

## City of York Council

Resolutions and proceedings of the Meeting of the City of York Council held in The Citadel, Gillygate, York on Wednesday, 17th July, 2019, starting at 6.35 pm

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

### Acomb Ward

Lomas  
S Barnes

### Bishopthorpe Ward

### Clifton Ward

D Myers  
Wells

### Copmanthorpe Ward

Carr

### Dringhouses & Woodthorpe Ward

Widdowson  
Fenton  
Mason

### Fishergate Ward

D Taylor  
D'Agorne

### Fulford and Heslington Ward

Aspden

### Guildhall Ward

Fitzpatrick  
Craghill

### Haxby & Wigginton Ward

Pearson  
Hollyer  
Cuthbertson

### Heworth Ward

Douglas  
Perrett  
C Taylor

### Heworth Without Ward

Ayre

### Holgate Ward

Heaton  
Melly  
K Taylor

Hull Road Ward

Norman  
Musson  
Pavlovic

Huntington and New Earswick  
Ward

Cullwick  
Orrell  
Runciman

Micklegate Ward

Baker  
Kilbane  
Crawshaw

Osbalwick and Derwent Ward

Rowley  
Warters

Rawcliffe and Clifton Without Ward

Smalley  
Wann  
Waudby

Rural West York Ward

Barker  
Hook

Strensall Ward

Fisher

Westfield Ward

Daubeney  
Hunter  
Waller

Wheldrake Ward

Vassie

Apologies for absence were received from Councillors Galvin, Webb,  
Galvin and Doughty

### 13. Declarations of Interest

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

The following **personal, prejudicial or disclosable pecuniary** interests were declared:

<u>Councillor</u>	<u>Agenda Item</u>	<u>Description of Interest</u>
Cullwick	Item 8 – Motions on Notice (Long Term Empty Properties)	Manages a small number of properties commercially
Baker	Item 13a – Amendment to Supplementary Budget Proposals	

### 14. Minutes

The minutes of Annual Council should be amended to reflect the meeting being held in the Guildhall, not the Citadel.

Resolved: That the minutes of the last Ordinary Council meeting held on 21 March 2019 and the Annual Council meeting held on 22 May 2019 be approved and then signed by the Chair as a correct record, with the above amendment.

### 15. Civic Announcements

The Lord Mayor announced that new Sheriff Jo Trythall who was appointed at the Annual Meeting, and would be taking over as Sheriff from Dafydd Williams on 25 July 2019, was in attendance and that a short ceremonial process would take place to allow for handover of the Civic Chains.

Jo Trythall then made her Declaration of Acceptance of Office and Affirmation of Allegiance.

The Lord Mayor thanked Dafydd Williams for his considerable support during his formal time as Sheriff.

Finally the Lord Mayor stated that Civic Gifts had been received from St Aelred's R C Primary School and Nanjing which were on display at the meeting.

## **16. Public Participation**

It was reported that nine members of the public had registered to speak at the meeting under the Council's Public Participation Scheme.

Lynette Mills, a resident, spoke on Item 13 (Supplementary Budget Proposals 2019/20). She expressed her concerns on graffiti and vandalism and the importance of quick removal to discourage further instances. She also stated that the Council's zero tolerance approach should be extended to include private property.

Dr Mick Phythian spoke on behalf of the York Natural Environment Trust in support of the Green Group Motion. He stressed the importance of preserving disappearing green spaces and re-wilding the City. He also expressed concern at the way CYC had previously managed green spaces.

John Cossham, a resident, also in support of the Green Group Motion. He stated his support for the plan but felt that much more could be done to support wildlife and pointed CYC to the National Pollinator Action Plan.

Anna Semlyen spoke on behalf of the York Cycle Campaign to express their support for the Labour Group Motion. She explained that the group were aiming to make cycling safe and accessible for all and that high quality cycle provision would play a large role in making York Carbon neutral.

Honorary Alderman Watson spoke in relation to the reports of the Leader and the Executive Member for Finance and Performance. He discussed parking at the Community Stadium, Park & Ride charges on match days, consultation on Castle Gateway and delays to the Community Stadium.

Dave Merrett spoke, as Chair of York Environment Forum's Transport Group and York Central Action Group, in relation to the York Central development. He expressed his concerns on the sustainability and carbon footprint of the York Central development and felt that such views expressed during consultation had been disregarded.

Gwen Swinburn, a resident, spoke on governance and the budget. Firstly she raised her concern at the date of the Full Council meeting changing at short notice. She went on to raise issues with the budget proposals and management of the Capital Programme. She also asked two questions:

- To the Leader – When would complaints about Chief Officer conduct be addressed and would a Committee be set up to manage such conduct issues
- To the Deputy Chief Executive – When would it be publicly announced that no further action would be taken in relation to a standards complaint about Cllr Ayre

Drew Thompson, Member of the York Private Hire Association, spoke under the general remit of the Committee on UBER. He expressed concern at the behaviour of some UBER drivers in the City. He asked that Executive Members make the decision to prosecute UBER at their meeting to be held on 27 September 2019.

Wendy Loveday, York Private Hire Association Chair also spoke in relation to UBER and out of town taxi drivers. She suggested that Councillors should take action to warn residents against using UBER, as other Council's had. She also stated that taxi licensing was a local issue and that she felt UBER were breaking the law by operating in York.

## **17. Petitions**

It was reported that no petitions had been received under Standing Order 15.

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

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

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

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

- Cllr K Taylor – York Central and the delay in a decision on HIF investment

Supplementary

Cllr Crawshaw – Network Rail Land Registry Documents and S106 funding/planning approval

Cllr Pavlovic – HIF investment and the risk of putting further public money into the York Central development

- Cllr Rowley – The Green Group working arrangement with the Liberal Democrat Group in relation to voting
- Cllr Warters – Graffiti on fibre York communications cabins

Cllr Aspden responded directly to all the questions put to him, including supplementary questions. He also agreed to meet with Cllr Warters and Officers in relation to the use of graffiti funding.

## **B. Executive Recommendations**

### Capital Programme Outturn 2018/19 and Revisions to the 2019/20-2023/24 Programme

Councillor Aspden moved and Councillor D'Agorne seconded the following recommendation contained in Minute Item 9 of the Executive meeting held on 27 June 2019.

Recommended: That Council approve the re-stated 2019/20 to 2023/24 programme of £617.810m, as summarised in Table 3 at paragraph 89 of the report and detailed in Annex A.

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

On being put to the vote, the recommendation was declared

CARRIED and it was:

Resolved: That the above recommendation in respect of the Capital Programme Outturn 2018/19 and Revisions to the 2019/20-2023/24 Programme be approved. 1

Action Required

1 To note the resolution in relation to Capital Programme Outturn 2018/19 and Revisions to the 2019/20-2023/24 Programme 1 IF

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

A written report was received from Cllr D'Agorne, the Deputy Leader, on his portfolio area.

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

- Cllr Carr – Green policies Cllr D'Agorne would like to enact
- Cllr Baker – Cycle Infrastructure and Road Safety
- Cllr Crawshaw – Terry Avenue Flood Defence work and the lack of cycle infrastructure on that section of the cycle route
- Cllr Orrell – Anti-idling Campaign
- Cllr Barnes – York Central traffic impact

Cllr D'Agorne responded directly to all the questions put to him, including supplementary questions.

**20. Motions on Notice**

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

(i) Carbon Neutral City

Moved by Cllr Crawshaw and seconded by Cllr Melly:

“Council notes:

- the difficulty the city faces in defining meaningful, deliverable and measurable outcomes when

working towards its stated aim of achieving carbon neutrality by 2030;

- that motor-traffic remains a significant contributor to air pollution and carbon emissions;
- the significant number of big developments in the pipeline or underway across York, with York Central set to be the largest single development York has seen in our lifetimes.

Council believes:

- that to achieve carbon neutrality by 2030, any new developments, particularly those delivering at scale and in sustainable locations, must be net contributors to our city's carbon neutral strategy;
- that construction methods, materials used and design standards, including the energy efficiency of buildings, are all ways of achieving low carbon development;
- that a simple way to reduce carbon emissions is by ensuring future developments are low-car wherever possible.

Council resolves to request that the Executive:

- expedites the amendment of our Supplementary Planning Documents and any other such legislative tools as are available to us in order that they reflect our stated ambition to be carbon neutral by 2030, in line with the Coalition's Partnership Agreement;
- uses every power at the council's disposal to deliver a low-car, carbon neutral development on York Central."

A vote was then taken on the motion which was CARRIED and it was:



Resolved: That the motion, as set out above, be approved.<sup>1</sup>

(ii) A Fair Deal for York

Council having consented to a request to alter his motion to include additional wording, Cllr Aspden moved, and Cllr Waller seconded, the altered motion as set out below (*the additional wording is highlighted in italics*):

“This Council notes that York has been disproportionately affected by the Conservative Government’s cuts to public services. This means that local services have been continuously under-funded, particularly when compared to other areas in the UK.

This Council further notes:

- Schools in York remain the worst funded in the country for per-pupil funding;
  - York’s CCG continues to operate with a large deficit;
  - Investment in the Yorkshire & Humber region’s transport infrastructure significantly lags behind London, the South East and even the North West;
  - More than 20 newspapers and websites have come together, including local media in York, to lobby the Government to commit to a package of policy measures to ‘Power up the North’;
  - The North of England is home to 15 million people and the region employs a quarter of England’s workforce (7.2 million people), all of whom deserve a fairer deal on the public services they receive;
  - According to figures published by Leicestershire County Council, who have developed an alternative fairer funding model, York could receive an additional £13 million per year, or an
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extra £61 per resident, if funding were to be redistributed based on need.

Now, at a time of unprecedented national uncertainty, it is more important than ever to address the chronic under investment in the North.

Therefore, this Council resolves that formal lobbying efforts are made to the Government, and the newly appointed Prime Minister, to request:

- *That prior to conclusion of the Fair Funding Review, and in light of the delayed Social Care Green Paper, it considers making sufficient provision for councils' abilities to deliver adequate children's and adults' social care services, to ensure dignity for all in both early and later life;*
- Additional funding for York schools;
- Additional funding to create GP-led, multi-disciplinary health and care hubs, including mobile services, to keep more people out of hospital;
- That Northern Powerhouse Rail is made a national priority;
- A commitment that the Government's 'Shared Prosperity Fund', intended to replace EU structural funding, be devolved to enable strategic decisions to be taken locally."

A vote was then taken on the motion, as altered, which was CARRIED and it was:

Resolved: That the motion, as set out above, be approved.<sup>2</sup>

(iii) Long-term Empty Properties in York

Moved by Cllr Fenton, seconded by Cllr Pearson:

"This Council notes that despite the pressures on York's housing market, some properties in the city have remained empty for a considerable length of time.

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This Council further notes:

- That there are currently 200,000 properties standing empty in England, with 527 empty in the City of York, according to data from 2017;
- Empty properties can attract squatters, vandalism, anti-social behaviour and therefore can be a blight on the local community;
- When 1.6 million households in the UK are on social housing waiting lists, long-term empty properties are a wasted resource, particularly in York where there is considerable demand for housing;
- An empty property, for council tax purposes, is defined as a property that is ‘unoccupied and substantially unfurnished’;
- Since 1<sup>st</sup> April 2013, local authorities in England have been able to charge a premium of 50% on the full council tax charge, and from 1<sup>st</sup> November 2018, local authorities have been permitted to raise this premium up to 100%;
- From April 2021, Councils will be allowed to charge owners of empty properties up to 300% council tax premium.

Therefore, this Council resolves:

- That the Council should increase council tax charges to the maximum (300%), at the earliest date legislated for.
- Given that York has experienced a recent spike in the number of homes left empty for six months or more, that Council Officers produce a report for consideration by the Executive to examine the potential options available to the Council to further reduce the number of empty homes in the city.”

A vote was then taken on the motion which was CARRIED and it was:

Resolved: That the motion, as set out above, be approved.<sup>3</sup>

*Note: Cllr Cullwick, having declared a prejudicial interest, left the room during consideration of the above motion and took no part in the discussion or decision thereon.*

(iv) A Pollinator Action Plan

Moved by Cllr D Taylor, seconded by Cllr Baker:

“Council notes

- that whilst the Government introduced a national Pollinator Strategy in 2014, a great deal more needs to be done.
- bees and other pollinators are vital to our crops, wildlife, countryside and gardens; around 80% of our crops and garden produce relies on insect pollination.
- Yet there is a serious decline in our native pollinators due to a combination of climate change, farming practices, pesticide use and patterns of urban development.
- Half of our bumblebee species are in decline with 3 already extinct; 7 bumblebee species have declined by more than 50% in the last 25 years and 71% of our butterflies are in long term decline.

Council further notes

- Many UK councils are now introducing Pollinator Action Plans. Cornwall, Devon, Dorset, Newcastle and Oxford already have plans in place.
  - Budget savings may be made on grass cutting costs by managing grass verges and other areas for wildflowers, biodiversity and pollinators. Dorset Council has saved £93,000/year.
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- Wildflower verges and other areas can enhance the appearance and prestige of the city and support residents' health and quality of life.

Council resolves to request a paper to Executive setting out the options for a comprehensive Pollinator Action Plan to include consideration of the management of appropriate verges, parks and other open spaces for wildflowers and biodiversity; other possible measures to support pollinators and the options for working collaboratively to develop and implement the plan with other local organisations.”

A vote was then taken on the motion which was CARRIED and it was:

Resolved: That the motion, as set out above, be approved.<sup>4</sup>

Action Required

- |   |      |
|---|------|
| 1 Corporate Director of Economy and Place to take forward actions requested in motion (1) Carbon Neutral City                                     | 1 NF |
| 2 Deputy Chief Executive to take forward actions requested in motion (2) A Fair Deal for York   | 2 IF |
| 3 Corporate Director for Health, Housing and Adult Social Care to take forward actions requested in motion (3) Long Term Empty Properties in York | 3 SH |
| 4 Corporate Director of Economy and Place to take forward actions requested in motion (4) A Pollinator Action Plan                                | 4 NF |

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

In accordance with Standing Order 21, Members were invited to question the Leader and/or the other Executive Members in respect of any matters within their portfolio responsibility. Questions were received from the floor from the following Members in relation to the subjects listed:

- i. To Cllr Ayre, Executive Member for Finance & Performance
  - From Cllr Waudby – Bootham Park Hospital Update
  - From Cllr Warters – Community Stadium delays

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- From Cllr Orrell - £10 parking charge at Community Stadium car park
- ii. To Cllr Waller, Executive Member for Economy & Strategic Planning
    - From Cllr Douglas – Council’s role in supporting the local economy and increasing well paid jobs in the City
  - iii. To Cllr Craghill, Executive Member for Housing and Safer Neighbourhoods
    - From Cllr Pavlovic – The Housing Delivery policy of selling off 60% of CYC built housing at market rate
  - iv. To Cllr Cuthbertson, Executive Member for Children, Young People and Education
    - From Cllr Fitzpatrick – Impact of cuts on the Local Area Team model and S47 cases

Cllr Cuthbertson undertook to provide a written response to question (iv). The Leader/Deputy Leader/Executive Members responded directly to all the other questions put to them, including supplementary questions.

## **22. Report of Executive Member**

Council received a written report from Councillor Ayre, Executive Member for Finance and Performance.

There were no questions from the floor.

Resolved: That the report of the Executive Member for Finance & Performance be received and noted.

## **23. Report of the Chair of the Customer and Corporate Services Scrutiny Management Committee**

Councillor Crawshaw moved the report of the Chair of the Customer and Corporate Services Scrutiny Management Committee on the work of the Committee.

Council was asked them to endorse the Annual Scrutiny Report attached to the agenda papers, in line with the recommendation of

the Customer and Corporate Services Scrutiny Management Committee from its meeting on 10 June 2019.

On being put to a vote it was

Resolved: That the report of the Customer and Corporate Services Scrutiny Management Committee be noted and the Annual Scrutiny Report be approved.

Reason: To update Members on the work of the committee and to ensure the Council receives an Annual Scrutiny Report in accordance with Constitutional requirements.

#### **24. Annual Report of the Audit & Governance Committee**

Council received the Annual report of Audit & Governance Committee.

As the guillotine had already fallen this was deemed moved and seconded as required under the Constitution and it was:

Resolved: That the report be received and noted.

#### **25. Supplementary Budget Proposals 2019/20 \***

Members received a report which set out proposals for amendments to the Councils revenue and capital budgets, as set out in Annex 1.

Cllr Myers moved, and Cllr Perrett seconded the following amendment:

**“In the first sentence**, after ‘Annex 1, insert *‘as revised by the amendments in Table A’*.

**In sub paragraph (i):**

- after ‘use of’, delete ‘£798k’ and insert ‘£801k’;
- after ‘projects’, insert *‘and to note the full year implications of £632k to be considered in the 2020/21 budget’*.

**In sub paragraph (ii):**

- after ‘capital programme’, delete ‘£4.25m’ and insert ‘£7.75m’ and delete ‘£2.25m’ and insert ‘£3.25m’;
- after ‘borrowing and’, delete ‘£2m’ and insert ‘£4.5m’;

- after 'Housing Revenue Account, insert *'and to note the £227k revenue effect of this will be effective from 2020/21 and will need to be factored into the 2020/21 budget.'*

**In sub paragraph (v):**

- after 'use of', delete '£565k' and insert '£640k';

- after 'to deliver', delete '4' and insert '5'."

**For information, the effect on the original motion of this amendment would be as follows:**

Members are asked to approve the proposals as set out in Annex 1 **as revised by the amendments in Table A**, agreeing in particular to:-

vii) The use of **£801k** from the revenue contingency budget to a range of projects, **and to note the full year implications of £632k to be considered in the 2020/21 budget'**

viii) The increase in the capital programme of **£7.75m, £3.25m** of which is general fund schemes funded from prudential borrowing and **£4.5m** is from Housing Revenue Account, **and to note the £227k revenue effect of this will be effective from 2020/21 and will need to be factored into the 2020/21 budget**

ix) The allocations from the Service risk reserve totalling £822k

x) A £300k reallocation of existing Leeds City Region (LCR) funding from Place based narrative scheme to inclusive growth projects

xi) The use of **£640k** venture funding to deliver **5** specific invest to save schemes.

xii) The use of £100k from the Brexit grant (total of £210k) towards investment in community engagement

Reason: To ensure a legally balanced budget is set

On being put to the vote this motion FELL.

The original motion was then put to the vote. This was CARRIED and it was RESOLVED that:

Approval be given to:



- i) The use of £798k from the revenue contingency budget to a range of projects
- ii) The increase in the capital programme of £4.25m, £2.25m of which is general fund schemes funded from prudential borrowing and £2m is from Housing Revenue Account
- iii) The allocations from the Service risk reserve totalling £822k
- iv) A £300k reallocation of existing Leeds City Region (LCR) funding from Place based narrative scheme to inclusive growth projects
- v) The use of £565k venture funding to deliver 4 specific invest to save schemes
- vi) The use of £100k from the Brexit grant (total of £210k) towards investment in community engagement

Reason: To ensure a legally balanced budget is set

*\*Note: the Chair agreed to vary the order of business in order to consider the above item directly after the Notices of Motion.*

Cllr Janet Looker  
Lord Mayor of York

*[The meeting started at 6.35 pm and concluded at 10.00 pm]*