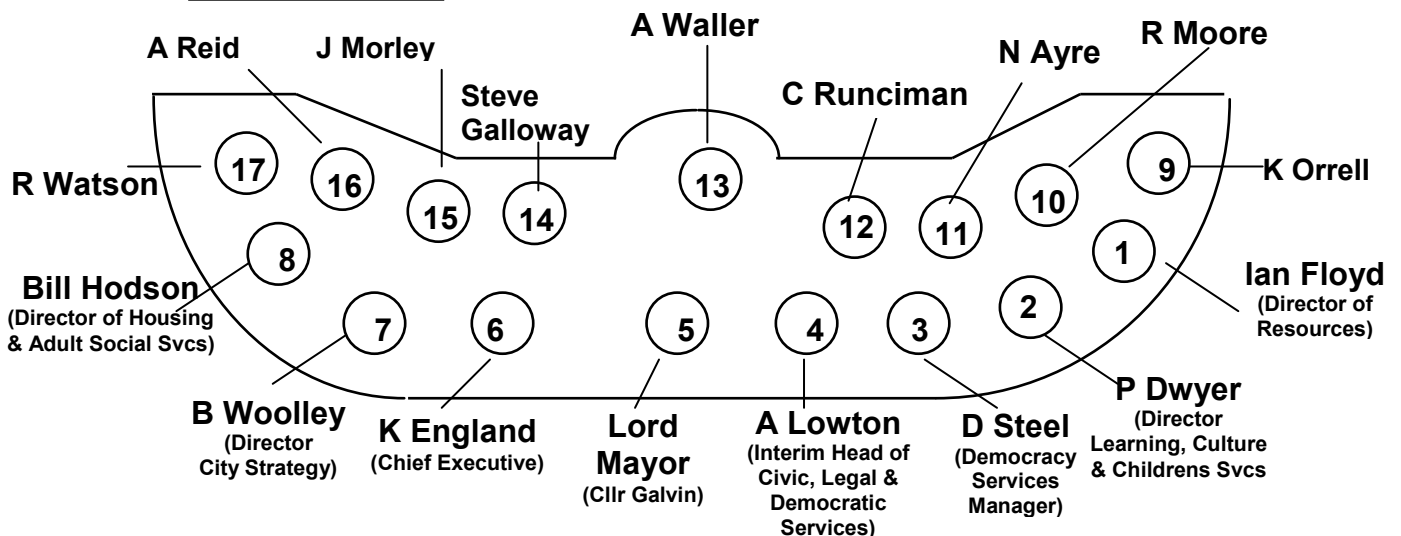
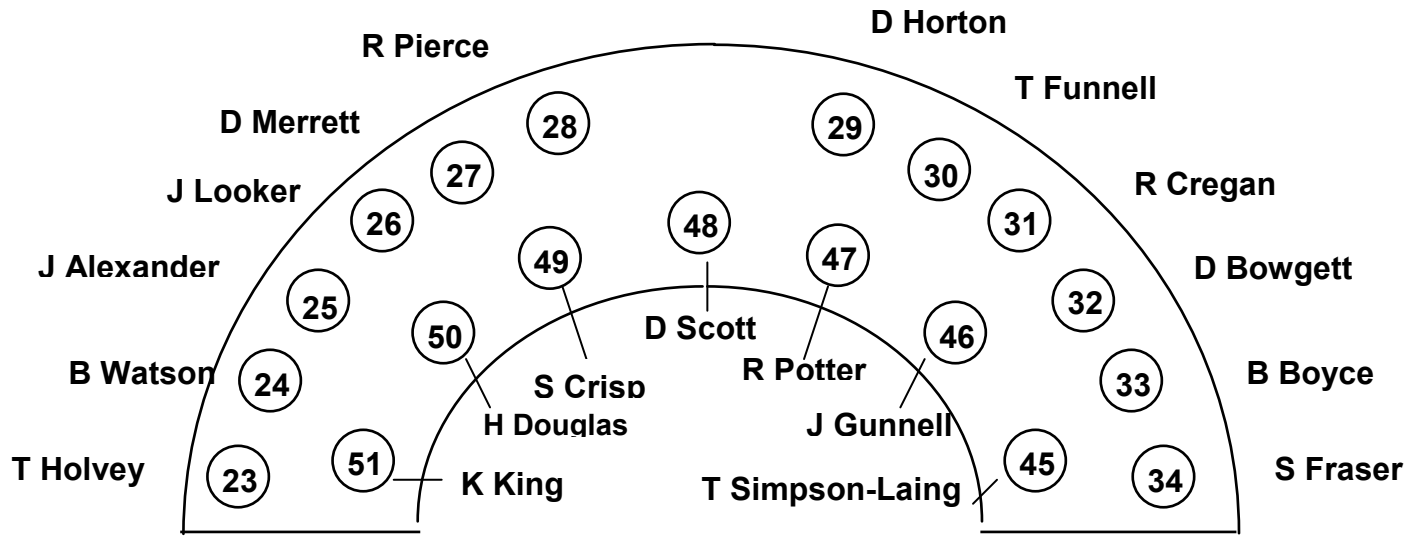


CITY OF YORK COUNCIL SUMMONS

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, 8 April 2010 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 or prejudicial interests they may have in the business on this agenda.

2. Minutes (Pages 1 - 48)

To approve and sign the minutes of the Ordinary Council meeting held on 4 February 2010 and the Budget Council meeting held on 25 February 2010.

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, 7 April 2010**.

5. Petitions

To consider any petitions received from Members in accordance with Standing Order No.7. To date, notice has been received of petitions to be presented by:

- (i) Cllr Gillies, on behalf of local residents calling on the Council to adopt the footpath between Brackenhills and The Green Upper Poppleton.
- (ii) Cllr Simpson-Laing, on behalf of local residents calling for the introduction of a 20 mph zone in Almsford Drive.
- (iii) Cllr Simpson-Laing, on behalf of Carr Junior School requesting the installation of dog dirt bins.

6. Report of Executive Leader (Pages 49 - 56)

To receive and consider a written report from the Leader on the work of the Executive. There are no recommendations from the Executive to be considered at this meeting.

7. Urgent Motion

To consider an urgent motion, to be submitted on behalf of all parties, in relation to the closure of Jarvis.

8. Scrutiny - Report of the Chair of the Scrutiny Management Committee (Pages 57 - 60)

To receive a report from Councillor Healey, the Chair of the Scrutiny Management Committee (SMC) on the work of the SMC.

9. Report of Executive Member (Pages 61 - 68)

To receive a written report from the Executive Member for Leisure, Culture and Social Inclusion, and to question the Executive Member thereon, provided any such questions are registered in accordance with the timescales and procedures set out in Standing Order 8.2.1.

10. Activities of Outside Bodies

Minutes of the following meetings of outside bodies, received since the last meeting of Council, have been made available for Members to view via the Council's website at

<http://sql003.york.gov.uk/mgListOutsideBodies.asp?bcr=1>

Copies may also be obtained by contacting Democracy Support Group at the Guildhall, York (tel. 01904 551088)

- Local Government North Yorkshire & York – meeting on 5/10/09
- Economic Development Partnership Board – meeting on 19/10/09
- York & North Yorkshire Waste Management Partnership – meeting on 3/12/09
- North Yorkshire Fire & Rescue – meetings on 9/12/09 and 10/2/10
- Safer York Partnership – meeting on 1/2/10
- NHS Foundation Trust – meeting on 16/12/09

Members are invited to put any questions to the Council's representatives on the above bodies, in accordance with Standing Order 10(b).

11. Appointments and Changes to Membership (Pages 69 - 70)
To consider the appointments and changes to membership of committees and outside bodies set out on the list attached to this summons.

12. Notices of Motion

To consider the following Notices of Motion under Standing Order 12:

A – Motions referred from the Executive in accordance with Standing Order 12.1(a)

None

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

(i) From Cllr Waller

“Council notes the concern of local businesses about the recent revaluation of business rates and the confusion that the complex system has caused at a time when businesses are still struggling with the effects of the recession.

Council believes that short term measures can be taken to help local businesses take advantage of an economic recovery, including making Small Business Rate Relief automatic and rebalancing the burden on small independent shops.

In the long term Council believes that fundamental reform of business rates is necessary to introduce a fairer system where rates are based on site values rather than rental values, encouraging businesses to invest in their premises rather than penalising them.

Council also believes that allowing Council to retain a proportion of the business rates collected in the area would help to promote local initiatives which would stimulate the local economy.

Council therefore asks the Chief Executive to write to the Business Secretary and Shadow Business Secretaries expressing the concerns of Council and calling for reform of business rates to be a priority for the incoming Government.”

(ii) From Cllr Scott

“Council welcomes the imminent opening of the City’s ninth Children’s Centre at Knavesmire Primary School.

Council recognises the positive impact that Children’s Centres have made on the lives of children and families in the City of York since 2006.

Council is appalled that David Cameron’s Conservative Party has publicly stated that it would cut £200m, a 19.5% cut in funding forcing one in five Children’s Centres to close. It is also proposed to restrict the Department for Children, Schools and Families budget to a 1% increase for 2010/11, representing a £300m cut in real terms.

The proposed cut would translate to the closure of 569 centres nationally and 2 in York.

Council requests the Chief Executive to write to:

- 1) David Cameron MP, expressing its total opposition to the proposals outlined in Conservative Party Policy, highlighting the damage to York communities and families.
- 2) Candidates of the main political parties for York Central and York Outer, asking them to oppose any proposed cuts and asking for their support for the continued funding to enable all Children’s Centres to remain open and offer the same range of facilities and service as currently provided.”

(iii) From Cllr Watt

“This Council pledges that it will not pursue congestion charging in York for the duration of the current administration.”

(iv) From Cllr Potter

“Council welcomes:

- The presence of Police Community Support Officers (PCSOs) on York’s streets since they were introduced as a result of the Police Reform Act 2002;
- The continual improvement in reducing crime in York and North Yorkshire as a result of the national Neighbourhood Policing strategy, of which PCSOs are a key part;
- The role of PCSOs in reducing levels of crime and increasing public confidence;
- The improved responsiveness of the Police at the local level since PCSOs were established.

Council is therefore appalled at Conservative proposals to abolish PCSOs. It believes this would be a retrograde step and demonstrates a party that is soft on crime.

Council asks the Chief Executive to write to Conservative Leader David Cameron, expressing Council’s deep-seated concerns about the implications of implementing such a policy and urging him to reconsider his party’s stance on the issue.

Council also requests the Chief Executive to write to each of the Parliamentary candidates for York Central and York Outer, expressing the same view.”

(v) From Cllr Runciman

“Council holds the view that excellence in education for all can best be achieved by promoting life long learning and that this should continue to be one of the top priorities for government.

Council recognises that promoting such opportunities has long been the work of those who work in Adult and Continuing Education and knows that their distinctive approach has enabled many who have come back into the education system later in life to achieve their potential.

Council deplores the steady undermining of lifelong learning opportunities by this Government, demonstrated by the recent announcement that almost all funding for part time courses, particularly in Further Education Colleges, will be cut. This will reduce access to both part time vocational and non-vocational courses, which are often the way that mature learners return to learning, as well as providing emotional and social support to those who are or have been isolated members of society.

Council resolves to express as strongly as possible to the Department for Children, Schools and Families its opposition to this cut and to make representations that it should be reversed.

Council also requests Officers to prepare a report to the Executive setting out the likely effects of these cuts on the City's economy."

13. Constitutional Update (Pages 71 - 98)

To consider a report of the Head of Legal, Civic and Democratic Services which details proposed re-alignments of Officer delegations arising from the recent re-organisation of the Council's services into four Directorates and sets out a number of minor changes to Council Standing Orders, to reflect more appropriately the way in which Council meetings are actually run.

14. Questions to the Executive Leader and Executive Members received under Standing Order 10(c)

To deal with the following questions to the Executive Leader and / or other Executive Members, in accordance with Standing Order 11.3(a):

(i) To the Executive Member for City Strategy, from Cllr Simpson-Laing:

"Will the Executive Member detail the start date and the works to be undertaken to the dangerous No. 4 Station bus stop and cycle lane?"

- (ii) To the Executive Member for City Strategy, from Cllr Gillies:
“Does the Executive Member have any indication whether the £22.9 million provisionally agreed by the Government to be put towards York’s Park & Ride schemes will be secured before the General Election?”
- (iii) To the Executive Member for City Strategy, from Cllr Merrett:
“Would the Executive Member indicate the cost, including staff time, of developing the area action plan for York Northwest to date, and the separate costs of preparing the preceding development briefs for the York Central site?”
- (iv) To the Executive Member for City Strategy, from Cllr Healey:
“Can the Executive Member tell Council when it can expect the Water End Review report to be published?”
- (v) To the Executive Member for City Strategy, from Cllr Firth:
“Can the Executive Member give an update on the progress made in achieving funding for the new Park & Ride sites in the City?”
- (vi) To the Executive Member for Housing & Adult Social Services, from Cllr Simpson-Laing:
“Can the Executive Member inform Council of how many families, adults with one or more children under 8 years old, are living in one bedroom accommodation in the City’s boundaries as of the 1st March 2010?”
- (vii) To the Executive Member for Housing & Adult Social Services, from Cllr Simpson-Laing:
“Can the Executive Member inform Council of how many families, adults with one or more children under 4 years old, are living in first and second floor accommodation in the City’s boundaries as of the 1st March 2010?”
- (viii) To the Executive Member for Housing & Adult Social Services, from Cllr Scott:
“Has the Executive Member concluded any agreement with the PCT to replace the Respite Care that will be removed

by your party's budget for 2010/11?"

- (ix) To the Executive Member for Housing & Adult Social Services, from Cllr Sue Galloway:
"Can the Executive Member give a summary of the outcomes of the recent Annual Housing Satisfaction Survey?"
- (x) To the Executive Member for Corporate Services, from Cllr Watt:
"Can the Executive Member tell Council what the average business rate rise will be for businesses in York for the period 1 April to 31 March 2011?"
- (xi) To the Executive Member for Corporate Services, from Cllr Healey:
"Do the auditors have a view on City of York Council's medium-term financial strategy?"
- (xii) To the Executive Member for Corporate Services, from Cllr Healey:
"Has the Executive Member or any Officers received, either formally or informally, any guidance from HM Government regarding future grant settlements?"
- (xiii) To the Executive Member for Corporate Services, from Cllr Healey:
"Can the Executive Member give Council the benefit of his opinion as to how prudent it is to assume a 0% increase in City of York Council's grant settlement from 2011?"
- (xiv) To the Executive Member for Corporate Services, from Cllr Healey:
"Could the Executive Member update Council on City of York Council's current level of reserves, on whether this amount is more or less than the minimum recommended level as defined by the auditors and, should the reserve levels fall below this minimum recommended level, explain the reasons why?"

- (xv) To the Executive Member for Corporate Services, from Cllr Brian Watson:
“Will the Executive Member outline what alternatives to demolition were investigated and considered before the decision to demolish the Peasholme Centre at Peasholme Green was made?”
- (xvi) To the Executive Member for Neighbourhood Services, from Cllr Gillies:
“Can the Executive Member tell Council when the temporary tarmac repairs on Lendal Bridge will be replaced, and will they be replaced with Yorkshire flagstone?”
- (xvii) To the Executive Member for Leisure, Culture & Social Inclusion, from Cllr Crisp:
“What are the Executive Member’s plans to improve and promote Social Inclusion in the City, particularly in relation to BME residents?”
- (xviii) To the Executive Member for Leisure, Culture & Social Inclusion, from Cllr Crisp:
“Could the Executive Member outline how he hopes to maintain and improve access to the Guildhall in relation to DDA requirements, so that all meeting rooms, including the Council Chamber, are accessible without prior notice?”
- (xix) To the Executive Member for Leisure, Culture & Social Inclusion, from Cllr Crisp:
“Can the Executive Member inform Council what progress has been made concerning discussions with York Museums Trust over the possible location of the winter ice rink being in the Museum Gardens?”
- (xx) To the Executive Member for Children & Young People’s Services, from Cllr Aspden:
“Can the Executive Member give an update on the outcome of the recent Local Government Chronicle Awards, at which York’s Children’s Services were nominated for an award?”

(xxi) To the Executive Member for Children & Young People's Services, from Cllr Orrell:

"Can the Executive Member provide an update on the opening of the new school building for Joseph Rowntree School?"

(xxii) To the Executive Member for Children & Young People's Services, from Cllr Hyman:

"Can the Executive Member explain how the new Joseph Rowntree building will be made available for community use?"

15. Urgent Business

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

Democratic Services Officer for this meeting:

Name: Fiona Young

Contact details:

- Telephone – (01904) 551027
- E-mail – fiona.young@york.gov.uk

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

CITY OF YORK COUNCIL

Resolutions and proceedings of the Meeting of the City of York Council held in The Guildhall, York on Thursday, 4th February, 2010, starting at 6.30 pm

Present: The Lord Mayor (Cllr John Galvin) in the Chair, and the following Councillors:

ACOMB WARD	BISHOPTHORPE WARD
Horton Simpson-Laing	Galvin
CLIFTON WARD	DERWENT WARD
Douglas King Scott	Brooks
DRINGHOUSES & WOODTHORPE WARD	FISHERGATE WARD
Holvey Reid Sunderland	D'Agorne Taylor
FULFORD WARD	GUILDHALL WARD
Aspden	Looker B Watson
HAXBY & WIGGINTON WARD	HESLINGTON WARD
Firth Hogg R Watson	
HEWORTH WARD	HEWORTH WITHOUT WARD
Boyce Funnell Potter	Ayre
HOLGATE WARD	HULL ROAD WARD
Alexander Bowgett Crisp	Cregan Pierce

HUNTINGTON & NEW EARSWICK
WARD

Hyman
Orrell
Runciman

MICKLEGATE WARD

Fraser
Gunnell
Merrett

OSBALDWICK WARD

Morley

RURAL WEST YORK WARD

Gillies
Healey
Hudson

SKELTON, RAWCLIFFE & CLIFTON
WITHOUT WARD

Moore
Watt
Waudby

STRENSALL WARD

Kirk

WESTFIELD WARD

Steve Galloway
Sue Galloway
Waller

WHELDRAKE WARD

Vassie

Apologies for absence were received from Councillors Jamieson-Ball and Wiseman

70. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

The following interests were declared:

- Cllr Fraser – a personal interest in staffing matters generally, as a member of the retired section of Unison and the retired section of the Acts Section of the TGWU section of Unite.
- Cllr Gunnell – a personal interest in the report of the Executive Member for Housing and Adult Social Services as the report refers to York Council for Voluntary Service (CVS) where she works.
- Cllr Scott – a personal interest in staffing matters generally as a solicitor specialising in employment law, as a member of the Acts Section of Unite and as his wife is an employee of the City of York Council.
- Cllr Simpson-Laing – a personal interest as a member of Unison, City Branch.
- Cllr Alexander – a personal interest in staffing matters generally as a member of the GMB.
- Cllr D'Agorne – a personal interest in Councillor Horton's Notice of Motion regarding the Beckfield Lane cycling scheme as the Council's Cycling Champion and a supporter of the York Cycle Campaign.
- Cllr Merrett – a personal interest in Councillor Horton's Notice of Motion regarding Beckfield Lane Cycling Scheme as a member of CTC (Cyclists' Touring Club), a member of the Cycling England Board and a supporter of York Cycle Campaign.

71. MINUTES

RESOLVED: That the minutes of the Special and Ordinary meetings of Council held on 3 December 2009 be approved and signed by the Chair as a correct record.

72. CIVIC ANNOUNCEMENTS AND LORD MAYOR ELECT

The Lord Mayor announced the receipt of the following gifts, which were on view in the Council Chamber:

- 2 framed pictures of Munster received from the Oberburgermeister of Munster
- A cup received on 2 June 2009 from an official of the Thai Department of Land Transportation.

- “York Historian”, a set of books presented by the Yorkshire Architectural and York archaeological Society

He also announced the forthcoming visit of the German Ambassador which would be marked by a civic reception on 22 March 2010.

The Lord Mayor then invited Cllr Waller to nominate the Lord Mayor Elect for the Municipal Year 2010/11. Cllr Waller nominated, and Cllr Runciman seconded, Cllr Sue Galloway as the Lord Mayor Elect and this nomination was unanimously agreed. Cllr Galloway replied that she would be honoured to accept this office and nominated Cllr Richard Watson as Sheriff for the 2010/11 Municipal Year.¹

73. PUBLIC PARTICIPATION

The Lord Mayor announced that there had been two registrations to speak at the meeting under the Council’s Public Participation Scheme.

Michael Hughes spoke in support of the petition to be presented by Cllr Simpson-Laing seeking the introduction of a 20mph zone in Sovereign Park. He stated that, in little over a month, the Residents Association had obtained signatures from residents of 223 out of 257 properties. He explained that vehicles often enter the estate at speeds over 30mph which combined with blind junctions put people at risk, especially where pedestrians including the young and elderly have to use the road where there are no pavements.

Dee Bush spoke in relation to the notice of motion submitted by Cllr Horton in respect of cycle improvements on Beckfield Lane. She voiced the opinion that the scheme was a waste of public money as it was not wanted nor needed. She raised concerns that an Equalities Impact Assessment had not been carried out and that a shared pavement would put elderly residents in danger. She advised that training was available to people to teach them how to cycle safely on the road therefore there was no need for shared pavement schemes.

Teresa Callan spoke in relation to the notice of motion submitted by Cllr Horton in respect of cycle improvements on Beckfield Lane. She stated that shared footpaths were problematic for most, but especially the elderly, very young and disabled and in particular the blind or partially sighted. She stressed that those with sight problems find it hard to navigate under normal circumstances and by allowing bicycles to use footpaths and the increased risks they pose, many people would find it too hard and frightening to go out and would stay at home leading to problems of isolation. She stated that these issues had been recognised in guidance which recommended that combined pedestrian/cycle schemes should only be used where there are serious road safety issues which she said was not the case on Beckfield Lane.

Peter Scott spoke on behalf of York Older People’s Assembly in relation to the notice of motion submitted by Cllr Horton in respect of cycle improvements on Beckfield Lane. He stated that Beckfield Lane was not wide enough to

accommodate all the paths needed and advised that cyclists should share the road with vehicles rather than the pavements with pedestrians. He explained that cyclists would find it difficult to anticipate pedestrian movements as pedestrians do not follow a direct course and may stop or change direction without warning. Furthermore elderly people may not hear cyclists approaching from behind. He asked the Council to abandon the scheme.

74. PETITIONS

Under Standing Order 7, petitions were presented by:

- (i) Cllr Simpson-Laing, on behalf of residents calling for the introduction of a 20 mph zone in Sovereign Park.¹
- (ii) Cllr Alexander, on behalf of residents supporting the 'Fair Fare' campaign.²
- (iii) Cllr Moore, on behalf of residents of Garburn Grove, calling for the implementation of restrictions to address the problem of the school run.³

RESOLVED:

That the above petitions be referred to the Executive of appropriate Committee ¹⁻³

Action Required

1,2 and 3: Schedule reports on Forward Plan for Executive SS
or Executive Member Decision Session and keep relevant
Members updated on progress

75. REPORT OF EXECUTIVE LEADER AND EXECUTIVE RECOMMENDATIONS

A written report was received from the Executive Leader, Cllr Andrew Waller, on the work of the Executive. In addition to the matters covered in the report, the Leader voiced his pleasure at the decision on the planning application for the Terry's site and expressed his thanks to Members of the Planning Committee, the Director of City Strategy the Assistant Director (Planning and Sustainable Development) and his team for all their hard work. He also expressed thanks to staff who had worked around the clock gritting during the winter weather and all those involved in the Council being awarded Green flag status for work with disabled children.

Opposition Group Leaders having responded to the Leader's report, Cllr Scott moved, and Cllr Simspon-Laing seconded, a motion to suspend Standing Orders to enable Cllr Merrett also to provide a response. On being put to the vote, the motion was declared LOST.

In reply to matters raised by the Opposition Group Leaders in their responses, the Leader advised that he would take on board comments made by Members with regard to keeping the new Headquarters development on budget and that he they had had a discussion on the Centre for Cities at the York Economic Partnership meeting. With regard to the Winter Maintenance Manual, he stated that revisions were being made based on information brought forward and advised Members to report any potholes by telephoning Environmental Services. In relation to points raised by Councillor D'Agorne regarding the review of Low Carbon Emission Residents' Parking schemes, he invited him to provide any information he had on the Edinburgh Scheme.

The Leader then sought leave of Council to alter the recommendation contained in Minute 146 of the Executive meeting held on 19 January 2010, to read as follows

"That Council approve the refreshed Local Area Agreement presented at Annex A to the report, for endorsement by Without Walls on 11 February 2010, prior to submission to central government, subject to the alteration of the local improvement target for 2010/11 currently shown against NI 116 for the proportion of children in poverty (page 43 of Council summons refers) from 7.6% to 8.1%."

Council having consented to the alteration, the Leader then moved, and Cllr Runciman seconded, the recommendation as altered.

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

RESOLVED: That the recommendation, as amended above, of the Executive Meeting held on 19 January 2010, be approved.¹

Action Required

1. Make alteration to local improvement target for 2010/11 NB
for NI 116 for proportion of children in poverty, prior to
endorsement by the Without Walls Partnership and
submission to central government.

76. RECOMMENDATIONS OF AUDIT & GOVERNANCE COMMITTEE

As Chair of the Audit & Governance Committee, Cllr Brian Watson moved, and Cllr Brian Watson seconded, the recommendations contained in Minute 54 of the meeting of that Committee held on 21 December 2009, relating to the review of the Audit & Governance Committee's Terms of Reference.

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

RESOLVED: That the recommendation of the Audit & Governance Committee be approved and the amendments to the Audit and Governance Committee's Terms of Reference be agreed.¹

Action Required

1. Make arrangements to implement the revised Terms of Reference. FY

77. SCRUTINY - REPORT OF THE CHAIR OF THE SCRUTINY MANAGEMENT COMMITTEE

A written report was received from Cllr Paul Healey, the Chair of the Scrutiny Management Committee (SMC) on the work of the SMC since the last report to Council, on 3 December 2009.

Notice had been received of two questions to the Chair of SMC, submitted in accordance with Standing Orders. The questions were put and answered as follows:

(i) From Cllr Fraser

“Will the Chair of SMC look into the high handed and arrogant refusal of the Executive Member for Housing & Adult Social Services to attend the recent meeting of the Health Scrutiny Committee to account for his stewardship of the part of his portfolio relating to Adult Social Services, and specifically to assist in the consideration of his own Executive’s reference regarding the disturbing budget overspend in that department?”

The Chair of SMC replied “Yes”

(ii) From Cllr Fraser

“Will the Chair of SMC ensure that, in future, the Council’s Constitution and scrutiny procedure rules (specifically, Pt 4G para 2.1.1 (f) are fully complied with by all Members of the Council’s Executive?”

The Chair of SMC replied that before this meeting he had sent an e-mail to Members of the Executive and he hoped that that the relationship between Chair of SMC and the Executive could remain cordial for the benefit of scrutiny in the Council.

In response to a supplementary question from Cllr Fraser, the Chair of SMC advised that he had not been aware of a precedent set by the former Executive Member for Housing and Adult Social Services of non attendance at scrutiny meetings and that after the Heath Overview and Scrutiny meeting on 13th January 2010, he had met with the Executive Member to conclude outstanding issues.

78. REPORT OF EXECUTIVE MEMBER

A written report was received from Cllr Jonathan Morley, the Executive Member for Housing & Adult Social Services.

Notice had been received of 10 questions on the report, submitted by Members in accordance with Standing Orders. The questions were put and answered as follows:

1. From Cllr Simpson-Laing:

“In relation to recent announcements by John Healey MP, Minister for Housing and Planning, will the Executive Member for HASS confirm that CYC sent representation to the ‘Housing Revenue Account’ consultation, and will he give support to the proposals, announced last week by the Minister, for more money to improve and maintain existing stock and for Councils to be able to keep all rents and receipts from capital sales?”

The Executive Member replied:

I can confirm that the Assistant Director made representations on behalf of CYC to the Housing Revenue Account consultation, the text of which can be found in the minutes to my executive member decision session on the 27th October 2009. As I moved the motion welcoming the LGA campaign on this issue, I certainly support the proposals for Councils to be able to keep all rents and receipts from capital sales. However, the devil will be in the detail of how much we may have to contribute to support other Council’s housing revenue deficit and until that is clear, I will keep my enthusiasm in check.

In response to a supplementary questions from Cllr Simpson-Laing regarding the reform and the need to identify what was required for York, the Executive Member agreed that, in terms of how to approach a new regime, it was important to have as much information as possible about how it would work and how it would affect the future.

(ii) From Cllr Simpson-Laing:

“Regarding the letting of Council houses and rents will the Executive Member for HASS express his views on leaked Conservative Party national policy to bring rent levels up to unaffordable local market prices and to end secure tenancies, instead to give just 2 months notice?”

The Executive Member replied:

The proposed policies have not been leaked to me and it would perhaps be unwise to comment on second-hand accounts of leaked information. I am sure there will be enough official Conservative Party national policy to criticize in due course.

A further supplementary question Cllr Simpson-Laing posed the question of whether the Executive Member, having read the article published in the Unison magazine, would write to the Conservative candidates for York Central and York Outer expressing concern at this proposed policy,

(iii) From Cllr Hyman

Can the Executive Member tell Council what the rate of increase has been in the number of elderly customers accessing care support from their home over the last few years?

The Executive Member replied:

The number of customers over 65 who have accessed care support in the last four years are as follows:-

2007-08 - 4733

2008-09 – 5150

2009-10 - estimated 5277

The evidence presented to the health Scrutiny Committee showed the projection of the number of home-care packages, based on an independent study, that was likely to be required by 2010 set alongside the actual number of packages in place. This showed that the increase was happening broadly in line with the forecast although at a higher rate with a 25% increase in community care packages and a 22% increase in care home placements over the past 2 years.

In response to a supplementary question from Cllr Hyman on how much expenditure had risen over the same period, the Executive Member informed him that in 2007-08 expenditure was £27,609m and 2008-09 it was 30,763m and expenditure now stands at over £3m more than 4 years ago.

(iv) From Cllr Sue Galloway

Can the Executive Member give Council an update on the progress with the replacements for the Discus bungalows?

The Executive Member replied

The discus bungalows project is well underway, with the first set of existing residents due to move over the next couple of weeks.

Progress of the project is as follows:

St Ann's

Phase One - 12no. Replacement Affordable Housing bungalows

The 12 replacement affordable housing bungalows have now been completed. Practical Completion has been reached and the land transferred from CYC to Tee's Valley housing, who in turn have transferred the land to YHA.

The first 6 residents received their keys and signed their new tenancies on Wednesday 3rd February 2010 and are due to move on the 8th/9th February 2010. The remaining 6 existing tenants are due to receive their keys and sign their tenancies on the 10th February 2010, and are due to move into their properties on the 15th/16th February 2010.

Phase Two - The Extra Care Facility

The Extra Care facility to house 41 two bed apartments, and associated facilities is, at present, on site. The outer shell of the

building is almost complete, with the roof structure currently being put in place. This building is due for completion in December 2010.

With the completion of the Extra care works on the St Ann's site will be complete.

Richmond/Faber Street

Phase Three - 15no. Replacement Affordable Housing bungalows

The first 15 replacement bungalows are currently on site, and due to be completed in March 2010, followed the land transfer it is anticipated that the residents will move to the new properties in April, after the Easter break.

Phase Five - 9no. Affordable Housing bungalows (4no. to be replacement dwellings) & 23 new homes

The remaining 4 replacement affordable dwellings on this site will be undertaken in phase five, and are due for completion early 2011. Along side the construction of these replacement dwelling, will be the construction of five additional affordable bungalows, and 23 mixed tenure new homes.

Phase seven on the Richmond/Faber Street site is due for completion in winter 2011. With the completion of this phase will be the close of all building work on this site.

Regent Street

Phase Four - 9no. Replacement Affordable Housing bungalows

Works on Regent Street are due to start in March 2010. Five of the existing households are to be temporarily moved into alternative properties on site. These properties will have become available due to the moving of the St Ann's residents from these properties on Regent Street into their new homes on St Ann's.

This will allow the contractor to start demolition works, followed by the construction of the new bungalows. This phase is currently due for completion winter 2010.

Phase six - 15no. Affordable housing bungalows (9no. to be replacement dwellings)

Phase six on Regent Street is due for commencement late 2010, and for completion in Autumn 2011. With the completion of this phase, all the existing residents will have been re-homed in new dwellings on the three sites.

Further works on the Regent Street site will follow with the implementation of phase eight, which is currently due to be completed late 2012. With the completion of this phase comes the conclusion of the Discus project.

In response to a supplementary question from Cllr Sue Galloway, regarding conducting a satisfaction survey, the Executive Member advised her that residents had been involved in all stages and this would be undertaken as a matter of course.

In response to a supplementary question from Cllr Potter on what was being done about the delay to Discus bungalows in Faber Street/Richmond Street due to not being able to get electricity connected and why a light on Richmond Street had not been fixed, the Executive Member agreed to provide a written response to these queries.

The time limit for questions on the Executive Member's written report having expired, Members agreed to accept written answers to the remaining questions submitted, as set out below:-

5. From Cllr Simpson-Laing:

"With regard to the temporary reduction of newly completed affordable housing will the Executive Member for HASS look into new ways of bringing forward affordable accommodation in the City?"

Reply

The council is constantly looking to identify new ways of bringing forward affordable accommodation in the city, for example,

- *we are working with existing developers to identify opportunities to deliver additional affordable housing over and above that delivered through Section 106 agreements with support from the Homes & Communities Agency(HCA);*
- *The Discus Bungalow development is one example of where we have worked with all partners, including the HCA to ensure that the development didn't stall in the economic downturn, this resulted in the private sale units, 96 in total, being converted to Intermediate Market Rent and Discount for Sale properties;*
- *We are working with our RSL partners to develop innovative solution to bring forward new affordable housing schemes, in particular rent to mortgage;*
- *As part of the Golden Triangle Partnership we are looking at options, working with a RSL to purchase and repair properties and bring them back into use as affordable homes, we are also looking at opportunities for a second downsizing scheme in the city.*
- *We are also looking at opportunities for making best use of the existing housing stock in the city, with funding from the Golden Triangle Partnership we are looking at opportunities for loft conversions to create additional bedrooms (obviously this is subject to building regs etc).*

We are also working with York Hospital to assess the potential to bring back into use, on a temporary 3 - 5 year basis the unoccupied family accommodation.

6. From Cllr Simpson-Laing:

“With regard to the new Mental Health Modernisation Partnership Board will the Executive Member for HASS inform me, in relation to my requests to him in my letter of the 29th July 2009, if the Council has signed up to the Mind Campaign 'Time for Change' and whether he has personally considered the setting up of a 'Men's Mental Health Strategy' as an aid to help tackle rising male suicides?”

Reply

You addressed the same letter to myself and Rachel Johns and you received a reply on the 10th September 2009 from Rachel Johns on behalf of us both, in view of the overlap in partnership and service provision. The Director of HASS had taken both issues you raised to a meeting of the previous Mental Health Partnership Board and the letter addressed the latter issue in the following terms:-

The Mental Health Strategy for the area aims to address potential inequalities in experience and outcome including the impact of gender, so it was not felt that a separate Men's Mental Health Strategy would be an advantage. There is a strong understanding of local needs through the partnership arrangements within the city and the view was that highlighting men's mental health needs in a separate strategy would not be in line with this understanding.

I believe the main emphasis of the campaign was to run projects under its banner and the letter to you explained that the Joint Mental Health and Social Care Services had indeed supported the campaign in this way.

7. From Cllr Orrell

Can the Executive Member describe the benefits of the YorHome service to the Council and Landlords and how it has fared since its launch?

Reply

The scheme went live last week in December and so far the service has housed 4 families and 3 single people, with another three houses being viewed next week and the tenancies will start soon after. By the end of the summer it is expected that 40 properties will be on the books.

The benefit to the tenant is that they are able to access private rented where they couldn't before, this is for a variety of reasons:

- the tenant has the whole process explained to them fully (rights and responsibilities etc)*
- they still get to outline the type of property and areas that they prefer and don't have to take a property if they don't want to*
- they have a full affordability interview first with a housing options advisor who explains what benefits they should be entitled to*

- *assistance with all form filling*
- *assistance with the sign up and explanation of procedure*
- *arrangements for utility companies to contact the new tenant*
- *arrangement for the rent to be broken down into the same payment timescales as their benefit and clearly outline any extra payments (top ups) that they need to make*
- *regular meetings with them once in the property to ensure everything is running smoothly and trouble shooting*

The benefit for the landlords: YorHome

- *discusses fully the services offered and explain that they are still in control of who they take as tenants should they wish to be (some landlords just give me a key and don't want to be that involved)*
- *provides visits at the property to take down details in order to 'match' tenants*
- *at such visits the expected rent are discussed - this is based on a number of things such as the Local Housing Allowance rate, the availability of tenants who fit the criteria and the timescale*
- *can arrange everything from providing all the agreements- all tenancies are Assured Shorthold 6 month tenancies with an option to extend should both parties be happy*
- *YorHome and the Housing Options team arrange for the first months rent to be paid the day of the move, we also arrange for a bond guarantee through the Citizens Advice Bureau*
- *can also access the Empty Homes Grant on behalf of landlords who have properties that are in need of work to enable them to meet the Decent Homes Standards*
- *arranges ongoing maintenance with a local, reputable maintenance company- we don't charge for this -just facilitate any work*
- *costs a fraction of the high street agencies as we charge 8%(+vat) of the monthly rent but all the services above are included for free.*

Should a landlord wish to manage the property themselves, we do all the above except the maintenance, rent collections and inspections free of charge

The benefit to the council is that families that may otherwise have been put into bed and breakfast accommodation are being housed realistically into long term homes, the waiting list for social housing will be reduced and ultimately the perceptions of taking benefit receiving families into the private sector will change.

YorHome can do some 'myth busting' by carefully managing the tenancies that landlords wont have to think that these tenants will leave the property in disrepair and owing money.

8. From Cllr Sunderland
Can the Executive Member give an update on Dormary Court?

Reply

Dormary Court was a residential care facility run by Joseph Rowntree Foundation for people with a learning disability. As part of a 3-4 year joint project with City of York Council and Joseph Rowntree Foundation, Dormary Court was closed in late Autumn 2009. The people who lived there have moved onto a variety of more personalised support services and accommodations, and many have become secure tenants with greater levels of disposable incomes than they had as residential care customers.

I attended a conference at which John Kennedy from Joseph Rowntree Foundation spoke of the transformation in quality of life of former residents, 17 of whom are now living in their homes. This was very much confirmed by a customer satisfaction survey undertaken following the customers' moves.

Dormary Court was part of Phase 1 of the joint project. Phase 2 is considering the accommodation needs of people on the current Alder House residential site and will then look at the Charles Court residential site. The project is expected to be ongoing through 2010/11.

9. From Cllr Alexander:
"Can the Executive Member for HASS inform me how many residents of Council properties have come forward from across the City with regard to 'downsizing' their homes?"

Reply

Over the last 12 months, approximately 60 households have been rehoused who were under occupying their previous home.

- 10 From Cllr Funnell:
"Noting the improvements in the inspection by the Care Quality Commission, can the Executive Member for HASS explain to Council whether the allocation of 'customers' to outside providers and agencies, is based on the providers' skill set ability?"

Reply

In terms of home care we have 3 main providers who are all Good or Excellent and receive cases primarily on a geographical basis. For other registered care (residential and nursing) we do work closely with CQC and the Independent Care Group on promoting and monitoring improvement in private homes and ensuring that customers when exercising choice are aware of the standards of care. We do not "allocate" customers into care. Of 46 registered homes in York none

are rated Poor and 10 are rated Adequate – the rest being good or Excellent.

79. ACTIVITIES OF OUTSIDE BODIES

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

- Quality Bus Partnership – meeting on 10 December 2009
- Safer York Partnership – meeting on 9 December 2009
- Without Walls Partnership – meeting on 9 December 2009

No questions had been submitted to representatives on the above bodies.

80. APPOINTMENTS AND CHANGES TO MEMBERSHIP

RESOLVED: That the appointments to and changes to membership of Committees, Outside Bodies and Working Groups set out on the list circulated with the agenda papers be approved.

Action Required

1. Update Committee Management System to reflect changes to membership of committees, working groups and outside bodies FY

81. NOTICES OF MOTION

(i) Personal Care Home Bill

It was moved by Cllr Morley and seconded by Cllr Sue Galloway that:

“Council supports the principle of helping more people with care needs to stay in their own homes and the measures in the Personal Care at Home Bill to achieve that aim.

However, Council is concerned that local authorities will be asked to fund a substantial part of the new entitlements included in the bill from their own resources, assuming additional savings, and that the proposed Government funding is inadequate, even if its estimates of the cost of the entitlements are correct.

Council also shares the LGA's concern that the Government has underestimated the number of people likely to be covered by the provisions of the bill and calls on the Government to commit to fully funding any shortfall in budgets that results should these estimates prove to be incorrect.

Council therefore instructs the Director of Housing and Adult Social Services to respond to the consultation on the proposals, setting out

the Council's concerns about the impact the additional cost will have on social care budgets."

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

RESOLVED: That the above notice of motion be approved.

(ii) Lifetime Homes Standard

It was moved by Cllr Simpson-Laing and seconded by Cllr Funnell that:

"Council calls upon the Chief Executive to instruct Officers to draw up a 'Lifetime Homes Supplementary Planning Document' to ensure all York's future homes are built to the Lifetime Homes Standards from 2011 and that this document is completed by May 2010."

Cllr S F Galloway then moved, and Cllr Reid seconded, an amendment to the above motion as follows:

- Delete *'calls upon the Chief Executive to instruct Officers to draw up'* and insert *'requests the Director of City Strategy to ensure that consideration is given, as part of the LDF build process, to the advantages and any disadvantages of drawing up'*.
- Delete *'from 2011 and that this document is completed by May 2010'.*"

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

The motion, as amended, now read as follows:

"Council 'requests the Director of City Strategy to ensure that consideration is given, as part of the LDF build process, to the advantages and any disadvantages of drawing up a 'Lifetime Homes Supplementary Planning Document to ensure all York's future homes are built to the Lifetime Homes Standards."

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

RESOLVED: That the above notice of motion, as amended, be approved.

(iii) Road Safety measures

A notice of motion had been submitted by Cllr D'Agorne in the following terms:

"This Council notes:

1. The clear evidence that slower speeds on our roads save lives: government figures indicate 20% of pedestrians hit at 30mph die, while for those hit at 20mph mortality is cut to 3%. A London Assembly report showed a 42% reduction in accident rates in 20mph zones within the capital.
2. The successful introduction of a 20mph limit on all residential streets in the City of Portsmouth, (a Liberal Democrat-controlled authority), with initial results indicating a 13% cut in accidents and a 15% cut in casualties.
3. The proposed new guidance from the Department for Transport (16/12/09), which encourages highway authorities to adopt a 20mph limit for streets which are primarily residential in nature and for town and city streets where pedestrian and cyclist movements are high.

This Council therefore requests the Executive to:

- a) Ensure that the 'total 20' approach adopted in Portsmouth forms a key part of the consultation on the third Local Transport Plan for the City of York
- b) Extend the 'made you look' public road safety education programme to include greater emphasis on casualty reduction benefits of lower speeds in built up and rural areas.
- c) Report back to full council within 6 months, outlining implementation plans for this programme in the light of public consultation on LTP3."

Cllr D'Agorne now sought leave to alter the above motion by deleting the word "*proposed*" in point 3 above in order that the motion read as follows:

"This Council notes:

1. The clear evidence that slower speeds on our roads save lives: government figures indicate 20% of pedestrians hit at 30mph die, while for those hit at 20mph mortality is cut to 3%. A London Assembly report showed a 42% reduction in accident rates in 20mph zones within the capital.
2. The successful introduction of a 20mph limit on all residential streets in the City of Portsmouth, (a Liberal Democrat-controlled authority), with initial results indicating a 13% cut in accidents and a 15% cut in casualties.
3. The new guidance from the Department for Transport (16/12/09), which encourages highway authorities to adopt a 20mph limit for streets which are primarily residential in nature and for town and city streets where pedestrian and cyclist movements are high.

This Council therefore requests the Executive to:

- a. Ensure that the 'total 20' approach adopted in Portsmouth forms a key part of the consultation on the third Local Transport Plan for the City of York
- b. Extend the 'made you look' public road safety education programme to include greater emphasis on casualty reduction benefits of lower speeds in built up and rural areas.
- c. Report back to full council within 6 months, outlining implementation plans for this programme in the light of public consultation on LTP3."

Council having agreed to that alteration, Cllr D'Agorne moved, and Cllr Taylor seconded, the motion as altered.

Cllr Potter then moved, and Cllr Horton seconded, an amendment to the altered motion as follows:

Under the paragraph commencing 'This Council therefore requests.....' replace existing bullet point c) with

'c) Commence a new initiative to paint a blue heart on the road at accident hotspots and where people have died to remind drivers of the potentially fatal consequences of high speeds and dangerous driving'

and make existing bullet point c) into bullet point d)

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

Cllr S F Galloway moved and Cllr Reid seconded an amendment to the altered motion as follows:

"In the first paragraph, delete all from 'government' in point 1 to 'high' in point 3.

In the second paragraph:

- delete 'forms a key' in point a) and insert '*is one of the options considered as*'
- delete the existing point c) and insert '*c) ensure that speed limits across the City are reviewed and optimised with the aim of minimising the number of accidents*'."

The motion, as amended, now read as follows:

"This Council notes the clear evidence that slower speeds on our roads save lives.

This Council therefore requests the Executive to:

- a) *Ensure that the 'total 20' approach adopted in Portsmouth is one of the options considered as part of the consultation on the third Local Transport Plan for the City of York.*
- b) *Extend the 'made you look' public road safety education programme to include greater emphasis on casualty reduction benefits of lower speeds in built up and rural areas.*

- c) *Ensure that speed limits across the City are reviewed and optimised with the aim of minimising the number of accidents.”]*

The motion, as amended, was then put to the vote and declared CARRIED, and it was

RESOLVED: That the above notice of motion, as amended, be approved.

(iv) Beckfield Lane cycle scheme

It was moved by Cllr Horton and seconded by Cllr Potter that:

“This City of York Council, given the anticipated expenditure of £285k of Government - funded monies for alleged cycle improvements to the south end of Beckfield Lane, is appalled that the Executive Member for City Strategy appears to be intent on progressing this joint-user footpath scheme in spite of the overwhelming opposition of local residents, the Blind and Partially Sighted Society and the outright objections of York Cycle Campaign.

Council, therefore, calls on the Executive Member for City Strategy to give serious consideration to abandoning the scheme forthwith rather than using further valuable resources to develop this scheme, and to agree to concentrate efforts on much more advantageous cycling safety schemes in the City.”

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

RESOLVED: That the above notice of motion be approved.

At this point in the meeting, the guillotine fell and the following motion and amendment were deemed to have been moved and seconded and were voted upon without debate.

(v) Pension Credit

Motion submitted by Cllr Kirk:

”Council notes that:

- Cold Weather Payments of £25 per week are paid to people on low incomes who receive a qualifying benefit, such as Pension Credit.
- The form to apply for Pension Credit is 18 pages long. The advisory notes on how to fill it in are 19 pages long.
- Last year 1.7million pensioners missed out on an average of over £1700 each of pension credit
- The Government has saved £17.5billion in 11 years that has not gone to struggling pensioners in pension credit payments.

Council is concerned that the complexity of the system to claim Pension Credit has put so many people off claiming the credit and that

consequently they also do not receive the additional cold weather payments.

Council therefore instructs the Chief Executive to write to the Secretary of State expressing Council's wish to see the system for claiming pension credit simplified."

The Lord Mayor had ruled out of order an amendment to the above motion submitted by Cllr Healey, on the grounds that it was not relevant to the original motion.

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

RESOLVED: That the above notice of motion be approved.

82. QUESTIONS TO THE EXECUTIVE LEADER AND EXECUTIVE MEMBERS RECEIVED UNDER STANDING ORDER 10(C)

Fifteen questions had been submitted to the Executive Leader and Executive Members under Standing Order 11.3(a). As the guillotine had now fallen, Members agreed to receive written responses to these questions. The questions and the written responses are set out belows:

- i) To the Executive Leader, from Cllr Alexander:
"Can the Leader of the Council please tell me what the monetary value is of the savings made subsequent to your meetings with the Council's Efficiency, Procurement and Risk Management Champion?"

Reply

The council has made significant saving in recent years. Significantly exceeding the Gershon Efficiency Targets as set by Central Government, and has embarked on the More for York Programme. I am grateful for the time that the Efficiency Procurement and Risk Management Champion has put into the role, and he has played his part in supporting the change agenda which has resulted in the significant efficiencies that the council has made.

- (ii) To the Executive Leader, from Cllr D'Agorne:
"What are the costs to CYC arising from the appointment of 6 'Renaissance team' staff (on costs, accommodation etc) and to whom are they accountable?"

Reply

The full costs of the posts – salary, National Insurance, and pension are being met by Yorkshire Forward who are also contributing to the recruitment and any training costs. As the host authority CYC is covering the accommodation - but this is from existing budgets and within 9 St Leonards Place.

The Head of Renaissance will report to Mike Slater AD Planning and Sustainable Development in City Strategy.

- (iii) To the Executive Leader, from Cllr Vassie:
“Does the Executive Leader agree that openness and transparency could be improved if the Council published details of all Freedom of Information requests and subsequent answers on its website? Would the Executive Leader agree to take a report to the Executive reviewing the costs and processes used in implementing the FOI Act locally together with options for improving the transparency and efficiency of the system?”

Reply

I agree that openness and transparency would be improved by the council publishing details of Freedom of Information requests and answers on the council website. I have asked officers to draw up a report to investigate how this can happen, and it is my hope that it will not only improve the operation of the Act but also save officer time in answering questions that have already been asked, and show to the public the nature of the questions that the council is answering on their behalf.

- (iv) To the Executive Leader, from Cllr Alexander:
“Will the Leader of the Council ensure that this council writes to all other authorities in the country and asks them to adopt measures to support the Press’s Lifesavers campaign?”

Reply

I am very supportive of the Press Lifesavers Scheme as it will help to encourage more people to sign up for organ donation which will greatly help those waiting in desperate need. It has been an essential prompt to many people, myself included, I must admit, to get around to signing up to the NHS organ donation website, and letting relatives know that is what I want.

I will do my part as council leader in York to write to other councils to raise the profile of this campaign, and the national need to increase awareness.

- (v) To the Executive Leader, from Cllr Merrett:
“Would the Council Leader explain why the requirement of the January 2008 Council decision that ‘*bi-monthly update reports - copied to all Council Members - be submitted via the Group Leader / Shadow Executive / Executive process detailing progress made on the delivery of the Action Plan for tackling climate change within the Council*’ has not been implemented, and will he now ensure the decision is belatedly implemented?”

Reply

The motion from January 2008 predates the appointment of the existing Sustainability Officer and the recently appointed Sustainability Projects Officer, unfortunately there was a period when there were no sustainability officers in posts and the new officers were not aware of

this motion. The Assistant Director, Planning and Sustainable Development, apologises for this oversight.

There have however been a number of reports since April 2008 (to the Executive ,to the Without Walls Board and to the Environment Partnership Board)

- *22nd April 2008 - Executive - Carbon Management Programme - Strategy & Implementation Plan*
- *27th February 2009 - Environment Partnership Board - Climate Change Update Meeting*
- *3rd March 2009 - Executive - Carbon Management Programme Strategic Implementation Plan*
- *12th May 2009 - WoW Board - Climate Change Framework and Action Plan – Presentation*
- *8th September 2009 - Executive -Carbon and Energy Management Plan – Update*
- *9th September 2009 - Environment Partnership Board 16th February 2010 - 10:10 campaign and Sustainability Update*

** plus in 2008/09 - all LSP Partnership Boards received CC presentations*

- (vi) To the Executive Member for City Strategy, from Cllr D'Agorne:
"What actions (beyond the current 'Fulford Corridor' highway works) might be put in place to address poor air quality in Fulford as a result of the declaration of an Air Quality Management Area?"

Reply

Work on the Air Quality Action Plan (AQAP) (i.e. what can be done to improve the situation) will commence once the Air Quality Management Area (AQMA) has been declared. As a precursor to the action planning process, the Environmental Protection Unit, which forms part of the Neighbourhoods Directorate, must carry out a source apportionment study for the area to gain a better understanding of sources of pollution in Fulford and the issues involved.

When this has been done it will be necessary to decide which source of pollution to target although it is possible that the current improvements to the Fulford corridor – which are aimed at encouraging the use of public transport and cycles – together with the changing emission profile of the vehicles in use in the City, will together result in a significant improvement in air quality

- (vii) To the Executive Member for City Strategy, from Cllr D'Agorne:
"What information will you be providing to Fulford Rd/ Main St residents explaining the benefits of declaring their area as an AQMA in order to help them respond to the recent questionnaire in the ward newsletter?"

Reply

I won't be providing any as this matter is currently the responsibility of the Executive Member for Neighbourhoods.

I understand though that representatives from the Environmental Protection Unit will be attending the Fishergate and Fulford/Heslington Ward committee meetings to talk to residents about the implications of an Air Quality Management Area (AQMA) in Fulford. Declaring an AQMA places a legal duty on the Council to develop an Air Quality Action Plan (AQAP). Measures in the AQAP will aim to bring about air quality improvement by reducing levels of nitrogen dioxide to acceptable levels (i.e. within health based objective levels). The main benefit is thus a long-term health benefit, which will be stressed to residents at the ward committee meetings.

- (viii) To the Executive Member for City Strategy, from Cllr D'Agorne:
"What is the timetable for citywide consultation on the draft LTP3 and measures that will reduce air pollution to meet the air quality limits for the city centre AQMA?"

Reply

There will be three stages of public consultation for LTP3. The first has already been undertaken (in December) through Your City and a series of workshops. This stage consisted of gaining an understanding of the key challenges and influences that residents, businesses and partners considered should be taken into account in developing a strategy. The outcome of the consultation will be reported back through the Executive Member Decision Session in March 2010.

The second stage will take place in April and will use Your City and workshops to consult on a series of strategy options, which will include to varying degrees, measures to meet air quality and climate change targets. This consultation will remain relatively broad in order to gauge public preference regarding the extent to which we should seek to implement measures. To that effect it will set out the implications and benefits of the options in delivering a range of outcomes, including improvements in air quality.

The third stage will take place in the Autumn 2010 and will be on the draft LTP3 which will include the preferred option and a range of measures associated with it.

- (ix) To the Executive Member for Corporate Services, from Cllr Fraser:
"Can the Executive Member for Corporate Services provide details of the rollout of the planned new fibre-optic ICT infrastructure to all the Council's various buildings, including the priority for the various categories of buildings referred to in the email briefing to councillors sent out by the Head of IT last month?"

Reply

The new network will have five hub sites - Central Library, St Anthony's House, York High School, St Oswald's School and Rawcliffe Park & Ride and will form the core back bone of the network.

The work to link the Council's Offices/Schools/Libraries and other locations to this new network is being undertaken in a cluster/location based approach to maximise the co-ordination of the on-street resources and minimize any disruption to the residents.

The project is scheduled for completion by the end of September 2010 and the work to migrate off the existing network over to the new system will be undertaken following consultation/agreement with the Departments/Services to minimize the impacts/risks of providing Services to Council's Customer base.

- (x) To the Executive Member for Neighbourhood Services, from Cllr Firth:
"Can the Executive Member outline the Council's response to the severe weather situation over the Christmas period?"

Reply

I would like to put on record my thanks to all staff who worked so hard, many round the clock, to keep the City moving. Anyone out driving a gritter lorry at 8pm on Christmas Day or 5am on Boxing Day deserves our unreserved thanks.

Between 17 Dec 2009 and 10 Jan 2010; we experienced the worst winter conditions for around 25-30 years. During that period the temperatures, both day and night, rarely rose above freezing and dropped at times to -10 degrees C. In addition to this in excess of 35cm of snow fell on multiple occasions.

During that period:

- *More than 10, 000 hours were worked with 50% of this on works outside the Winter Maintenance policy*
- *4200 tons of Rock Salt was used compared to an average winter use of around 2500-3000 tonnes.*
- *88 treatments of the priority network were completed compared to 20 gritting runs for the same period in 08/09. The 10 gritting routes have 2 teams of drivers who worked 12 hours on/12 hours off for 4 weeks.*
- *The 233 Salt bins have been filled and refilled 4 times*
- *Targeted treatments of schools, old peoples homes and post offices were undertaken outside the current requirements of the policy..*
- *Car Parks were ploughed and gritted twice and a mechanical clearance of snow and ice was undertaken outside of policy.*
- *Park and ride sites were gritted 3 times as requested by the P&R manager. This is not covered in policy.*
- *Cycle Paths were gritted 3 times. These are not budgeted within the policy.*

- *We started with around 2,600 tonnes of rocksalt in the salt barn at the eco depot and another 1000 tonnes pre-ordered. This would be more than enough to cope with the requirements of an average winter and well above the Government recommendation of at least 6 days supply. In addition a further 3000 tonnes of rock salt has been ordered but as the Government has now taken control of the salt supplies we are still waiting for 2300 tonnes to be delivered.*

During the period more than 800 requests for service were received from members of the public, 86 of those from elected members. In the main these related to untreated footways, cycle ways, roads and the lack of accessible salt bins.

During the period:-

- *changes were made to improve access our of normal office hours,*
- *from 23rd Dec the CYC website was updated daily with gritting and weather updates and improvements made to the information available on gritting routes and salt bins.*
- *Update emails to members on a nearly daily basis.*
- *Staff and members undertook at least 25 media interviews including one from New Zealand.*

Staff are now busy filling the hundreds of potholes that have appeared and assessing all the implications that this period of severe weather has identified, both long and short term. This winter is far from over and we need to be ready for more snow.

- (xi) To the Executive Member for Neighbourhood Services, from Cllr D'Agorne:

"Will she make available to members a full report of dates and times of gritting of cycle routes as well as roads and paths outside the 'priority network' and what work is planned to assess what can be learnt from accident records and injury claims arising from the recent icy weather?"

Reply

My previous answer outlines the magnificent work carried out by staff. Half of the 10,000 hours worked was off the priority network and this is recorded, in the first instance on an 18 page Excel spreadsheet.

Officers are reviewing all the information received from the emergency services, bus companies, members and members of the public along with the requests for gritting, snow clearance and extra salt bins as well as accident records to assess if any roads and footpaths need to be added to the winter maintenance regime on either a permanent basis or at times of particular bad weather.

- (xii) To the Executive Member for Children & Young People's Services, from Cllr Waudby:

"Can the Executive Member tell Council how the Adoption Service performed in its recent Ofsted inspection?"

Reply

I am delighted to report to council that the result of the recent inspection of the Adoption Service here in the City of York was an overall quality rating of 'good'.

Within that judgement, the Inspectors found that there is good provision for protecting children, that our provision for helping children to enjoy and achieve is good, and that the provision we make for helping children to make a positive contribution is outstanding.

In the new Ofsted Inspection regime, gaining an outstanding judgement is very difficult to achieve and all the staff involved in the service deserve thanks and praise for the work that they do with this most vulnerable group. The Inspectors acknowledged that there is an experienced and committed team, working efficiently. It is good to know that all sections of the community are welcomed without prejudice and equality and diversity are promoted.

The Inspectors noted that the service is clearly focused on the needs of children and that work to help children understand their histories and life stories is of an unusually high standard.

It is good to know that children who need this service are being so well-served by our Adoption Team and I would like to congratulate them all.

- (xiii) To the Executive Member for Housing & Adult Social Services, from Cllr Fraser:

"Can the Executive Member for HASS tell us how he justifies his refusal to attend the recent meeting of the Health Scrutiny Committee to account for his stewardship of the part of his portfolio relating to Adult Social Services, and specifically to assist in the consideration of his own Executive's reference regarding the disturbing budget overspend in that department?"

Reply

"I attended the Health Overview and Scrutiny Committees on the 2nd December 2009 and gave a presentation to the Committee on progress on the issues of Safeguarding and Personalisation, important parts of my portfolio and essential elements of the improvement plan with which the Scrutiny Committee has been concerned. I was invited to the following meeting of the Committee on the 14th December and agreed to attend in order to hear any views of the Committee on the More4York agenda which was due to be considered by the Executive on the following day.

At that subsequent meeting, the committee

RESOLVED: *That the Executive Member/Leader be requested to provide details of the capital and revenue figures for Adult Social*

Services for the 2010/11 financial year to enable the Scrutiny Committee to discuss this matter at their meeting on 13 January 2010, in order to respond to the Executive's request.

This minute was subsequently confirmed as correct at a later meeting of the committee.

The relevant section of the Scrutiny Review Procedure rules - para 2.1.1 (f) - reads as follows.

[Any Scrutiny Committee can "require any Councillor (including members of the Executive) or officers to attend a meeting to explain about matters within their remit. It is the duty of those persons to attend if so required and they may be required to answer questions relating to:

- any particular decisions or series of decisions*
- the extent to which the actions taken implement Council policy*
- their performance*

All attendees must be informed of why they have been asked to attend, the date and time of the meeting etc etc".

The rules do not require an Executive member to attend a scrutiny meeting to discuss an issue which has yet to be considered or to discuss information which may be in an unpublished officer report. The 10/11 budget figures were not available on 13th January 2010.

Therefore the Scrutiny Committee request was contrary to the Councils constitution.

The papers for the Housing and Adult Social Services budget EMDS were published on Monday 18th January (4 days after the scrutiny meeting). At that point they were in the public domain.

They could have been called in for either pre or post decision scrutiny. They were not.

In additional, any member of the Council could attended an EMDS session and make representations. I realise that there is considerable frustration amongst some councillors due to the abolition of the Executive Member and Advisory Panel Meetings which created a forum for cross party pre-decision scrutiny. However, it is to overcome the shortcomings of the current scrutiny system, that councillors and members of the public can come to the Executive Member Decision Sessions and make public representations

(xiv) To the Executive Member for Leisure, Culture & Heritage, from Cllr B Watson:

"Can the Executive Member for Leisure, Culture and Heritage define the remit of the Heritage Champion and outline his work to date?"

Reply

The remit of the Heritage champion is defined in the constitution Pt 3b paragraph 11. I have had frequent discussions with Cllr. Taylor in

regards Heritage issue in the city. It is both Cllr Taylor and my own position that while Heritage is contained with the portfolio of the Executive Member for Leisure Culture and Social Inclusion the importance of the issue cuts across most areas of the council and would involve specific conversation with all members of the Executive noticeably the Executive Member for City Strategy and the Executive Leader. Cllr Taylor also meets frequently with relevant officers in his role of champion. For more detail of the work of Heritage Champion Cllr Taylor has indicated he would be more than willing to brief members.

(xv) To the Executive Member for Leisure, Culture & Heritage, from Cllr Holvey:

"The recent Active People Study showed a 6% increase in adult participation in sport from 19% to 25%. Could the Executive Member update Council on the current situation regarding Adult participation?"

Reply

The results from Sport England's Active People 3 research have been released. Active People is a national survey carried out by MORI which measures adults (aged 16+) participation in Sport and activity leisure. This is a national telephone survey which samples 1000 people in each authority area. The results of this research are used as a national performance indicator NI8 to measure Local authority performance in encouraging participation in sport and active leisure. It is an indicator which is included as a priority for York in our Local Area Agreement. The city's participation target in the LAA is 1% increase per annum.

I continue to have deep concerns with how these statistics are drawn. They specifically exclude for example any residents who do not have a land line telephone. They also only include people who are deemed active based on strict Sport England criteria. As such anyone who runs 2 marathons a week or cycles 5 miles to work and back everyday would not be included as active under this survey. Sport England have accepted many of the flaws in this methodology and this is reflected in the high margin of error associated with these results.

Active people 1 released in December 2006 questioned 1000 people in York about their sports participation over the previous 4 weeks. This indicated that 24.9% of the adult population in York participated in sport and active leisure activities for the recommended 3 x 30 minutes per week.

In December 2008 the interim Active people 2 results were released using a smaller 500 people sample. Such a small sample size appeared to provide an anomalous result which while providing impetus to the work we are doing on participation rates did not in our opinion provide a true picture of York. As originally intended these figures should be taken in conjunction with Active People 3 to provide a true comparison.

The Active People 3 results, released in December 2009 again used a 500 people sample with the view that they are used in conjunction with the Active people 2 data to give a 1000 sample size and a figure which is comparable to the original Active People 1 baseline figure. York's Active People 3 results indicate that 25.4% of York adults participate in sport 3 times per week for 30 minutes or more. (+ 6%) However when taken cumulatively with the Active People 2 figure this shows that participation in 3x 30 minutes of sport per week is 22.9%. This is the figure that the city's participation will be measured on.

When taken in conjunction with Sport England's Margin of error this shows that there has been no statistically significant change from Active People 1 to Active People 2/3. When looked at in a national context York fares above average. Nearly all local authorities showed no significant change, reflective of the fact that changing people's lifestyles is a long term rather than short term goal. It is clear though that Active People 1 and 3 place York in the top quartile nationally and our combined figure for Active People 2 and 3 places us second quartile.

Within these statistics as well significant improvement has been made in specific areas. When the results for Active People 1 were released, the figures which were of greatest concern were the difference in participation rates between those in lower socio economic groups, those aged 55+, and those with a limiting disability against the average adult population in the city. In the last 2 years the council and its partners in Active York have aimed to narrow these gaps.. We are delighted that the combined Active People 2 and 3 data shows some promising results. The gap in participation between the average in York and those aged 55+ has been reduced by 2%, and between those in socio economic groups 5 and above by over 3%. The biggest change is in the percentage of people with a limiting disability participating in sport 3 times per week for 30 minutes or more. This appears to have increased from 7% in Active People 1 to 16.3% in Active People 2/3.

Additionally, the findings from the latest data supports the continued priority the city is placing on encouraging its residents to become generally more physically active, at least for 30 minutes a day. This focus includes the sorts of sports activities measured above, but also has a wider reach, promoting activities such as dance, walking and cycling, gardening and conservation, play, and all forms of daily movement and exercise. With this in mind, the just 30 "Good News" campaign launches this week, carrying 3 very positive messages to the residents of the city

- You only need 30 minutes of moderate exercise a day to boost your happiness and health. As long as its done in 10 minute bursts or more this exercise can be anything*

- Most people in York are close to hitting your target of 30 minutes a day so a little bit more, a bit more often shouldn't be too difficult*

- *There are lots of easy ways you can reach your 30 minutes in York. Suggestions of things to try will be available on the website www.justafewminutesmore.com from 1st February and through monthly emails that you can sign up to and postcard offers which will be available in the coming months.*

Councillor John Galvin
LORD MAYOR OF YORK

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

CITY OF YORK COUNCIL

Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Thursday, 25th February, 2010, starting at 6.30 pm

Present: The Lord Mayor (Cllr John Galvin) in the Chair, and the following Councillors:

ACOMB WARD

Horton
Simpson-Laing

BISHOPTHORPE WARD**CLIFTON WARD**

Douglas
King
Scott

DERWENT WARD

Brooks

DRINGHOUSES & WOODTHORPE WARD

Holvey
Reid

FISHERGATE WARD

D'Agorne
Taylor

FULFORD WARD

Aspden

GUILDHALL WARD

Looker
B Watson

HAXBY & WIGGINTON WARD

Firth
Hogg
R Watson

HESLINGTON WARD

Jamieson-Ball

HEWORTH WARD

Boyce
Funnell
Potter

HEWORTH WITHOUT WARD

Ayre

HOLGATE WARD

Alexander
Bowgett
Crisp

HULL ROAD WARD

Cregan
Pierce

HUNTINGTON & NEW EARSWICK
WARD

Hyman
Orrell
Runciman

MICKLEGATE WARD

Fraser
Gunnell
Merrett

OSBALDWICK WARD

Morley

RURAL WEST YORK WARD

Gillies
Healey
Hudson

SKELTON, RAWCLIFFE & CLIFTON
WITHOUT WARD

Moore
Watt
Waudby

STRENSALL WARD

Kirk
Wiseman

WESTFIELD WARD

Steve Galloway
Sue Galloway
Waller

WHELDRAKE WARD

Vassie

Apologies for absence were received from Councillor Sunderland

83. DECLARATIONS OF INTEREST

The Lord Mayor invited all Members with any personal or prejudicial interests in the business on the agenda to declare their interests at this point in the meeting. Advice on the declaration of interests in respect of the Budget had been circulated to all Members by the Monitoring Officer, together with a form on which to record their interests.

The following prejudicial interests were declared in relation to relevant aspects of the Revenue and Capital Budget proposals:

<u>Name</u>	<u>Description of Interest</u>
Cllr Fraser	Holder of a Visitors' permit in a Respark zone
Cllr Horton	Member of the Community Carol Concert Committee (Labour amendment no. 3)

The following personal interests were declared in relation to relevant aspects of the Revenue and Capital Budget proposals:

<u>Name</u>	<u>Description of Interest</u>
Cllr Alexander	- Member of the GMB - Holder of a free parking pass
Cllr Ayre	Director of York & District Citizens' Advice Bureau
Cllr Crisp	Retired member of UNISON
Cllr Firth	- Home owner in York (council tax payer) - Governor of Wigginton School
Cllr Fraser	Member of retired sections of UNISON and Unite (TGWU / Acts sections)
Cllr Steve Galloway	Holder of a concessionary bus pass
Cllr Sue Galloway	Holder of an allotment (34b Holgate)
Cllr Hyman	- Board member of york-england.com - Member of Science City York audit & finance committee - Wife works for Adult Learning, CYC
Cllr King	Daughter works for City of York Council
Cllr Kirk	Daughter works for City of York Council
Cllr Looker	- Governor of Canon Lee School and Park Grove School - Company Secretary, York Theatre Royal Board - Board Member of Yorkshire Credit Union
Cllr Merrett	- Daughter a pupil at a York school, using Council sports & leisure facilities, music lessons and the arts service - Member of Cycling England Board and other cycling organisations (re transport budget)

Cllr Morley	<ul style="list-style-type: none"> - Holder of a bus pass - Licensee of an allotment - Sharing Carer (fostering)
Cllr Pierce	<ul style="list-style-type: none"> - Holder of a Respark permit - Member of St Nicholas Fields - Governor of Federated Derwent Primary Schools - Member of Tang Hall Management Committee - Governor of University of York St John
Cllr Potter	Chair of Tang Hall Management Committee
Cllr Scott	<ul style="list-style-type: none"> - Member of Unite the Union, TGWU Section, Acts section - Wife an employee of the Council (but not in a section or grade affected by the current and proposed re-structure) - Former member of the Theatre Royal Members' Club - Resident in a Respark zone - All interests as recorded in Members' Register of Interests
Cllr Simpson-Laing	<ul style="list-style-type: none"> - Governor of Carr Infants' School - Treasurer of Poppleton Rd. Out of School Club - Treasurer of Friends of Back Park - Daughter in receipt of music lessons and school meals at a York school - Member of UNISON – City Branch - Employee of York & Harrogate Relate - Employee of York House - Donor to RSPCA and Oxfam
Cllr Taylor	Resident in a Respark zone
Cllr Waller	<ul style="list-style-type: none"> - Governor of Westfield Primary and York High School - Director of Ryedale Energy Conservation Group, York Food Festival and Welcome to Yorkshire - Holder of an allotment at 34b Holgate
Cllr Waudby	<ul style="list-style-type: none"> - Holder of a concessionary bus pass - Governor of Lakeside Primary School - Father in receipt of, and paying for, Warden Call Service - Member of Rawcliffe Parish Council

84. CIVIC ANNOUNCEMENTS

There were no civic announcements.

85. PUBLIC PARTICIPATION

The Lord Mayor reported that there had been two registrations under the Council's Public Participation Scheme to speak at the meeting with regard to business associated with the setting of the Budget.

Malcolm Dewhirst spoke in relation to the proposal to withdraw maintenance support from bowling greens and croquet facilities at Scarcroft Green and the Retreat (savings proposal LS09). He expressed disappointment that the matter had not been discussed at previous meetings at which he had spoken and expressed the hope that it would be debated, and the proposal withdrawn, at this meeting. He pointed out that the proposal would make only a very small saving in the context of the budget as a whole and asked why Scarcroft had been singled out, as there were no proposals to withdraw maintenance from other bowling clubs in York.

Ken Beavan spoke in relation to the More for York programme, as it related to the budget proposals. He praised the purpose of the programme in addressing high levels of administration costs within the Council and expressed the view that additional budget cuts should be made to the Council's employment costs, particularly in back offices and higher management. He urged all Members to support the More for York programme.

86. PETITIONS

The Lord Mayor reported that there were no petitions to be presented by Members at the meeting in relation to business associated with the setting of the Council's Budget.

87. RECOMMENDATIONS OF THE EXECUTIVE IN RESPECT OF THE CAPITAL PROGRAMME MONITOR 3

Cllr Waller moved, and Cllr Runciman seconded, the recommendations made by the Executive at their meeting on 16 February 2010 in relation to the Capital Programme Monitor 3 (Minute 162 refers), as follows:

- “(i) That the net adjustments of (£4.423m) in 2009/10, £5.324m in 2010/11 and (£0.011m) in 2012/13, as set out in a scheme by scheme basis in the report and contained in Annex A, be approved.
- (i) That approval be given for additional funding of £25k from the Council's reserves for the Silver Street toilets.
- (iii) That the contingency fund for £128k and £40k form the Property Key Components budget in respect of the Peaseholme Improvements work.”

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

RESOLVED: That the recommendations contained in Minute 162 of the Executive meeting held on 16 February 2010 be approved.

88. RECOMMENDATIONS OF THE EXECUTIVE ON THE COUNCIL'S DETAILED REVENUE BUDGET PROPOSALS FOR 2010/11 AND THE COUNCIL'S CAPITAL PROGRAMME BUDGET FOR 2010/11 – 2014/15

A - Revenue Budget

Cllr Waller moved, and Cllr Runciman seconded, the recommendations of the Executive in respect of the Revenue Budget proposals for the 2010/11 Financial Year, as set out in the report at page 3 of the Council papers:

“The Executive recommends that Council approve the budget proposals outlined in the report of the Director of Resources and set out in detail within the financial strategy, in particular:

- i) The net revenue expenditure for 2010/11 of £117.880m, as set out in Annex 1, **amended by £0.098m.**
- ii) The housing revenue account proposals outlined in Annex 8.
- iii) The dedicated schools grant proposals outlined in the report.
- iv) The revenue growth proposals of £13.786m on-going for 2010/11, plus one-off growth of £1.008m, as outlined in Annex 3, **subject to the following amendments:**
 - a) Reduce growth proposals by £0.045m, as follows:
 - £0.045m (from £0.123m to £0.078m) for price increases in LCCS
 - b) Reject growth proposals totalling £0.255m, as follows:
 - CORPG41 in the sum of £0.255m for increased corporate contingency
 - c) Include new growth proposals totalling £0.030m, as follows:
 - Reduction in the cost of Respark visitor badges from £1.10 to £0.90 at a cost of £0.030m;Resulting in revised figures of £13.516m for on-going growth in 2010/11, plus one-off growth of £1.008m.
- v) The revenue savings proposals of £10.352m for 2010/11 outlined in Annex 4, **subject to the following amendments:**
 - a) Reject savings proposals totalling £0.154m, as follows:
 - CEXES 16 – delete 1 fte Democracy Officer in the sum of - £0.027m
 - CEXES 17/18 – review of responsibility allowances in the sum of - £0.010m
 - CSTRS 12 Park & Ride additional income in the sum of - £0.050m

- LS04 Arts and Culture – cease funding the community arts service in the sum of £0.067m
- b) Amend savings proposals totalling £0.042m, as follows:
 - CS11 Arts Consultants – reduce the saving from £0.100m to £0.058m in 2010/11 to defer implementation until September 2010, with the remaining £0.042m of the 2010/11 saving to be funded by the use of reserves.
- c) Include new savings proposals totalling £0.024m, as follows:
 - Reduction in printing costs and subscriptions in the Chief Executive’s department in the sum of - £0.009m
 - Reduction in the corporate contingency provision in the sum of - £0.015m from £0.600m to £0.585mResulting in a revised figure of £10.180m.
- vi) In terms of the Council’s reserves, the use in 2010/11 of £0.500m from the Venture Fund and £42k from general reserves for the Arts consultants.
- vii) Use of prior year collection fund surplus of £0.288m.
- viii) That release of growth of £500k for 16/17 year olds be subject to a further report to the Executive setting out the full implications (paragraph 28).
- ix) That the £2m transfer from general balances to the capital reserve fund not be made (paragraph 52).
- x) The increase in council dwelling rents by an average of 1.83%, in line with government guidance on rent re-structuring, as set out in Annex 9.
- xi) Note the medium term financial strategy projections that indicate the need for savings / efficiencies in future years of £10m per annum.
- xii) Note that the effect of approving the income and expenditure proposals included in the above recommendations will result in an increase in the City of York element of the Council Tax of 2.7%.”

First Labour Amendment (Revenue Budget)

Cllr Scott then moved, and Cllr Potter seconded, the following amendment to the Executive’s Revenue Budget recommendations, on behalf of the Labour Group:

“In paragraph 14 iv) c), replace the figure ‘£0.030m’ with ‘£0.952m’ and at the end of the bullet point relating to Respark Visitor Badges, add the words ‘*subject to the addition of:*

- *YoZone Extension 16-19 year olds in education - £1 reduced fare. £0.367m*
- *Breakfast Club – free provision for all free school meals children. £0.028m*

- £25.00 reduction in Council Tax for over 75s. £0.154m
- Reduce Respark permit by 10%. £0.047m
- Green Travel Co-ordinator and Smart Travel Plan. £0.050m
- Increase Respite Care. £0.020m
- Pump prime additional Apprenticeships. £0.025m
- Bus Review. £0.050m
- Community centres. £0.003m
- Statutory Bus Partnership – 6 months. £0.158m
- Prudential borrowing for Highways to fund the increased capital investment. £0.020m.’

In the next sentence, replace the figure ‘£13.516m’ with ‘£14.438m’.

In paragraph 14 v) a), replace the figure ‘£0.154m’ with ‘£0.284m’ and after the words ‘as follows’ in that line, insert the words ‘*subject to CSTRS12 below (Park & Ride additional income in the sum of -£0.050m) not being rejected.*’

After the bullet point relating to LSO4 Arts & Culture, add the following:

- *CEXES13 Graduate Management Trainee Chief Executive’s Office. £0.012m*
- *CS36 Graduate Trainee in LCCS. £0.007m*
- *CS28 Accounting Technician Training Post. £0.011m*
- *HASS06 Respite Care. £0.020m*
- *CSTRS05 Planning Development Control re-structure. £0.130m*

In paragraph 14 v) c), replace the figure ‘£0.024m’ with ‘£1.076m’ and after the bullet point relating to corporate contingency provision, add the following:

- *Reduce travel budgets across Directorates. £0.050m*
- *Removal of Environmental Enforcement Team. £0.084m*
- *Remove Park & Ride benefit. £0.035m*
- *Reduce staff and councillor wage increase funding from 1% to 0.75%. £0.250m*
- *Across Directorate saving for premises hire, buffets and taxis. £0.150m*
- *Increase Vacancy Factor. £0.100m*
- *Increase Corporate Efficiency Target. £0.102m*
- *Reduction in Highway Maintenance (to be replaced with capital provision). £0.220m*
- *Bootham Bar toilets closure. £0.043m*
- *Bridge Maintenance. £0.008m*
- *Council Tax collection date change to 1st of the month. £0.010m*

At the end of paragraph 14 v) c), replace the revised figure of ‘£10.180m’ with ‘£11.102m’.”

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

Second Labour Amendment (Revenue Budget)

Cllr Gunnell then moved, and Cllr Bowgett seconded, the following amendment to the Revenue Budget recommendations, on behalf of the Labour Group:

“In paragraph 14 v) a), replace the figure ‘£0.154m’ with ‘£0.156m’ and after the bullet point relating to LSO4 Arts & Culture, add the following:

- *LSO9 Bowling Green maintenance - £0.002m*

In paragraph 14 v) c), replace the figure ‘£0.024m’ with ‘£0.026m’ and after the bullet point relating to corporate contingency provision, add the following:

- *Increase HMO Licences - £0.002m.”*

On being put to the vote, the above amendment was declared CARRIED.

Third Labour Amendment (Revenue Budget)*

Cllr Crisp then moved, and Cllr Looker seconded, the following amendment to the Revenue Budget recommendations, on behalf of the Labour Group:

“In paragraph 14 iv) c), replace the figure ‘£0.030m’ with ‘£0.032m’ and at the end of the bullet point relating to Respark Visitor Badges, add the following:

- *Festival of Remembrance to help with venue hire (one-off) - £0.001m*
- *Carol Services to help with venue hire (one-off)- £0.001m*

In the next sentence, replace the figure ‘£1.008m’ with ‘£1.010m’

In paragraph 14 vi), replace the figure ‘£42k’ from general reserves for the Arts Consultants with ‘£44k’.”

On being put to the vote, the above amendment was declared CARRIED.

**Note: Cllr Horton, having declared a prejudicial interest in the above amendment, left the Chamber during the debate on the amendment and took no part in the discussion or decision thereon.*

Fourth Labour Amendment (Revenue Budget)

Cllr Simpson-Laing then moved, and Cllr Pierce seconded, the following amendment to the Revenue Budget recommendations, on behalf of the Labour Group:

“In paragraph 14 v) a), replace the figure ‘£0.154m’ with ‘£0.175m’ and after the bullet point relating to LSO4 Arts & Culture, add the following:

- *CEXES08 Scrutiny Assistant - £0.021m*

In paragraph 14 v) c), replace the figure ‘£0.024m’ with ‘£0.045m’ and after the bullet point relating to corporate contingency provision, add the following:

- *Reduce use of consultants and external legal advice - £21k.”*

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

Conservative Amendment (Revenue Budget)

Cllr Gillies then moved, and Cllr Healey seconded, the following amendment to the Revenue Budget recommendations, on behalf of the Conservative Group:

“In paragraph 14 i), replace the figure of ‘£117.880m’ with ‘£117.315m’.

In paragraph 14 v) c), replace the figure of ‘£0.024m’ with ‘£0.589m’ and after the bullet point relating to corporate contingency provision, add the following:

- *Reduction in the Council newspaper and consultation costs - £100k*
- *Increased vacancy rate provision across the Council - £100k*
- *Extended review through More for York of travel and subsistence costs - £100k*
- *Reduction in the pay award provision made from 1% to 0.75% - £250k*
- *Reduction of one Executive Member post to reflect the change in the Council structure - £15k.*

At the end of paragraph 14 v) c), replace the revised figure of ‘£10.180m’ with ‘£10.745m’.

In paragraph 14 xii), replace the figure of ‘2.7%’ with ‘1.9%’.”

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

The Revenue Budget recommendations, as amended by the second and third Labour amendments, now read as follows:

“That Council approve the budget proposals outlined in the report of the Director of Resources and set out in detail within the financial strategy, in particular:

- i) The net revenue expenditure for 2010/11 of £117.880m, as set out in Annex 1, amended by £0.098m.
- ii) The housing revenue account proposals outlined in Annex 8.
- iii) The dedicated schools grant proposals outlined in the report.
- iv) The revenue growth proposals of £13.786m on-going for 2010/11, plus one-off growth of £1.008m, as outlined in Annex 3, subject to the following amendments:
 - a. Reduce growth proposals by £0.045m, as follows:
 - £0.045m (from £0.123m to £0.078m) for price increases in LCCS
 - b. Reject growth proposals totalling £0.255m, as follows:
 - CORPG41 in the sum of £0.255m for increased corporate contingency
 - c. Include new growth proposals totalling **0.032m**, as follows:
 - Reduction in the cost of Respark visitor badges from £1.10 to £0.90 at a cost of £0.030m

- **Festival of Remembrance to help with venue hire (one-off) - £0.001m**
- **Carol Services to help with venue hire (one-off) - £0.001m;**

Resulting in revised figures of £13.516m for on-going growth in 2010/11, plus one-off growth of **£1.010m**.

- v) The revenue savings proposals of £10.352m for 2010/11 outlined in Annex 4, subject to the following amendments:
- a. Reject savings proposals totalling **£0.156m**, as follows:
- CEXES 16 – delete 1 fte Democracy Officer in the sum of - £0.027m
 - CEXES 17/18 – review of responsibility allowances in the sum of - £0.010m
 - CSTRS 12 Park & Ride additional income in the sum of - £0.050m
 - LS04 Arts and Culture – cease funding the community arts service in the sum of £0.067m
 - **LSO9 Bowling Green maintenance - £0.002m**
- b. Amend savings proposals totalling £0.042m, as follows:
- CS11 Arts Consultants – reduce the saving from £0.100m to £0.058m in 2010/11 to defer implementation until September 2010, with the remaining £0.042m of the 2010/11 saving to be funded by the use of reserves.
- c. Include new savings proposals totalling **£0.026m**, as follows:
- Reduction in printing costs and subscriptions in the Chief Executive's department in the sum of - £0.009m
 - Reduction in the corporate contingency provision in the sum of - £0.015m from £0.600m to £0.585m
 - **Increase HMO Licences - £0.002m**
- Resulting in a revised figure of £10.180m.
- vi) In terms of the Council's reserves, the use in 2010/11 of £0.500m from the Venture Fund and **£44k** from general reserves.
- vii) Use of prior year collection fund surplus of £0.288m.
- viii) That release of growth of £500k for 16/17 year olds be subject to a further report to the Executive setting out the full implications (paragraph 28).
- ix) That the £2m transfer from general balances to the capital reserve fund not be made (paragraph 52).
- x) The increase in council dwelling rents by an average of 1.83%, in line with government guidance on rent re-structuring, as set out in Annex 9.
- xi) Note the medium term financial strategy projections that indicate the need for savings / efficiencies in future years of £10m per annum.

- xii) Note that the effect of approving the income and expenditure proposals included in the above recommendations will result in an increase in the City of York element of the Council Tax of 2.7%.”

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

RESOLVED: That the recommendations of the Executive on the Revenue Budget proposals, as amended by the second and third Labour amendments, as set out above, be approved.

B - Capital Budget

Cllr Waller moved, and Cllr Runciman seconded, the recommendations of the Executive in respect of Capital Programme Budget for the period 2010/11 to 2014/15, as set out in the report at page 3 of the Council papers:

“The Executive recommends:

- i) That Council approve the revised capital programme of £235.191m (amended from £234.916m), including specifically the inclusion in the programme of new schemes totalling £89.065m, as set out in the ‘growth’ column in Annex B to the report, plus a further Street Lighting Improvement scheme of £0.250m and £0.025m for further investment in the targeted home insulation programme to continue the £0.100m scheme commenced during 2009/10; the whole programme comprising:
- a) the bids recommended in paragraph 70 (table 5), totalling £7.618m and including the allocation of receipts to Access York Phase 1;
 - b) the additional externally funded schemes in paragraph 77 (table 8) totalling £72.860m;
 - c) the use of prudential borrowing for the IT development plan in paragraph 79 (table 9), totalling £5.141m and containing specific schemes of £1.141m, with the remaining £4m subject to further approval and for the capital element of the More for York programme as in paragraph 80, totalling £210k;
 - d) the use of HRA balances to fund HRA capital schemes, as set out in paragraph 81 (table 10), totalling £3.236m;
 - e) an additional scheme of Street Lighting Improvements of £250k, on an Invest to Save basis, with a view to achieving energy / carbon savings, the repayment period to be determined by the Director of Resources;
 - f) an additional scheme of £25k to continue the existing area based programme for home insulation grants in designated areas with the lowest SAP ratings and the highest incidence of fuel poverty.
- ii) That Council note the overall funding position identified in the report, which highlights a current shortfall in resources over the next five years, which the Council will need to address through increased revenue contributions in the medium term.

- iii) That Council endorse the principle of postponing asset sales until such time as the market picks up sufficiently to allow optimum values to be realised.
- iv) That Council approve the full re-stated programme as summarised in Annex B to the report and as amended by recommendation (i) above, totalling £235.191m up to 2014/15.”

The amendment to the Capital Budget recommendations submitted by the Labour Group was not put, as it was dependent upon the first Labour amendment to the Revenue recommendations being carried.

The above recommendations were therefore put to the vote and declared CARRIED and it was

RESOLVED: That the recommendations of the Executive in respect of Capital Programme Budget for the period 2010/11 to 2014/15, as set out above, be approved.

89. COUNCIL TAX RESOLUTION 2010/11

Councillor Waller moved, and Councillor Runciman seconded, the Council Tax Resolution for 2010/11, as set out in the report at page 21 of the Council papers.

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

RESOLVED: That the revised Council Tax Resolution for 2010/11, as set out in the report at page 21 of the Council papers and amended in consequence of the second and third Labour Group amendments, be approved, as follows:

(i) COUNCIL TAX BASE

That it be noted that the Director of Resources, under his delegated authority, calculated the following amounts for the year 2010/11 in accordance with regulations made under Section 33(5) of the Local Government Finance Act 1992:

(a) Whole of the Council's Area

66,442.57 being the amount calculated in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 and the Local Government Act 2003, as its Council Tax Base for the year.

(b) Parts of the Council's Area

the amounts mentioned in Column 1 of Schedule A to this Resolution, being the amounts calculated in accordance with Regulation 6 of the Regulations and the Local Government Act 2003, as the amounts of its Council Tax

Base for the year for dwellings in those parts of its area to which one or more special items relate.

(ii) **DISTRICT/PARISH COUNCIL TAX RATES**

That the following amounts be now calculated by the Council for the year 2010/11 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:

(a) **District/Parish Gross Expenditure**

£363,241,710.00 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act.

(b) **Income**

£245,322,000.00 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act.

(c) **District/Parish Net Expenditure**

£117,919,710.00 being the amount by which the aggregate at (ii)(a) above exceeds the aggregate at (ii)(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.

(d) **Government Grants and Collection Fund Surpluses**

£44,858,512.00 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed non-domestic rates and revenue support grant, increased by the amount of the sums which the Council estimates will be transferred in the year from its Collection Fund to its General Fund in accordance with Regulation 4(7) of the Local Government Changes for England (Collection Fund Surpluses and Deficits) Regulations 1995 and increased by the amount of any sum which the Council estimates will be transferred from its Collection Fund to its General Fund pursuant to the Collection Fund (Local Government Changes for England)(Community Charges) Directions under Section 98(4) of the Local Government Finance Act 1988 made on 22 November, 1995.

(e) **Basic Amount of Tax (including average parish precepts)**

£1,099.6143 being the amount at (ii)(c) above less the amount at (ii)(d) above, all divided by the amount at (i)(a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year.

(f) Parish Precepts and Special Expenses

£582,200.00 being the aggregate amount of all special items referred to in Section 34(1) of the Act.

(g) Basic Amount of Tax (Unparished Area)

£1,090.85 being the amount at (ii)(e) above less the result given by dividing the amount at (ii)(f) above by the amount at (i)(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.

(h) Basic Amount of Tax (Parished Areas and Special Expenses Areas)

the amounts mentioned in Column 2 of Schedule A to this Resolution, being the amounts given by adding to the amount at (ii)(g) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned divided in each case by the amount at (i)(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

(i) District/Parish Council Tax Rates

the amounts mentioned in Columns 3 A to H of Schedule A to this Resolution, being the amounts given by multiplying the amounts at (ii)(g) and (ii)(h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

(iii) NORTH YORKSHIRE POLICE AUTHORITY TAX RATES

That it be noted that for the year 2010/11 the North Yorkshire Police Authority has stated the following amounts in precept issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Valuation Bands							
A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
136.37	159.09	181.82	204.55	250.01	295.46	340.92	409.10

**(iv) NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY
TAX RATES**

That it be noted that for the year 2010/11 the North Yorkshire Fire and Rescue Authority has stated the following amounts in precept issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Valuation Bands							
A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
41.40	48.30	55.20	62.10	75.90	89.70	103.50	124.20

(v) TOTAL COUNCIL TAX RATES

That, having calculated the aggregate in each case of the amounts at (ii)(i), (iii) and (iv) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the amounts mentioned in Schedule B to this Resolution as the amounts of Council Tax for the year 2009/10 for each of the categories of dwellings shown therein.

Action Required

Make arrangements to circulate Council Tax bills for the IF
agreed amounts.

**90. RECOMMENDATIONS OF THE EXECUTIVE ON THE COUNCIL'S
TREASURY MANAGEMENT STRATEGY STATEMENT AND PRUDENTIAL
INDICATORS FOR 2010/11 - 2014/15**

Cllr Waller moved, and Cllr Runciman seconded, the recommendations of the Executive in respect of the Treasury Management Strategy Statement and Prudential Indicators for 2010/11 to 2014/15, as set out in the report at page 31 of the Council papers:

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

RESOLVED: That the recommendations of the Executive in respect of the Treasury Management Strategy Statement and Prudential Indicators for 2010/11 to 2014/15 be approved and adopted, as set out below (*references to 'the report' relate to the report to the Executive meeting on 16 February 2010*):

- (i) That Council approve:
 - a) the proposed Treasury Management Strategy for 2009/10;
 - b) the Prudential Indicators for 2009/10 to 2013/14 (Annex C to the Director of Resources' report);

- c) the revised CIPFA Treasury Management Code of Practice 2009 (*'the Code'*) and revised Treasury Management Policy Statement (Annexes A and B);
 - d) the Specified and Non-specified Investments Schedule (Annex F);
 - e) The Scheme of Delegation and the Role of the Section 151 Officer (Annex G).
- (ii) That the Financial Regulations be amended to give delegated authority to the Director of Resources to have full discretion to choose the length of the repayment period for all prudential borrowing, as set out in paragraph 35 of the report.
- (iii) That the Treasury Management reporting arrangements set out in paragraph 16, table 1, as described by the Code, and the terms of reference in the Constitution, be amended to include the requirement that the Audit & Governance Committee scrutinise the Treasury Management Strategy and Monitoring reports.

John Galvin

LORD MAYOR OF YORK

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

This page is intentionally left blank

Leader's report to Full Council 8th April 2010

1. Headquarters Update

The new Headquarters remains on target to be completed by September 2012 and the overall project delivered within the approved budget of £43.8m. The business case shows that this is still going to deliver a £5 million saving versus the status quo position which will benefit council tax payers.

The exchange of signed agreements between CYC and York Investors LLP has now taken place.

Following a very successful consultation event at the Mansion House in early March, where 400 people attended over the two day event, the developer is now working towards submitting a planning application in April 2010.



Display in Mansion House 5th and 6th March

There has been continuous consultation between the developer and the council's planning department and there have been a number of very positive and supportive meetings between the developers and special interested groups such as English Heritage and York Civic Trust who have been supportive of the outline proposal and enthusiastic in their endorsement of the sympathetic revitalisation of a major landmark building in the city.

Civic Trust representatives attended the exhibition and reiterated their enthusiasm for the scheme as plans have developed. I met a number of former railway employees at the exhibition who showed considerable interest in the scheme in the building because of its history.

Representatives from the developers design team are meeting with The Civic Trust again in April to brief them on the latest developments as they affect planning, architectural heritage and conservation. The proposed planning application has been sent to English Heritage for their written comment and they have committed to send the developers a response prior to the planning application being submitted.

Subject to a successful planning application and further development of the design detail, construction will commence on the site in November 2010.

Presentations and tours of the 'Office of the Future' continue with around 250 staff, managers and Members having visited to date. To cope with the demand, an additional programme of visits have been scheduled to run throughout April.

2. University Pool

We continue to work in partnership with the University to find a way to push forward the competition standard pool on the new campus. The University have undertaken further work on their design for the facility as they undertook to do. New design options are being considered that, whilst still very high quality, should result in a reduced construction cost thereby narrowing the funding gap. Once costings have been completed on the new design the University Pool Steering Group will be recalled to look at the proposal and make sure that it meets the city's needs. I expect to be able to report to Council on a way forward early in the summer.

3. Local Information System for York and North Yorkshire

On 2nd February the Executive considered the report for a Local Information System for indicators covering York and North Yorkshire. There were issues at the time of the launch of the 'One Place' website in early December that it was unavailable for officers to access directly to check data due the amount of traffic on the website. Therefore having a system which ensures that data is checked as it is loaded onto a website will assist everyone with the analysis of data.

The North Yorkshire and York Local Information System is being funded by the Regional Improvement and Efficiency Partnership (RIEP) and so will not depend on City of York Council funds for development for the next three years amounting to £140,000. The Executive demanded that it need to demonstrate its worth in the value of a shared source for information, and for the amount of time that is spent on maintaining the records. If, as is claimed in the report, this process will save CYC officers time in the long run it is going to be worth doing. Indeed there was the suggestion that had this been available to officers at the time that the Kingsway West Project was being set up that time could have been saved, and so the new system will be able to assist with the roll out of the project to other areas of the city where there are pockets of deprivation. Given the pressure on public expenditure in the future this system should save time, and help with the co-ordination of all public expenditure in a given area which will be essential for Local Strategic Partner organisations. However, information systems in themselves do not improve the lives of residents, it is the policies and service delivery that result from decisions informed by the data. There will therefore be regular updates on what changes have occurred, and the measurable outputs.

4. Community Stadium

The Executive received an update report on 16th February on work that is ongoing for the Community Stadium and work with partners to see the development of a business plan to deliver the stadium. Feasibility work is ongoing, and there is further exploration of additional partnerships to achieve wider community benefits. To show

support to the project I went along to watch the match against Luton Town that evening despite the cold weather.

5. Taxi-card replacement for National Transport Tokens

The token system used in York for many years is essentially a relic of a bygone era. Where taxi cards have been introduced elsewhere they seem to have met with user approval. For taxi owners they offer a quick and easy method of reimbursement. There will be savings in administrative costs, and the value of concessions can be increased to £55 per annum.

6. Comments from the Health Overview and Scrutiny Committee

In February the Executive received the report of the outcomes of the Health Overview and Scrutiny Committee regarding the referral from the Executive for overspends in Adult Social Services. This was contrasted with the way in which the matter of the referral of similar expenditure pressures have been dealt with by the scrutiny process in the area of "Looked After Children". With there being no proposals for changes in council policy to address the situation the Executive had little to note from the report. I hope that we will not see similar partisan attempts to thwart the efforts of the scrutiny process to examine council processes and policies and to develop positive steps for progress.

7. Third Performance & Financial Monitor, Capital Monitor, and Treasury Management

The Executive received financial updates for Quarter three performance and financial reports which showed that officers were continuing to identify and implement actions to contain spending within budget by the end of the financial year.

Historically, Treasury Management has contributed to the Council's income, as money put on deposit earned interest. However, with the current low Bank Rate, there is little possibility of achieving the levels of income received in previous years. Forecasts of interest rates are highly speculative and of little reliability, as the depressed market begins to recover.

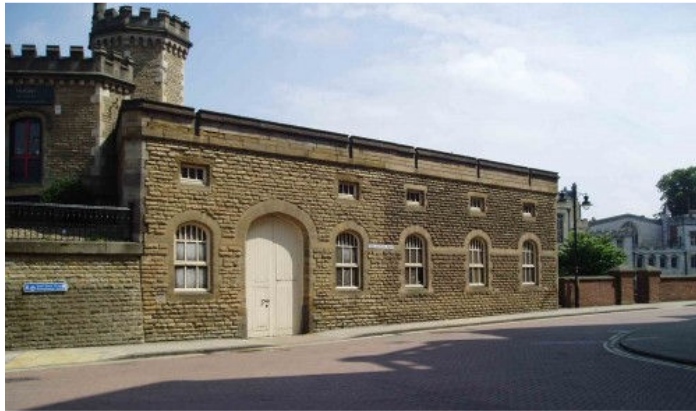
Although well below previous years' performance, the Treasury Management Team, through investment activity, have managed to achieve a rate of return of 2.37%, which is significantly higher than the London Inter-Bank Deposit Rate (0.45%) and the average base rate for the period (0.5%).

The Executive also received the papers relating to the Council's Budget which were the focus of the Council Meeting held on 25th February for which there has been substantial report and debate already.

8. Lendal Bridge Hub Station

The Executive received a report on 2nd March on the update on progress being made to convert the former electricity sub station at Lendal Bridge to become a 'Cyle Hub'

with Bikerescue as part of the successful Cycle City Campaign. The Executive agreed to release £270,000 from the 2009/10 City Strategy Capital Programme to fund the conversion of the building.



Former electricity sub station Wellington Row which will become cycle point with secure cycle storage

The scheme will create a city centre focal point for cycling, and will help to promote York further as a progressive centre for sustainable transport. There will be tremendous demand for cycle facilities in the nearby area from Aviva offices, and the new council HQ. Through the regular meetings that I have had with directors at Aviva I have made sure that they are aware of the proposals and the advantages that it would bring to have them so close by. It is also important that the cycle proposals for the Railway Station are done in "tandem" so that they are in co-operation and not competition.

9. Cycling City Update

The Executive noted the progress being made on the Cycling City project. There has been a lot of attention paid to the importance of providing safe, off carriageway, cycle paths and this has already contributed to a 7% increase in cycle usage over the last couple of years.

The Water End cycle path has proved to be an attraction for cyclists with use of the route up from 388 riders in a 12 hour period each day in September 2008 to 521 during September 2009. A 34% increase.

A large part of the Cycle City project is devoted to more low key activities including improving relations between cyclists and other road users. As part of this campaign signs are to be added to the boundary "City of York" markers which will remind drivers that there are a large number of cyclists using Yorks roads. The message is particularly important for the drivers of large vehicles who may not all be aware of the need to provide cyclists with an adequate safety margin.

This forms part of a "respect" initiative which is aimed at ensuring that cyclists also recognise their responsibilities. Police have been acting to deal with cyclists not using lights, riding on footpaths and ignoring traffic signals.

Another initiative is aimed at increasing the number of people cycling to the railway station. Secure cycling parking is to be provide there while separate access routes via both the south and north car parks are scheduled to be installed later in the year.

The proposed access from Lowther Terrace has gained the support of around 70% of those residents who have responded to the Blossom Street traffic survey over the last couple of months.

All in all, Cycling City has already proved to be a great success in York and I hope that this years programme of events and improvements will prove to even more people that using their bike is cheaper, quicker and healthier then the alternative ways of getting around the City. In order to demonstrate that the campaign is reaching those people who needed that 'bit of encouragement' to venture onto their bike more frequently there will be residents surveys to check the broader impact of the campaign.

10. The Campaign and Sustainability Update for 10:10

An update on progress that is being made for the achievement of the council's commitment to the 10:10 campaign to reduce carbon emissions by 10% in 2010.

There has been substantial work on reducing the council's carbon emissions, which will also have the benefit of reducing energy bills, and helping to establish a local supply of energy.

Whilst schools are excluded from the 10:10 plan they will in the long run be part of the carbon trading proposals for which the council needs to be ready. I hope that it will not be anything like the 'Landfill Tax' which has eroded the ability of councils to fund recycling schemes, and that a more supportive mechanism can be operated to deliver the objective of more efficient use of resources.

The changes in 'feed in' tariff means that from April there will be a dramatic reduction in the payback period for property owners and householders from the capital investment in Photo Voltaic cells. This has the potential for a significant increase in small scale generation in York homes, and as we have the Energy Saving Trust Office in York we should be making greatest use of the work that is being done to promote the benefits for households. In Germany this has been running for years, and has significantly reduced the unit costs for PVs, and the general capacity for renewable power generation in that country.

I met with Mike Childs national Head of Campaigns for Friends of the Earth on 12/03/10 with the intention of getting support for CYC officers for the implementation of the 40% reduction. This has been forthcoming and I am pleased to work with the local and national parts of Friends of the Earth. This links in with the Green Streets initiative.

The Executive has approved additional investment in modernising street lighting systems in the City over the next year. This will go some way towards achieving the ambitious 10:10 target. By using lighting units which deliver the same (or in some cases better lighting than the unpopular sodium lighting) levels of light, but at lower consumption of power, the council will achieve a reduction in tones of carbon emitted.

The success of the programme will over the next 12 months depend on changing attitudes to energy use particularly in Council buildings. Sustaining such a culture change represents a real challenge.

Effort continues to be put into achieving the council's own 2013 target of a 25% reduction in CO2 emissions. The council is on track to achieve this.

11. Review of Flood Defence Trial in Clementhorpe

A trial of Aquabarrier in the Clementhorpe area was reviewed in the light of an officer report identifying the problems due to underlying geology (medieval 'in fill' on the natural river bank) which has resulted in seepage as the river in flood is able to get under the temporary defences due to underlying porous ground. A meeting has been held with the Environment Agency and City of York Council officers to see how the EA proposed plans for a £2 million scheme for the Clementhorpe Flood Cell can be brought forward to provide better defences for the area which take account of the seepage problems. Officers are now involving Yorkshire Water which need to be engaged with the design of the work as this is currently an 'undefended' part of the city. Works will be needed for sewage pumping to continue in flood events and therefore an investment by Yorkshire Water will need to be encouraged. As the city's representative on the Flood Defence Committee I will be pursuing this scheme.

12. Other Flood Issues

A scheme funded by the Local Levy which all councils in Yorkshire pay into for schemes which do not qualify for national grant funding, but which has a positive impact on communities was finished in the Peckitt Street area.

A public drop in session was run by the Environment Agency for the Leeman Road area for the national 'Grant in Aid' funded scheme to improve the flood defences which were nearly overtopped in 2000, and which were due to be completed in 2009. I hope that with the funding being allocated for development work that it will remain on track for delivery in the next two years.



Peckitt Street Defences 22nd February with Helen Aird of the Environment Agency



Leeman Road Drop-in March 23rd with Bethany Gardner of the Environment Agency

13. Economic Issues

Clearly the announcements at Jarvis will have created concern amongst the staff based in York and I hope that these can be overcome. I am grateful that the other group leaders have agreed to an all-party debate on the issue at Full Council. Maintaining York's position as a 'railway city' is important for the critical mass of experience in the industry in the city.

Since my last report I have also met with Aviva, Nestle, Benenden Healthcare, Grand Central, Yorkshire Forward, North Yorkshire and York Primary Care Trust and the Chief Constable. I attended this year's Venturefest which was again very well attended and showing that York is a good place to do business.

Tourism in the region, which benefits the city as a key part of the regional offer, was showcased at the Y 10 event at Harrogate Conference Centre at which there was a good York contingent including Cllr Gillies and myself. Amongst the announcements made the 'Railway Children' will be produced this year in the former Waterloo International Station, and a Yorkshire Pass based on the York Pass run by Visit York which will be rolled out across the region.

Key items from the Yorkshire Museum are on loan to a display at the British Museum and I was able to see these on 17th March along with Cllr Taylor at an event to mark the century old link between the two museums. A great poster display from the British Museum encourages people to come and see exhibits from "England's other capital city".

I attended a meeting of Micklegate Traders (25th March) who are concerned about the impact of the valuation process on businesses in their area – one of which has seen a 300% increase in assessed value. I will be taking these items forward with the Local Government Association.

14. Festivals

The City has seen the successful Festival of Science and Technology run again to encourage greater awareness of science in the city. I attended the Rotary Club Technology Challenge with over 40 teams from schools across York at the National Railway Museum, and attended two inaugural lectures on liquid crystallography at York University on behalf of the city.

During Fairtrade fortnight I met with representatives from Fanteakwa ; Mr. Mike Yeboah (Chairman of the Fanteakwa/York link) and Mr. Eric Twumasi (Assistant Director of Education) with thanks to Cllr Janet Looker for setting up the reception with the Lord Mayor. I also met with Prof Makoto Ishikawa from Kyoto University to explain how York had become a Fairtrade city. I am now especially pleased that we now can offer Fairtrade drinks in the Guildhall.

15. Leeds City Region

The Urban Eco Settlement proposal at the British Sugar site received £275,000 capital in the recent budget for the development of demonstrator housing. There is also a share of £750,000 to the Leeds City Region for development and planning work to deliver this first phase.

I have been able to raise at regional meetings issues relating to the inclusion of York in the plans for the High Speed Rail link if it comes to Yorkshire, and the need in any case to electrify the line between Leeds and York.

Cllr Andrew Waller
Leader, City of York Council

This page is intentionally left blank

Scrutiny Report To Council April 2010

Report of the Chair of Scrutiny Management Committee

1. This report is submitted by the Chair of Scrutiny Management Committee (SMC), in accordance with the constitutional requirements set out in Standing Order 4.3(l) to update Council on scrutiny work during the period of activity since the last Council meeting and to set out any recommendations such as may be made to Council in relation to that work.

Update on Scrutiny Work

2. **SMC** have met twice since the last Scrutiny Report to Council was prepared. On 1st February 2010 they considered the Traffic Congestion Ad Hoc Scrutiny Committee's final report and the Scrutiny Review Support Budget. On 15th March they agreed to form a cross cutting joint Scrutiny Committee to review safer routes to school and school travel plans. The membership of this Committee is currently being established and it is hoped the review will commence shortly.
3. They have also considered the following call in:
 - 8 March 2010
 - City of York's Local Transport Plan 3 – Stage 1 Consultation Results & Preparations for Stage 2 (Options & Impacts) Consultation.

Standing Scrutiny Committees

4. Further meetings of the standing scrutiny committees have taken place since the last Council meeting.
5. **Health Scrutiny Committee** have met twice since last Council and have given consideration to an update on dental services in York, a Finance and Performance report in relation to Adult Social Services as well as presentations on Transforming Community Services and the Individual Funding Request Panel for NHS North Yorkshire & York. Several information reports have also been received and discussed.
6. The Committee have also formed a 3 Member Task Group to undertake work on the childhood obesity review. This Group has met on several occasions and are well on the way to completing their work. It is expected that a final report will be presented to the Health Overview & Scrutiny Committee at their May meeting.
7. **Effective Organisation Overview & Scrutiny Committee** have met once since last Council. They have now completed their review of the Effectiveness of the Executive Forward Plan, and intend presenting their final report to the Executive before the end of the municipal year.

8. In addition, the Committee has agreed to carry out a review of CYC Apprenticeships & Other Work Based Learning Opportunities. They plan to meet on 28 April 2010 and aim to complete the review before the end of the municipal year.
9. **Economic & City Development Overview & Scrutiny Committee** have met 3 times since the last report to Council and have recently commenced work on their Newgate Market review. They have also considered reports and presentations on many issues including:
 - Safer Routes to School and School Travel Plans (ultimately referred to SMC)
 - Feasibility Report – Acceptance of Euros by York Businesses (decision on whether to progress to review deferred)
 - Information report on Distribution of Travel Tokens
 - Finance and Monitor Report
 - Update on Recommendations from Previous Scrutiny Reviews
10. In addition to this the Water End CCfA Task Group is well on its way to completing its review and is due to report back to the Economic & City Development Overview & Scrutiny Committee in May 2010 with its draft final report and recommendations.
11. Work is still ongoing in relation to the Broadway Shops CCfA and positive progress has been made through a facilitated discussion between retailers, relevant Council Officers and the local Residents Association. A further discussion is due to take place in mid April.
12. **Learning & Culture Overview & Scrutiny Committee** have met once since the last Council meeting, and work is ongoing on their review of 'Casual Play Opportunities'. The Committee have also visited the Yorkshire Museum to see the changes to the building being made to improve the visitor experience.
13. **Community Safety Overview & Scrutiny Committee** have met once since last Council to receive a report on Drug Usage in the City. Work has also progressed on their review of the Council's Winter Maintenance Policy. The intention is to complete this review in time for the findings to affect improvements to working practices for winter 2010.
14. **Traffic Congestion Ad Hoc Scrutiny Committee** The consultation period for the traffic congestion survey has now ended and the results will be made available to the Committee in the near future. The Committee have already agreed to submit their final report, ahead of the results from the survey in order to ensure it can be made available for the Executive's consideration before the end of this municipal year. That report is due to be presented to the Executive on 13 April 2010. A further report containing any additional relevant recommendations arising from the survey results, will then be presented in the new municipal year.

Councillor Paul Healey
Chair of Scrutiny Management Committee

This page is intentionally left blank

Report for Executive Member for Leisure, Culture, and Social InclusionActive Lifestyles

December last year saw the successful opening of the new Energise centre with improved fitness centre and York's first new swimming pool in 35 years. The pool has been hugely popular seeing numbers increase from 13,949 at the previous facility in February 2009 to 16,117 in February, 2010 at Energise, a 16% increase. Gym membership has doubled.

Across the city over 17,000 residents have signed up for free swims for the over 60s and the under 16s. The revamped Yearsley has seen an increase in usage from 2008 to 2009 of more than 27,000.

January has also seen the launch of our Just 30 campaign aimed at increasing adult participation in sport in the city. The first phase of this has seen a teaser campaign displaying the words "Good News" in a wide variety of interesting ways and locations including: The giant words in Parliament Street, window vinyls, book marks in shops and libraries, T-shirts on shop window models, civic notice boards.

The good news message is that for many residents they are already close to reaching their target of 5 x 30 minutes of exercise a week and so can reach this target easily. Presentations have been made to internal teams, Without Walls partnerships, media partners and other groups. An e-newsletter with the launch of the campaign has gone out to over 300 contacts.

The campaign also has its own website with ever growing content: www.justafewminutesmore.com. Currently this conveys the basic message of the campaign but will be expanded to include videos, competitions, blogs (suggesting how to do your 30 minutes) and downloads (e.g. exercise diary, cycle and walking maps etc).

Through Active York strong links have been developed with the Press. This will see a partnership in place to find a family of 4 who will receive a year's free fitness membership in return for the newspaper featuring them each month trying out new and different ways to achieve the 5 x 30 each month.

The expiration of around £85k of external funding for community coaching posts presented a real challenge. This has been addressed through the recent budget process and a bid to Sport England's Community Investment Fund. This will lever in over £200k over the next 3 years to fund front-line staff delivering activities to get people into sport for the first time, promoting workplace activity, walking, and cycling, and running programmes for the over 50s and people with a disability. We will also be creating a post working with children with disabilities in partnership with Children's Services through the *Aiming High* fund.

There has been real success with running of the first 3 MEND programmes. This 10 week programme is intended to help children aged 7-13 whose weight is above the healthy range for their height, to become happier healthier and fitter. Families receive workshops on nutrition, exercise, goal setting and developing self esteem and confidence. Take up is growing with each programme we run and already receives a higher sign up than similar projects nationally.

Further targeted programmes have been run across the city including Bumpercise, Mummy and Buggy and Buggytone, "Fit as a Fiddle." Also as part of the LAA

Development Fund programmes, York Knights' "Get Active" programme has delivered 390 sessions to Year 6 children.

A successful bid was made to the "Altogether Better" project for a scheme, working with health care professionals, to refer targeted individuals to opportunities for exercise. The programme provides 10 weeks of activity and workshops. The initial pilot, run by Energise, focused on people who are over-weight, working with Priory Medical Group. Funding has been secured from North Yorkshire Sport for a second programme which will focus on women with young children.

The Active York partnership has been successfully restructured with a new constitution and terms of reference. Three action groups have been established for: Recognising and celebrating achievement, young people's sports activity, and developing sustainable clubs.

We now have a Football Development officer in post part-funded by the FA. Working on a football facilities development plan there are currently 11 community projects in operation with 8 more potential projects. These include the scheme to create new junior football pitches alongside the new Manor School with changing facilities and a new sports pavilion on the Poppleton Junior Football Club site at Millfield Lane. This scheme, which has a £200k contribution from the Council's capital programme, is drawing in funding from the school, the community, and the Football Foundation.

The team is leading on the participation programmes for Cycle City York. As part of this it has worked with Bikes not Barriers to demonstrate a wide range of machines suitable for people with a disability. Events have been held at Huntington School, Tang Hall Community Centre and York's first Festival of Cycling. This Festival which I and many other members attended was held in August and attracted several thousand visitors.

While remaining cautious about the methodology of the Active People survey, the latest results showed a healthy increase in the number of people in York doing 3 x 30 minutes of sport per week. The previous interim figure of 19% has encouragingly jumped to around 22% This places us in the second quartile nationally.

Data for LI5 shows that 56.8% meet the target of 5 x 30 minutes of physical activity per week. This represents the base line position for this local indicator against which future progress will be measured.

A Cultural Offer For Young People

We are pulling together our cultural offer for young people through the YorOK website and Schools Out, giving clear information on pathways for young people to develop and expand their cultural interests. We are encouraging a young designer to develop an exciting new brand image. The website is now up and running and can be found at www.yor-ok.org.uk/culturalentitlement. Plans are advanced to develop York's first youth festival which will take place 26-27th June.

Officers have met with leads from the *Find Your Talent* Pathfinders, to share learning and good practice. York was not initially selected as one of the 10 original pathfinders, yet despite not receiving the £2.4 million in funding we are delivering more than many of those that did. As a result York is now formally known as the 11th Pathfinder, with the programme inviting 2 young people from York to be representatives on the Young People's National Development Group. This group, made up of 30 young people from across the

country aims to ensure that culture is accessible for all 0 – 19 year olds.

The team has worked with York High, whose students have enjoyed a variety of cultural enrichment activities accompanied by training programmes for artists and teaching assistants. In the next phase we will strengthen links with all schools within that cluster.

The Playbuilder project, investing around £1 million to develop 22 play areas across the city is progressing well. 6 sites are currently out for consultation with 3 or 4 options for each site. The new play facility at Elvington was the first *Playbuilder* project to be implemented nationally.

The authority has been successful with a Youth Action bid around volunteering for 14-16 year olds. A number of projects in the bid will relate to young people's projects.

Governor training is being run by the Play team starting with a pilot at Badger Hill school. The team will evaluate how the school is delivering play, helping them to make full use of all the resources and facilities available to them in their community.

Street Sport York attendance figures continue to grow: From 2,888 in 2007 to 4,875 in 2009.

We held a successful Early Years Arts Festival at York St Johns attended by 16 play organisations – helping to promote the cultural entitlement

Lifelong Learning

Acomb Explore continues to break records reaching 900 users per day and reaching out to all sections of the community. Library users overall continue to rise, bucking the national trend.

Restructure of the Library Service and Adult and Community Education has been completed delivering significant efficiency savings.

Work is on track to open York Explore in May. We have been successful in an £80k bid to the Transformation Fund provided by the Department for Business, Innovation and Skills to kick start the "Learning Revolution". The funding will provide a Community Learning Centre in York Explore (taking the total project funding for the latter to close to £1m). The work here has been cited in the DCMS review of public libraries published last week.

The six book challenge has been working with the union learning reps. of several employers in the city such as Tesco, Morrisons, and Tangerine, getting employees involved in reading. 1 in 4 children took part in this year's summer reading challenge. The Big City Read was a great success. We gave away 5,000 free copies of *Sovereign* (thanks to the publishers). There was an extensive programme of activity across the city including an excellent exhibition at York Library telling the true story of Henry VIII's progress to York. This year the book will be "Chocolat". It is also saw visits from high profile authors such as Michael Hirst, Philippa Gregory, Alison Weir, and Julia Jarman.

The Learn and Thrive partnership between the Library Service, Adult and Community Education and Aviva to create a wide range of financial capability programmes was shortlisted for an Local Government Chronicle award in the public, private sector partnership category.

A wide range of Adult Education programmes is being delivered. The aspiration to embrace different learning styles has been followed through e.g. the opportunity now offered to learn to make a table, from scratch, in 3 days! York Museum Trust's new Adult Learning programme is a significant, high-quality addition to the city's offer.

The Archives Development Manager has been appointed and is developing the plan for the Archives. The service has been successfully integrated into the Library Service and will be a key part of the new York Explore with double the opening hours of the previous archives service.

An exciting project was undertaken with MLA funding to uncover York's part in civil defence including the women's peace camps. A nuclear bunker was built in the Blue Room at York Library. Young people interviewed people who were around in the fifties to get an understanding of the impact of the Cold War and the nuclear threat on the citizens of York. The DVD they produced, "What Defence?" was showcased at City Screen at an event attended by the Lord Mayor.

Adults with learning disabilities have been working as volunteers at York Library and Explore Acomb. Their aim is to find out what the workplace is like and get some experience of basic library tasks under the Employability Skills course run by Future Prospects in conjunction with Adult & Community Education. Supported by a tutor, the students do various jobs suitable for their skill levels. Some of the participants have expressed an interest in working in libraries, and we are currently looking into how we can take this forward.

Vibrant People, Places and Spaces

NI5: % of people who are satisfied with their local area as a place to live, shows York to be in the top quartile. Survey results from the Co-operative Society released in October 2009 show York as the top city in the country for people taking pride in their living place.

The Cultural Quarter continues to develop with work on the Yorkshire Museum in December. It will re-open on 1 August. The new Renaissance Team in City Strategy will be developing an urban design masterplan for the city centre including the Cultural Quarter. A plan is being developed to link in Library Square. We continue to work to support other programmes notably the York Minster Revealed project and the Theatre Royal's plans for the De Grey rooms.

Interchange is our forum for cultural providers and aims to improve practice in working with the under 5s. The Quilt Museum, one of York's newest cultural and heritage attractions tell us that as a result of the first Interchange they are now working with two student teachers from York St John who will support the Museum in delivering an 'Early Years Week' for families with young children.

We continue to work with Higher York to showcase the work and creative talents of our students particularly through linking in to events and festivals. The student project in Illuminating York involved guerrilla tag tooling created some spectacular results.

We are applying to be a Unesco Creative City for the Media Arts (the aim of this is to 'help unlock the creative, social and economic potential of cultural industries and to bring together public and private partners to assist the development of creative industries and

generate new forms of international cooperation'. The bid will be submitted in July. A report has been made identifying priority areas and actions from the 2008 Policy Planning Guidance 17 study Sport, Recreation and Open Spaces. A work plan was agreed and a report back will be made in six months time. We now have a Head Gardner who is helping to drive up the quality of our parks and gardens. We now have 4 Green Flags and will be going for a fifth.

The October Big Draw programme was submitted for a national prize again this year (we won one in 2005 and got a regional award last year). See what was delivered at: www.campaignfordrawing.net/special-projects/arts-action-york. Here are just a few of the comments from users:

- I lost life's worries and woes in drawing
- Being around friendly and helpful people, good company. Words are like food, they fill people up
- Informative and friendly atmosphere, a wonderful and stimulating project
- My world as a carer was very small, since attending these sessions and meeting these kind people my world has grown, along with my confidence
- It has helped me to care better for my husband, I found that I had more patience with him, as a result of coming here to the art project
- The opportunity to be creative led to me being more relaxed all week

Work has continued to develop programme for 2012 for example *Sporting Giants* as well as to attract pre-games training camps to the city. A Corporate York 800 group has been established to develop and deliver civic celebrations in 2012. We are working to attract pre-games training camps to the city. A Just 30 festival is being planned for 24 July in Museum Gardens to co-incide with the next 2012 open weekend and the city bike ride the following day.

48% of our schools have now achieved Arts Mark (the national award scheme managed by [Arts Council England](http://www.artscouncil.org.uk) that recognises schools with a high level of provision in the arts) – a tribute to the work of the Arts & Culture team.

Three editions of the Lifelong Learning & Culture Yortime News e-bulletin have now gone out with upcoming events from the service arm. The Yortime website currently being developed will provide a web2 enabled interactive customer system including on-line booking for cultural services. This will go live over the summer.

The procurement process to bring the Barbican back to life is going well. We have shortlisted 3 bidders. The chosen scheme should be known by August.

Progress with Equalities

In 2009-10 we made further progress with embedding equality in CYC and the community at large.

In terms of **knowing our communities** and understanding their experiences and expectations we analysed the results of the Place Survey in the 6 equality strands. This showed that older people and disabled people who answered the survey were significantly

satisfied with life and public services in the city. It also showed that B&ME respondents and young respondents did not have the same levels of satisfaction. We commissioned further research to find the reasons behind this and we are currently working with our partners to put in place the necessary actions to address this, including working with our partners to develop a Community Cohesion Plan for the city .

We also analysed the budget consultation returns in the six equality strands and took the results into consideration when we made our budget recommendations to Council.

In terms of **planning and delivering equality-proofed policies** and services we undertook an extensive programme of Equality Impact Assessments which focused on proposals for Year 0 of the More for York programme and efficiency proposals in the budget 2010-11.

As result some examples of improvements made include:

- The debt recovery policy was amended to take on board the needs of people from the equality strands who may find themselves indebted to council
- Door-step recycling processes were reviewed to ensure that as disabled residents are enabled to recycle
- Standards and behaviours for York Customer Centre staff were altered to take on board the needs of vulnerable users
- Council HQ design principles were reviewed to make sure that they were inclusive and the design brief issued to developers was amended accordingly
- Council communications especially the internet and intranet and key information leaflets were reviewed to make them more accessible
- An inclusive assessment framework for taxi licensing and disability training for taxi drivers have been put in place

We continued with the annual programme of equality awareness **training** for managers and front line staff, this year focusing on Neighbourhoods and HASS. We also provided an equalities and human rights legislation pre-Council seminar. Members who attended have asked for a further seminar about gypsy traveller issues and human rights legislation which we hope to provide in the coming year.

Lastly, in terms of **engagement of people from the equality strands**, besides the scheduled meetings of SIWG we put in place 2 Equality Impact Assessment Fairs known as "Help us to get it right" days, where representatives from equality community groups and officers jointly examined the equality implications of a number of key projects including cycling city, ward committee budgets, the community stadium and the council's workforce strategy. In October 2009 we staged the "ME A COUNCILLOR?" event in Mansion House and invited equality community groups to attend aiming to encourage representatives from the groups to engage in public democratic life and to consider standing as councillors.

I have personally attended a number of meetings of equality community groups and partnerships including YREN, the Independent Living Network, the Access Group, the Valuing People Partnership Board and Inclusive City Forum where I had the opportunity to find out and discuss matters that concern these groups.

I would like to also mention the 2nd Holocaust Memorial Day event that very successfully took place in January. Events like this gives our city the opportunity to gather together and

remember atrocities of the past so that they can be avoided in the future, adding to community cohesion in the city.

Cllr Nigel Ayre

This page is intentionally left blank

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

Committees/Working Groups

School Admission Appeals Panellists

To appoint the following Independent Panellists to hear School Admission Appeals:

Aileen Bloomer
Peter Canning
Claire Dorer
Jill Errington
Shauna Finch
David Foster
Pat Hill
Edward Kendall
Emma Langton
Michael Lewis
Laurie MacLeod
John McCullough
Reg Parr
Anne Powell
Ian Savage
Rob Stay
Anthony Temperton
Barry Thomas
Jackie Thompson
Susan Townsend
Michael Waudby

Outside Bodies

York NHS Foundation Trust

To appoint the following as the Council's representatives on the Council of Governors of the Trust:

Cllr Morley (LD)
Tba (Lab)

This page is intentionally left blank



Council**8 April 2010**

Report of the Head of Civic Democratic & Legal Services

Constitutional Update**Summary**

1. The Council has recently reorganised its services into 4 mainline Directorates. As a result the delegations for officers under these new Directorates need re-aligning in the Constitution. This report details those re-alignments and sets out a number of minor changes to Council Standing Orders, which more appropriately reflect the way the meeting is actually run, in accordance with political agreement.

Background

2. The constitutional changes set out in this report arise from the Executive decision to agree the 'Organisational Review' proposals, and from political agreements relating to the way Council meetings themselves operate. As Monitoring Officer responsible for ensuring the Constitution is maintained and updated, the Interim Head of Civic, Democratic & Legal Services is seeking Council's endorsement of the changes.

Consultation

3. Audit & Governance Committee is most usually consulted upon constitutional change in this Authority and makes appropriate recommendations to Council on any changes. However, it does not meet until 26 April 2010, too late to make any recommendations to Council in April. Due to the gap between Council meetings with the next one not being until July 2010, it was considered important for these constitutional adjustments to be made as soon as was reasonably possible, ensuring that the Constitution remains current and officers and Members are clear about their roles/powers within it. In appreciation, however, of the role of Audit & Governance Committee in recommending constitutional change to Council, the Interim Head of Civic, Democratic & Legal Services has consulted with Group Leaders on the way forward and has provided all Members of Audit & Governance Committee with details of the constitutional changes which are the subject of this report.

The Changes

4. The detailed changes to Council Procedural Rules (Standing Orders) are set out in Annex 1 to this report and they are also itemised in the recommendations set out below, to be moved by the Leader of the Council. The changes to the officer delegations are set out below within the recommendations, with the **only** actual changes being in the location of the various functions.

Options

5. Full Council can approve the changes set out in this report by way of a motion put by the Leader, or it can reject them and ask the Interim Head of Civic Democratic & Legal Services to review them further.

Corporate Strategy

6. Having a Constitution which is effectively maintained and updated, as appropriate, to reflect working changes the Council has agreed to its structures and ways of working, is part of contributing to the Council's aim to an effective organisation, with high standards in everything we do.

Implications

7. There are no known financial, human resource or other implications associated with the recommendations in this report. There are, however, potential legal implications if the Council fails to maintain a current and up to date version of its Constitution. Article 16 of the Constitution sets out the duty of the Monitoring Officer in relation to monitoring and reviewing the Constitution and in reflecting within it changes Council has agreed to its arrangements.

Risk Management

8. There are no known risks associated with the recommendations in this report, other than the potential legalities identified above and a potential confusion to officers and the public if the Constitution does not reflect the Council's actual working practices.

Recommendations

9. In accordance with the matters reserved to Council under the Constitution, Full Council is asked to:
 - A agree the following recommendations in relation to Part 3D of the Constitution (the Officer's Delegation Scheme):
 1. to amend paragraph 2.1.6 to read as follows:

2.1.6 The Chief Executive is authorised to discharge any function of Full Council, a Committee of the Council or of the Executive in relation to Equalities, Marketing and Communications. More for York Programme Office, Performance, Policy and Partnerships with the exception of those matters where this constitution has directed that the delegated authority should not be exercised and that the matter should be referred to the Full Council, a Committee of the Council or to the Executive for consideration.

2. to delete all of Paragraph 2.3 save for paragraph 2.3.8; replace with the following and renumber accordingly:

2.3.1 Director of Customer and Business Support

2.3.1.1 The Director of Customer and Business Support is authorised to discharge any function of Full Council, a Committee of the Council or of the Executive in relation to:

Civic Legal & Democratic Services

Corporate Finance

Council Tax

Council Tax Benefit

Creditors

Debtors

Fraud

Housing Benefit

Human Resources

Insurance

Internal Audit

IT&T

Payroll

Procurement

Register Office

Risk Management

York Customer Centre

with the exception of those matters where this constitution has directed that the delegated authority should not be exercised and that the matter should be referred to Full Council, a Committee of the Council or to the Executive for consideration.

2.3.1.2 He/she is responsible for internal audit under Regulation 5 of the Accounts and Audit Regulations 1996. The post holder is authorised to set the Council Tax Base and to take all appropriate action to implement the Council's Treasury Management policy. The postholder will be designated Section 151 Officer.

2.3.2 Director of City Strategy

2.3.2.1 The Director of City Strategy is authorised to discharge any function of Full Council, a Committee of the Council or of the Executive in relation to: ,

*Building Control
City Centre Management & Development
Conservation & Urban Design
Development Control
Economic Development
Emergency Planning & Business Continuity
Engineering Consultancy
Highways Network Strategy & Management
Land Charges
Major Sites Development
Property Services
Sustainability and carbon reduction
Transport Planning
Waste Strategy*

with the exception of those functions where this constitution has directed that the delegated authority should not be exercised and that the matter should be referred to Full Council, a Committee of the Council or to the Executive for consideration. The Director of City Strategy is also authorised to exercise any functions in relation to common land and village greens, other than the determination of applications to register common land or village greens where representations are received.

2.3.2.2 The Director of City Strategy will exercise his/her delegated authority in respect of Transport Schemes in consultation with the Executive Member for City Strategy.

2.3.3 Director of Communities and Neighbourhoods

2.3.3.1 The Director of Communities and Neighbourhoods is authorised to discharge any function of Full Council, a Committee of the Council or of the Executive in relation to :

*Adult & Community Education
Arts & Culture
Civils (drainage, stonemasons, blacksmiths etc)
Cleaning (all building cleaning including schools)
Environmental Health & Trading Standards
Fleet
Housing
Libraries & Heritage
Licensing & Bereavement Services
Neighbourhood Management
Parking Services
Parks & Open Spaces
Safe City
Sport & Active Leisure
Street Environment Services
Voluntary & Community Sector Support*

Waste Services

with the exception of those matters where this constitution has directed that the delegated authority should not be exercised and that the matter should be referred to Full Council, a Committee of the Council or to the Executive for consideration.

2.3.4 Director of Adult Children and Education Services

2.3.4.1 The Director of Adult Children and Education Services is authorised to discharge any function of Full Council, a Committee of the Council or of the Executive in relation to

Care Management & Social Work

Children's Trust

Commissioning, Planning & Contracting

Disabled Children & Young People Services

Early Years Service

Education

Fostering & Adoption

Home Care

Mental Health Services

Residential Care

Respite Care

Schools

Special Educational Needs

Young People's Services

with the exception of those matters where this constitution has directed that the delegated authority should not be exercised and that the matter should be referred to Full Council, a Committee of the Council or to the Executive for consideration. He/she is authorised to approve new Instruments and Articles of Government for Schools, provided legal requirements are met, and to approve changes of names for schools in consultation with the Executive Member for Children and Young People's Services.

- 3 to delegate to the Head of Civic Democratic and Legal Services authority to make any other consequential drafting amendments to the Constitution, where changes to the allocation of functions and/or job titles are required by the above changes.

Reason:

To ensure that the Constitution properly reflects the decision of the Executive on 15th December 2009 to agree to approve a new senior management structure of the City of York Council and to create the posts of Director of Customer and Business Support Services, Director of Communities and Neighbourhoods and Director of Adult, Children and Education Services and to retain the post of Director of City Strategy, with the revised responsibilities.

Note: The above recommendations bring these changes into effect by ensuring that the new job titles are reflected in the Constitution and that the changes in responsibilities are also reflected. No other changes have been made.

B agree to amend Council Procedure rules (CPR) as follows:

- i) CPR 1.3 to clarify that all items of business must be completed by the expiry of the meeting time.
- ii) CPR 4.2 and 4.3 to clarify that budget council is an ordinary meeting of the Council but with different business and to ensure the CPR reflects the order of business as currently adopted by the Council
- iii) To add a CPR stating that business at Extraordinary Meetings is restricted to the item of business for which the meeting has been called.
- iv) To amend CPR 6.1 to clarify that public participation at Extraordinary meetings shall be restricted to the item of business for which the meeting has been called
- v) To amend CPR 7.1 to clarify that petitions presented at Extraordinary meetings shall be restricted to the item of business for which the meeting has been called
- vi) To amend CPR 8 to clarify that the leaders of all groups may respond to the Leader's report and that the Leader has an opportunity to respond to their comments. The amendment also separates the Leaders report from recommendations from the Executive.
- vii) To amend CPR 14 to clarify that a motion to extend the meeting before three and a half hours have elapsed can be moved without notice.
- viii) To amend 15.3.8 to clarify that a motion to extend the time of the meeting may be moved when a motion is under debate
- ix) To amend the note to 15.6.2. to clarify that the intention of this note is to remove time limits for the Leader and the Leaders of other groups on the Council when proposing or amending a budget motion but not otherwise.
- x) To add a new 16.2 clarifying that members should avoid discussion of individual officers at Council meetings
- xi) To delete 20.3 as this is incorrect but add a new 20.2c to bring the CPR in line with the Code of Conduct for members.
- xii) To make other minor drafting amendments.

Reason:

To remove areas of immediate ambiguity from the Council Procedure Rules and ensure that they reflect current practice and the law.

Contact Details

Author:

Alison Lowton
Interim Head of Civic,
Democratic & Legal
Services
Tel: 01904-551004

Chief Officer Responsible for the report:

Alison Lowton
Interim Head of Civic, Democratic & Legal Services

Report Approved



Date 19 March
2010

Specialist Implications Officer(s)

Finance: N/A

Legal: Alison Lowton

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

Annexes: Annex 1 Council Procedural Rules detailed changes

This page is intentionally left blank

PART 4A – COUNCIL PROCEDURE RULES

Section A - Standing Orders Relating to Council Meetings

*Note:- Except where the context otherwise requires, references to “Committees” applies to any body (apart from the Executive or a Committee of the Executive) which is exercising the Council’s or Executive functions and whose business either must or may be brought to the Council for consideration in accordance with the Council’s Constitution.

1 Meetings of the Council

1.1 In addition to the Annual Meeting of the Council and any meetings convened by the Lord Mayor, or by Members of the Council, meetings of the Council for the transaction of general business shall be held in each year as decided by the Chief Executive in consultation with the Political Groups.

1.2 All ordinary meetings of the Council will be held at 6.15 pm (or 6.30 pm if preceded by a pre-Council seminar) at the Guildhall, unless otherwise determined by the Council. The date and time of the Annual Meeting will be determined by the Chief Executive following consultation with the Lord Mayor Elect and the Leader of the Executive and Political Group Leaders.

1.3 All ordinary meetings will finish ~~by~~ three and a half hours ~~(that usually being 10.00 pm)~~ after the start time of the meeting, unless extended by agreement of the Council (such agreement shall be signified by a show of hands following a motion duly proposed and seconded, before the allocated time has elapsed, which shall be put to the vote without debate). ~~All~~ outstanding items of business will be deemed to have been proposed and seconded and will be voted on without debate prior to the expiry of the meeting time (which is either three and a half hours after the start or by such time as the Council agreed to extend it).

1.4 Extraordinary meetings of the Council may, in accordance with Schedule 12 of the Local Government Act 1972, be called by the Lord Mayor or, if, the Lord Mayor fails within seven days to call an extraordinary meeting after a requisition for that purpose, signed by five Members of the Council, has been presented to him/her, then any five Members of the Council may forthwith call an extraordinary meeting of the Council.

2 Chair of the Meeting

2.1 Any powers or duties of the Lord Mayor, as Chair, in relation to the conduct of a meeting may be exercised by the person presiding at the meeting. In the absence of the Lord Mayor the Deputy Lord Mayor will preside. In the absence of both, then the Council will elect a chair for that meeting.

3 Quorum of the Council

3.1 The quorum for a meeting of the Council is one quarter of the whole number of Members of the Council.

3.2 If at any time during the meeting of the Council, the Chair declares there is not a quorum present, the meeting stands adjourned.

3.3 The consideration of any business not transacted will be adjourned to a time fixed by the Chair at the time the meeting is adjourned, or if the Chair does not fix a time, to the next ordinary meeting of the Council.

4 Order of Business

4.1 Annual Meeting

At the Annual Meeting of the Council, the order of business shall be as follows:-

(a) Declarations of interest

(b) To elect the Lord Mayor for the ensuing municipal year.

(c) To appoint a Deputy Lord Mayor for the ensuing municipal year.

(d) To appoint a Sheriff for the ensuing municipal year.

(e) To establish an Executive for the purposes of the Local Government Act 2000. In so doing;

i. To appoint a Member as the Executive Leader for the ensuing municipal year (called the 'Executive Leader').

ii. To appoint a Member to act as Deputy Executive Leader of the Executive.

iii. To appoint other Members of the Executive up to any maximum as may be defined by law.

iv. To approve the portfolios of the Council's Executive so appointed.

(f) To review and determine for the ensuing municipal year, under Section 15 of the Local Government and Housing Act 1989 (or any re-enactment or modification to it):

i. the allocation of seats on Committees to any political groups formed under the Local Government (Committees and Political Groups) Regulations 1990 or any substituted regulations, and

ii. the allocation of seats to any Members of the Council who are not Members of any such political group.

(g) To approve the membership of the Council's Committees for the ensuing municipal year.

(h) To appoint Chairs and Vice-Chairs (where appropriate) of the Council's Committees for the ensuing municipal year.

(i) To approve appointments of Council representatives on outside bodies for the ensuing municipal year except where this is the function of the Executive or is delegated to another person or body under the Council's Constitution.

(k) To consider any business brought before the Council by the Lord Mayor on grounds of urgency under paragraph 4 (5) of schedule 12 of the Local Government Act 1972.

~~4.2 Budget Council~~

~~4.2.1 Except as otherwise provided by sub-paragraph 4.3.2 of this standing order, the~~

~~order of business at Budget Council shall be:-~~

~~(a) To consider any business raised by the Lord Mayor~~

~~(b) To hear any public participants in relation to business associated with setting the Council's budget for the coming financial year.~~

~~(c) To receive any petitions presented by Members in relation to business associated with setting the Council's budget for the coming financial year.~~

~~(d) To consider and determine the Executive's recommendations on setting the following budgets for the coming financial year:~~

~~i) revenue budget (including fees and charges and Housing Revenue Account estimates);~~

~~ii) capital programme~~

~~(e) To agree a Council Tax resolution for the coming year based on the above agreed budget; and~~

~~(f) To consider and determine the Executive's recommendations in relation to the Treasury Management Statement and Prudential Indicators, as necessary~~

~~4.23~~ Ordinary Meeting

~~4.23.1~~ Except as otherwise provided by sub-paragraphs ~~4.23.2~~ and ~~4.2.3~~ of this standing order, the order of business at every ordinary meeting of the Council shall be:-

(a) To choose a person to preside if the Chair (Lord Mayor) or Vice-Chair (Deputy Lord Mayor) is absent.

(b) Declarations of interest.

(c) To approve as a correct record and sign the minutes of the last meeting or meetings of the Council.

(d) Lord Mayor's Business.

(e) Public Participation under Standing Order 6.

(f) To receive petitions, if any, from Members in accordance with Standing Order 7.

~~(g) To consider motions under Standing Order 12.~~

(gh) To receive and consider a written report from the Leader on the work of the Executive including such recommendations for approval as may have been made by the Executive.

(h) To receive and consider recommendations of Committees (other than Scrutiny Bodies) in the order in which they appear on the Summons for the meeting in accordance with Standing Order 9 and to answer any questions of the Chair of any such Committee under Standing Order 11.2.

(i) To receive and consider a written report from the Chair of Scrutiny Management Committee including such recommendations for approval as may have been made by that Committee and to answer any questions of the Chair of Scrutiny Management Committee under Standing Order 11.2.

(j) To receive and consider and report or recommendations of other Scrutiny bodies

(ki) To receive and consider a written report from Executive Members in an agreed rotation as set out in Standing Order 8.2 and to question such Members thereon.

(l) In accordance with the procedures set out in Standing Order 11.2, to ask questions of the Council's representatives on various outside bodies to be determined and reviewed yearly at the Annual Meeting. The minutes of any meetings of selected bodies will be made available to view on the Council's website prior to the relevant Council meeting.

~~(j) To ask questions of any Executive Member in accordance with Standing Order 11.3.~~

~~(k) To receive and consider recommendations of Committees (other than Scrutiny Bodies) in the order in which they appear on the Summons for the meeting in accordance with Standing Order 9 and to answer any questions of the Chair of any such Committee under Standing Order 11.2.~~

~~(l) To receive and consider a written report from the Chair of Scrutiny Management Committee including such recommendations for approval as may have been made by that Committee and to answer any questions of the Chair of Scrutiny Management Committee under Standing Order 11.2.~~

~~(m) To receive and consider recommendations of other Scrutiny bodies.~~

~~(n) In accordance with the procedures set out in Standing Order 11.2, to ask questions of the Council's representatives on various outside bodies to be~~

~~determined and reviewed yearly at the Annual Meeting. The minutes of any meetings of selected bodies will be made available to view on the Council's website prior to the relevant Council meeting.~~

~~(m) To make any changes in the membership of the Executive, Committees and outside bodies, together with changes to relevant Chairs/Vice Chairs~~

~~(n) To consider motions under Standing Order 12.~~

(o) To dispose of any business standing adjourned from any previous meeting of the Council.

~~(p) To make any changes in the leadership of the Executive and/or in Executive membership as may be recommended by the Executive or determined by Council.~~

~~(q) To make any changes in the membership of and to the Chairs/Vice Chairs of the Executive, Committees and outside bodies.~~

~~(pe) To ask questions of any Executive Member in accordance with Standing Order 11.3.~~

(qf) To consider any business, brought before the Council by the Chair on the grounds of urgency in accordance with Section 100 (B) (4)(b) of the Local Government Act 1972.

4.23.2 The order of business may be varied at the Chair's discretion, or by resolution passed on a motion duly moved, seconded and decided without discussion.

4.2.3 Budget Council

Except as otherwise provided by sub-paragraph 4.3.2 of this standing order, the order of business at Budget Council shall be:-

(a) To consider any business raised by the Lord Mayor

(b) To hear any public participants in relation to business associated with setting the Council's budget for the coming financial year.

(c) To receive any petitions presented by Members in relation to business associated with setting the Council's budget for the coming financial year.

(d) To consider and determine the Executive's recommendations on setting the following budgets for the coming financial year:

i) revenue budget (including fees and charges and Housing Revenue Account estimates);

ii) capital programme

(e) To agree a Council Tax resolution for the coming year based on the above agreed budget; and

Annex 1 Constitutional Update amended SOs minimum amended SOs minimum1 amended SOs minimum

(f) To consider and determine the Executive's recommendations in relation to the Treasury Management Statement and Prudential Indicators, as necessary

4.3 Extraordinary Meetings

Business at extraordinary meetings of the Council shall be restricted to the item of business for which the meeting has been called.

5 Minutes of the Council

5.1 When the minutes of the last meeting come before the Council, the Chair will move "That the minutes of the meeting of the Council held on (the relevant day), be signed as a correct record".

5.2 No discussion will take place upon the minutes except with regard to their accuracy. If no questions of accuracy are raised or, if they are, once they have been dealt with to the satisfaction of the Chair, the Chair will sign the minutes.

6 Public Participation

6.1 With the exception of the Annual Meeting, any member of the public shall be entitled, provided that prior notice has been given to the Chief Executive before 5:00 pm on the working day before the meeting, to address the Council for up to 3 minutes or to ask any Member of the Council a question, on, in either case, any matter directly relevant to the business of Council or the City. Provided that a) in the case of Budget Council, any public participants must address business on the agenda in so far as it may relate to the setting of the budget for the coming financial year and b) in the case of an extraordinary meeting public participants must only address the business on the agenda.

6.2 Any questions to Council shall be put and answered without discussion, either by a direct answer or, on questions which could not reasonably be dealt with at the meeting, by a written answer.

6.3 No discussion will take place on any matter raised by a member of the public when addressing the Council. When the speaker has finished, the Chair of Council will announce how the issues raised by the participant will be dealt with. The options most usually being:

(a) to note the comments made;

(b) to refer the issues to the Executive or another appropriate Committee for consideration; or

(c) to take into account the comments made as part of any debate on a related decision to be made later on the agenda.

6.4 The time spent on this item shall not, except at the discretion of the Lord Mayor, exceed 30 minutes.

7 Presentation of Petitions by Members of the Council

7.1 At any meeting of the Council, except the Annual Meeting, provided that notice has been given to the Chief Executive, by 10.00am on the working day before the meeting, any Member may present a petition, provided that the presentation does not to exceed three minutes. Any petitions presented to Budget Council should relate to business on the agenda and be related to the setting of the budget for the coming financial year. Any petition presented to an extraordinary meeting should relate only to business on the agenda for that meeting.

7.2 No discussion will take place on any matter raised by a petition, but the matter will stand referred to the Executive or to the appropriate Committee.

8 Executive and Committee Reports

8.1 Leader

8.1.1 The Leader will present a written report on the work of the Executive. ~~and will move that such recommendations that require confirmation by Council be received and approved.~~ In the absence of the Leader, the Deputy Leader will present the report. In the absence of both the Leader and Deputy Leader, an Executive Member will present the report. The presentation of the Leader's report will not exceed 5 minutes. ~~and the Leaders of the Opposition groups on the Council will be allocated have~~ up to 5 minutes each to respond to issues raised in the Leader's ~~report presentation.~~ The Leader will have 5 minutes to respond thereafter.

8.1.2 Any written questions submitted on the Leader's report in accordance with Standing Order 11.1 and not reached, due to timing restrictions ~~or the falling of the guillotine,~~ will be deemed to require a written answer, circulated to all Members in accordance with the deadline stated in Standing Order 11.4.

8.1.32 (a) The Leader will then move such recommendations from the Leader's report as require confirmation by Council ~~(a)~~ When the recommendations have been presented to Council and duly moved and seconded, any amendments to recommendations of which notice has been given under Standing Order 9 will be debated.

(b) Any Member may without notice move references back of any item requiring confirmation by Council.

8.2 Executive Member

8.2.1 The Executive Member will answer questions on any item in their written report, the time spent on this item shall not exceed 10 minutes. Such

questions must relate directly to the report and be received by the Chief Executive in writing on the day before the meeting. Any written questions submitted on the Executive Member's report in accordance with Standing Order 11.1 and not reached, due to timing restrictions or the falling of the guillotine, will be deemed to require a written answer, circulated to all Members in accordance with the deadline stated in Standing Order 11.4.

8.2.2 Provided that all party groups, on the advice of the Chief Executive, agree that the subject matter is of significant public interest to citizens of York and relates to an issue not known prior to the publication of the Council agenda, the Chair of Council may exercise discretion to allow additional questions to be put where the following criteria are met:

(a) the subject matter of the question must be such that the public might reasonably expect the Executive Member to respond before the next available Council meeting; and/or

(b) any delay in the question being put would be likely to seriously prejudice the Council's position or the public's interest.

8.2.3 The Executive Member will present any recommendations which require confirmation by Council. Such recommendations will be dealt with as in.8.1.~~2-3~~

9 Committees of Council

9.1 The Chair of a Committee will present any recommendations of that Committee requiring confirmation to Council, and move that they be received and approved. In the absence of the Chair another Member of the Committee may move the recommendation.

(a) When the recommendations of a Committee requiring confirmation have been presented to Council and duly moved and seconded, they will be dealt with as in 8.1.~~2-3~~ above;

(b) Any Member may without notice move references back of any item requiring confirmation by Council.

9.2 The Member designated to speak (Leader, Executive Member or Chair of Committee or their appointed spokesperson) has the final right of reply to any amendment or motion moved under this Standing Order and the final right of reply to any questions or speeches.

10 Amendments to Minutes Requiring Confirmation

10.1 No motion to amend a recommendation of the Executive or a Committee which is put forward for the approval of the Council shall be moved at any meeting of the Council unless notice in writing setting out the amendment is delivered to the Chief Executive not later than 10.00 am on the working day before the meeting of the Council at which the recommendation is to be

considered. This Standing Order will not apply to recommendations which are circulated or tabled after the notice convening the meeting is sent out as permitted by Standing Order 3.2 in Pt 4B. In respect of such Minutes amendments may be moved without notice.

10.2 Details of all such amendments received shall be made available to all members of the Council at the meeting in question.

10.3 If more than one amendment is received to the same Minute, the order in which they are debated shall be determined by the Chair of Council.

11 Questions to Leader and Executive Members

11.1 A member of the Council may ask a question on the written reports of the Leader or the Executive Member subject to those questions being submitted in writing to the Chief Executive no later than the day prior to the Council meeting.

Individual time limits for dealing with each of these reports are set out within Standing Order 8. The Chair of Council will determine the order in which questions should be put and answered to reflect political balance, public expectation and significance to the Council.

If the Executive Member is absent from the meeting, the Leader shall appoint another Member to reply.

11.2 A member of the Council may ask any Chair of a Committee or the Council's representatives on a relevant outside body a question upon any item of the minutes of that Committee or the minutes of that outside body when that item is under consideration by the Council under Standing Order 4.3.1(k), (l), (m) and (n) as the case may be. Such questions must be given to the Chief Executive in writing on the day before the meeting and the overall time limit for such questions is 10 minutes (see Standing Order 8.2).

11.3 A member of the Council may :

(a) If 6 clear days notice in writing has been given to the Chief Executive, ask the Leader of the Executive or any other Executive Member any question on any matter which falls within their portfolio;

(b) With the permission of the Chair of the Council, the Leader of the Executive, an Executive Member or the Chair of any Committee may answer any question relating to urgent business of which notice may or may not have been given. A copy of any question to be delivered to the Chief Executive not later than 10.00am on the morning of the day of the meeting.

(c) Provided all party groups agree, on advice from the Chief Executive, that the subject matter is of significant public interest to the citizens of York and meets the following criteria, the Chair of Council may exercise

discretion to allow additional questions to be put in writing to the Leader, Executive Members, Chairs of Committees or to Council representatives on outside bodies (see Standing Order.4.3.1(n)) in so far as any such questions must relate to issues not known prior to the publication of the Council agenda:

i) the subject matter of the question must be such that the public might reasonably expect the Executive Member to respond before the next available Council meeting; and/or

ii) any delay in the question being put would be likely to seriously prejudice the Council's position or the public's interest.

(d) The overall time limit for such questions under Standing Order.10 is 40 minutes.

11.4 Questions shall be put and answered without discussion, by either a direct answer or, on questions which could not in the opinion of the Chair be reasonably dealt with at the meeting, by a written answer, circulated to all Members within 5 working days after the close of the meeting. Any such written answers will be publicised as soon as practicable after the meeting.

11.5 In the absence from the meeting of the original questioner, subject to their consent, any other Member of Council may put the question.

11.6 In the absence from the Council meeting of the Leader, a question to the Leader may be answered by the Deputy Leader or by such other Executive Member nominated by the Leader or the Deputy Leader for that purpose.

11.7 In the absence from the Council meeting of the appropriate Chair of a Committee any other Member of the Committee nominated by the Leader for that purpose may answer the question.

11.8 One supplementary question from the original questioner and two others by any Member of the Council may be put, arising out of any answer.

12 Notices of Motion

12.1 Except in the cases specified in Standing Order 14, Notices of Motion shall be submitted to the Chief Executive in writing as follows:

Either

(a) for initial consideration by the Executive. Consideration of any such Notices of Motion at the next scheduled meeting of the Executive cannot be guaranteed unless they are submitted in writing no later than 5 clear working days prior to the publication of the agenda for that meeting. The stated timescale exists to enable the preparation and publication of an officer report to the same Executive meeting on the implications of the Notice of Motion. The Executive will receive and

consider the officer report and refer it, together with the Notice of Motion to the next possible Council meeting.

Notices of Motion submitted to the Executive by this route will not be liable to 'call-in' procedures because the Executive will not be making any decision on any Notices of Motion other than a direct referral to Council.

Or

(b) for consideration directly by Council, provided Notices of Motion are submitted by noon, 7 clear working days before the Council meeting at which any such Motions are intended to be proposed.

Any such Notices of Motion submitted under process (b) above may be required, either at the discretion of the Chair of Council [acting on advice from the Chief Executive] to be referred (in full or part) to the Executive or other appropriate Committee for the purpose of considering an officer report, where necessary.

In the event of:

- i) the Chair of Council making a ruling to refer to the Executive, no further debate on the Notice of Motion will take place; or
- ii) Council itself proposing to make such a referral, that will only be effected on a motion to refer being proposed, seconded, debated and agreed by a majority of those present.

Such decision to refer a Notice of Motion (in full or part) to the Executive or appropriate Committee will then be subject to the process set out in (a) above.

12.2 No Council meeting will receive more than 5 Notices of Motion at any one meeting whether any such be submitted by either process (a) or (b) above, except that any Notice of Motion received by the Council at a previous meeting and referred to the Executive or appropriate Committee under the provisions of paragraphs (b) (i) or (ii) above shall not be counted as one of the 5 Notices of Motion when it is referred back to the Council.

12.3 The Chair may exclude from the Council agenda any Notice of Motion which may be out of order based on the advice of the Chief Executive.

12.4 The Chair will have discretion to add to the agenda any Notice of Motion which is considered to be sufficiently 'urgent' based on the criteria below, provided written notice of the Motion is given to the Chief Executive no later than 10.00 am on the day of the Council meeting:

- (a) That the subject matter of the Motion is such that the public might reasonably expect the Council to debate the issue before the next

available Council meeting and/or;

(b) That any further delay would seriously prejudice the Council's position or the public's interest in the matter

The above being subject to all party agreement that the subject matter of the Notice of Motion is of significant interest to the citizens of York and relates to an issue not known prior to the publication of the Council agenda.

12.5 Amendments to Notices of Motion under this Standing Order shall be made in writing to the Chief Executive no later than 10.00 am on the working day before the Council meeting, in a form which constitutes a valid amendment as set out in Standing Order 15.3.3. No amendments may be proposed to any Notice of Motion prior to its publication as part of a Council agenda.

12.6 If a motion or amendment of which notice has been given is reached on the Council agenda and the proposer is absent, the motion or amendment may be proposed by another Member of the Council; and

12.7 Any Member who submits a Notice of Motion to the Executive under Standing Order 12.1(a) above or who proposed a Notice of Motion at a Council meeting under Standing Order 12.1(b) above which was subsequently referred (in full or part) under Standing Order 12.1(b) above to the Executive or appropriate Committee, shall be entitled to attend and speak in relation to their motion at the said meeting. The relevant Member shall be informed of the date, time and venue of such meeting by the Chief Executive.

12.8 Every Motion must be relevant to some matter in relation to which the Council has powers or duties or which directly affects the city.

13 Rescission of ~~Pre~~ceding Resolutions

13.1 No motion to rescind any resolution which has been passed within the preceding six months nor any motion substantially reproducing any motion which has been rejected within the previous six months will be in order unless signed by at least five Members of the Council.

13.2 This Standing Order does not apply to recommendations brought before the Council by the Executive or a Committee.

14 Motions and Amendments which may be moved without notice

14.1 The following motions and amendments may be moved without notice;

(a) to appoint a Chair of the meeting;

(b) motions relating to the accuracy of the minutes of the Council;

(c) that, subject to Standing Order 4, an item of business specified in the

summons has precedence;

(d) to appoint membership of the Executive or a Committee or such other body as occasioned by an item mentioned in the summons to the meeting;

(e) to adopt reports and recommendations of the Executive or Committees;

(f) that leave be given to withdraw a motion;

(g) to extend the time limit for speeches;

(h) that the Council proceed to the next business;

(i) suspending Standing Orders in accordance with Standing Order 21;

(j) that the question be now put;

(k) to adjourn the meeting;

(l) to exclude the public and press from the meeting under the terms of the Local Government Act 1972;

(m) that a Member named under Standing Order 17 be not further heard or do leave the meeting;

(n) to refer a matter requiring confirmation by Council back to the Executive or other appropriate Committee;

(o) to refer to the Executive, or other appropriate Committee, a Notice of Motion in accordance with the provisions of Standing Order 12.1(b).

(p) to extend the meeting before three and a half hours have elapsed

15 Rules of Debate

15.1 General

15.1.1 The decision of the Chair of the Council is final on all matters of order or personal explanation.

15.1.2 When speaking, a Member is to stand and address the Chair as Lord Mayor.

15.1.3 When the Chair speaks or rises to speak during a debate, any Member then speaking or seeking to speak is to sit down.

15.1.4 If two or more Members indicate that they wish to speak, the Chair will call one and the other(s) will wait until called by the Chair. When a Member is

speaking, the others are to remain sitting unless rising to make a point of order or a personal explanation.

15.1.5 Members may speak once only on the matter under discussion except for the following reasons:

(a) to speak once on an amendment moved by another Member

(b) to move a new amendment if the motion has been amended since s/he last spoke

(c) to speak on the main issue, if the Member first spoke on an amendment moved by another Member (whether or not it was carried)

(d) as the mover of a motion (but not of an amendment), to exercise the right to reply at the end of the debate on the motion before it is put to the vote

(e) as the seconder of a motion or amendment, having reserved (when seconding the motion or amendment) the right to speak until later in the debate

(f) to make a point of order (any point of order must refer to the relevant Standing Order or statutory provision) or personal explanation

15.2 Voting

15.2.1 All matters will be determined by a show of hands unless at least three Members of the Council demand that the names be recorded. In that event, the Chief Executive will record the names and votes of the Members present and include them in the Minutes of the meeting. Any Member is entitled to have his/her own vote recorded in the Minutes whether or not a full recorded vote is taken.

15.2.2 Details of all motions and amendments that are lost will be duly recorded in the published minutes of the meeting.

15.2.3 Details of the number of votes for or against motions and amendments at Council, together with any abstentions relating thereto, will be duly recorded in the Minutes

15.3 Amendments and Motions

15.3.1 In order to be admissible, motions and amendments to recommendations before the Council must be submitted to the Chief Executive within the stated deadlines (see Standing Orders 10.1, 12.1 and 12.5 and must be moved by one Member and seconded by another. With the exception of procedural motions (see Standing Order 14), all motions and amendments not requiring prior notice must be put in writing and handed to the Chair, if so requested, before they are discussed or put to the meeting.

15.3.2 Amendments and motions to recommendations will be considered in the order determined by the Chief Executive based on an appropriate order for the effective conduct of business.

15.3.3 An amendment must be relevant to the motion and must

- (a) propose leaving out words, or
- (b) propose leaving out words and inserting or adding others, or
- (c) propose inserting or adding words

providing that the effect of the amendment must not simply be to reverse the effect of the motion before Council; such opposition to a motion can be signalled by voting against it.

15.3.4 Subject to the consent of the Council, indicated without discussion, a Member may alter a motion or amendment of which s/he has given notice.

15.3.5 A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Council (indicated without discussion). No Member may speak after the mover has asked permission for its withdrawal, unless permission to withdraw the motion or amendment is refused.

15.3.6 No Member may move more than one amendment to any motion or substantive question before the Council unless the further amendment comprises new material which is not related to the subject of the previous amendment.

15.3.7 Only one amendment may be moved and discussed at a time unless the Chair rules otherwise and no further amendment is to be moved until the Council has reached a decision on the amendment under discussion.

15.3.8 When a motion is under debate no other motion may be moved except :

- (a) to amend the motion
- (b) to adjourn the meeting
- (c) to proceed to the next business
- (d) that the question now be put
- (e) that a Member be no longer heard
- (f) that a Member leave the meeting
- (g) to exclude the public and press from the meeting under the terms of the Local Government Act 1972.
- (h) to extend the time of the meeting

15.3.9 The mover of a motion has a right of reply at the end of the debate on the motion immediately before it is put to the vote. If an amendment has been moved, the mover of the original motion also has a right of reply at the close of the debate on the amendment but may not otherwise speak on the amendment.

The mover of the amendment has no right of reply to the debate on his/her amendment.

15.3.10 When the Council has reached a decision on a motion or amendment, the Chair will refuse to put at the same meeting any subsequent motion or amendment which, if carried, would substantially contradict, override or repeat the former one.

15.3.11 If an amendment is lost, other amendments may be moved on the original motion.

15.3.12 If an amendment is carried, the amended motion replaces the original motion on which any further amendments are moved.

15.3.13 A Member who has not spoken on the substantive issue may move without comment at the end of another Member's speech one of the following:

- (a) "That the Council proceed to the next business"
- (b) "That the question be now put"
- (c) "That the Council now adjourn".

If the motion is seconded, the Chair may do one of the following:

- (a) on a motion to proceed to the next business, unless in the Chair's opinion the matter has not been sufficiently discussed, s/he may give the mover of the original motion a right of reply and then put to the vote the motion to proceed to the next business;
- (b) on a motion that the question be now put, unless in the Chair's opinion the matter has not been sufficiently discussed, s/he may put to the vote the motion that the question be now put and, if it is carried, then give the mover of the original motion or, if an amendment is under debate, then the mover of that amendment, the right of reply before putting that motion or amendment to the vote;
- (c) on a motion to adjourn the meeting, the Chair may put the adjournment motion to the vote without giving the mover of the original motion his/her right of reply on that occasion.

15.4 Points of Order

15.4.1 The following are recognised as breaches of order:

- (a) discussion of a question not before the Council
- (b) the use of improper language
- (c) breach of any Standing Order
- (d) interjection of remarks while a Member is speaking.

15.4.2 A Member may rise on a point of order during a debate, provided that they do nothing more than call attention to the alleged breach of order. The point of order must be very briefly stated to the Chair in the form of a question (in accordance with Standing Order 15.1.5 and the Member raising the point of order must then sit down immediately while the Chair gives a ruling.

15.4.3 A Member against whom a point of order is being raised must sit down until the Chair has ruled on the matter.

15.4.4 If the Chair rules that the language used by a Member is improper, it is the duty of the Member to withdraw it.

15.5 Personal Explanation

15.5.1 If a Member thinks them self injured by misrepresentation made in a debate then they may make a personal explanation provided that

(a) the personal explanation is included in their ordinary speech if they have not already exercised their right to speak; otherwise the Member may speak again

(b) the personal explanation is a brief statement of fact and not further argument of the question before the Council.

15.6 Time Limits

15.6.1 When moving a motion a Member may speak for a maximum of 10 minutes. When presenting a petition, a Member may speak for a maximum of 3 minutes (Standing Order 7.1).

15.6.2 No other speeches (including the moving of amendments and the right to reply) may take more than five minutes without the consent of the Council, which will be determined by a vote on a motion without discussion.

(Note:) These time limits shall not apply to the Leader of the Council and the Leaders of ~~other the Opposition Groups~~ on the Council when they are proposing a motion or an amendment during the meeting which sets the Council's annual budget.

16 Matters Affecting Council Employees

16.1 If any question arises at any meeting of the Council relating to the appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct of any person employed by the Council, no discussion is to take place until the meeting has decided whether or not to exclude the public and press under the terms of the Local Government Act 1972.

16.2 Members should in general avoid discussion of individual officers at Council meetings because this may place the Council in breach of its duty of care towards staff and might compromise any subsequent HR procedures.

17 Suspension of Members

17.1 If any Member at a meeting of the Council disregards the authority of the Chair or is guilty of obstructive or offensive conduct the meeting may, on a motion being duly moved, seconded and carried, resolve that the Member should not be heard and should leave the meeting. Such a motion need not be in writing and is put without discussion. If the motion is carried, the Member must leave the meeting immediately.

18 Disturbances

18.1 If a member of the public interrupts the proceedings of any Council meeting, they will be warned by the Chair. If the disruption continues, the Chair may order them to leave the meeting. In the event of general disturbance in any part of the Council Chamber, the Chair may order that part to be cleared.

18.2 In the event of general disturbance which in the opinion of the Chair makes the orderly conduct of business impossible, the Chair may adjourn the meeting for as long as necessary.

19 Public Documents and Confidential Items

19.1 All agenda, reports and other documents and all proceedings of Council, the Executive and Committees of the Council will be treated as public documents unless they relate to or contain information which is confidential, or exempt in accordance with the provisions of appropriate legislation.

20 Interests of Members

20.1 Members are required to comply with the Council's Code of Conduct for Members in relation to the declaration of personal and prejudicial interests.

20.2 If any Member of the Council has any personal and prejudicial interest in any matter that Member is required to withdraw from any meeting at which the matter is discussed unless:

- (a) a dispensation has been granted by the Standards Committee or
- (b) the matter is under consideration by the Council as part of the minutes of the Executive or a Committee and is not itself the subject of debate or
- (c) it is a part of the agenda where a member of the public has a right to speak, in which case the member may speak but must then leave the meeting until the matter is determined

~~20.3 A Member remaining in the Chamber who would otherwise have a prejudicial interest (except for a dispensation granted by the Standards~~

~~Committee) has no entitlement to raise a question or contribute to a debate upon which his/her interest has been declared.~~

20.4~~3~~ The Monitoring Officer will keep a record of declarations available for public inspection.

21 Suspension of Standing Orders

21.1 A motion to suspend Standing Orders may not be moved without notice unless at least half of the Members of the Council are present.

21.2 Subject to paragraph 21.1 of this Standing Order, any Standing Orders may be suspended in relation to any business at the meeting where its suspension is moved.

21.3 In cases where suspension of Standing Orders results in a matter being considered by the Council at that meeting rather than being referred to the Executive or a Committee it is necessary for a motion to be moved and seconded to provide a basis for the debate.

22 Interpretation of Standing Orders

22.1 The ruling of the Chair as to the meaning or application of any of these Standing Orders or as to any proceedings of the Council is final and may not be challenged at any meeting of the Council.

This page is intentionally left blank