

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 Guildhall, York**, to consider the business contained in this agenda on the following date and time

**Thursday, 15 December 2016 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 - 22)**

To approve and sign the minutes of the last Council meeting held on 20 October 2016.

### **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 14 December 2016.**

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.**

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at

[http://www.york.gov.uk/download/downloads/id/11406/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

## 5. Petitions

To consider any petitions received from Members in accordance with Standing Order No.15. Notice has been received of two petitions to be presented by:

- Cllr Johnny Hayes on behalf of visitors and local residents, calling on the Council to stop English Heritage's redevelopment plans for Clifford's Tower, York for a proposed visitor centre (online petition 3,617 signatories and 161 hard copy signatories)  
<https://you.38degrees.org.uk/petitions/stop-english-heritage-making-clifford-tower-look-like-disneyland>
- Cllr Paul Doughty on behalf of residents of Strensall Road in Earswick Parish and more widely from Strensall ward, calling upon the Council for a reduction from the current 60mph national speed limit third mile section of Strensall Road between Towthorpe and Earswick and instead have a consistent 40mph zone from the edge of Strensall to the commencement of the current 30mph section at the main built up part of Earswick village.

## 6. Report of Executive Leader and Executive

### Recommendations and Questions (Pages 23 - 34)

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

Meeting	Date	Recommendations
Executive	24 November 2016	Minute 78: Funding Major Transport Projects – West Yorkshire Transport Fund

Minute 79: Capital  
Programme - Monitor 2  
2016/17

<http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=9307&Ver=4>

Executive                      7 December  
2016

Minute 93: Burnholme  
Health & Wellbeing  
Campus: Key Decisions to  
further progress this  
development

Minute 94: Lowfield Green  
development: Moving  
forward to deliver a care  
home, health facility and  
housing

<http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=9308&Ver=4>

7. **Report of Deputy Leader and Questions** (Pages 35 - 38)  
To receive and consider a written report from the Deputy Leader  
and, to question the Deputy Leader thereon.

8. **Motions on Notice**  
To consider the following Motions on Notice under Standing  
Order 23:

**Motions submitted for consideration directly by Council, in  
accordance with Standing Order 23.1**

- (i) From Cllr Gillies

**Review of Gaming Machines and Social Responsibility  
Measures**

'Whereas Council

Notes the launch of the Government's 'Review of Gaming Machines and Social Responsibility Measures' consultation;

Further notes that rates of problem and at-risk gambling, particularly on gaming machines, have been found to be higher among loyalty card holders and where there are clusters of gaming shops;

Recognises that whilst York does not have a severe problem of clusters of betting shops per se it does host a large number of betting shops, some of which, particularly in the city centre, are in close proximity to each other and all of which have gaming machines;

Council therefore requests that officers respond to the Government's consultation and to include the following points:

To ask the Government to address the evidence and widespread public concern over the use and abuse of gaming machines by reducing gaming machine stakes to £2;

To represent that local authorities should be given more powers to manage and respond to clusters of gambling premises in their areas; and

To support the introduction by the Government of a statutory cumulative impact approach to gambling licensing, in line with its approach to alcohol licensing.'

(ii) From Cllr Runciman

### **Local Pharmacies**

'Council Notes:

- Local pharmacies in York and North Yorkshire provide a range of NHS services and ensure residents can get face-to-face professional healthcare advice without an appointment.
- Our pharmacies play an important role in promoting wellbeing such as healthy eating, smoking cessation, exercise, flu vaccination and sexual health.

- 96% of people can get to a pharmacy within 20 minutes, making them a health and social care asset close to where people live, work, and shop.

This Council is therefore extremely disappointed that the Department of Health (DH) proposes budget cuts of £200 million to pharmacies over the next two years to take effect from this month. This means a cut of 12% during the financial year and could lead to the loss of up to a quarter of pharmacies, putting extra pressure on our already strained GPs and hospitals.

The cuts to pharmacies come at a time of unprecedented pressure on wider health and social care services exacerbated by the following failures of the current Government:

- Giving the NHS less than half of the £10 billion it promised before last year's General Election
- Cutting public health budgets, including in York where our public health grant has been reduced by £1.2 million over the last two years
- A failure in the Autumn Statement to recognise or address the potential £2.6 billion national funding gap and growing crisis in social care
- Earmarking a further £420 million of potential cuts to local services through the 'Humber Coast and Vale' Sustainability and Transformation Plan (STP).

Council therefore resolves to write to the Secretary of State for Health, NHS England and Vale of York Clinical Commissioning Group detailing our concerns and demanding an immediate reversal of the pharmacy proposals, as well as outlining our growing anxiety about the wider picture for local health and care services.'

(iii) From Cllr S Barnes

### **Access to NHS Services**

'Council notes:

- the financial crisis in health facing the NHS and City of York Council, whose public health funding has seen cutbacks in



recent years;

- The decision of Vale of York NHS Clinical Commissioning Group (CCG) to ration access to NHS services by imposing conditions for surgery on some who smoke or who are obese;
- The expert clinical view put forward by the Royal College of Surgeons, and comments from its President, Clare Marx, who has labelled Vale of York NHS CCG's policy as 'frankly shocking'.

Council agrees with the CCG's aim to reduce levels of obesity and smoking prevalence among York residents, and recognises that individuals themselves must play a part and take responsibility for looking after their own health.

But Council believes the recent CCG policy change regarding the provision of surgery to patients who are obese, or who smoke, sets a dangerous precedent. A change to restrict and ration health services to specific groups of people is unfair.

Furthermore, Council believes this policy threatens to exacerbate existing health inequalities.

Council resolves:

- To write to Vale of York Clinical Commissioning Group (CCG), Sir Simon Stevens, Head of NHS England, and Jeremy Hunt MP, Secretary of State for Health objecting to this decision in the strongest possible terms;
- To request that the Executive commissions the Director of Public Health to assess the impact of this policy, including the impact on health inequalities, reporting back to Health and Adult Social Care Policy and Scrutiny Committee, with options recommended to Executive for what the council can do to mitigate its impact on health inequalities.'

(iv) From Cllr D'Agorne

### **Air Quality**

'Council notes:

- That improving air quality is a key objective in the Council

- Plan and a matter of significant public concern;
- That recent data shows that between 94 and 163 people die prematurely in York each year due to the impacts of poor air quality (Local Air Quality Management Status Report 2016, City of York Council);
  - That 50-70% of nitrogen dioxide pollution in York is from vehicle traffic, largely diesel vehicles and the annual average air quality objective for NO<sub>2</sub> is still being breached at numerous locations around the inner ring road (Local Air Quality Management Status Report 2016, City of York Council)
  - A report by the Royal College of Physicians and the Royal College of Paediatrics and Child Health in Feb 2016 estimated that the adverse impact on public health caused by air pollution costs the UK economy more than £20bn per year – around 16% of the current annual NHS budget.
  - The publication in December 2016 of draft guidelines by NICE (National Institute for Clinical Excellence) calling on local authorities to take a range of actions to reduce the impact of road traffic related pollution on health including putting air quality at the centre of Local Plans, introducing Clean Air Zones and reducing emissions from public transport.

Council further notes:

- That with the measures listed in York's Third Air Quality Action Plan (AQAP3) **in place**, together with the emission reduction measures through modal shift included in the Third Local Transport Plan (LTP3), the health based national air quality objectives for NO<sub>2</sub> would be met by 2021 in all the current air quality 'technical breach' areas in York.
- However, that while York has successfully secured 'Go Ultra-Low City' status and is making progress on establishing an electric charging network, there are significant actions identified in AQAP3 where a great deal still needs to be done to achieve targets. These include making tangible progress towards establishing a freight transshipment facility to keep delivery vehicles out of the city centre/urban areas, enforcement of anti-idling zones such as Rougier St, implementation of procurement requirements for council contracts, and firm plans for the

establishment of a city centre Clean Air Zone by 2018.

- That the AQAP3 plan makes no strategic assessment of the likely growth in traffic by 2021 and beyond arising out of housing growth within the draft Local Plan.
- That the Council has a statutory public health responsibility to 'improve the health of the local population', with the overall management of air quality allocated to the Executive (section 3A, para. 2.1, no. 6 of the constitution).

Council therefore resolves to:

- Request an annual joint strategic report to Executive by the Director for Place Services and the Director of Public Health on the progress towards targets and further actions proposed for all the elements of the Third Air Quality Management Plan (AQAP3), including the proposed Clean Air Zone for public transport, the Low Emission Strategy and the elements of the Third Local Transport Plan which relate to improving air quality.
- Request a report to the Local Plan Working Group and Executive setting out how the emerging Local Plan will ensure that development does not detract from improvements in air quality in York. The completion of the city-wide transport model should include a cost/benefit analysis of the options for investment in a tram, light rail or guided bus way system to facilitate very low emission/zero carbon development, drawing on the experience of other cities in the UK and abroad.'

## **9. 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.

## **10. Report of Executive Member (Pages 39 - 52)**

To receive a written report from the Executive Member for Housing and Safer Neighbourhoods, and to question the Executive Member thereon, in accordance with Standing Order 19.

- 11. Scrutiny - Report of the Chair of the Corporate and Scrutiny Management Policy and Scrutiny Committee** (Pages 53 - 56)  
To receive a report from Councillor Williams, the Chair of the Corporate and Scrutiny Management Policy and Scrutiny Committee (CSMPSC) on the work of the Committee.

- 12. Recommendations of Gambling, Licensing and Regulatory Committee** (Pages 57 - 58)

Meeting	Date	Recommendations
Gambling, Licensing & Regulatory Committee	7 November 2016	Minute 18: City of York Council Community Governance Review  <a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=606&amp;MId=9640&amp;Ver=4">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=606&amp;MId=9640&amp;Ver=4</a>

- 13. Recommendations of the Audit and Governance Committee** (Pages 59 - 72)

Meeting	Date	Recommendations
Audit & Governance Committee	7 December 2016	Minute 39: Appointment of External Auditors  Minute 40: Local Code of Corporate Governance ( <i>includes copy of revised Local Code of Corporate Governance</i> )  <a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=437&amp;MId=9185&amp;Ver=4">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=437&amp;MId=9185&amp;Ver=4</a>

- 14. City of York Council Joint Standards Committee** (Pages 73 - 76)

Council is asked to;

- (i) establish a new Joint Standards Committee in place of the former Joint Committee set up on 8 October 2015 and to confirm the terms of reference for the new

committee as set out in the attached. This follows the nomination of Sian Wiseman, Earswick Parish Councillor, as a parish council representative on the Joint Standards Committee.

- (ii) note that there remains a vacancy for a Parish Council representative on the Joint Standards Committee following the resignation of Mark Waudby and that arrangements are in place to seek a replacement.

**15. Constitution - Scheme of Delegation (Pages 77 - 80)**

Council is asked to agree changes to the Constitution consequent upon the recent Chief Officer restructuring and of a minor change to the Executive scheme of delegation approved by the Leader.

**16. Appointments and Changes to Membership (Pages 81 - 82)**

To consider an appointment to an Internal Drainage Board as set out on the list attached to this summons.

**17. 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](mailto:jill.pickering@york.gov.uk)

**MOTIONS, RECOMMENDATIONS AND AMENDMENTS FOR  
CONSIDERATION AT THE MEETING**

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**

**City of York Council**

Resolutions and proceedings of the Meeting of the City of York Council held in the Guildhall, York on Thursday, 20th October, 2016, starting at 6.30 pm

**Present:** The Lord Mayor (Cllr Dave Taylor) in the Chair, and the following Councillors:

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

Hull Road Ward

Huntington and New Earswick  
Ward

N Barnes  
Levene  
Shepherd

Cullwick  
Orrell  
Runciman

Micklegate Ward

Osbaldwick and Derwent Ward

Hayes  
Kramm

Brooks  
Warters

Rawcliffe and Clifton Without Ward

Rural West York Ward

Dew  
Lisle  
Rawlings

Gillies  
Steward

Strensall Ward

Westfield Ward

Doughty

Hunter  
Jackson  
Waller

Wheldrake Ward

Mercer

Apologies for absence were received from Councillors Mason, Crisp,  
Gunnell and Douglas

In attendance: Honorary Alderman Brian Watson



## 29. 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 or disclosable pecuniary interests were declared:

<u>Councillor</u>	<u>Agenda Item</u>	<u>Description of Interest</u>
Flinders	6. Report of Executive Leader 7. Report of Deputy Leader in respect of references to York Central	Employee of Network Rail
Richardson	8. (i) Motions on Notice – York Police & Fire Services	As Vice Chair of the North Yorkshire Fire & Rescue Authority and withdrew from the meeting during discussion and voting on the motion
Kramm		As members of the North Yorkshire Fire & Rescue Authority and withdrew from the meeting during discussion and voting thereon
Waller		
D Myers		

## 30. Minutes

Resolved: That the minutes of the last Ordinary Council meeting held on 21 July 2016 be approved and then signed by the Chair as a correct record.

### **31. Civic Announcements**

The Lord Mayor reported receipt by the Sheriff, of a civic crest, made from the art of quilling. He confirmed that this had been presented to the Sheriff on 17 September, during the Guilds annual display and world record attempt to display quilled flowers, held at the New Earswick Folk Hall. The crest was on display at the meeting.

The Lord Mayor also reported that on Friday 21 October, he would be travelling to Nanjing, China for the World Historical and Cultural Cities Expo and Mayors Forum. As part of the Forum he would be speaking about the city and its Cultural Heritage. During the trip he would also be visiting Changsha for the Third Summit of the World Agri-tourism Cities Union and Shanghai, and Suzhou to meet their Mayor.

### **32. Public Participation**

Gwen Swinburn spoke on a matter directly relevant to the business of the Council, the Council's Annual Financial Report and Statement of Accounts recently considered by the Council's Audit and Governance Committee. She referred to her procurement objections, as relevant documentation had been unavailable and the Council's external auditors had been unable to sign off the Accounts. She questioned whether best value had been obtained for contracts and requested a tightening of management procedures.

Saf Din, a local taxi driver spoke to raise his concerns regarding public safety issues in respect of out of town licensed vehicles and the restructure of the Council's Licensing Department, which due to their heavy workload, meant that they were unable to respond to complaints/allegations in a timely manner. He requested the Council's enforcement team to work with the trade to investigate and enforce regulations. He also highlighted the problems of illegal touting, overcharging, language barriers and the lack of adequate checks on out of town vehicles.

Alan Rowley, also speaking as a taxi driver, confirmed his presence in the city centre on 15 September when Uber had commenced business in York. He highlighted the lack of enforcement for breaches in taxi regulations and public safety issues and he requested the Gambling, Licensing and Regulatory Committee to amend the Council's licensing conditions to ensure

that vehicles that did not meet their conditions were unable to trade in the city.

Antony Green spoke as a self employed local hackney carriage driver, to also raise his concerns regarding the launch of Uber private hire in the city. He also referred to the lack of enforcement in relation to the firms vehicles and questioned the decision to amend the rules which he felt had a direct impact on around 1000 locally registered drivers and the public.

Hon. Alderman Brian Watson spoke regarding recent events affecting the local football and rugby teams and the lack of a guarantee that York City Knights would have a ground on which to play future games. He highlighted the forthcoming judicial review in relation to the new Community Stadium and questioned whether this would affect the future of rugby in the city.

### **33. Petitions**

Under Standing Order 15, a petition was presented by the following Member for reference to the Corporate and Scrutiny Management Policy and Scrutiny Committee, in accordance with the Council's petition arrangements:

Cllr Stuart Barnes, on behalf of 400 local residents in the Acomb Ward, which called on the Council to open up part of the Old Manor School playing fields for use by the community, to be used to develop leisure facilities.<sup>1</sup>

#### Action Required

1. Add to petitions schedule for reporting to CSMC and relevant Executive Member.

TC

### **34. Report of Executive Leader and Executive Recommendations and Questions**

#### **A. Executive Leader's Report**

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

Members were then invited to question Cllr Carr on his report and questions were received from the floor from the following Members in relation to the subjects listed:

- Cllr Williams – confirmation that clearer signage was required in the city centre
- Cllr Williams – questioned the Deputy Leaders support for improved city signage
- Cllr Kramm – effect on York’s economy and students of Council’s licensing policy as referred to by earlier speakers during public participation
- Cllr Warters – Leaders reference to ‘economies strong growth’ and Deputy Leaders reference to ‘the national economic picture looking increasingly turbulent’
- Cllr Levene – reductions in Council’s housing stock and mitigating measures (no reference in Leader’s current report)
- Cllr Hayes – support for independent shops, cleanliness of the city and ‘A’ Boards
- Cllr Looker – work to promote and advertise individual city shops
- Cllr Kramm – balance between independent businesses and out of town shopping centres
- Cllr Hayes – production of a new independent shopping guide to York which promoted independent shopping in the city

Cllr Carr responded directly to all the questions put to him.

## **B Executive Recommendations**

### **Capital Programme – Monitor 1 2016/17**

Cllr Carr moved, and Cllr Aspden seconded the following recommendation contained in Minute 40 of the Executive meeting held on 25 August 2016:

Recommended: That Full Council agree the adjustments resulting in an increase in the 2016/17 capital programme of £2.111m as detailed in the report and contained in Annex A. <sup>1</sup>

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 Council's 2016/17 capital programme be approved.

**Proposals for the disposal of the freehold of Stonebow House and further options for changes to the Commercial Portfolio**

Cllr Carr moved, and Cllr Aspden seconded the following recommendation contained in Minute 63 of the Executive meeting held on 13 October 2016, copy circulated at the meeting:

Recommended: That Council create a capital budget of £1.145m to secure these new assets and for this to be funded from the capital receipts from Stonebow House and Redeness Street (£1.006m) with the remaining £138,500 being funded from borrowing, with the associated interest and repayment of the debt being met from the additional revenue income generated by the new acquisitions. <sup>2</sup>.

Reason: To reinvest capital from the commercial portfolio in order to increase the revenue income from that portfolio, and to unlock the development potential of the sites in the future.

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

Resolved: That the above recommendation in respect of the budget to purchase the new assets in the Council's commercial portfolio, be approved.

**Action Required**

- |  |        |
|--|--------|
| 1. Adjust the capital programme.   | EA, DM |
| 2. Create a capital budget for the purchase, funded from the capital receipts. | DM     |

**35. Report of Deputy Leader and Questions**

A written report was received from the Deputy Leader, Councillor Aspden, on his portfolio area.

Members were then invited to question Councillor Aspden on his report and questions were received from the floor from the following Members in relation to the subjects listed:

- Cllr Levene – impact on tourism and manufacturing jobs if Brexit happened
- Cllr Levene – the Council’s formal response to Brexit consultation
- Cllr N Barnes – the Council’s formal Brexit negotiations with other Local Authorities.
- Cllr Warters – growth of the national economy and encouragement of tourism with a lower pound
- Cllr Fenton – update on the number of representations received to the Council’s Local Plan consultation and next steps
- Cllr Kramm – the reduction in the number of houses in the new draft Local Plan and the shift between the York Outer and York Central wards
- Cllr Flinders – publicity in relation to the recent Flood Inquiry
- Cllr Flinders – responses to the Flood Inquiry and residents awareness of meetings

Councillor Aspden responded directly to all the questions put to him but agreed to respond in more detail in writing to Councillor Kramm’s question. <sup>1</sup>.

Action Required

1. Circulate response to Cllr Kramm copying in all members.

JP

**36. Motions on Notice**

**Motions submitted for consideration directly by Council, in accordance with Standing Order 23.1**

Councillor Carr and Council agreed to accept both Cllr Kramm’s and Aspden’s amendments to his motion related to York Police and Fire Services.

- (i) York Police and Fire Services  
(proposed by Councillor Carr, seconded by Councillor Aspden)

“Council is aware that proposals are being put forward to merge certain aspects of police and fire services in North Yorkshire and York, including control rooms and other services, under the

oversight of the North Yorkshire Police and Crime Commissioner (PCC);

Council also understands that alternative suggestions to increase efficiencies are being put forward by the North Yorkshire Fire and Rescue Service;

Council supports more efficient and cost effective fire and police services and would welcome the clarification of claims put forward by proponents of both proposals; therefore

Council resolves to seek clarification from the PCC and the fire authority regarding their respective proposals and wishes to emphasise that it expects the final decision to be based on firm economic and management principles displaying clear financial and operational benefits, and a fair and balanced public consultation about all the options in York and North Yorkshire, as well as

- maintaining and enhancing the quality of both services
- demonstrating how the needs of York and the safety of our residents will be protected
- maintaining local-decision making and accountability to have support amongst key stakeholders and local communities”

On being put to the vote the motion was CARRIED.

Resolved: That the motion, as amended, be approved.<sup>1</sup>

- (ii) Grammar Schools  
(proposed by Councillor Reid, seconded by Councillor Runciman)

‘Council notes

The government’s green paper *Schools that Work for Everyone* includes plans to relax the ban against opening grammar schools, allow non-selective schools to introduce selection, and allow existing grammar schools to expand.

Research into grammar schools shows:

- Grammars have no positive impact on social mobility and the gap between the proportion of children on free school meals attaining 5 A\*-C GCSEs (inc English and Maths) and all other children is wider in selective areas of the country

(34.1%) than in non-selective areas (27.8%) (Education Policy Institute, 2016)

- Less than 3% of pupils at existing grammar schools are eligible for free school meals, which compares with about 17% of pupils in grammar school areas as a whole (Sutton Trust, 2016)
- Those in selective areas who don't pass the 11-plus do worse than they would have done in a comprehensive system (Institute for Fiscal Studies, 2016).

The government's proposals are opposed by, amongst others, the Chair of the Education Select Committee and the Chief of Ofsted. The Association of Teachers and Lecturers (ATL) called the green paper "a massive distraction from the real issues facing our education system", the National Union of Teachers (NUT) said the plans would "take education back to the 1950s", and the National Association of Head Teachers said "grammar schools don't close the education gap, they widen it".

#### Council believes

The education system needs to provide excellent schools for all our young people, not just those who pass an exam at 11. This has been the principle behind education in York since the abolition of grammar schools in 1985, and its success is shown by the consistently strong exam results achieved over the last 30 years;

The government should focus on improving attainment for all, giving existing schools in York a fair funding deal, and supporting initiatives such as the pupil premium - rather than spending £50million on grammar schools and undertaking another disruptive reorganisation.

The grammar school green paper is one of a number of harmful education policies recently proposed by the government, including the forced academisation of schools and the attack on parent governors.

#### Council resolves

- To respond to the consultation *Schools that Work for Everyone* opposing proposals to open new grammar schools or allow existing non-selective schools to introduce selection;
- To write to York's MPs calling on them to oppose in Parliament any proposals for new grammar schools;



- To call on the government to introduce a fair funding system for schools in York and end the system whereby the city gets just £4,000 per pupil while some areas get double that figure;
- To continue to work in partnership with schools in York to provide an outstanding education for all pupils where everyone has the opportunity to achieve their full potential.'

An amendment was proposed by Cllr Rawlings (seconded by Cllr Brooks) as follows:

First paragraph, first line, **delete** '*relax the ban against*' and replace with '*change the legislation to permit the*'.

First paragraph, second line, **add** '*of*' after 'opening'.

**Delete** everything beginning with and including '*Research into grammar schools shows*', including the three bullet points and including the following paragraph, which ends with '*...don't close the education gap, they widen it.*'

Third paragraph, second line, **delete** '*at 11*'. Fourth line, **delete** '*over the last 30 years*'.

Fourth paragraph, first line, **delete** '*The government*' and **replace** with '*We*'. Second line, **insert** full stop after 'premium' and **delete** the remainder of the sentence.

Fifth paragraph, **delete** the entire paragraph (begins '*The grammar school*' and ends with '*parent governors*').

Following 'Council Resolves':

First bullet point, first line, after 'To' **add** '*be mindful when*'; add '*ing*' to 'respond'; after '*Schools that Work for Everyone*' **add** '*in emphasising Full Council's view of the quality of York's schools and questioning the need*'.

Second line, **delete** '*opposing proposals*'.

Fourth line, **add** to the end '*in York*'.

Second bullet point, **delete** '*oppose in Parliament any proposals for new grammar schools*' and **replace** with '*support the council's position*'.

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

A vote was then taken on Cllr Reid's original motion, which was CARRIED and it was

Resolved: That the original motion, be approved. <sup>2</sup>.

(iii) Grammar Schools  
(proposed by Councillor S Barnes)

*“Council notes recent announcements from the Prime Minister and the Secretary of State for Education regarding their policy proposals for new selective grammar schools in England.*

*Council further notes that since policy introduced by the Labour Government in 1998 to prohibit their opening, no new grammar schools have been created in England.*

*Council is convinced of the balance of evidence that grammar schools do not improve social mobility and refutes the Government's claims that they will.*

*Council believes that the Conservative Government's priority should be to improve all schools and seek to raise attainment amongst all York pupils – rather than being distracted by a policy aimed at benefiting the few.*

*We call upon all parties in the city to stand up for York and all of its residents rather than kowtowing to Westminster.*

*Council notes that the Department for Education is currently consulting on the Government's proposals and is seeking the views of stakeholders, including those of Local Authorities.*

*Council resolves to:*

- Request the Chief Executive, in partnership with the Council's Director of Children's Services, Education and Skills, to respond to the Government's consultation on behalf of CYC and express this Council's 'firm opposition to government proposals for any legislative changes that could ultimately enable the establishment of new Grammar Schools in York'.*
- Request the Chief Executive, in partnership with the Council's Director of Children's Services, Education and Skills, to write to*

*both of York's MPs and express this Council's opposition to legislating for new grammar schools, seeking also confirmation of each MP's commitment to publicly and actively use their parliamentary position in support of this Council's opposition to any such draft legislation."*

The Lord Mayor advised Council, that in accordance with Standing Orders, he would not allow this motion to be put to the meeting as it was substantially repetitious of the previous motion on Grammar Schools.

- (iv) Fair Funding for York  
(proposed by Councillor N Barnes, seconded by Councillor Flinders)

'Council notes:

- the Chancellor of the Exchequer's announcement that the Government intends to cancel its pledge to reduce its budget deficit by 2020, as well as his pledge to maintain austerity measures, including ongoing cuts to local government;
- York's own budget cuts since 2010-11 – due to the reduction in revenue support grants – of almost £80million or 40% of its expected budget had cuts not taken place, likely to rise to almost £100 million by 2020.

Disproportionate cuts to councils' grants from Government since 2010 - compared to other areas of national expenditure and income generation potential - have resulted, within York, in:

- Major adult social care cutbacks which seek to make council services a point of last resort;
- Well over £1m in cutbacks to early intervention and prevention services supporting vulnerable children and young people;
- Cutbacks to public health budgets of almost £0.75m in the last two years, resulting in significant reductions in drug and alcohol misuse treatments;
- Significant cutbacks of well over £1m to frontline services, including to bus services and street cleaning;
- A reliance on volunteers to maintain our parks and keep our libraries operating.

Council notes that whilst these disproportionate cuts have been made to local government, resulting in extreme worry and

uncertainty for many York residents, successive Governments have not been close to eliminating the deficit, while national debt has risen from £1tn to over £1.5tn.

Council resolves:

- To express its regret that excessive austerity measures imposed by the Government have impacted York residents more quickly and more harshly than was necessary;
- As part of the national fair funding review of local government, to request the Director of Customer, Business & Support Services to respond to all Government consultations, citing historic inequities in York's funding and making the case for a fairer funding deal for York;
- To request full consultation responses are reported back to Executive so that the public can see how the council is making the case for a fairer funding deal for York.'

An amendment was proposed by Cllr Cullwick (seconded by Cllr Waller) as follows:

At the end of the first bullet point after the words "ongoing cuts to local government" the **addition** of the following sentence:

*'Following the financial crisis of 2007-09, local government has seen widespread cuts beginning with the 2009 budget which announced a reduction to the budget of the Department of Local Government and Communities of £987million.'*

Under the second paragraph **delete** the following bullet points:

- *Major adult social care cutbacks which seek to make council services a point of last resort;*
- *Well over £1m in cutbacks to early intervention and prevention services supporting vulnerable children and young people;*
- *Cutbacks to public health budgets of almost £0.75m in the last two years, resulting in significant reductions in drug and alcohol misuse treatments;*
- *Significant cutbacks of well over £1m to frontline services, including to bus services and street cleaning;*
- *A reliance on volunteers to maintain our parks and keep our libraries operating.*

and following the sentence beginning ‘Disproportionate cuts, **add** the following:

*‘in difficult local budget decisions in areas such as adult social care, early intervention and prevention services, and frontline services. These issues are continuing including cutbacks to public health budgets of almost £0.75m in the last two years, resulting in significant reductions in drug and alcohol misuse treatments, and wider issues such as the continued delay in giving schools in York a fair funding deal and the underfunding of the NHS and Police.’*

**Insert** additional bullet point after Council resolves:

*‘To do all it can to protect the vital frontline services that matter to residents in the face of national cuts;’*

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

A vote was then taken on Cllr N Barnes original motion, which was CARRIED and it was

Resolved: That the original motion, be approved. <sup>3.</sup>

Action Required

- |   |    |
|---|----|
| 1. Seek clarification from the PCC and fire authority on the lines stated in the motion.  | SB |
| 2. Respond to the government consultation on grammar schools and write to MP's and government on the lines set out in the motion. | JS |
| 3. Respond to all government consultations on the lines stated and ensure consultation responses are reported back to Executive.  | IF |

**37. Questions to the Leader or Executive Members**

In accordance with Standing Order 20. Members were then invited to question Cllr Carr and/or the Executive Members in respect of any matters within their portfolio responsibility. Questions were received from the floor from the following Members in relation to the subjects listed:

(i) To Cllr Waller, Executive Member for Environment:

- Cllr Williams – York Civic Trust and litter in the city

- Cllr Williams – Cllr Waller’s comments in relation to the Civic Trust’s Annual report and litter
  - Cllr D’Agorne – Civic Trust discussions and recycling facilities in the city
  - Cllr N Barnes –cuts to front line street cleaning services and Ward Committee funding
  - Cllr Ayre – improvements in street cleaning in the Heworth Ward following devolved ward budgets
  - Cllr N Barnes –wards with low community participation and engagement leading to a two tier system
  - Cllr D Myers – waste budget overspending and future controls
  - Cllr Levene – structure of waste budget and devolved Ward budgets
  - Cllr D Myers – Pride in York fund and cuts to ground maintenance budget (Cllr Ayre’s portfolio)
- (ii) To Cllr Ayre, Executive Member for Leisure, Culture and Tourism:
- Cllr Warters – invitation to Southbank Club question and answer session for city supporters of Rugby League
  - Cllr Warters – residents concerns in relation to Rugby League in the city
- (iii) To Cllr Aspden, Deputy Leader, Economic Development and Community Engagement:
- Cllr Hunter – update on the Acomb Market Charter
- (iv) To Cllr Carr, Leader, Housing and Safer Neighbourhoods:
- Cllr Derbyshire – net income to mortgage payments and cost of living in York
  - Cllr Derbyshire – affordability of housing in the city

Members responded directly to the questions put to them.

### **38. Report of Executive Member**

Council received a written report from Cllr Rawlings, Executive Member for Education, Children and Young People as set out in the agenda papers at pages 33 to 42.

Cllr Rawlings moved, and Cllr Steward seconded receipt of the report.

Resolved: That the report of the Executive Member for Education, Children and Young People be received and noted.

Members were then invited to question Cllr Rawlings on his report and questions were received from the floor from the following Members in relation to the subjects listed:

- Cllr S Barnes – discussion on the ‘grammar schools’ motion and with Members of Parliament
- Cllr Lisle – Looked After Children figures continuing to fall
- Cllr Kramm – three main priorities of the Executive Member over the next year
- Cllr Doughty – the work of the Local Area Teams
- Cllr Orrell – strategies for dealing with any ‘widening gaps’ in education standards

Cllr Rawlings responded directly to the question put to him.

**39. Scrutiny - Report of the Chair of the Corporate and Scrutiny Management Policy and Scrutiny Committee**

Council received the report of the Chair of the Corporate and Scrutiny Management Policy and Scrutiny Committee, at pages 43 to 46 of the agenda papers, on the work of the Committee since the last report to Council in July 2016.

Resolved: That the scrutiny report be received and noted.

**40. Recommendations of the Corporate and Scrutiny Management Policy and Scrutiny Committee**

Council considered the following recommendation of the Corporate and Scrutiny Management Policy and Scrutiny Committee from its meeting held on 9 May 2016.

**58. Transatlantic Trade and Investment Partnership (TTIP)**

Recommended: That Council be asked to reconsider part (i) of the motion detailed below in italics.

Reason: To ensure that the motion referred to the committee by Full Council has been given due consideration.

*‘Council notes that:*

- *The European Union (EU) and the USA launched negotiations in July 2013 on a Transatlantic Trade and Investment Partnership (TTIP);*
- *Negotiations continue, seeking to protect international investors, harmonise standards, reduce tariffs and open new markets throughout the EU and USA;*
- *Services within TTIP includes not just private but also public services;*
- *There has been no assessment of the potential impact on local authorities and their services;*
- *There has been no scrutiny or consultation with City of York Council or other local government representatives such as the Local Government Association (LGA) and our local MPs for York Central or York Outer are also unable to scrutinise the negotiating documents;*
- *Our twin municipality of Munster in Germany passed a resolution in 2014 to reject TTIP;*
- *Our twin municipality of Dijon in France passed a resolution in 2014 to ask for the full involvement of local authorities in free trade negotiations and public disclosure of all texts on the TTIP negotiations.*

*Council believes that:*

- *TTIP could have a significant impact on local services, employment, suppliers and decision-making;*
- *A thorough impact assessment of TTIP on local authorities must be carried out before the negotiations can be concluded;*
- *The proposed Investor State Dispute Settlement (ISDS) mechanism has been used by corporations to overturn democratic decisions by all levels of governments at significant public cost. Local decision-making must be protected from ISDS;*
- *The EU’s food, environmental and labour standards are better than those in the US and TTIP negotiations must raise and not lower these standards across the EU and USA;*
- *Sourcing supplies and employment locally is important to strengthening local economies and meeting local needs. TTIP must not impact on local authorities’ ability to act in the best interests of their communities.*



*Council resolves to:*

*Write to the Secretary of State for the Environment and Local Government, the Secretary of State for Business, Innovation and Skills, the MPs for York Central and York Outer and all Yorkshire and the Humber MEPs, as well as the Local Government Association, raising the serious concerns of the City of York Council about the potential impact of TTIP on our local authority and the secrecy of the negotiating process”*

*Reason: To ensure that the motion referred to the committee by Full Council has been given due consideration.*

Councillor Craghill then moved and Councillor Kramm seconded the suspension of Standing Order 24.1 in order to amend the above TTIP recommendation in light of changes arising from Brexit.

On being put to the vote the suspension of Standing Orders was declared CARRIED.

An amendment was then proposed by Councillor D’Agorne as follows:

‘At the end of the section ‘Council notes that’ **add** the following additional point:

- *Since the Brexit vote, whilst the future of the TTIP negotiations between the EU and the USA is increasingly unclear, it is possible that if the EU concludes a TTIP deal with the US in the longer term, the UK could be subject to TTIP principles via whatever trade deal the UK concludes with the EU. More immediately, a very similar trade agreement between the EU and Canada (CETA) looks set to be agreed as quickly as possible. It could be enacted into UK law irrespective of any Brexit timetable. At the same time, moves to negotiate a bilateral US-UK trade agreement post-Brexit have been referred to as ‘TTIP on steroids’.*

**Amend** the section ‘Council believes that’ as follows:

In the first, second and fifth bullet point **replace** ‘TTIP’ with ‘CETA and similar trade agreements based on the TTIP model’

Third bullet – **delete** ‘proposed’

Fourth bullet – **replace** ‘EU’s’ with ‘UK’s’; **replace** ‘TTIP’ with ‘trade’ and **delete** after ‘standards’ to the end of bullet point.

Under Council resolves amend as follows:

**Amend** the first part of the para. to update titles of Government departments/ministers, as follows ‘**Writing to the Secretary of State for Communities and Local Government, the Secretary of State for International Trade, the Secretary of State for Business, Energy and Industrial Strategy and the Secretary of State for Environment, Food and Rural Affairs**’

**Replace** ‘TTIP’ with ‘CETA and any similar trade agreements based on the TTIP model’

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:

On being put to the vote the amendment was CARRIED and

Councillor Williams then moved the motion, as amended and on being put to the vote the amended motion was also declared CARRIED and it was

Resolved: That the motion, as amended, be approved. <sup>1.</sup>

Action Required

1. Write to the Secretaries of State listed, MP's, MEP's and LG Association on the lines stated in the motion.

SB, NF

**41. Recommendations of the Health and Wellbeing Board**

Cllr Runciman, as Chair of the Health and Wellbeing Board moved the following recommendation from the Board’s meeting held on 20 July 2016.

**15. Appointment to York’s Health and Wellbeing Board**

Recommended: That Keith Ramsay, lay Chair of NHS Vale of York Clinical Commissioning Group be appointed as Vice Chair of the Health and Wellbeing Board.

<sup>1.</sup>

Reason: In order to make the appointment of a Vice-Chair to the Board.

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

Resolved: That the above recommendation from the Health and Wellbeing Board meeting held on 21 July 2016 be approved.

Action Required

1. Amend the Board's membership accordingly. JB, TW

**42. Appointments and Changes to Membership**

Resolved: That the change in membership on Veritau, with the appointment of Cllr Carr to replace Cllr Steward as the City of York Council's Director, be approved. <sup>1</sup>.

Action Required

1. Inform body of changes. JP

Cllr Dave Taylor

LORD MAYOR OF YORK

*[The meeting started at 6.30 pm and concluded at 9.55 pm]*

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**LEADER'S REPORT TO COUNCIL: 15<sup>th</sup> DECEMBER 2016****West Yorkshire Transport Fund**

One of the most significant decisions taken by the Executive since the last meeting of Full Council has been to agree to join the West Yorkshire Transport Fund (WYTF) which will allow us to access £72M of funding to be used for major upgrades on the A1237 ring road, on the Guildhall project, and to progress work on providing access into the York Central scheme.

**Devolution and the WYTF**

Let me be clear about our decision to become a member of the West Yorkshire Transport Fund. It is perfectly possible for York to be a member of the WYTF without becoming a full member of the West Yorkshire Combined Authority. Our position on devolution has always been to remain flexible regarding all options put forward for Yorkshire but to constantly keep at the forefront the results of the 2015 public consultation that any devolution decision has to maximise outcomes for York, that the interests of York should be central to any decision, and that the heritage, identity and culture of this ancient city are as important as financial factors. Whilst it is true that devolution seems to have taken more of a back seat since the Brexit vote and the change in national leadership, the concept of devolved government remains very much on the table and we continue to engage constructively with prospective partner authorities in finding a devolution deal that will work best for York.

**Spark**

The approval at our last Executive Meeting to take this proposal forward is an opportunity to give an innovative community interest company the chance to create an interim start-up music, food and arts venue on the old Reynard's Garage site on Piccadilly prior to the site's permanent redevelopment. It is an unconventional project and some have been sceptical about descriptions of empty shipping containers stacked near the city centre. However, it has the potential to bring new urban life into a part of the city centre which has hitherto been difficult to engage with

commercially. The proposal is temporary but it will of course require planning permission which is where its use, form and appearance can be examined in detail. Nevertheless, I am pleased at the cross-party support the proposal has attracted and it is understood to be the first scheme of its kind outside the capital to create this type of 'urban buzz' and it will put to good use a site which would otherwise lie vacant for a period pending redevelopment.

### **Closure by MoD of Army Facilities in York**

It was with shock and regret that we learned just a month ago that the Ministry of Defence's estate rationalisation programme had earmarked the closure of the Army's facilities at Strensall and Towthorpe Lines by 2021, and Imphal Barracks by 2031. Regrettably, jobs will be lost and there is also the danger that many of York's historic links with the military will be severed although with the closure of Imphal so far into the future, it is hoped that a plan can be developed over the coming years which might allow those connections to be preserved. To those opposition groups who claim that the possibility of including these MoD sites in the emerging draft Local Plan will cause unwarranted delay and risk breaching the Government's deadlines for submission of the draft Plan, we would say that this is not the case. Our officers have held very productive discussions with the Department of Communities and Local Government, who appreciate that the investigation of these sites for potential inclusion in the draft Plan is required and the resultant delay is not of the Council's making.

### **Taxi Regulation and Uber**

Concern has been raised by York's taxi trade regarding the licensing and conduct of private hire drivers following changes in legislation and the introduction of Uber to the city. Evidence that out-of-town drivers have been operating in York has formerly been reported but under the Deregulation Act this activity is now permitted. Over a year ago, the Conservative Group made representations to one of our Members of Parliament that this would cause problems and that indeed has turned out to be the case, but these drivers, providing they have been pre-booked, are not breaking the law.

What will not be tolerated are any breaches of the licensing conditions regarding picking up, ranking, approaching customers etc. Enforcement procedures have been increased, and since the end of October the Council's Licensing Officers have been out on York's streets on ten evenings, in addition to joint operations carried out with Leeds City Council Licensing Officers, and North Yorkshire Police. Both local and out-of-town drivers have been targeted, being checked for safety and smoking violations, as well as for unlicensed vehicles, lack of badges and illegal picking up. Licensing Officers have also been handing out business cards asking drivers to contact the Council with any complaints rather than take matters into their own hands.

As a result, Licensing Officers have four investigations currently underway, including for illegal picking-up, notably involving both York and out-of-town drivers. Up to now, officers have not been successful in flagging down any drivers as part of attempted test purchases. Inspections will be maintained, and the Council will continue to work with neighbouring authorities and the police in monitoring the situation.

### **Leader's Council Engagements**

One of the many roles of Council Leader is to engage with the social, community, and commercial activities of the city and at this festive time of year, I make no excuse for recording some of the engagements I have attended, often with other Council members and the Lord Mayor, since I became Council Leader in May. We are very lucky in York to have so many opportunities to celebrate our city's heritage and traditions, to give back to our communities, and to recognise excellence and endeavour in so many areas of the city's life.

The events in which I have participated include: the Thanksgiving Service for HM The Queen's 90<sup>th</sup> Birthday in June; the 'Flood Hero' Awards at the Guildhall in July; the University of York Graduation Lunch in July; the signing of the Memorandum of Understanding for York Central with the Minister and Project Partners in July; the Service to Commemorate the Battle of the Somme in July; the Community Pride Awards in October; the Remembrance Day Service in the Minster and later at Imphal Barracks as Guest of the Army; the York St John University Graduation Ceremony in November; the Press Business

Awards in November; the Public Launch of the 'NoNeedtoBeg' campaign in November; hosting a business reception by the Consortium of East Coast Main Line Authorities (ECMA) at the House of Commons in November, and attending the City of York Council VIP Awards in December.

On behalf of the Council I wish to record my sincere thanks to all those who organised and participated in these events. I also want to place on record that the Chief Executive, the Deputy Leader and I took part in a number of Staff Road shows and 'drop-ins' both in West Offices and at the Eco Depot which were very well received. In that spirit of engagement may I take this opportunity to wish all members and officers a Peaceful Christmas and a Happy and Successful New Year.

Councillor David Carr

Council Leader



City of York Council

*Extract from Draft Committee Minutes*


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Meeting	Executive
Date	24 November 2016
Present	Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Rawlings, Runciman, Steward and Waller
Other Members participating in the meeting	Councillors D'Agorne and Looker
In attendance	Councillors Craghill, Derbyshire and Flinders

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## **Part B - Matters Referred To Council**

### **78. Funding Major Transport Projects – West Yorkshire Transport Fund**

Consideration was given to a report which set out proposals to formally join the West Yorkshire Transport Fund to enable Capital Funds to be released to undertake delivery of two strategic major Transport Projects, roundabout improvements on York Outer Ring Road and York Central Access Road and Station Gateway.

Members noted the latest position on the York schemes included in the Fund together with the key risks surrounding the Council's payments into the fund and the mitigating measures proposed.

Officers confirmed that, if agreed, the recommendations would be considered at the Combined Authority meeting on 1 December and by Council on 15 December for final determination. In answer to Members questions Officers confirmed that the priority of the York scheme's had been based on deliverability by 2020/21 and that modelling work on each project was publically available.

Members welcomed the financing as the most affordable way of funding the major investment in the Outer Ring Road and York Central.

Following further discussion it was

Recommended: That Council agree to:

- (i) Formally join the West Yorkshire Transport Fund.
- (ii) Accept the financial liability that arises from joining the fund and to note that future increases in the levy would represent as unavoidable additional cost in future budgets. Although the precise figures could not be determined at this stage it would be within the parameters identified in the report which estimated an increase from the budgeted contribution of £500k per annum to £1m to £1.5m per annum in 2025.
- (iii) Delegate to the Deputy Chief Executive/Director of Customer and Corporate Services the finalisation of the legal agreement in consultation with the Leader of the Council, the Deputy Leader of the Council and the Finance Portfolio holder.<sup>1</sup>

- Reason:
- (i) To ensure the delivery of the York Outer Ring Road improvements and York Central Access Road and Station Gateway schemes.
  - (ii) To ensure proper financial planning within the authority.
  - (iii) To ensure that York's position is fully protected in line with the principles set out in the report.

Action Required

1. Refer to Council.

JP

**79. Capital Programme - Monitor 2 2016/17**

*[See also Part A minutes]*

Consideration was given to a report which set out the projected out turn position for the 2016/17 Capital Programme which included any adjustments and requests to re-profile budgets between years.

It was reported that the Capital Programme approved by Council in February 2016 and updated from later reports to the Executive was £100.146m and, with a decrease of £29.080m reported in the

current monitor had resulted in a revised Capital Programme of £71.066m.

Members noted an increase of £110k had been made to the Harewood Whin transfer station scheme to reflect a loan to Yorwaste, to replace the current contribution of £1m, currently approved in the capital programme. Officers also drew Members attention to the decrease detailed in the monitor resulting in the revised 2016/17 capital programme as set out in Table 1 of the report.

Recommended: That Council:

- (i) Agree to make adjustments resulting in a decrease in the 2016/17 programme of £29.080m as detailed in the report and contained in Annex A.
- (ii) Approve the loan of £1.110m the Council will provide to Yorwaste, as set out in paragraphs 23 – 29 of the report, to be funded from the Waste reserve and note that this will have no impact on the Council's overall borrowing levels. <sup>1</sup>.

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

Action Required

1. Refer to Council.

JP

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 7.50 pm].

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City of York Council

*Extract from Draft Committee Minutes*


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Meeting	Executive
Date	7 December 2016
Present	Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Rawlings, Runciman, Steward and Waller
Other Member participating in the meeting	Councillors Craghill and Looker
In attendance	Councillor Warters

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## **Part B - Matters Referred To Council**

### **93. Burnholme Health & Wellbeing Campus: Key Decisions to further progress this development**

*[See also Part A minutes]*

Members considered the Older Persons' Accommodation Programme relating to the Burnholme Health and Wellbeing Campus and the next phase of delivery and future for the former Burnholme Community College site.

In particular Members considered the proposal to invest in refurbished community, library and sports facilities and noted that the development of land for a Care Home, health facilities and housing would release funds for the refurbishment.

Members also noted the key risks and implications in relation to the delivery of the project and it was

Recommended: That Council agree to:

- (i) Add the estimated £4.727m of costs for the community and library facilities to the Capital Programme with the costs to be funded from the capital receipt received from the future disposal of surplus development land on the Site subject to obtaining DfE consent necessary for such disposal. No capital costs will be incurred

until official confirmation of the DfE consent has been received.

- (ii) The estimated £200,000 of costs for urgent repairs and works to the sports facilities are added to the Capital Programme with the costs initially being funded from capital held for the use of the Older Persons' Accommodation Programme and subsequently being paid back from the capital receipt received from the disposal of development land on the Site.<sup>1</sup>

Reason: To progress to delivering the Burnholme Health & Wellbeing Campus including the delivery of a Care Home as part of the Older Persons' Accommodation Programme.

Action Required

1. Refer to Council.

JP

**94. Lowfield Green development: Moving forward to deliver a care home, health facility and housing**

*[See also Part A minutes]*

Consideration was given to the Lowfield Green development report which provided the business case to enable the programme to move forward for delivery of a care home, health facilities and housing as part of the Older Persons' Accommodation Programme.

Members noted the key risks and implications in relation to the delivery of the project and it was

Recommended: That Council agree the estimated £993,000 of costs for the enabling works and the access road needed to facilitate the development are added to the Capital Programme with costs initially being funded from capital held for the use of the Older Persons' Accommodation Programme and subsequently being paid back from the capital receipt received from the disposal of development land on the Site.<sup>1</sup>

Reason: To progress with the Lowfield Green development and deliver additional care, health and housing facilities for the residents of York.

Action Required

1. Refer to Council.

JP

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 7.45 pm].

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**Deputy Leader's Report:**

I would like to wish everyone an early Happy Christmas, and thank all members and officers for their work over the last 12 months and ongoing commitment to our city.

**York Central**

Since taking power last May, we have made significant progress on York Central by working in partnership with Network Rail, the National Railway Museum (NRM), and the Homes and Communities Agency. Our joint plan will deliver new homes, new jobs, and new community facilities as well as a chance to further develop the NRM.

I was pleased to attend the council scrutiny meeting last month to discuss transport options for the site. With funding secured through the West Yorkshire Transport Fund, the crucial next step is getting these access plans right.

This will involve working hand-in-hand with local residents. As the scrutiny meeting recommended, we will ensure ongoing engagement and consultation on the plans, paying particular regard to those residents in the Holgate area as well as citywide. As an Executive we are committed to delivering York Central and ensuring community support for the proposals.

**Local Economy**

Latest figures show there has been a 26.4% reduction over the past year in the number of people claiming Jobseekers Allowance in York. There was a decrease in the amount of residents claiming Job Seekers Allowance in September compared to the previous month's figures meaning there are currently 530 claimants in the city.

We are continuing to work proactively to ensure that the local economy remains strong and the correct support systems are in place for all those looking for work and those in low-paid, part-time or seasonal roles. This includes funding job fairs, supporting initiatives such as Acomb Market, and working closely with partners such as Make it York and Business Improvement District (BID) to support the city centre.

## **Barracks/Local Plan**

In my role as Deputy Leader and the Council's Armed Forces Champion, I wrote to the Secretary of State for Defence Sir Michael Fallon MP expressing my surprise and concern about the decision by the Ministry of Defence (MoD) to close Imphal Barracks, Queen Elizabeth Barracks and Towthorpe Lines.

As a garrison city, York is rightly proud of its relationship with the armed forces community. This historic bond is one that we all value and respect. This announcement from the MoD therefore represents a significant break, and I have highlighted to the Government a number of areas of concern, including:

- The impact on York's local economy and on the various businesses connected to an armed forces presence in our city
- The impact on local communities which live alongside the armed forces
- The impact on the armed forces communities themselves and plans for re-provision
- The future of the three sites
- The timescale of the MoD's plans and how this may interact with the Council's own vision for York.

The closure of the barracks could also have significant implications for our emerging Local Plan. Council officers have held meetings with MoD officials who have indicated that the MoD preference would be for re-development of the sites for residential use. In light of this, officers will need to evaluate the implications. This will lead to an inevitable delay, but this is necessary to ensure that we get a plan that is compliant with national planning policy and takes into account the potential of the MoD to deliver housing on the sites in the long-term.

## **Autumn Statement**

Like many others, I was disappointed by the Chancellor's Autumn Statement and fear that decisions taken (or not taken) will have major implications for York.

It was disappointing that the Conservative Government could find an extra £240million to invest in bringing back grammar schools, but can not find money to plug the funding gaps in social care or commit to reversing a planned cut to our Education Services Grant.

I will continue to lobby the Government to give York a better deal working with all colleagues across the Council. This will include lobbying for funding for key infrastructure investment such as the York Outer Ring Road.

### **Flooding**

We are now nearly 12 months on from the devastating floods which hit York last Boxing Day. For many, the recovery is still continuing and this process will continue for many months. Having attended the Council's recent VIP staff awards this was another opportunity to thank some of our officers who did so much for the city last winter.

The Council has with partners provided ongoing support, but the most impressive aspect has been the way that so many residents and voluntary organisations have rallied round to help. Not just in the days of the flooding, but in the weeks and months that have followed.

I am also pleased that the Government seems to be slowly waking up to the seriousness of the issue and the ongoing investment in the Foss Barrier is of course welcome. However, as my colleague Cllr Waller has highlighted the plans to scrap regional flood defence committees is a concerning development.

I am sure we all share the wish that York has a quieter Christmas this year and we can all enjoy a safe and peaceful break.

*If members have any questions on the content of this report or would like further information on other issues then please email me on:*

[cllr.kaspden@york.gov.uk](mailto:cllr.kaspden@york.gov.uk)

Cllr Keith Aspden  
Deputy Leader of City of York Council

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**FULL COUNCIL 15th DECEMBER 2016****REPORT BY EXECUTIVE MEMBER FOR HOUSING AND SAFER NEIGHBOURHOODS****HOUSING****The York Housing Market**

York is a successful and growing city with a present total population of just over 200,000, an increase from some 178,000 in 2000. Around 65% of the city's total housing stock is owner-occupied, with the private rented sector accounting for some 20%, and social housing (both council and housing association) making up the remaining 15%.

Demand for housing is high across all tenures, and meeting that demand remains a challenge. House prices in York continue to be buoyant and are generally some of the highest in the region with the headline median house price to median income ratio standing at around 8:5. Access to the private rented sector by low income households is limited by local housing allowance rates being capped at the 30<sup>th</sup> percentile of all rents.

**Housing Affordability**

In common with many areas of the country, the so-called affordability ratio of median house prices to median incomes in York is standing at an historic high; in York's case of around 8:5. This is a headline statistic which requires further explanation. There is clearly a shortage of homes in York, as in many other locations, and the release of more land for housing development provided for in the emerging Local Plan will address that shortage. Whilst that increased supply will tend to have a stabilising effect on prices, it is unlikely to substantially reduce the price of housing for a number of reasons. The cost of land acquired by house-builders will reflect current and anticipated selling prices for houses, and this level will be underpinned both by house-builders' production targets and by landowners' expectations of sale prices for housing development land. The housing market is also a heterogeneous one where prices do not always closely reflect the availability of housing; there are numerous product features and psychological factors which come into play in setting prices, for example, size, design, appearance, location, and 'desirability'.

The primary determinant in maintaining high house prices relative to incomes is the availability and cost of credit. Today's high house prices are the result of exceptionally low real rates of interest, boosted by declining wholesale funding costs and intensifying competition between lenders as well as a willingness by house purchasers to take on longer mortgage terms than has traditionally been the case. So even though prices appear high relative to incomes, mortgage payments remain affordable. According to the Council for Mortgage Lenders (July 2016), mortgage payments now account for 18% of the average first-time buyer's income, down from 25% back in pre-financial crisis 2007.

A significant fall in house prices is only likely to occur if a significant and sustained rise in interest rates take place and/or the economy goes into a deep recession. Clearly, neither scenario is one that would be welcome.

It is a matter of concern that nationally the level of owner-occupation relative to all housing has declined in recent years, down from 70% in 2003 to 64% in 2015. This decrease is particularly sharp in younger people in the 25 – 40 age group who aspire to home ownership, the 'first-time buyer' demographic. The recently published Redfern Review into the Decline of Home Ownership (led by Peter Redfern, CEO of Taylor Wimpey) and commissioned by John Healey MP (Shadow Secretary of State for Housing) concluded that the relative wage rates, mortgage lending standards, and the availability of subsidy for this section of the population were key considerations in addressing this shortfall.

Whilst not underestimating the effect of relatively low growth in real incomes especially for the 25 - 40 age group compared to sustained high prices, the principal impediment to first-time buyers accessing home ownership is the requirement to raise a relatively large deposit, commonly around 15% of the purchase price; a lingering consequence of tighter mortgage lending regulation by the Financial Conduct Authority following the financial crisis of 2007/08.

### **Affordable Housing: Government Initiatives**

The Government has made clear its intention to promote owner-occupation, especially for first-time buyers, and to halt the decline in home ownership. Various initiatives are being implemented including rent-to-buy, help-to-buy equity loans, shared equity schemes including discounted sale and shared ownership, and the starter homes initiative

where a proportion (indicated at 20%) of new private sector housing developments could be offered for sale at 80% of open market value.

The Council has recently bid into the new round of funding from the Homes and Communities Agency Shared Ownerships and Affordable Homes Programme 2016-21 for grant funding of £2.4M towards the cost of delivering 65 homes for shared ownership.

The recent Autumn Statement announced measures to support the delivery of affordable housing including:

- A £2.3bn housing infrastructure fund for local authorities to help deliver up to 100,000 more homes on more difficult site.
- An additional £1.4bn for local authorities and housing associations to provide affordable housing to rent or buy.
- The roll-out of right-to-buy to 3,000 more housing association tenants

### **The Council's Affordable Housing Policy**

The emerging draft City of York Local Plan will set out details of affordable housing policy based on the Strategic Housing Market Assessment 2016 and the Affordable Housing Viability Study 2016. The following interim targets are currently in use for development management purposes:

<b>Threshold</b>	<b>Target</b>
Brownfield sites > 15 units	20%
Greenfield sites > 15 units	30%
Urban sites < 15 units	0%
Rural sites of 11 - 14 units	Committed sum ca. £23k
Rural sites of 5 - 10 units	Committed sum ca. £17k
Rural sites of 2 - 4 units	Committed sum ca. £12k

**NB:** The above table is in heavily abbreviated form and is intended only as an illustrative guide to the policy. The committed sums above are rounded to the nearest £1000 and are levied per unit developed.

Following changes to national planning guidance, the Council can no longer seek financial contributions towards affordable housing on rural schemes of 1 - 10 units where the gross floor area is less than 1000m<sup>2</sup>. For all site thresholds, the developer still has the right to submit an independent 'open book appraisal' to justify a case where the affordable housing target is not considered to be viable.

### **The Council as Housing Provider**

The Council's housing stock comprises around 7,750 homes which produce a rental income of some £32M pa with arrears running at around £500k pa or 1.6%. This figure remains unchanged from last year and is testimony to the team's hard work at a time when welfare reform presents an increasingly challenging environment. The cost of management and repairs averages around £14M pa. Lettings turnover averages some 8% or 600 per annum, with an average re-let time of 3 weeks which latterly has improved to 2.5 weeks.

Making best use of the existing housing stock, a valuable public asset, is a principal policy aim and, where possible, tenants are facilitated to downsize to free up much-needed family homes for growing families. In the last year, a number of operational changes have been made in order to manage the estate better. The Council's tenancy agreement has been updated restricting the rights of succession, strengthening the enforcement of tenancy conditions, restricting the permission on keeping pets, changing the rent payment cycle from 48 to 52 weeks (ending rent-free periods), and introducing the use of flexible tenancy start dates.

The Council's housing staff were instrumental in addressing the catastrophic accommodation difficulties caused by the flooding at the turn of this year. Sourcing alternative accommodation, and repairing and making resilient affected accommodation were major operational priorities during the first half of 2016. A total of 64 households were supported through this period and all were able to return to their homes in April 2016.

There are approximately 1600 households registered on the social housing waiting list and the allocation of homes is currently made via the North Yorkshire Home Choice (NYHC) sub-regional choice-based lettings scheme. The system is expensive to administer and there continues to be a large number of applicants on the register who are placed in 'bronze' band with no housing need. Realistically many applicants on the register will never be offered the opportunity of a home due to the shortage of available properties. The Council is therefore



consulting with partner authorities with a view to amending the scheme and the results of that consultation will be reported back to the Executive Member for any prospective action.

## **Building Maintenance**

Over the next 5 years, it is intended to spend approximately £75M on responsive repairs and maintenance, and improvements to the housing stock. The current year's programme includes the following priorities:

- Modernise the kitchens, bathrooms, and electrical systems in 280 homes.
- Renew the roofs to 100 homes.
- Replace obsolescent inefficient boilers and heating systems to 650 homes.
- Install air-source heat pumps to 29 non-gas homes.
- Damp remediation to 80 homes.
- Install or upgrade entry security systems in 190 locations.

## **Council Development**

The Council house building programme continues. Schemes at Hewley Avenue and Lindsey Avenue have been completed in 2016 to provide 22 new homes, following on from Beckfield Lane/Le Tour Way in 2015. Schemes at Fenwick Street and Pottery Lane are due to complete this year to provide 14 units and the extension to Glen Lodge to provide 27 units is underway with completion scheduled for 2017.

Proposed schemes at Newbury Avenue, Chaloners Road, Viking Road, and Ordnance Lane (as part of the scheme to replace the Council's homeless hostel) are undergoing design appraisal with a view to commencing on site in 2017. Several other projects are being investigated but nevertheless the main constraint on the council house building programme remains the availability of suitable sites.

## **National Legislation and Budget Effects on the Housing Revenue Account**

The July 2015 budget placed a number of financial pressures on the Council. It set out a requirement to reduce council house rents by 1% for the following years creating a funding gap in the Housing Revenue Account (HRA), over those four years, of nearly £13M and, if extended as seems likely, a potential gap of £240M over the 30 year period of the HRA business plan.

The Housing and Planning Act was passed in May 2016. Amongst other provisions, this introduces a right-to-buy to tenants of registered providers (Housing Associations) with the costs of this being cross-subsidised by local authorities selling their 'higher value stock' when it becomes vacant. Regulations setting out what constitutes 'higher value stock' (or a compensating monetary equivalent) have yet to be published and a date for the national roll-out of this extended right-to-buy will be set following the regional pilot schemes announced in the Autumn Statement. Estimates of the financial impact of these 'higher value sales' on the HRA range from an extra £100M to £240M depending on the final definition adopted.

These financial challenges will require careful consideration of all the options which may be available for the governance and management arrangements of the Council's housing stock.

A housing White Paper is being planned by Government, so further legislation affecting the sector can be expected in the relatively near future.

### **Sheltered and Supported Housing, and Travellers' Sites**

The Council operates an effective Single Access Point to streamline referrals into resettlement services. During 2015/16, 59 households were moved on successfully after engaging in a resettlement programme. The Council is currently piloting two hostel mental health workers within Council hostels to assist those with more complex needs.

The Council also owns and manages seven sheltered housing schemes, and four sheltered housing with extra care schemes, which between them provide 365 units. These provide self-contained accommodation with access to communal areas and an element of on-site staffing, and offer safe, appropriate, and sustainable homes for those who need supported housing due to a combination of age, and health and wellbeing needs.

The Council also provides supported housing for single homeless, including the Peasholme Centre and, for young people, Howe Hill. The Council owns and manages three travellers' sites, providing a total of 65 pitches.

## **Homelessness**

Under the Housing Act 1996, the Council has a statutory role in preventing and addressing homelessness. A major achievement by the Council during 2016 was to be awarded 'Silver' in the Gold Standard Challenge (run by the National Practitioner Support Services) as part of a programme of continuous improvement in front-line housing services. This is only one of eight 'SILVERS' awarded in the country and the Council's ambition is to achieve Gold Standard in the coming months.

Running counter to a rising national trend, the last year in York also saw the lowest level of homeless acceptances and numbers in temporary accommodation of 91 and 56 respectively; an achievement all the greater when considering the pressure placed on the housing service as a result of the flooding.

This continued reduction in statutory homelessness is assisted by an effective programme of homeless prevention and early intervention work by the Council and its partner agencies. Over the last year some 630 cases of homelessness were prevented.

Regrettably, there exists a small number, between 15 and 18, of rough sleepers in York, despite intensive work by the Council (under its No Second Night Out policy), the Salvation Army and other intervention agencies and facilities.

## **The Council as Housing Regulator and Advisor**

The Council plays an important role as housing regulator in its area and undertakes a number of statutory responsibilities, including licensing and inspecting homes in multiple occupation, and enforcing standards in private sector housing, for example in investigating illegal eviction cases, hazards in the home, and harassment.

It also has a key role as an enabler helping the most vulnerable homeowners and private tenants gain access to financial assistance including statutory disabled facilities grants, flood resilience grants, and loans (where available to remove safety hazards) to ensure that homes are safe.

## **The Council's Private Sector Strategy**

In conjunction with Leeds City Region partners, the Council commissioned a piece of research in 2015 from the Building Research

Establishment (BRE). This identified 3 key problems associated with the private housing sector, both owner-occupied and private-rented:

- Cold homes and fuel poverty.
- Homes which due to their age and type are likely to be the cause of falls.
- The general condition of the private-rented sector proving worst of all sectors.

Using the BRE data, it is possible to quantify the costs of the above to the NHS and to wider society in general.

In 2016, York hosted at the University the Northern Health and Housing Summit; Better Homes, Better Health, with a view to identifying ways of using the Council's limited resources in engaging better with the private sector to improve conditions in homes. This has led to the Council's Private Sector Strategy in which some specific projects include:

- Drawing down Leeds City Region funding to address cold homes and fuel poverty in five priority wards of Clifton, Micklegate, Fishergate, Guildhall, and Holgate.
- Introducing a pilot scheme in Clifton in February 2017 to reduce the risks of falls. Under the wider YorWellbeing scheme, homes will be visited and advice will be given on reducing fall hazards such as uneven paths, insecure floor-coverings, and missing handrails etc.

So far as the approach to the private rented sector is concerned, the Council is focussing on:

- Enforcing legislation on the conduct of letting agents and managing agents, especially with regard to advertising fees and charges. Of the 47 firms in this category, 15 (32%) were not complying with the legislation to display fees and charges, either in their offices or on their websites.
- Introducing a third 5-year Houses in Multiple Occupation (HMO) licensing programme with a new condition that licence-holders must demonstrate they have acquired an up-to-date level of knowledge and skills by, as a minimum, attending a one-day professional development course run by the Council or other accredited providers.

Over the next 12 months the Council intends to:

- Implement the provisions of the Housing and Planning Act 2016 which relate to the private rented sector. These include allowing local authorities to apply for a banning order preventing landlords and letting agents from operating where they have committed certain housing offences (recorded on a national database of 'rogue' landlords), the extension of civil penalties, and tougher compliance tests for landlords.
- Extend the licensing of houses in multiple occupation (in line with new Government provisions) to all HMOs which have 5 or more occupiers who comprise two or more households regardless of the number of storeys making up the property. In addition the Council will implement the standard national bedroom size of 6.52m<sup>2</sup> for one person and 10.23m<sup>2</sup> for two persons within licensed HMOs.

## **SAFER NEIGHBOURHOODS**

### **Community Safety**

York remains one of the safest cities in the UK and its overall low levels of crime are testimony to the well developed partnership arrangements and multi-agency model delivered through the Safer York Partnership and its sub-groups, and by the development of joint working through the Community Safety Unit (CSU) a joint team of police officers, specialist anti-social behaviour personnel, and the neighbourhood enforcement team.

In the Council's 2016 budget, provision was made to increase the permanent staff of the CSU by an additional two Neighbourhood Enforcement Officers, an Anti-social Behaviour Officer, and an additional administrative post. This not only acknowledges the effectiveness of this early intervention 'triage' method of working alongside partners and across Council directorates, but also underlines the Council's commitment to a safer city.

Over the last year, the CSU has introduced four Public Space Protection Orders which enable the use of more effective tools and powers introduced under the Anti-social Behaviour, Crime and Policing Act 2014. In October 2016, the Council obtained its first Criminal Behaviour Order (which last for 3 years, and replace Anti-social Behaviour Orders) against a perpetrator in relation to numerous and wide-ranging offences.

## **Neighbourhood Enforcement Team**

The Council's Neighbourhood Enforcement Officers (NEOs) work across the city in geographical areas aligned to NYP safer neighbourhood teams. Officers carry police radios and mount joint patrols and work with NYP to deliver operations and intelligence gathering.

In January 2016, the NEOs were granted Community Safety Accreditation Scheme (CSAS) powers by the Chief Constable. This gives the NEOs a wider range of enforcement powers, including the power to confiscate alcohol, obtain the names and addresses of beggars and street-drinkers, and issue fixed penalty notices for a range of nuisance and anti-social behaviour offences.

The NEOs work with a wide range of partners and across an extensive programme of enforcement activities. To give a small cross-section of examples:

- Illegal transportation and deposit of waste, and fraudulent use of household waste permits; working with NYP Road Policing, HMRC, Yorwaste, Veritau and the Council's Waste Management team.
- City-centre nuisance sellers and bogus charity collectors; working with NYP and the Council's Trading Standards team.
- Student Waste campaign; working with the British Heart Foundation (BHF) and the two universities. The campaign included an additional bin collection at the end of term and produced 3,500 bags of recycling for the BHF with a value of some £50k.
- During 2016 a total of 13 horses were removed from illegally fly-grazing on Council land, reducing the threat of harm and damage to members of the public, not to mention the welfare of the animals themselves.

## **Fly-tipping**

In July 2016, the Council adopted the newly-introduced Fixed Penalty Notices (FPNs) (£400 reduced to £240 if paid within 10 days) for small-scale fly-tipping. This is a much more efficient and effective method of enforcement than the previous protracted route of prosecution. To date, 10 FPNs have been issued for this offence.

## **Begging, Street-drinking and Rough-sleeping**

This type of anti-social behaviour has already been well reported and is evident on a number of streets in the city-centre although there are hotspots such as King's Square and Exhibition Square. It is not as big a problem in York as it is in many other cities, but it is perhaps more conspicuous in a city centre which is frequented by so many visitors and families. To say it is a complex problem involving in many cases alcohol and drug addiction, and mental health issues is not to excuse it but to emphasise that it requires a wide-ranging strategic mix of enforcement and support by the Council and a host of other agencies.

The Begging and Rough-sleeping Task Group was established in September 2016 involving a range of enforcement and support agencies. The aim of the Group is to work together to reduce begging across the city centre through a balanced programme of education, support and enforcement. A publicity campaign encouraging giving to charity rather than direct to beggars was launched at a St Nicholas Fair chalet in the Coppergate Centre in November with the message: 'Giving to those who beg won't help; giving to charity will'. The campaign provides an opportunity for members of the public to text a gift of £3 which will be distributed to local homeless charities.

A further initiative has been to work alongside the York BID (Business Improvement District) in piloting the concept of 'Rangers' who work together with North Yorkshire Police and the Council's NEO's in patrolling the city centre to report and deter anti-social behaviour.

## **Violent Crime**

There has been an decrease of 9% in recorded violent crime in the city during the first half of 2016/17 compared to the same period the year before. The range of incidents which fall within the Home Office crime recording category of 'violent crime'. This includes offences where the victim is intentionally stabbed, kicked, punched, jostled, pushed or threatened with violence whether there is injury or not.

The vast majority of violent crimes recorded in York fall within the lower levels of severity, heavily linked to alcohol and alcohol-related anti-social behaviour, which continues to be addressed by the Safer York Partnership and AVANTE (Alcohol and Violent Crime in the Night Time Economy) task group. The figures do not indicate any increase in serious violence in the city.

## **Operation Erase**

A multi-agency team made up of Council NEOs, North Yorkshire Police, Network Rail, British Transport Police, the Train Operating Companies, licensees and the Racecourse was set up in 2015 and has continued through 2016 to tackle successfully weekend alcohol-related disorder, caused predominantly, although not exclusively, by hen and stag parties and groups of revellers travelling into York by train and in many cases without paying the fare.

The various aspects of this operation include:

- A hard-hitting poster campaign: 'Had enough ? We have too!
- Multi-agency Action Days.
- Temporary ticket barriers at York Station on Action Days and Race Days.
- Licensees' Code of Conduct.
- Increased police presence.
- Visible policing on trains.

## **Alcohol Strategy for York**

The abuse of alcohol is at the root of much of the crime which takes place in York. The drafting by the Council of an Alcohol Strategy which aims to pull together all the strands of policy relating to society's use of alcohol; health, education, licensing, and community safety is to be welcomed. The aim of the Strategy is that by 2021 it will have achieved:

- A reduction in the number of people harmed by alcohol.
- A reduction in the visible negative impact of alcohol on the streets of York.
- An improvement in the health and wellbeing of the population from reversible and preventable conditions associated with alcohol use.
- A reversal in attitude to the acceptance of binge drinking and the drinking culture.

## **Prevent**

The Counter-Terrorism and Security Act 2015 introduced a new duty for local authorities to have due regard to the need to prevent people from being drawn into terrorism. Under this duty, the Council has produced practice guidance for partners outlining the process for referring individuals into the Channel process and undertaking a comprehensive



programme of training for frontline staff and those working with adults and young people at risk of radicalisation.

### **Safer York Partnership**

The Safer York Partnership is preparing a new three-year Community Safety Strategy which will include a revision to the delivery structure and focus on the following priorities:

- River and Road Safety
- City- centre Safety
- Tackling Anti-social Behaviour
- Tackling Serious Organised Crime
- Revising the Hate Crime Strategy
- Substance Abuse

Finally, the Partnership has taken on strategic governance for domestic abuse, a growing issue up 5% year on year (which also includes children abusing parents) and most likely linked to a focus on encouraging reporting. This changing governance will create a stronger link with the Adult and Children's Safeguarding Boards, and working closely with the North Yorkshire Community Safety Partnership to oversee commissioned services delivered across the city and the county.

Cllr D Carr  
Executive Member for Housing and Safer Neighbourhoods

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

**December 2016**

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

### **Finance and performance**

2. Since the last report to Council on 20 October 2016, The Health & Adult Social Care Policy & Scrutiny Committee considered the 2<sup>nd</sup> Quarter Finance and Performance Monitoring Report at its meeting on 30 November 2016. CSMC and the three other standing scrutiny committees will consider their 2<sup>nd</sup> Quarter reports in January. This is because the Executive, in order to have a more balanced reporting cycle over the financial year, decided not to receive its budget monitoring report until its meeting on 24 November 2016 and the monitoring reports are not usually available for consideration by scrutiny until the Executive has had the opportunity to first consider its quarterly budget monitoring.

### **Attendance of Executive Members**

3. No Executive Members have attended CSMC or any of the four standing scrutiny committee meetings since the last report to Council.

### **Pre-Decision Call-ins**

4. Only CSMC has considered a pre-decision call-in since the last report to Council. In November the committee considered a called-in item on York Central – Consultation on Highway Access Options, ahead of it going to the Executive. Members agreed to recommend the following to the Executive:
  - (i) High level, ongoing engagement across the City in relation to the access route for York Central be undertaken, with particular regard being given to residents most directly affected; and
  - (ii) Arrangements be made to ensure that any further consultation processes, in relation to the route and site, clarify the current status of Access Route E as being part of the package to unlock funding from the West Yorkshire Transport Fund (WYTF).

5. Taking into account the views of CSMC, the Executive has agreed to undertake further consultation on the access route for York Central as part of a future York Central planning strategy, with high level, ongoing engagement across the City in relation to the access route, with particular regard being given to residents most directly affected;
6. I am keen to ensure that, as an organisation, we properly and fully engage with early scrutiny so that the Executive is fully informed by cross party Member view before it makes key important decisions on matters like York Central. As Chair of CSMC, I have already indicated that I would expect pre-decision call-ins to be properly supported sufficiently in advance of Executive decision making. This early engagement is fundamental to whatever structure we adopt in the future too.

### **Corporate & Scrutiny Management Policy & Scrutiny Committee**

#### Post-Decision Call-ins

7. There have been no post-decision call-ins since the last report to Council.

#### Petitions

8. At each of its meetings, CSMC continues to receive its standing report on Council petitions providing details of new petitions received by the Council and the appropriate course of action.

#### Performance Monitoring & Review Work

9. CSMC has met once since the last report to Council. In November the committee considered an update report on the Peer Review Action Plan and a briefing paper on the administration of Section 106 agreements. Reporting of the Peer Review Action Plan will now be embedded into quarterly performance monitoring from Quarter 3. Members also received a brief update on the status of the committee's three scrutiny reviews: E-Democracy; One Planet York and Electoral Arrangements.
10. At the Committee's next meeting it will receive feedback from the Groups on the proposals for changes to the scrutiny committee structure being considered as part of the Scrutiny Function review being led by the Committee.

### **Communities & Environment Policy & Scrutiny Committee**

11. The Committee has met once since the last report to Council. In November the Committee received a presentation from North Yorkshire

Fire & Rescue Service on their contribution to the work of the Safer York Partnership, together with an update from the Fire Authority. They also received an annual update on the work of the Operation Erase (Saturday daytime alcohol-related disorder) and AVANTE (Alcohol, Violence and Night-time Economy) Task Groups. Finally, the Committee received an update on the implementation of the council's Hate Crime Strategy for 2013-16 and agreed to proceed with a review to participate in the development of a refreshed Hate Crime Strategy for 2017-19. Work also continues on the scrutiny review examining the allocation of ward funding. The Task Group has consulted all Members on the process and the barriers which may have limited their progress to date with allocating funding they have also consulted with a number of recipients on their experiences.

### **Economic Development and Transport Policy & Scrutiny Review**

12. This committee has met once since the last report to Council. In November the committee received its half-yearly update report from the Managing Director of Make it York, an update report on local delivery and national roll-out of Universal Credit and its six-monthly update report on major projects, including major developments within the city and major transport initiatives. Work on the scrutiny review into the impact of the arts and culture sectors on economic development in the city is continuing with the Task Group undertaking this work involved in consultations with representatives from arts and cultural organisations and the business community.

### **Health & Adult Social Care Policy and Scrutiny Committee.**

13. The Health & Adult Social Care Policy & Scrutiny Committee has met twice since the last report of this nature. In October the committee received the annual report of the Chief Executive of York Teaching Hospitals NHS Foundation Trust and an update on actions against York Hospital Action Plan resulting from an inspection by the Care Quality Commission. They also received a report and presentation by Tees, Esk and Wear Valleys NHS Foundation Trust – One Year On in York. In addition members considered reports circulated outside the committee on the re-procurement of community services and wheelchair services and the merger of GP practices in Front Street and Beech Grove, Acomb.
14. In November the committee considered a report and presentation on ambulance cover in York and proposed changes to shift arrangements across the county, a report on the implications of Sustainability and

Transformation Plans (STP) for the Humber, Coast and Vale footprint and an update report and presentation on the Vale of York Clinical Commissioning Group's turnaround and recovery plans. A report on Urgent Care and Systems Resilience Schemes for winter 2016/17 was circulated to members outside the committee.

### **Learning & Culture Policy & Scrutiny Committee**

15. This Committee has also met once since the last report to Council. In November Members received bi-annual updates from the Theatre Royal, York Explore and York Learning Services. They also considered a draft of the updated Skills Strategy for the city, an update on school improvement and an Ofsted update on schools performance. Finally the Committee considered York school's response to the Government's White Paper.
16. In regard to the Committee's ongoing reviews, work on the ongoing Tour de France Scrutiny Review is drawing to a close and the draft final report is due to be considered in early 2017. Work also continues on the Committee's scrutiny review of Play i.e. ways of improving play opportunities across the city and identifying ways of enabling communities to bring forward potential schemes.

Councillor Daf Williams  
Chair, CSMC Committee

City of York Council

*Extract from Draft Committee Minutes*


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Meeting	Gambling, Licensing & Regulatory Committee
Date	7 November 2016
Present	Councillors Douglas (Chair), Boyce (Vice-Chair), Aspden, Crisp, Funnell, Gillies, Hayes, Mercer, D Myers, Orrell and Richardson
In attendance	Councillor Warters
Apologies	Councillors D'Agorne, Gunnell, Hunter and Mason

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## **Part B - Matters Referred to Council**

### **18. City of York Council Community Governance Review**

[See also Part A minute]

Members considered a report that presented proposals in respect of the governance arrangements for parish councils and which sought approval to further direct consultation:

#### **Request from Heslington Parish Council to have the two parish wards removed**

Members noted that the Local Government Boundary Commission (LGBCE) for England review of the city council's wards had resulted in the creation of the Fulford and Heslington Ward and the expansion of the Hull Road Ward to include the University of York. This had left the parish of Heslington split between those two council wards. In line with common practice for the LGBCE in this situation, two parish wards had been created, as shown on the map at Annex C of the report. The two parish wards were of uneven size and the feelings of the parish were that the two wards did not provide effective representation and governance.

Members noted that the step of de-warding the council would require the approval of the LGBCE, which had confirmed that it had no objection. Members also noted the issues that the city council was legally obliged to consider when deciding whether to recommend that a parish should, or should not be or continue

to be divided into wards. It was the view of officers that the current arrangement was impracticable and it would be desirable to dispense with separate representation for different areas of the parish.

Members also noted the views of officers, as detailed in the report, and the requirements that had to be taken into account whenever a review of an existing parish was undertaken by the city council (as detailed in paragraphs 5.10 to 5.12 of the report). It was noted that the recommendation of officers was that the status quo be preserved in the absence of any public demand or obvious reason for change.

### **Request from Kexby Parish Council for change of name**

Members noted that the Parish of Kexby had submitted a request for the name of the parish to be changed to Kexby and Scoreby Parish Council. It was intended that the name change would reflect a more historic link of the parish with the area that it covered.

- Recommended:
- (i) That Heslington Parish Council should no longer be divided into wards and there be a single parish area represented by nine councillors.
  - (ii) That Council formally confirms that Heslington Parish should not be abolished, that its area and name should be unchanged and that it should continue to have a Parish Council.
  - (iii) That the name of Kexby Parish Council be changed to Kexby and Scoreby Parish Council.

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

Councillor Douglas, Chair  
[The meeting started at 4.00 pm and finished at 5.00 pm].



City of York Council

*Extract from Draft Committee Minutes*


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Meeting	Audit & Governance Committee
Date	7 December 2016
Present	Councillors N Barnes (Chair), Cuthbertson, Fenton, Flinders, Kramm, Lisle and Brooks (Substitute for Councillor Dew) and Mr Mendus
Apologies	Councillor Dew and Mr Bateman

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## **Part B - Matters Referred to Council**

### **39. Appointment of External Auditors**

Members considered a report which presented the changes to the arrangements for appointing external auditors following the end of the current transitional arrangements on completion of the 2017/18 audit and which set out the options available to the council for future appointment.

Members considered the following options:

- Option 1: To make a stand-alone appointment
- Option 2: Set up a Joint Auditor Panel/local procurement arrangements
- Option 3: Opt-in to a sector led body

The advantages and disadvantages of the options, as detailed in the report, were noted.

Members noted that, whilst the council had until December 2017 to appoint its external auditors, Public Sector Audit Appointments Ltd (PSAA) had formally invited the council to opt into the national sector led body. Details relating to this invitation had been provided in Appendices 1 and 2 of the report. If the council wished to take advantage of this national scheme for appointing external auditors, then it needed to take the decision to enable it to accept the invitation by early March 2017. The Local Audit (Appointing Person) Regulations 2015 required that a decision to opt-in must be made by a meeting of the Full Council. The Council was then required to formally respond to PSAA's invitation in the form specified by PSAA.

At the request of Members, officers confirmed that, at the end of the audit period, a value for money assessment would be carried out.

Clarification was sought as to the economies of scale that could be achieved were the Council to opt into the sector led body approach. Members were informed that this would be dependent on the number of local authorities that joined the scheme. Information on the PSAA website indicated that around fifty authorities had already opted into the scheme, and it was anticipated that more would do so before the deadline.

Recommended: That Council opt-in to the approved sector led body, Public Sector Audit Appointments Ltd (PSAA), to act as the appointing person for the appointment of external auditors for the council for five years commencing 1 April 2018.

Reason: To enable the council to take advantage of the national scheme for appointing external auditors.

#### **40. Local Code of Corporate Governance**

Members considered a report that reviewed the Code of Corporate Governance following the updated framework and guidance notes issued jointly by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE).

Members noted that the council's current Code of Corporate Governance was included within the Constitution. Following the new framework and guidance issued by CIPFA/SOLACE, it was considered that the Code would be more appropriate as a separate policy outside of the Constitution but it would be published on the council's website with links to the related policies. Officers stated that it was intended that, by separating the Code from the Constitution, it would have more prominence.

Officers were asked to check whether the use of the word "ensure" was appropriate within the document because of its legal definition.<sup>1</sup> Members commented on the need for equalities issues to be appropriately reflected within the Code.

Members noted that the Governance, Risk and Assurance Group, which was an officer group, would monitor the implementation of the Code and report back to the committee through the Annual Governance Statement. Members suggested that it would be helpful for an additional column to be included in the table on Annex A to detail how the implementation of the Code would be monitored and controlled. Officers confirmed that they had working documents in place to support this process. The committee would be made aware of its implementation through the Annual Governance Statement and through the items which were included in its workplan.

Members expressed their support for the Code and agreed that they would wish any changes to the document to be brought to the committee for consideration.

- Recommended:
- (i) That the current Code of Corporate Governance be removed from the Constitution.
  - (ii) That the revised Local Code of Corporate Governance, as attached, be adopted.
  - (iii) That any future changes to the Code of Corporate Governance be presented to the committee for consideration.

Reason: To ensure appropriate governance arrangements are in place.

Action Required

1. Confirm that there are no legal implications in the AD wording used

Councillor N Barnes, Chair

[The meeting started at 5.30 pm and finished at 7.20 pm].

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# City of York Council

## Code of Corporate Governance 2016/17

### Introduction - What is Corporate Governance?

Corporate governance is about the systems, processes and values by which Councils operate and by which they engage with, and are held accountable to their communities and stakeholders.

City of York Council is committed to demonstrating that it has the necessary corporate governance arrangements in place to perform effectively. Building on previous best practice the Council has developed and adopted a refreshed approach to developing a Local Code of Corporate Governance which follows the latest guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE), entitled "Delivering Good Governance in Local Government (2016)". This code brings together in one document the various governance and accountability arrangements currently in place.

The guidance defines the seven core principles, each supported by sub-principles that should underpin the governance framework of a local authority.

- Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rules of law.
- Ensuring openness and comprehensive stakeholder engagement.
- Defining outcomes in terms of sustainable economic, social and environmental benefits.
- Determining the interventions necessary to optimise the achievement of the intended outcomes.
- Developing the Council's capacity, including the capability of its leadership and the individuals within it.

- Managing risks and performance through robust internal control and strong public financial management
- Implementing good practices in transparency, reporting, and audit, to deliver effective accountability.

### Benefits & Monitoring

The documents and arrangements set out in the framework within this code demonstrate that the Council continually seeks to ensure it remains well governed and that to deliver good governance the Council must seek to achieve its objectives whilst acting in the public interest at all times.

The **Governance, Risk & Assurance Group** is responsible for ensuring the Code is reviewed annually as part of the preparation of the Annual Governance Statement. Any revisions to the code will be reported to the Audit & Governance Committee for approval as part of this process.

<b>Principle A – Behaving with Integrity, demonstrating strong commitment to ethical values, and respecting the rule of law</b>		
<b>Supporting Principles</b>	<b>To achieve this, City of York Council will:</b>	<b>This is evidenced by:</b>
<ul style="list-style-type: none"> <li>• Behaving with Integrity</li> <li>• Demonstrating Strong Commitment to Ethical Values</li> <li>• Respecting the rule of Law</li> </ul>	<ul style="list-style-type: none"> <li>• Publish an Annual Governance Statement which reviews the effectiveness of the Council’s governance framework</li> <li>• Maintain the established Governance, Risk &amp; Assurance Group (GRAG) with responsibility for monitoring this framework and all governance matters</li> <li>• Maintain shared values which underpin an ethos of good governance– communicated in Organisational Values &amp; Behavioural Standards</li> <li>• Comply with legislation and all relevant professional standards</li> <li>• Maintain formal codes of conduct defining standards of behaviour expected of both Members and Officers</li> <li>• Publicise Gifts and Hospitality Guidelines</li> <li>• Maintain a policy framework to address the risks of fraud and corruption including a Counter Fraud &amp; Corruption Strategy, Fraud &amp; Corruption prosecution policy &amp; Whistleblowing policy.</li> <li>• Maintain effective systems to protect the rights of staff, including whistleblowing policies accessible and regularly communicated</li> <li>• Maintain a register of interests and seek declarations to be made at the start of Council meetings</li> <li>• Maintain arrangements to investigate complaints against Members and Officers</li> </ul>	<ul style="list-style-type: none"> <li>• Annual Governance Statement</li> <li>• Codes of conduct</li> <li>• Organisational Values &amp; Behavioural Standards</li> <li>• Webcasting of Council Member meetings</li> <li>• Council Meeting minutes</li> <li>• Counter Fraud &amp; Corruption Strategy</li> <li>• Fraud &amp; Corruption Policy Framework</li> <li>• Whistleblowing Policy</li> <li>• Audit Charter</li> <li>• Internal Audit Reports to the Audit &amp; Governance Committee</li> <li>• Register of Interests</li> <li>• Register of Gifts &amp; Hospitality</li> <li>• Complaints &amp; Customer Feedback policy</li> <li>• Contract Procedure Rules</li> <li>• Financial Regulations</li> <li>• Statement of Accounts</li> <li>• External inspection of the Statement of Accounts</li> <li>• Standards Committee</li> <li>• People Plan</li> <li>• Council reports including implications from specialist financial and legal Officers</li> <li>• Completed impact assessments on the Council website</li> <li>• The constitution which includes:</li> </ul>

	<p>including alleged misconduct</p> <ul style="list-style-type: none"> <li>• Maintain an effective Standards Committee</li> <li>• Deliver the People Plan which sets the expectation of the values, skills and behaviours which we expect from staff working for CYC</li> <li>• Complete Integrated Impact Assessment for to help officers meet the statutory equality and communities requirements and to embed economic, social and environmental sustainability into everything the council does</li> </ul>	<ul style="list-style-type: none"> <li>○ Financial Procedure Rules</li> <li>○ Contract Procedure Rules</li> <li>○ Codes of Conduct for Members and Employees</li> <li>○ Scheme of Delegation to officers</li> </ul>
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<b>Principle B – Ensuring openness and comprehensive stakeholder engagement</b>		
<b>Supporting Principles</b>	<b>To achieve this, City of York Council will:</b>	<b>This is evidenced by:</b>
<ul style="list-style-type: none"> <li>• Openness</li> <li>• Engaging comprehensively with Institutional stakeholders</li> <li>• Engaging stakeholders effectively, including citizens and service users</li> </ul>	<ul style="list-style-type: none"> <li>• Seek the views of its stakeholders and respond appropriately</li> <li>• Provide a variety of opportunities for the public to engage effectively with the Council as set out in article 3 of the constitution including rights to information, participation and how to complain or comment</li> <li>• Ensure Council meetings are accessible by Webcasting</li> <li>• Publish Agendas, minutes, report packs and a calendar for a full year for Council meetings on Mod Gov and a formal notice of each meeting will be displayed at Council offices</li> <li>• Ensure compliance with requirements under the transparency code – published</li> </ul>	<ul style="list-style-type: none"> <li>• Resident Survey (Talk-About)</li> <li>• Public attendance at Council meetings</li> <li>• Webcasting of Council meetings</li> <li>• Constitution</li> <li>• Mod.gov</li> <li>• Open Data Platform</li> <li>• Media Protocol</li> <li>• Medium Term Financial Strategy (MTFS)</li> <li>• Statement of Accounts</li> <li>• External Auditors report on Statement of Accounts</li> <li>• Public inspection of Accounts by citizens</li> </ul>

	<p>on the Councils website and Open Data platform</p> <ul style="list-style-type: none"> <li>• Set a balanced budget</li> <li>• Publish an Annual Statement of Accounts and Annual Auditors report to inform stakeholders and service users of the previous years achievements and outcomes</li> <li>• Encourage and assist citizens to inspect the Statement of Accounts in accordance with regulations</li> </ul>	
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<b>Principle C – Defining outcomes in terms of sustainable economic, social, and environmental benefits</b>		
<b>Supporting Principles</b>	<b>To achieve this, City of York Council will:</b>	<b>This is evidenced by:</b>
<ul style="list-style-type: none"> <li>• Defining Outcomes</li> <li>• Sustainable economic, social and environmental benefits</li> </ul>	<ul style="list-style-type: none"> <li>• Make a clear statement of the Council’s purpose and vision and use it as a basis for all corporate &amp; Service planning</li> <li>• Publish on the Council’s website all annual reports to communicate the Council’s activities and achievements including its financial position and performance</li> <li>• Prioritise resources to deal with competing demands and consider the impact of decisions in the medium term financial strategy</li> <li>• Identify and manage risks to the achievement of outcomes</li> </ul>	<ul style="list-style-type: none"> <li>• Council Plan</li> <li>• Service plans</li> <li>• City Vision</li> <li>• (Link to finance page on website)</li> <li>• Statement of Accounts</li> <li>• External Auditors Letter &amp; report</li> <li>• Financial Strategy (MTFS)</li> <li>• Risk Reports</li> </ul>



<b>Principle D – Determining the interventions necessary to optimise the achievement of the intended outcomes</b>		
<b>Supporting Principles</b>	<b>To achieve this, City of York Council will:</b>	<b>This is evidenced by:</b>
<ul style="list-style-type: none"> <li>• Determining Interventions</li> <li>• Planning Interventions</li> <li>• Optimising achievement of intended outcomes</li> </ul>	<ul style="list-style-type: none"> <li>• Make a clear statement of the Council’s purpose and aims and use this as a basis for corporate and service planning</li> <li>• Make a clear statement committing to the OnePlanet principles and develop an action plan to deliver this.</li> <li>• Regularly report on key performance Indicators (KPIs) which have been established for each service element</li> <li>• Ensure budgets are prepared in accordance with organisational objectives and regularly reported upon</li> <li>• Provide senior managers and members with timely financial and performance information</li> </ul>	<ul style="list-style-type: none"> <li>• Council Plan</li> <li>• Corporate Performance Framework</li> <li>• Integrated Impact Assessments</li> <li>• Performance Scorecards published on Open Data platform</li> <li>• Financial Strategy</li> <li>• Regular finance and performance reporting to the Executive</li> </ul>

<b>Principle E – Developing the Council’s capacity, including the capability of its leadership and the individuals within it</b>		
<b>Supporting Principles</b>	<b>To achieve this, City of York Council will:</b>	<b>This is evidenced by:</b>
<ul style="list-style-type: none"> <li>• Developing the Council’s capacity</li> <li>• Developing the capability of the entity’s leadership and other individuals</li> </ul>	<ul style="list-style-type: none"> <li>• Set out a clear statement of the respective roles and responsibilities of the Council’s Executive, Full Council and individual members through the Constitution</li> <li>• Set out a protocol to address the working relationship between the Chief Executive and Leader enabling each to fulfil their respective roles</li> </ul>	<ul style="list-style-type: none"> <li>• Constitution</li> <li>• People plan</li> <li>• Personal Development Appraisals</li> <li>• Effective Induction programme</li> <li>• Member/ officer training</li> <li>• Residents survey (Talk-About)</li> <li>• Public participation arrangements</li> <li>• Occupational Health policy</li> <li>• Schemes of delegation for members</li> </ul>

	<ul style="list-style-type: none"> <li>• Maintain an effective workforce plan to enhance the strategic allocation of resources</li> <li>• Maintain officer and member induction programmes</li> <li>• Assess the skills required by officers through the appraisal process and address any training gaps to enable roles to be carried out effectively</li> <li>• Develop the capabilities of members through member training</li> <li>• Regularly review the scheme of delegation and Constitution and update when required</li> <li>• Ensure structures are in place to encourage public participation</li> <li>• Ensure arrangements are in place to maintain the health and wellbeing of the workforce</li> </ul>	and officers
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<b>Principle F – Managing risks and performance through robust internal control and strong public financial management</b>		
<b>Supporting Principles</b>	<b>To achieve this, City of York Council will:</b>	<b>This is evidenced by:</b>
<ul style="list-style-type: none"> <li>• Managing Risk</li> <li>• Managing Performance</li> <li>• Robust Internal Control</li> <li>• Managing data</li> <li>• Strong public financial management</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain an effective Audit &amp; Governance Committee independent of executive &amp; Scrutiny functions</li> <li>• Maintain an effective Scrutiny function</li> <li>• Ensure robust and integrated risk management arrangements are in place and responsibilities for managing individual risks are clearly allocated</li> <li>• Manage performance by ensuring the Corporate Performance Framework is adhered to</li> </ul>	<ul style="list-style-type: none"> <li>• Audit &amp; Governance Committee</li> <li>• Regular risk reports to Scrutiny &amp; Audit &amp; Governance Committee</li> <li>• Risk Management Policy &amp; Strategy</li> <li>• Standards committee</li> <li>• Corporate Risk Register</li> <li>• Corporate Performance Framework</li> <li>• Mod.gov</li> <li>• Terms of reference</li> <li>• Regular Member training</li> </ul>

	<ul style="list-style-type: none"> <li>• Ensure publication of Agendas and minutes are published</li> <li>• Maintain regular programme of training for the Audit &amp; Governance Committee to enable effective performance</li> <li>• Maintain financial regulations to ensure consistency and clear financial protocols</li> <li>• Maintain a transparent complaints and feedback procedure</li> <li>• Internal Audit annual risk based programme of internal audits informed by the councils risk register.</li> <li>• Individual audits take account of service/ project risks and each assurance report provides an opinion on how risks are being managed</li> <li>• Ensure effective counter fraud and anti-corruption arrangements are in place</li> <li>• Ensure effective information governance arrangements are in place to support compliance with existing and emerging legislation for data protection and e-privacy</li> <li>• Ensuring financial management supports decision making and provides sufficient information to support the delivery of the Councils objectives.</li> </ul>	<ul style="list-style-type: none"> <li>• Financial Regulations</li> <li>• Complaints &amp; customer feedback procedure</li> <li>• Audit Charter</li> <li>• Regular Internal Audit reports to Audit &amp; Governance Committee including <ul style="list-style-type: none"> <li>○ Head of Internal Audit report</li> <li>○ Follow up reports</li> <li>○ Regular reports on results of internal Audit work</li> </ul> </li> <li>• Counter Fraud &amp; Corruption Strategy</li> <li>• Fraud &amp; Corruption Policy Framework</li> <li>• Annual Governance Statement</li> <li>• Information Governance Policies and Procedures covering data protection, information management and security, records management</li> <li>• Regular finance and performance reporting to the Executive</li> <li>• Medium term financial strategy</li> <li>• Monthly budget monitoring reports</li> </ul>
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<b>Principle G – Implementing good practices in transparency, reporting, and audit to deliver effective accountability</b>		
<b>Supporting Principles</b>	<b>To achieve this, City of York Council will:</b>	<b>This is evidenced by:</b>

<ul style="list-style-type: none"> <li>• Implementing good practice in transparency</li> <li>• Implementing good practices in reporting</li> <li>• Assurance and effective accountability</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain compliance with the local government transparency code and publish all required information in a timely manner</li> <li>• Maintain effective and accessible arrangements for dealing with complaints</li> <li>• Maintain an effective scrutiny function which encourages constructive challenge</li> <li>• Maintain an effective Audit Committee independent of the Executive &amp; Scrutiny Committees</li> <li>• Publish all Committee reports on mod.gov unless there is a legitimate need to preserve confidentiality on the basis of the statutory test</li> <li>• Maintain and regularly communicate whistleblowing policies</li> <li>• Ensuring performance information is prepared on a consistent and timely basis</li> <li>• Governance, Risk &amp; Assurance Group meet regularly and monitor compliance with the Governance Framework including areas for improvement as part of the Annual Governance Statement process</li> <li>• Maintain an effective Internal Audit function which conforms to the Public Sector Internal Audit Standards (PSIAS) and the Cipfa Statement on the Role of the Head of Internal Audit</li> <li>• Welcome Peer Reviews and inspection</li> </ul>	<ul style="list-style-type: none"> <li>• Open Data Platform (Transparency page on website)</li> <li>• Publication of all FOI queries and responses</li> <li>• Information Governance Policies and Procedures covering data protection, information management and security, records management</li> <li>• Complaints and customer feedback policy</li> <li>• Scrutiny Committees</li> <li>• Audit &amp; Governance Committee</li> <li>• Mod.gov</li> <li>• Whistleblowing policy</li> <li>• Corporate Performance Framework</li> <li>• Annual Governance Statement</li> <li>• Audit Charter</li> <li>• Regular internal audit reports to Audit &amp; Governance Committee including <ul style="list-style-type: none"> <li>○ Head of Internal Audit Report</li> <li>○ Follow up reports</li> <li>○ Regular reports on results of internal Audit work</li> </ul> </li> <li>• Opportunity for Audit &amp; Governance Committee members to meet both Internal &amp; External Auditors privately</li> <li>• Internal audit quality assurance and improvement programme</li> <li>• Peer Challenge Action plan</li> <li>• Medium Term Financial Strategy</li> <li>• Regular Finance &amp; Performance reports</li> </ul>
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	<p>from regulatory bodies and implement recommendations</p> <ul style="list-style-type: none"><li>• Produce regular finance and budget monitoring reports for members reporting on performance, value for money and stewardship of resources</li><li>• Produce regular budget manager reports to ensure senior managers own the results</li></ul>	<ul style="list-style-type: none"><li>• Monthly budget monitoring reports</li></ul>
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## Terms of Reference for Joint Standards Committee

### 8 Joint Standards Committee

- 8.1 The Standards Committee shall be a joint committee established pursuant to section 102 of the Local Government Act 1972 consisting of the City of York Council, Heworth Without Parish Council and Earswick Parish Council (“the Councils”)
- 8.2 Functions
- 8.2.1 The Joint Standards Committee may exercise the following functions of the Councils:
- 8.2.2 The promotion and maintenance of high standards of conduct by members and co-opted members of the Councils and other Parish Councils for which the City Council is the principal authority.
- 8.2.3 Establishing arrangements for investigating and making decisions in respect of allegations that the code of conduct of either the City Council or a parish council for which the City Council is the principal authority has been breached.
- 8.2.4 Where the power to do has been delegated to it by a Council, granting dispensations relieving members from the duty to register or declare interests.
- 8.3 Membership of the Joint Standards Committee
- 8.3.1 The Joint Standards Committee shall consist of:
- a) Five voting members of the City Council;
  - b) One voting member of each of the three Parish Councils
  - c) Up to three non-voting community members co-opted by the Committee
- 8.3.2 A person who is disqualified from being a member of a relevant authority shall be disqualified from membership of the Joint Standards Committee.

8.4 Term of office and casual vacancies

8.4.1 A member of the Joint Standards Committee will hold office until one of the following occurs:

- a) He or she resigns by giving written notice to the proper officer of the Council that appointed him or her;
- b) He or she is removed or replaced by the Council that appointed him or her;
- c) He or she is disqualified for membership of the Joint Standards Committee;
- d) He or she ceases to be eligible for appointment to the Joint Standards Committee in the capacity in which he or she was appointed;
- e) The Constituent Authority which appointed him or her ceases to participate in the Joint Standards Committee.

8.4.2 A casual vacancy shall be filled as soon as practicable by the relevant Council. A casual vacancy in the case of a Parish Councillor shall be reported to the York Association of Local Councils for information.

8.5 Sub Committees

8.5.1 The Joint Standards Committee may appoint sub committees for purposes in the exercise of its functions.

8.5.2 Each person appointed as a member of a sub committee must be a voting member of the Joint Standards Committee.

8.5.3 The Joint Standards Committee will determine the membership and terms of reference of the sub committee and the quorum for its meetings.

8.5.4 If the Joint Standards Committee appoints more than one sub committee to exercise one or more of its functions then it shall ensure that the Proper Officer allocates particular matters to a sub committee first on the basis of the availability of members required to constitute the sub committee, and thereafter by rotation, and summonses meetings accordingly.



8.6 Meetings and Proceedings

8.6.1 The meetings and proceedings of the Joint Standards Committee shall be conducted in accordance with the standing orders or rules of procedure of the City of York Council.

8.6.2 The Joint Standards Committee may determine procedure rules for its sub committees.

8.7 Withdrawal from the Joint Standards Committee

8.7.1 A constituent authority may cease to participate in the Joint Standards Committee by resolution to that effect communicated in writing to the Monitoring Officer.

8.8 Expenses of the Joint Committee

8.8.1 The expenses of the Joint Committee shall be met by the City Council.

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**Council**

**15 December 2016**

**Report of the Monitoring Officer**

**Scheme of Delegations**

**Summary**

1. This report advises Members of changes to the Constitution consequent upon the recent Chief Officer restructuring and of a minor change to the Executive scheme of delegation approved by the Leader.

**Background**

2. The Council's Constitution allows the Monitoring Officer to make amendments in advance of Full Council approval in certain circumstances. This includes amendments to ensure that the Council's constitution reflects changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decision taken by the person(s) or body with authority to take such action. Such amendments must be reported subsequently to Full Council. The full Constitution is available online here:

<http://democracy.york.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12830&path=0&wb48617274=06D9ACDB>

**Changes arising from restructuring**

3. The recent restructuring of Council directorates has resulted in changes to job titles and some reallocation of responsibilities. Relatively few changes have been required as much of the Constitution is generic in its application to Officers. However, references within the Constitution have been amended as follows:

<b>References to:</b>	<b>Changed to:</b>
Director of Customer and Business Support Services	Corporate Director of Customer and Corporate Services

Director of City and Environmental Services	Corporate Director Economy and Place
Assistant Director of Governance and ICT	Assistant Director of Legal and Governance
Assistant Director (Planning and Sustainable Development)	Assistant Director(Planning and Public Protection)
Assistant Director Transformation and Change	Assistant Director Customer Services and Digital

4. In addition the opportunity has been taken to replace references to the Democratic Services Manager with the Head of Civic and Democratic Services to reflect a change in job title which occurred some time ago.
5. As part of the restructuring, responsibility for the Registration Service (which previously fell within the Neighbourhoods Services Directorate) has transferred to the Corporate and Customer Services directorate and now rests with the Assistant Director Customer Services and Digital. The Council is obliged to appoint a Proper Officer for Registration Services under schedule 29 paragraphs 41(3), (4) and (5) of the Registration Services Act 1953. As this is a Full Council appointment the Monitoring Officer does not consider that it falls within his powers to deal with this by way of a simple amendment to the Constitution but Members are invited to appoint the Assistant Director Customer Services and Digital to that position in place of the former Assistant Director (Communities and Neighbourhoods).

#### **Change to scheme of delegations approved by the Leader**

6. At its meeting on 21<sup>st</sup> July 2016 Full Council approved a revised scheme of delegations to Officers in respect of the functions for which it is responsible. Council was advised that the Leader had agreed to await the outcome of the debate at Council before finally approving a scheme in respect of executive functions. Following that meeting the Leader approved the scheme as presented to Council and this has been incorporated into the Constitution.
7. Subsequently a change was made to the legal requirements for designating neighbourhood areas under the Localism Act meaning that in some cases the Authority is statutorily obliged to designate areas. Officers had and continue to have limited powers to approve

the designation of neighbourhood areas but the wording of the delegation has been amended to read:

*An Officer may only exercise powers in relation to the designation of a neighbourhood area under the Localism Act 2011 where the Council is statutorily obliged to designate the area specified in the application.*

### **Council Plan**

8. The Constitution is the Council's key governance document and therefore supports the delivery of all the Council's priorities.

### **Implications**

#### **9. Legal**

The Council is legally obliged to prepare and keep its constitution up to date.

### **Risk Management**

10. There are no specific risks arising from this report.

### **Recommendations**

11. Members are asked to:

- a) Note and confirm the constitutional changes made by the Monitoring Officer under delegated powers following the recent restructuring.
- b) Agree the designation of the Assistant Director Customer Services and Digital as Proper Officer for registration functions
- c) Note the changes made to the Constitution to reflect the Leader's allocation of executive decision making responsibilities.

Reason: The Council is legally obliged to prepare and keep its constitution up to date.

**Contact Details**

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

Andy Docherty  
Assistant Director  
Telephone: 01904  
551004

**Report  
Approved**

**Date** 2<sup>nd</sup> December  
2016

**Specialist Implications Officers**

Not applicable

**Wards Affected:**

**All**

**For further information please contact the author of the report**

**Background Papers**

None

**Annexes**

None

**Membership of Committees, Working Groups and  
Outside Bodies**

**Outside Bodies**

Ainsty 2008 Internal Drainage Board

To appoint Mr John Tull as a member of the Ainsty 2008 Internal Drainage Board

(Mr Tull lives in the internal drainage area and fulfils the criteria for appointment to the Board)

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**Council Meeting – 15 December 2016****Motions, Recommendations and Amendments****A. Agenda Item 6 – Recommendations of Executive**

Recommendations and Motions to be moved by Cllr Carr as follows:

**Executive, 24 November 2016****78. Funding Major Transport Projects – West Yorkshire Transport Fund**

Recommended: That Council agree to:

- (i) Formally join the West Yorkshire Transport Fund.
- (ii) Accept the financial liability that arises from joining the fund and to note that future increases in the levy would represent as unavoidable additional cost in future budgets. Although the precise figures could not be determined at this stage it would be within the parameters identified in the report which estimated an increase from the budgeted contribution of £500k per annum to £1m to £1.5m per annum in 2025.
- (iii) Delegate to the Deputy Chief Executive/Director of Customer and Corporate Services the finalisation of the legal agreement in consultation with the Leader of the Council, the Deputy Leader of the Council and the Finance Portfolio holder.<sup>1</sup>

Reason: (i) To ensure the delivery of the York Outer Ring Road improvements and York Central Access Road and Station Gateway schemes.

(ii) To ensure proper financial planning within the authority.

(iii) To ensure that York's position is fully protected in line with the principles set out in the report.

**79. Capital Programme – Monitor 2 2016/17**

Recommended: That Council:

- (i) Agree to make adjustments resulting in a decrease in the 2016/17 programme of £29.080m as detailed in the report and contained in Annex A.
- (ii) Approve the loan of £1.110m the Council will provide to Yorwaste, as set out in paragraphs 23 – 29 of the report, to be funded from the Waste reserve and note that this will have no impact on the Council's overall borrowing levels.

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

### **Executive, 7 December 2016**

#### **93. Burnholme Health and Wellbeing Campus: Key Decisions to further progress this development**

Recommended: That Council agree to:

- (i) Add the estimated £4.727m of costs for the community and library facilities to the Capital Programme with the costs to be funded from the capital receipt received from the future disposal of surplus development land on the Site subject to obtaining DfE consent necessary for such disposal. No capital costs will be incurred until official confirmation of the DfE consent has been received.
- (ii) The estimated £200,000 of costs for urgent repairs and works to the sports facilities are added to the Capital Programme with the costs initially being funded from capital held for the use of the Older Persons' Accommodation Programme and subsequently being paid back from the capital receipt received from the disposal of development land on the Site.

Reason: To progress to delivering the Burnholme Health & Wellbeing Campus including the delivery of a Care Home as part of the Older Persons' Accommodation Programme.

**94. Lowfield Green Development: Moving forward to deliver a care home, health facility and housing**

Recommended: That Council agree the estimated £993,000 of costs for the enabling works and the access road needed to facilitate the development are added to the Capital Programme with costs initially being funded from capital held for the use of the Older Persons' Accommodation Programme and subsequently being paid back from the capital receipt received from the disposal of development land on the Site.

Reason: To progress with the Lowfield Green development and deliver additional care, health and housing facilities for the residents of York.

**B. Agenda Item 8 – Motions on Notice**

**Motions submitted for consideration directly by Council, in accordance with Standing Order 23.1**

(i) From Cllr Gillies

**Review of Gaming Machines and Social Responsibility Measures**

'Whereas Council

Notes the launch of the Government's 'Review of Gaming Machines and Social Responsibility Measures' consultation;

Further notes that rates of problem and at-risk gambling, particularly on gaming machines, have been found to be higher among loyalty card holders and where there are clusters of gaming shops;

Recognises that whilst York does not have a severe problem of clusters of betting shops per se it does host a large number of betting shops, some of which, particularly in the city centre, are in close proximity to each other and all of which have gaming machines;

Council therefore requests that officers respond to the Government's consultation and to include the following points:

To ask the Government to address the evidence and widespread public concern over the use and abuse of gaming machines by reducing gaming machine stakes to £2;

To represent that local authorities should be given more powers to manage and respond to clusters of gambling premises in their areas; and

To support the introduction by the Government of a statutory cumulative impact approach to gambling licensing, in line with its approach to alcohol licensing.'

**Amendment from Cllr Kramm as follows:**

At the end of the motion the **addition** of the following paragraph:

*That Officers present to the Local Plan Working*

- *options for policy improvements which prevents clustering of betting shops, pay day loan shops, and pawnbrokers in the city and town centres,*
- *possibilities to restrict the change of use to Sui Generis uses and to limit the presence of fixed odds betting terminals (FOBTs) in premises.*

**For information the effect on the original motion of this amendment:**

'Whereas Council

Notes the launch of the Government's 'Review of Gaming Machines and Social Responsibility Measures' consultation;

Further notes that rates of problem and at-risk gambling, particularly on gaming machines, have been found to be higher among loyalty card holders and where there are clusters of gaming shops;

Recognises that whilst York does not have a severe problem of clusters of betting shops per se it does host a large number of betting shops, some of which, particularly in the city centre, are in close proximity to each other and all of which have gaming machines;

Council therefore requests that officers respond to the Government's consultation and to include the following points:

To ask the Government to address the evidence and widespread public concern over the use and abuse of gaming machines by reducing gaming machine stakes to £2;

To represent that local authorities should be given more powers to manage and respond to clusters of gambling premises in their areas; and

To support the introduction by the Government of a statutory cumulative impact approach to gambling licensing, in line with its approach to alcohol licensing.

***That Officers present to the Local Plan Working***

- ***options for policy improvements which prevents clustering of betting shops, pay day loan shops, and pawnbrokers in the city and town centres,***
- ***possibilities to restrict the change of use to Sui Generis uses and to limit the presence of fixed odds betting terminals (FOBTs) in premises.'***

(ii) From Cllr Runciman

**Local Pharmacies**

'Council Notes:

- Local pharmacies in York and North Yorkshire provide a range of NHS services and ensure residents can get face-to-face professional healthcare advice without an appointment.
- Our pharmacies play an important role in promoting wellbeing such as healthy eating, smoking cessation, exercise, flu vaccination and sexual health.
- 96% of people can get to a pharmacy within 20 minutes, making them a health and social care asset close to where people live, work, and shop.

This Council is therefore extremely disappointed that the Department of Health (DH) proposes budget cuts of £200 million to pharmacies over the next two years to take effect from this month. This means a cut of 12% during the financial year and could lead to the loss of up to a quarter of pharmacies, putting extra pressure on our already strained GPs and hospitals.

The cuts to pharmacies come at a time of unprecedented pressure on wider health and social care services exacerbated by the following failures of the current Government:

- Giving the NHS less than half of the £10 billion it promised before last year's General Election
- Cutting public health budgets, including in York where our public health grant has been reduced by £1.2 million over the last two years
- A failure in the Autumn Statement to recognise or address the potential £2.6 billion national funding gap and growing crisis in social care

- Earmarking a further £420 million of potential cuts to local services through the 'Humber Coast and Vale' Sustainability and Transformation Plan (STP).

Council therefore resolves to write to the Secretary of State for Health, NHS England and Vale of York Clinical Commissioning Group detailing our concerns and demanding an immediate reversal of the pharmacy proposals, as well as outlining our growing anxiety about the wider picture for local health and care services.'

(iii) From Cllr S Barnes

### **Access to NHS Services**

'Council notes:

- the financial crisis in health facing the NHS and City of York Council, whose public health funding has seen cutbacks in recent years;
- The decision of Vale of York NHS Clinical Commissioning Group (CCG) to ration access to NHS services by imposing conditions for surgery on some who smoke or who are obese;
- The expert clinical view put forward by the Royal College of Surgeons, and comments from its President, Clare Marx, who has labelled Vale of York NHS CCG's policy as 'frankly shocking'.

Council agrees with the CCG's aim to reduce levels of obesity and smoking prevalence among York residents, and recognises that individuals themselves must play a part and take responsibility for looking after their own health.

But Council believes the recent CCG policy change regarding the provision of surgery to patients who are obese, or who smoke, sets a dangerous precedent. A change to restrict and ration health services to specific groups of people is unfair.

Furthermore, Council believes this policy threatens to exacerbate existing health inequalities.

Council resolves:

- To write to Vale of York Clinical Commissioning Group (CCG), Sir Simon Stevens, Head of NHS England, and Jeremy Hunt MP, Secretary of State for Health objecting to this decision in the strongest possible terms;
- To request that the Executive commissions the Director of Public Health to assess the impact of this policy, including the impact on health inequalities, reporting back to Health and Adult Social Care Policy and

Scrutiny Committee, with options recommended to Executive for what the council can do to mitigate its impact on health inequalities.'

**Amendment from Cllr Craghill as follows:**

After 'health inequalities' in the last paragraph before 'Council resolves' **add** *'and is just one example of the sort of decisions which could limit access to NHS services for York residents as a result of the Government imposed Humber, Coast and Vale Sustainable Transformation Plan. There is still little clarity as to how the required £420 million saving will be made or which NHS facilities in the region will be closed or rationalised, jeopardising future free access for all.*

*'In addition Council also notes there is clear opposition to the imposition of Sustainable Transformation Plans by an increasing number of Councils and Health and Well Being Boards, including Liverpool, Shropshire, Telford & Wrekin, Hammersmith & Fulham and Ealing.'*

Under 'Council resolves' **add** a third bullet point:

*'To write to the Head of NHS England and the Secretary of State for Health to express this Council's opposition to yet further cuts and service changes to the NHS through the Government imposed Sustainable Transformation Plans and to express this Council's unwillingness to work with the Humber, Coast and Vale STP without a fully accountable governance structure and transparent public consultation on how the £420 million will be saved and the impact it will have on patients in York and across the region.'*

**For information the effect on the original motion of this amendment:**

'Council notes:

- the financial crisis in health facing the NHS and City of York Council, whose public health funding has seen cutbacks in recent years;
- The decision of Vale of York NHS Clinical Commissioning Group (CCG) to ration access to NHS services by imposing conditions for surgery on some who smoke or who are obese;
- The expert clinical view put forward by the Royal College of Surgeons, and comments from its President, Clare Marx, who has labelled Vale of York NHS CCG's policy as 'frankly shocking'.

Council agrees with the CCG's aim to reduce levels of obesity and smoking prevalence among York residents, and recognises that individuals themselves must play a part and take responsibility for looking after their own health.

But Council believes the recent CCG policy change regarding the provision of surgery to patients who are obese, or who smoke, sets a dangerous precedent. A change to restrict and ration health services to specific groups of people is unfair.

Furthermore, Council believes this policy threatens to exacerbate existing health inequalities ***and is just one example of the sort of decisions which could limit access to NHS services for York residents as a result of the Government imposed Humber, Coast and Vale Sustainable Transformation Plan. There is still little clarity as to how the required £420 million saving will be made or which NHS facilities in the region will be closed or rationalised, jeopardising future free access for all.***

***'In addition Council also notes there is clear opposition to the imposition of Sustainable Transformation Plans by an increasing number of Councils and Health and Well Being Boards, including Liverpool, Shropshire, Telford & Wrekin, Hammersmith & Fulham and Ealing.'***

Council resolves:

- To write to Vale of York Clinical Commissioning Group (CCG), Sir Simon Stevens, Head of NHS England, and Jeremy Hunt MP, Secretary of State for Health objecting to this decision in the strongest possible terms;
- To request that the Executive commissions the Director of Public Health to assess the impact of this policy, including the impact on health inequalities, reporting back to Health and Adult Social Care Policy and Scrutiny Committee, with options recommended to Executive for what the council can do to mitigate its impact on health inequalities.
- ***To write to the Head of NHS England and the Secretary of State for Health to express this Council's opposition to yet further cuts and service changes to the NHS through the Government imposed Sustainable Transformation Plans and to express this Council's unwillingness to work with the Humber, Coast and Vale STP without a fully accountable governance structure and transparent public consultation on how the £420 million will be saved and the impact it will have on patients in York and across the region.'***

(iv) From Cllr D'Agorne

### **Air Quality**

'Council notes:



- That improving air quality is a key objective in the Council Plan and a matter of significant public concern;
- That recent data shows that between 94 and 163 people die prematurely in York each year due to the impacts of poor air quality (Local Air Quality Management Status Report 2016, City of York Council);
- That 50-70% of nitrogen dioxide pollution in York is from vehicle traffic, largely diesel vehicles and the annual average air quality objective for NO<sub>2</sub> is still being breached at numerous locations around the inner ring road (Local Air Quality Management Status Report 2016, City of York Council)
- A report by the Royal College of Physicians and the Royal College of Paediatrics and Child Health in Feb 2016 estimated that the adverse impact on public health caused by air pollution costs the UK economy more than £20bn per year – around 16% of the current annual NHS budget.
- The publication in December 2016 of draft guidelines by NICE (National Institute for Clinical Excellence) calling on local authorities to take a range of actions to reduce the impact of road traffic related pollution on health including putting air quality at the centre of Local Plans, introducing Clean Air Zones and reducing emissions from public transport.

Council further notes:

- That with the measures listed in York's Third Air Quality Action Plan (AQAP3) **in place**, together with the emission reduction measures through modal shift included in the Third Local Transport Plan (LTP3), the health based national air quality objectives for NO<sub>2</sub> would be met by 2021 in all the current air quality 'technical breach' areas in York.
- However, that while York has successfully secured 'Go Ultra-Low City' status and is making progress on establishing an electric charging network, there are significant actions identified in AQAP3 where a great deal still needs to be done to achieve targets. These include making tangible progress towards establishing a freight transshipment facility to keep delivery vehicles out of the city centre/urban areas, enforcement of anti-idling zones such as Rougier St, implementation of procurement requirements for council contracts, and firm plans for the establishment of a city centre Clean Air Zone by 2018.
- That the AQAP3 plan makes no strategic assessment of the likely growth in traffic by 2021 and beyond arising out of housing growth within the draft Local Plan.
- That the Council has a statutory public health responsibility to 'improve the health of the local population', with the overall management of air quality allocated to the Executive (section 3A, para. 2.1, no. 6 of the constitution).

Council therefore resolves to:

- Request an annual joint strategic report to Executive by the Director for Place Services and the Director of Public Health on the progress towards targets and further actions proposed for all the elements of the Third Air Quality Management Plan (AQAP3), including the proposed Clean Air Zone for public transport, the Low Emission Strategy and the elements of the Third Local Transport Plan which relate to improving air quality.
- Request a report to the Local Plan Working Group and Executive setting out how the emerging Local Plan will ensure that development does not detract from improvements in air quality in York. The completion of the city-wide transport model should include a cost/benefit analysis of the options for investment in a tram, light rail or guided bus way system to facilitate very low emission/zero carbon development, drawing on the experience of other cities in the UK and abroad.'

**C. Agenda Item 12 – Recommendations of the Gambling, Licensing & Regulatory Committee, 7 November 2016**

Recommendations and Motion to be moved by Cllr Douglas as follows:

**18. City of York Council Community Governance Review**

- Recommended:
- (i) That Heslington Parish Council should no longer be divided into wards and there be a single parish area represented by nine councillors.
  - (ii) That Council formally confirms that Heslington Parish should not be abolished, that its area and name should be unchanged and that it should continue to have a Parish Council.
  - (iii) That the name of Kexby Parish Council be changed to Kexby and Scoreby Parish Council.

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

**D. Agenda Item 13 – Recommendations of the Audit and Governance Committee, 7 December 2016**

Recommendations and Motions to be moved by Cllr Dew as follows:

**39. Appointment of External Auditor**

Recommended: That Council opt-in to the approved sector led body, Public Sector Audit Appointments Ltd (PSAA), to act as the appointing person for the appointment of external auditors for the council for five years commencing 1 April 2018.

Reason: To enable the council to take advantage of the national scheme for appointing external auditors.

**40. Local Code of Corporate Governance**

- Recommended:
- (i) That the current Code of Corporate Governance be removed from the Constitution.
  - (ii) That the revised Local Code of Corporate Governance, as attached at Annex A of the report, be adopted.
  - (iii) That any future changes to the Code of Corporate Governance be presented to the committee for consideration.

Reason: To ensure appropriate governance arrangements are in place.

**E. Agenda Item 14 – City of York Joint Standards Committee**

Recommendation and Motion to be moved by Cllr Runciman as follows:

Council is asked to;

- (i) establish a new Joint Standards Committee in place of the former Joint Committee set up on 8 October 2015 and to confirm the terms of reference for the new committee as set out in the attached. This follows the nomination of Sian Wiseman, Earswick Parish Councillor, as a parish council representative on the Joint Standards Committee.

- (ii) note that there remains a vacancy for a Parish Council representative on the Joint Standards Committee following the resignation of Mark Waudby and that arrangements are in place to seek a replacement.

**F. Agenda Item 15 – Constitution – Scheme of Delegation**

Recommendations and Motion to be moved by Cllr Carr as follows:

Members are asked to:

- a) Note and confirm the constitutional changes made by the Monitoring Officer under delegated powers following the recent restructuring.
- b) Agree the designation of the Assistant Director Customer Services and Digital as Proper Officer for registration functions
- c) Note the changes made to the Constitution to reflect the Leader's allocation of executive decision making responsibilities.

Reason: The Council is legally obliged to prepare and keep its constitution up to date.