

City of York Council

Resolutions and proceedings of the Meeting of the City of York Council held in the Guildhall, York on Thursday, 30th March 2017, 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 Mason 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

Hull Road Ward

Huntington and New Earswick
Ward

N Barnes
Levene
Shepherd

Cullwick
Orrell
Runciman

Micklegate Ward

Osbalwick and Derwent Ward

Gunnell
Hayes
Kramm

Brooks
Warters

Rawcliffe and Clifton Without Ward

Rural West York Ward

Dew
Lisle

Gillies
Steward

Strensall Ward

Westfield Ward

Doughty
Douglas

Hunter
Jackson
Waller

Wheldrake Ward

Mercer

Apologies for absence were received from Councillors Crisp,
Derbyshire and Rawlings

In attendance: Honorary Alderman Ken King

66. 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 **personal** interest was declared:

<u>Councillor</u>	<u>Agenda Item</u>	<u>Description of Interest</u>
Flinders	8. Report of Deputy Leader and Questions 12. Report of the Chair of CSMC	In relation to references to York Central and his employment by Network Rail

67. Minutes

Resolved: That the minutes of the last Ordinary meeting of Council held on 15 December 2016 and the Budget Council meeting held on 23 February 2017 be approved and then signed by the Chair as correct records.

68. Civic Announcements

The Lord Mayor reported that following the recent terror attack in Westminster he had written to the Lord Mayor of London, the Mayor of London and the Lord Mayor of Westminster on behalf of the Civic Party and the residents of York to express the City's sorrow at the atrocities carried out.

Following his visit to China, the Lord Mayor reported that he had recently welcomed a senior business and state delegation from the city of Nanjing. The delegation included representatives from a number of business sectors, with the focus of the visit being on tourism, education and business collaboration.

The Lord Mayor also highlighted the fundraising being undertaken by Anne Platt, the Council's Mansion House and Civic Events Manager, to raise funds for York Against Cancer and St Leonard's

Hospice. He confirmed that a Justgiving page had been set up for donations and that Anne would appreciate support for her chosen charities.

Finally, he confirmed that this would be the last meeting of Council attended by Cllr Gunnell and he thanked her for all her hard work both in the Ward and on the Council.

Cllr Gunnell replied to thank residents of the Micklegate Ward and both current and previous Council Members of all parties for their support during her 10 years in office.

69. Public Participation

Peter Richardson spoke in relation to the Independent Flood Inquiry report to be discussed later in the meeting. In particular he highlighted his views on the reasons for the flooding, including work undertaken at Naburn Weir and the River Derwent Barrage which he confirmed he would be happy to discuss with Members of the appropriate Committee.

Janet Conde spoke to express her concerns regarding cuts in resources which would affect changes being made to interim care services and the closure of Archways, an Intermediate Care Unit, which would affect vulnerable people in the city.

Ian Craven spoke to support the Labour Group Motion relating to the closure of Imphal and Queen Elizabeth II Barracks. He referred to the investment already made in the city by the Ministry of Defence. He also expressed disappointment that the City of York Council did not appear to have challenged the closure and the subsequent job losses.

Gwen Vardigans spoke with reference to the Sustainability and Transformation Plans (STP's) currently being prepared by the Clinical Commissioning Groups (CCG's). In particular the transfer of health and school nurses and cuts to community nursing and increased workload with less funding. She asked Members to reject the Plans pending a reduction in the CCG funding deficit.

Ralph Montgomery spoke in relation to the proposed visitor centre at Clifford's Tower and, whilst supporting improvements to the area, he requested Members to support the Heritage Groups to examine alternative solutions for a visitor centre sited away from the Tower.

Sheena Foxwell representing Mental Health Action for York, a group set up following the closure of Bootham Park Hospital, questioned the reasons for the closure of the hospital highlighting the good service and positive care received by patients.

Chris Brace also spoke on the STP's, expressing concern at the necessity for the Plans and resulting accountability and he requested Members to follow the West Yorkshire lead and request further information prior to sign off.

John Shaw, representing the Yorkshire Architectural and Archaeological Society, explained the historical significance of Clifford's Tower and surrounding area. He referred to the missed opportunity for a joint approach with the Council, Castle Museum and English Heritage to provide a joint visitor centre.

Jonny Crawshaw spoke on school places and expansion plans for Scarcroft Primary School. He highlighted the shortfall in school places generally and referred to the impact of Academies and Free Schools on existing schools and the reduction in school budgets. He asked Members to support York Schools and build schools where there was most need.

70. Independent Flood Inquiry

Consideration was given to the Executive report and recommendations of the Independent Flood Inquiry, which had been reported to the Executive on 9 February 2017.

In accordance with the terms of reference of the Independent Flood Inquiry, Ms Angharad Davies, Chair of the Inquiry presented the findings of the Inquiry Panel to Council. She reported on the factors leading up to the events, the effectiveness of the response, resilience of the infrastructure and services and the further measures required.

Cllr Waller, Executive Member for the Environment responded, thanking the Chair and all those involved for their work on the report and resulting recommendations. He highlighted key aspects of work undertaken with the Environment Agency and other partners to deliver the Five Year Plan, with Government funding.

Members were then invited to question Ms Davies or make a brief comment on the Inquiry report and recommendations and

questions were received from the following Members in relation to the subjects listed:

- Cllr Looker – thanks on behalf of the Labour Group for the report, however concerns at the difficult to protect properties between Ouse Bridge and Skeldergate Bridge
- Cllr Hayes – support for the use of demountable defences in unprotected areas of York such as Clementhorpe
- Cllr Craghill – thanked the Panel for their work and raised the issue of city centre wards and responsibility for taking forward the use of demountable barriers
- Cllr Richardson – concern that Haxby and the flooding experienced in the village was no mentioned in the report
- Cllr Williams – also thanked the Panel for their report and questioned work on catchment management

Resolved: That Council receive and note the Flood Inquiry report and its recommendations.

71. Petitions

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

- Cllr Mason, on behalf of local residents, calling on the Council to take action to improve the condition of the road surface on The Horseshoe, Tadcaster Road which they considered was dangerous to cyclists and vehicles. ¹
- Cllr D'Agorne, on behalf of 35 residents of the Danesmead Estate calling for double yellow lines or residents parking to address inconsiderate parking on the estate. ²
- Cllr D'Agorne, on behalf of residents of Barbican Mews requesting action on inconsiderate parking in the area by the use of yellow lines or the implementation of a residents only parking scheme. ³
- Cllr Warters confirmed that his petition on behalf of residents of Bransdale Crescent, Osbaldwick was no longer required as agreement had now been reached on the spelling of the street name.
- Cllr Danny Myers on behalf of 500 residents calling for City of York Council to press the Post Office Ltd to open a new branch in Clifton Ward, following the closure in December

of the ward's last remaining branch on Crichton Avenue.⁴

Action Required

1-4. Refer to CSMC

JP

72. 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 Warters – supervision of utility works on roads and footpaths
- Cllr Levene – importance of devolution discussions for the York area
- Cllr Craghill – siting of Clifford's Tower Visitor Centre
- Cllr S Barnes – guarantees regarding retention of former Manor School playing fields
- Cllr S Barnes – arrangement of meeting with Leader to discuss above matter
- Cllr Kramm – clarification regarding affordable housing as part of the partnership between CYC and the Homes and Communities Agency (HCA)
- Cllr Kramm – Number of affordable homes aimed for as part of the partnership with HCA
- Cllr Levene – the percentage of market value of properties considered as affordable in the city
- Cllr Boyce – Children and Social Work Bill and the abolition of the statutory requirement for the set up local Safeguarding Children's Boards¹.
- Cllr Williams – how the proposals for the Guildhall differed from that of the previous administration
- Cllr Williams – delay and costs associated with the Guildhall development

Cllr Carr responded directly to all the questions put to him, including supplementaries, but agreed to respond in more detail in writing to Councillor Boyce.

B Executive Recommendations

The Development of the Guildhall Complex

Cllr Carr moved, and Cllr Aspden seconded the following recommendations contained in Minute 140 of the Executive meeting held on 16 March 2017:

Recommended: That Council approve a total capital budget of £12.780m with prudential borrowing of £8.683m to fund the construction works to develop the Guildhall complex.

Reason: To ensure the future viability and effective re-use of the Guildhall as one of the City's most significant historic buildings, through the creation a vibrant business and civic venue, with supporting commercial development on the riverside.

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

Resolved: That the above recommendation in respect of the funding of the Guildhall improvement works, be approved.²

Update on the Re-Provision of the Ordnance Lane Temporary Homeless Hostel

Cllr Carr moved, and Cllr Aspden seconded the following recommendation contained in Minute 141 of the Executive meeting held on 16 March 2017:

Recommended: That Council approve a revised overall budget of £10.5m from the Housing Revenue Account for the purchase (subject to contract) and conversion of James House as a permanent replacement for the council's current temporary homeless accommodation at Ordnance Lane.

Reason: To enable the re-provision of the council's temporary homeless accommodation at Ordnance Lane, Holgate Road, Crombie

House and Acomb Road to a single service based at James House.³

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

Resolved: That the above recommendation in respect of the purchase and refurbishment of James House for temporary homeless accommodation, be approved.

Action Required

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|---|----|
| 1. Circulate response to Members. | JP |
| 2. Note approval of budget to fund construction works. | DW |
| 3. Note approval of revised budget for purchase of James House. | TB |

73. 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 Kramm – content of the report was similar to the Leaders
- Cllr Kramm – further information on devolution
- Cllr Reid – implications of the new business rate reforms in the city
- Cllr Cannon – concern regarding implications for the city arising from adult social care financing
- Cllr Cannon – use of 3% precept for adult social care
- Cllr Warters – clarification on the size of investment in Haxby Library¹.
- Cllr Craghill – York Central in the context of making York the Greenest City in the North
- Cllr Craghill – commitment to ensure York Central is a zero carbon development¹.
- Cllr Kramm – impact on recycling with the removal of recycling banks

Cllr Aspden responded directly to all the questions put to him, including supplementaries, but agreed to respond in more detail in writing to Councillors Warters and Craghill.:

Action Required

1. Circulate response to Members.

JP

74. Motions on Notice

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

(i) Commemoration of the Great War

(proposed by Cllr Gillies and seconded by Cllr Gates)

Cllr Gillies sought Council's consent to alter the word 'instructs' in the third paragraph of his motion to 'invites'. Council agreed to the motion as altered.

"Council notes that 2018 will mark 100 years since the ceasing of the hostilities in the Great War;

Council recognises that residents of York will wish to commemorate this event and to express their appreciation to all who sacrificed so much during that conflict;

Council therefore invites the Leader and Deputy Leader to set up a working group to coordinate a series of commemorative events for next year, such working group to include, at their discretion, councillors, officers, civic leaders, organisations representing the armed forces and similar groups; artists and residents. The working group will plan an overall strategy for the council's commemoration activities, determine and address its funding needs as the steering group deem appropriate."

An amendment was proposed by Cllr Craghill as follows:

"Add new paragraph at the end of the motion:

'Council further instructs that the working group should ensure that the programme of activities fully reflects the following:

- *the horrors of war, including the suffering caused by the 37 million military and civilian casualties during the First World War;*
- *a diversity of perspectives on the causes and consequences of the war;*
- *and a commitment to learn the lessons of the past to help build peace in the future.”*

On being put to the vote the amendment was CARRIED.

A vote was then taken on the original motion, as altered by Cllr Craghill’s amendment, which was also CARRIED and it was

Resolved: That the original motion, as altered by Cllr Craghill’s amendment, be approved. ¹.

(ii) **Purple Flag Accreditation**

(proposed by Cllr Mason and seconded by Cllr Fenton)

Cllr Mason sought Council’s consent to alter his motion as follows

- “report back within three months to ~~a decision session of the Executive Member for Economic Development and Community Engagement~~ with an analysis of the costs, risks, and benefits of an application.”

Council agreed to the motion as altered.

“Council notes:

The importance of a safe and welcoming city-centre economy to residents of and visitors to York.

The work of the Business Improvement District, Make It York, and City of York Council officers in investing in a clean and safe city centre and promoting York as a great place to visit.

That the Association of Town & City Management runs a Purple Flag accreditation process for town and city centres that meet defined standards in managing the evening and night-time economy.

That the accreditation process measures such indicators as:

- the standard of public utilities, including street lighting and cleanliness
- the prevalence of harmful and hazardous drinkers and figures on night time-related accidents and injuries
- the safety and affordability of public transport.

That 42 locations around the United Kingdom have already been awarded Purple Flag status, including Leeds, Sheffield, and Halifax.

That the Purple Flag scheme provides research and training to help tackle issues such as anti-social behaviour.”

Council therefore resolves:

To ask Council officers to:

- make contact with the Business Improvement District, Make It York, and North Yorkshire Police to start exploring an application for Purple Flag status for York city centre
- report back within three months to the Executive with an analysis of the costs, risks, and benefits of an application.”

On being put to the vote the motion was CARRIED.

Resolved: That the motion be approved.²

(iii) **Closure of Imphal and Queen Elizabeth II Barracks**

(proposed by Cllr Finders and seconded by Cllr Boyce)

“Council acknowledges and values the social and economic contribution made by the Army’s long standing presence in York, currently through a combined 866 military staff and 417 civilian staff based or working at Imphal and Queen Elizabeth II Barracks, as well as associated jobs in the wider supply chain.

Council notes that there has been a barracks in Fulford since 1795 and an army base in Strensall since 1884, notes the vital role the Army has played during major flooding events in the past, including Christmas 2015, and further notes that York is proud to be a Garrison City.

Council resolves:

That the Chief Executive write to the Secretary of State for Defence, to express Council's opposition to the planned closures of Imphal and Queen Elizabeth II Barracks; and further resolves to lobby the city's two MPs to support City of York Council's position in Parliament."

An amendment was proposed by Cllr D'Agorne as follows:

"After second paragraph **add**:

Council further notes that the assumption by the Ministry of Defence that the Imphal Barracks site is appropriate to release for large scale housing development rather than its current mix of employment land and housing is premature given that the proposal has yet to be considered through the local plan process."

On being put to the vote the amendment was CARRIED.

A further amendment was then proposed by Cllr Carr as follows:

"Following the second paragraph **add** additional paragraph:

Council notes that the Leader and Deputy Leader of the Council have written to the Secretary of State for Defence expressing the council's extreme concern regarding the closure of these barracks and seeking further clarification from the MoD of their intentions.

Final paragraph second line, **delete** "opposition to" and **replace** with "*extreme concern relating to*"

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

A vote was then taken on the original motion, as altered by Cllr D'Agorne's amendment, which was CARRIED and it was

Resolved: That the original motion, as altered by Cllr D'Agorne's amendment, be approved.³

(iv) **Charity Fundraisers**

(proposed by Cllr Steward and seconded by Cllr Dew)

“Council believes York has a problem with overly aggressive charity fundraisers (known as ‘chuggers’) and so-called ‘gag mag’ sellers;

Council notes that whilst York supports licensed charity fundraising it takes issue with the intrusive and high pressure tactics often exhibited by both chuggers and gag mag sellers, which disrupt peoples’ enjoyment of their time in our city;

Further notes that although officers have taken a number of steps to address this issue, as a result of national legislation and long-existing statutes they have found it extremely difficult to effectively penalise street traders or charity fundraisers who persistently annoy members of the public;

Council therefore instructs officers; in consultation with Make it York and the York BID to:

- a) Review the present circumstances and determine whether any additional steps can be taken to improve the situation, and
- b) Take a lead with the LGA in lobbying the Government to bring national legislation up to date to reflect modern realities.”

On being put to the vote the motion was CARRIED.

Resolved: That the motion be approved.⁴

Action Required

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| 1. Implement terms of commemoration motion, in consultation with Members. | CC |
| 2. Explore Purple Flag status and add item to Council's Forward Plan for report back. | TB, JM |
| 3. Write to Secretary of State and lobby MP's regarding MoD closures, in the terms stated in the motion. | SB |
| 4. Review steps to improve situation with street traders/charity fund raisers and arrange to lobby Government thereon. | MS |

75. 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 Carr, Leader & Executive Member for Finance and Performance:
 - Cllr Orrell – in relation to devolution is no deal better than a bad deal
- (ii) To Cllr Lisle, Executive Member for Housing and Communities:
 - Cllr Levene – congratulations on appointment as Executive Member and questioned whether neighbours in rented housing were less cohesive
- (iii) To Cllr Runciman, Executive Member for Adult Social Care and Health
 - Cllr Funnell – continuation of Better Care Fund in view of Vale of York Clinical Commissioning Groups debt

The Executive Members responded directly to all the questions, including supplementary ones, put to them.

76. 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 (CSMC), on the work of the Committee, together with the recommendations of the Committee from their meeting held on 6 March in respect of new ways of working in scrutiny, at pages 91 to 142 of the agenda papers.

Councillor Williams moved and Cllr Galvin seconded acceptance of the report and recommendations of the Committee.

Cllr Looker moved the suspension of Standing Order 25.1 to allow an amendment to be put to Minute 51 from the CSMC meeting held on 6 March 2017, concerning the terms of reference for the proposed new Scrutiny Committees.

Following the agreement of Council to the suspension of Standing Orders, Cllr Looker then moved the following amendment to recommendation b), paragraph 32 of the CSMC Chair's report to Council, as set out on page 97 of the Council papers

At the end of recommendation b), add the following:

“with the exception of those proposed for the scrutiny of Economy & Place which should be replaced with those set out for 2 Committees at paragraph 7 of page 130 of the Council papers, which should be piloted for 12 months and then reviewed”

Following Council agreement, Cllr Looker then moved, the motion, as amended, and on being put to the vote the amendment was CARRIED.

A vote was then taken on the original motion, as amended, which was also CARRIED and it was

Resolved: That the amended motion relating to the terms of reference for the proposed new scrutiny committees be approved and the scrutiny report be noted. ¹.

Action Required

1. Implement new ways of working in scrutiny from start of new municipal year.

DS

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:

77. Report of Executive Member

Council received a written report from Cllr Aspden, Executive Member for Economic Development & Community Engagement as set out in the agenda papers at pages 87 to 90.

Resolved: That the report of the Executive Member for Economic Development & Community Engagement be received and noted.

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

- Cllr Galvin – maximum value of scheme that can be authorised by an Executive Member

Cllr Aspden responded directly to the question put to him.

78. Pay Policy 2017/18

Consideration was given to a written report detailing the Council's Pay Policy Statement for 2017/18 relating to the pay of the Council's senior staff, to fulfil the requirements of Sections 38-43 of the Localism Act 2011.

Councillor Carr moved a motion to approve the Pay Policy Statement, which was seconded by Councillor Aspden.

Resolved: That the motion in respect of the Pay Policy Statement for 2016/17 be approved.

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

79. Constitution Updates

Council received a report from the Council's Monitoring Officer which advised Members of changes to the Constitution consequent upon the decisions taken by the Executive, relating to the creation of the Shareholder Committee and the delegation of powers in respect of academy conversions

Members were asked to formally confirm the above constitutional changes set out in the report, to ensure the Constitution was updated following decisions taken by the Executive.

Resolved: That the recommendations set out in the Monitoring Officers report relating to the Shareholder Committee and academy conversions, be approved.¹

Action Required

1. Update Constitution accordingly.

JC

Cllr Dave Taylor

LORD MAYOR OF YORK

[The meeting started at 6.30 pm and concluded at 10.00 pm]