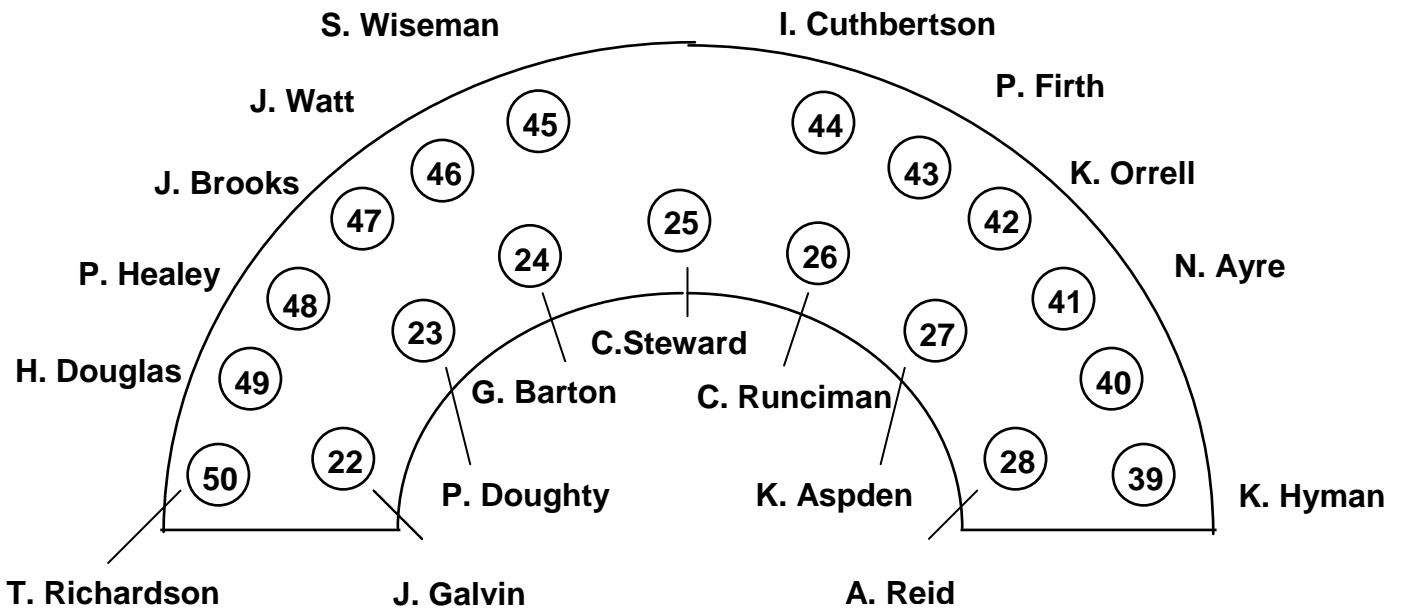


**CITY OF YORK COUNCIL
SUMMONS**

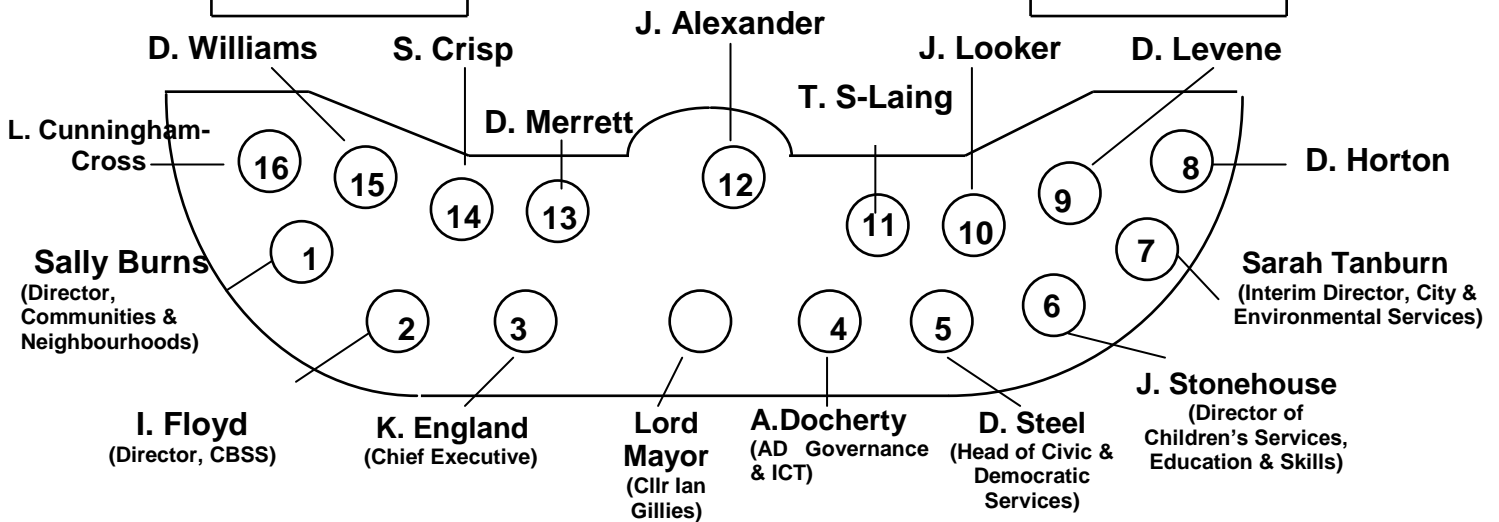
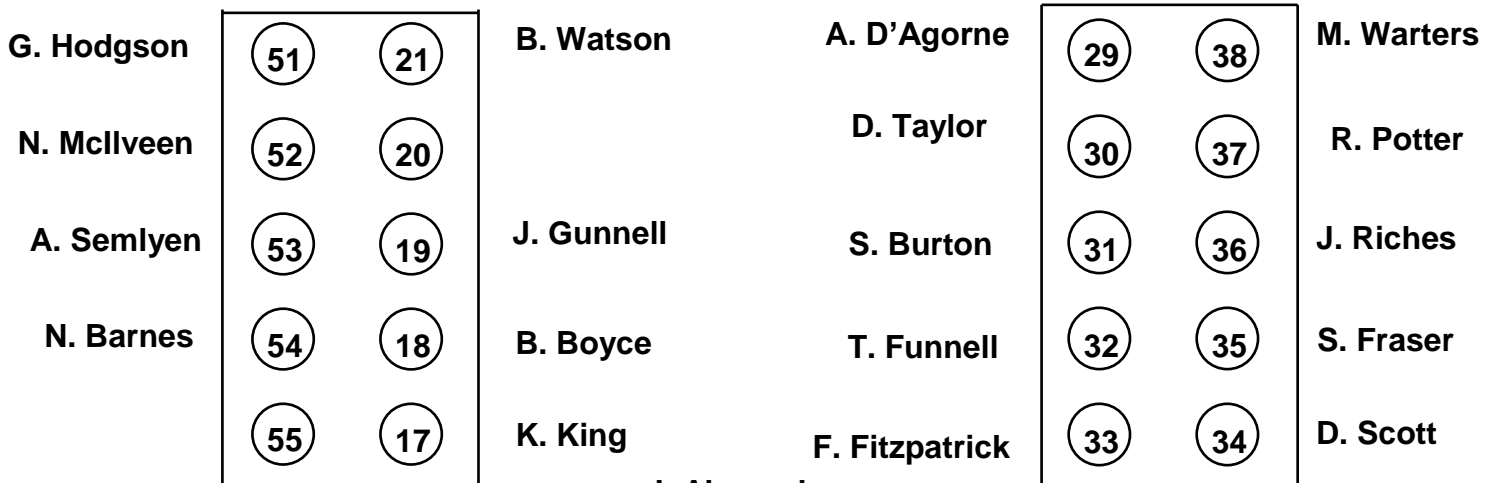
All Councillors, relevant Council Officers and other interested parties and residents are formally invited to attend a meeting of the **City of York Council** at the **Guildhall, York**, to consider the business contained in this agenda on the following date and time

Thursday, 9 October 2014 at 6.30 pm

COUNCIL CHAMBER



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A G E N D A

1. Declarations of Interest

At this point, Members are asked to declare:

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

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

2. Minutes (Pages 1 - 76)

To approve and sign the minutes of the last meeting of Council held on 17 July 2014.

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 8 October 2014.**

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

WEBCASTING NOTICE

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

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

Public seating areas will not be filmed by the Council.

5. Address by the Director of Children's Services, Education and Skills

Council will consider suspending Standing Orders to enable the Director of Children's Services, Education and Skills to address the meeting regarding arrangements in York to identify and address sexual exploitation issues, in light of recent events in Rotherham (*15 minutes*).

6. Petitions

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

- i) Cllr Douglas on behalf of residents of Peter Hill Drive, requesting the Council to block the road due to the excessive speeding of vehicles on the road.
- ii) Cllr Douglas on behalf of residents requesting the Council to support the continuance of the Burton Stone Community Centre.
- iii) Cllr Gunnell on behalf of residents of South Bank Avenue, Micklegate Ward requesting a 20 mph speed limit on their road.
- iv) Cllr Reid on behalf of Strensall residents objecting to the inclusion of site H30 in the Local Plan.

7. Report of Cabinet Leader and Cabinet Recommendations
(Pages 77 - 88)

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

Meeting	Date	Recommendations
Cabinet	9 September 2014	Minute 34: Capital Programme Monitor One 2014/15 Minute 35: Community Stadium and Leisure Facilities Update

Cabinet 9 September 2014

Minute 36: Financial
Close for the Long Term
Waste Management
Service Contract
[http://democracy.york.gov.
uk/ieListDocuments.aspx?
CId=733&MId=8328&Ver=
4](http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=8328&Ver=4)

8. Recommendations of the Audit and Governance Committee
(Pages 89 - 112)

Meeting	Date	Recommendations
Audit & Governance Committee	24 September 2014	Minute 34: Updating the Constitution – New Council Procedure Rules (<i>to follow</i>) http://democracy.york.gov.u k/ieListDocuments.aspx?CI d=437&MId=8117&Ver=4
Audit & Governance Committee	24 September 2014 (<i>reconvened 2 October</i>)	Minute 35: Arrangements for petitions (<i>to follow</i>)
Audit & Governance Committee	2 October 2014	Minute 38: Enhancing Scrutiny in York (<i>to follow</i>) http://democracy.york.gov.u k/ieListDocuments.aspx?CI d=437&MId=8561&Ver=4

9. Scrutiny - Report of the Chair of the Corporate and Scrutiny Management Committee (Pages 113 - 116)

To receive a report from Councillor Galvin, the Chair of the Corporate and Scrutiny Management Committee (CSMC) on the work of the CSMC.

10. Report of Cabinet Member (Pages 117 - 122)

To receive a written report from the Cabinet Member for Health and Community Engagement and to question the Cabinet Member thereon, provided any such questions are registered in accordance with the timescales and procedures set out in Standing Order 8.2.1.

11. 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://democracy.york.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12959&path=0>

Copies may also be obtained by contacting Democracy Support Group at West Offices, Station Rise, York (tel. 01904 551088)

- Yorkshire Purchasing Association - 30 June 2014
- Without Walls Partnership – 25 June and 17 September 2014
- NHS Foundation Trust – 12 March 2014
- York Quality Bus Partnership – 14 July 2014
- Local Government Yorkshire and Humber – Draft minutes of AGM, 14 July 2014
- Local Government Yorkshire and Humber – Employers' Committee - 17 July 2014
- Local Government Yorkshire and Humber - Member Improvement & European Board – Minutes 17 July 2014
- North Yorkshire Fire & Rescue Authority – 25 June 2014

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

12. Notices of Motion

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

A – Motions referred from the Cabinet 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 Levene

“City of York Council:

- (i) notes the economic, social and environmental benefits that would be delivered by electrification of the Leeds-Harrogate-York line, as set out in the Leeds-Harrogate-York Rail line Improvements Outline Transport Business Case, and calls upon the Department for Transport and Network Rail to make this a priority;
- (ii) invites the Chief Executive to continue to work with Harrogate Borough Council and other interested stakeholders such as local Members of Parliament, North Yorkshire County Council and local Chambers of Commerce in order to make representations to the Department of Transport, Network Rail and others,, particularly the Electrification Task Force, to secure these benefits for the people of York and Harrogate;
- (iii) notes that Harrogate Borough Council will be considering a similar motion lobbying relevant parties to support electrification of this line.”

(ii) From Cllr Steward

“Council notes with concern the results of the Organisational Development Action Plan, in particular the Leadership section and the current position re ‘Concern about the Behaviour of some Members’. This follows last year’s Peer Challenge review which also expressed concern regarding members’ understanding of council priorities and the lack of clarity within the council.

Council requests that an independent body be appointed to report back to the Audit and Governance Committee no later than

its meeting of 10 December 2014 and that the report is delivered directly to this committee, investigating these concerns and whether Members have acted in a manner which falls below that which staff and residents expect.”

(iii) From Cllr Reid

“Council notes that in order to pass the National Planning Policy Framework (NPPF) ‘Test of Soundness’ the Local Plan must be:

- Positively Prepared - based on a strategy which seeks to meet objectively assessed development and infrastructure requirements.
- Justified - the plan should be the most appropriate strategy, when considered against the reasonable alternatives.
- Effective - the plan should be deliverable over its period and based on effective joint working on cross-border strategic priorities.

Council believes that the current draft plan approved by Cabinet on the 25th September:

- does not accurately reflect the evidence base and is therefore not based on objectively assessed requirements.
- is not the most appropriate strategy and has ignored reasonable alternatives rather than test the approach against them.
- is not deliverable over the plan period and is contrary to the combined methodological approach of the Leeds City Region.

Council believes that the current proposals also fail to adequately reflect the results of the citywide consultations undertaken in July 2013 and July 2014.

Council believes that the current proposals will result in the plan being found unsound by the planning inspector leaving the city vulnerable.

Council instructs that planned consultation on the current proposals is halted.

In order to accurately reflect objectively assessed requirements,

Council instructs officers to produce a report on housing trajectory to be brought to the next meeting of the Local Plan Working Group (LPWG) along with the relevant background reports.

The LPWG will then agree an accurate analysis of housing trajectory that is objective, evidence based and deliverable. This analysis will then be used to inform housing allocations and a new proposed Local Plan will be brought to the next LPWG for discussion and recommendation to Cabinet in November.”

(iv) From Cllr Semlyen

“This council believes that:
Climate change is real and is resulting in deaths and cross border migration;

That fracking (hydraulic fracturing for shale gas) contributes to climate change.

This council recognises the over 2,100 name petition submitted by Frack Free York requesting a City of York Council decision on fracking. The petition asks that Councillors’ vote that York should, where possible, publicly state their resistance to planning applications for drilling for shale gas as it is believed that this could deter applications from drilling companies.

We believe that it would be better to reduce the need for extra energy supplies and will seek to promote an increase in energy efficiency, sustainability and self-sufficiency.

Council asks the Leader to send a copy of this motion to the Secretary of State for Energy and Climate Change and the Minister of State for the Department for Energy and Climate Change and to all York’s MPs.”

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

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

(i) To the Cabinet Leader from Cllr Steward:

“Can the Leader outline what specific powers he would like devolved to Yorkshire / Yorkshire & Humber?”

(ii) To the Cabinet Leader from Cllr Steward:

“What tangible spending commitments has York benefitted from to date from the West Yorkshire Combined Authority?”

(iii) To the Cabinet Leader from Cllr Steward:

“Can the Leader reassure members that residents will always come first in the focus of the transformation agenda and allay fears that some in the Labour group are more concerned about the methods of service delivery (for example the level of private sector involvement) rather than the quality of service to residents?”

(iv) To the Cabinet Leader from Cllr Doughty:

“Given the Labour administration's supposed inability to help fund the main meal of the day for vulnerable and elderly people at a cost of £50,000 per year at sheltered housing complexes at Barstow House, Gale Farm Court, Glen Lodge and Marjorie Waite Court, could the Cabinet Leader please confirm how much taxpayer's money has been spent on art work in and around West Offices since it opened?”

(v) To the Cabinet Leader from Cllr Doughty:

“Given the threat of withdrawal of financial support to Community Centres around the city with his groups tired excuse of Government cuts rather than careful choice decisions, does the Cabinet Leader still believe his Labour administration's decision to give £100,000 towards the 'arts barge' project to be a good use of public funds?”

(vi) To the Cabinet Member for Environmental Services, Planning and Sustainability from Cllr D'Agorne:

“What action is being taken to secure prosecution of bus operators running defective engine vehicles polluting our streets with black smoke and what action is planned to stop unnecessary vehicle idling by buses in Rougier St and other Air Quality

blackspots?”

(vii) To the Cabinet Member for Environmental Services, Planning and Sustainability from Cllr D’Agorne:

“Can he explain how Labour’s claimed reduction of 5000 houses in the Local Plan actually equates to less than half that number being removed from site lists and no reduction in the area of land allocated for development?”

(viii) To the Cabinet Member for Environmental Services, Planning and Sustainability from Cllr Doughty:

“Can the Cabinet Member evidence just exactly how the views of thousands of residents have been considered and reflected (at all) in the Draft Local Plan consultation?”

(ix) To the Cabinet Member for Environmental Services, Planning and Sustainability from Cllr Doughty:

“The Draft Local Plan continues to plan for 'safeguarded' land (reserving for future development) beyond the life of the plan when there is no requirement under the National Planning Policy Framework. A prime example of this in my own ward, amongst others, is site '810' on crucial greenbelt at Earswick. Why is this?”

(x) To the Cabinet Member for Environmental Services, Planning and Sustainability from Cllr Richardson:

“Because of Council’s commitment to reducing carbon emissions, Council installed a rain water harvesting system to reduce costs for cleaning commercial vehicles at Hazel Court. Will the Cabinet Member state how long the pumps on the system have remained non-operational to date and what the costs were of replacing the pumps at that centre?”

(xi) To the Cabinet Member for Environmental Services, Planning and Sustainability from Cllr Richardson:

“The results from the new electrical P&R bus have been very positive. Can the Cabinet Member assure this council that a plan has been agreed with First and other transport partners to introduce more electric buses as the old buses are retired, and

how many sites measuring particulates across the City would change from red to green by implementing this plan?”

(xii) To the Cabinet Member for Environmental Services, Planning and Sustainability from Cllr Richardson:

“Will the Cabinet Member state when the next round of weed spraying is to begin and will this Council apologise for the large number of weeds that have taken root around the city, some as high as 1 metre?”

(xiii) To the Cabinet Member for Environmental Services, Planning and Sustainability from Cllr Reid:

“Could the Cabinet Member confirm that there are no plans to introduce further green bin charges and residents’ first green bin will remain free?”

(xiv) To the Cabinet Member for Environmental Services, Planning and Sustainability from Cllr Reid:

“What is the Council doing to recover the weed spraying situation in the west of the city, what steps is it putting in place to ensure that there is not a repeat of the recent situation of overgrown weeds?”

(xv) To the Cabinet Member for Transport from Cllr D’Agorne:

“Can he report on progress in measures to fix traffic signalling issues in York, notably unnecessary delays at Broadway/Fulford Rd, Hospital Fields/ Fulford Rd, Blossom St/ Queen St/Nunnery Lane/Micklegate on account of sub optimal phasing equipment or design?”

(xvi) To the Cabinet Member for Transport from Cllr D’Agorne:

“What has the impact of the free city parking offer been on occupancy levels and income when compared to the same period in 2013? What has the impact been on average occupancy levels outside the ‘free parking’ period?”

(xvii) To the Cabinet Member for Transport from Cllr D'Agorne:

“What is the estimated cost of catching up with the backlog of highway/ gully clearing now and what is it estimated to be in a year's time if only reactive cleaning continues to be the policy in force?”

(xviii) To the Cabinet Member for Transport from Cllr Cuthbertson:

“How many motorists have applied for a Lendal Bridge fine refund since the process opened on September 8th and could the Cabinet Member breakdown the applications by postcode?”

(xix) To the Cabinet Member for Transport from Cllr Reid:

“Could the Cabinet Member update council on legal developments regarding the Coppergate traffic restrictions?”

(xx) To the Cabinet Member for Transport from Cllr Aspden:

“Could the Cabinet Member confirm that consultation will take place with the wider Fulford community and specifically the residents of Naburn Lane and Selby Road on the A19 ‘pinch-point’ works and when does he expect this consultation to begin?”

(xxi) To the Cabinet Member for Transport from Cllr Runciman:

“How many vehicles have taken advantage of the Council's ‘free’ parking offer which started on 19th June at each car park and what impact has this had on the revenue derived by the Council from all car parks?”

(xxii) To the Cabinet Member for Transport from Cllr Firth:

“How many (new style) Minster Badges have now been sold and how does this compare to budget assumptions?”

(xxiii) To the Cabinet Member for Transport from Cllr Reid:

“What compensation is the Council seeking from the Contractor for the major delays which arose in the completion of the A59

Park & Ride contract?”

(xxiv) To the Cabinet Member for Transport from Cllr Reid:

“Why have no speed checks been undertaken by Council officials in west York since the introduction of the wide area 20 mph limit over 12 months ago?”

(xxv) To the Cabinet Member for Transport from Cllr Hyman:

“How does the income derived from the Marygate car park, since it had a barrier system installed, compare to the equivalent period last year?”

(xxvi) To the Cabinet Member for Transport from Cllr Hyman:

“How many faults have occurred on the new barrier/ticketing installation at Marygate car park and does the Cabinet Member judge the barrier system to have been a success?”

(xxvii) To the Cabinet Member for Transport from Cllr Reid:

“The ‘Programme of Highway Maintenance scheme 2014/15’ showed a number of schemes approved for work with dates TBC, could the Cabinet Member now provide dates for these schemes including Vesper Drive?”

(xxviii) To the Cabinet Member for Transport from Cllr
Aspden:

“Could the Cabinet Member update Council on proposals for a city-wide cycle hire scheme which was originally due to be ready by “early 2014”?”

(xxix) To the Cabinet Member for Finance and Performance from
Cllr Healey:

“Please can the Cabinet Member briefly articulate why the

external auditor is unable to certify the completion of the accounts due to 'The income relating to penalty charge notices is £1.8m, which is below the level of materiality of our opinion on the financial statements.' when at the Call-In of the Cabinet decision regarding Lendal Bridge on the 27th of August the Director gave a categorical assurance that this was ample provision."

(xxx) To the Cabinet Member for Finance and Performance from Cllr Healey:

"Has the Cabinet Member sought an opinion from the external auditor as to the cost-effectiveness of the Community Stadium and Leisure facilities, and if not why not?"

(xxxii) To the Cabinet Member for Finance and Performance from Cllr Richardson:

"As part of any contact with this Council, members of the public are given a reference or case number so residents are able to follow up the progress of a complaint or issue it has with the council. Following the long delays for calls to be answered by the contact centre, the last thing residents need to be told is that they cannot have a reference or case number, because the contact centre has been unable to assign case numbers since the beginning of the year due to technical difficulties. Will the Cabinet member explain why this situation has been left dysfunctional for so long?"

(xxxiii) To the Cabinet Member for Finance and Performance from Cllr Reid:

"How much has been paid by the Council during the last 12 months for the maintenance and other costs associated with Oliver House and why has the decision of the Cabinet taken last year - to sell the property - not been implemented?"

(xxxiiii) To the Cabinet Member for Finance and Performance from Cllr Ayre:

"Will the Cabinet Member publish the latest quality of service statistics which he holds for Customer Services covering both "in person" presentations at West Offices together with time to

answer telephone calls and respond to electronic communications?”

(xxxiv) To the Cabinet Member for Finance and Performance from Cllr Ayre:

“Could the Cabinet Member specifically say why it is taking the Council up to 2 weeks to log for action some issues which have been e-mailed by residents?”

(xxxv) To the Cabinet Member for Health & Community Engagement from Cllr Ayre:

“Following her answer to the last Council meeting could the Cabinet Member provide an update on the EPH Modernisation Project and specifically the planned Lowfields Care Village?”

(xxxvi) To the Cabinet Member for Health & Community Engagement from Cllr Ayre:

“When and where were competitive tenders for the provision of Lowfields published and how long will the delays in starting work on this important facility continue?”

(xxxvii) To the Cabinet Member for Health & Community Engagement from Cllr Aspden:

“What has been the total cost and total attendance (broken down by ward) of the Community Conversations?”

(xxxviii) To the Cabinet Member for Health & Community Engagement from Cllr Ayre:

“Why did the Cabinet Member fail to agree to a proposal, put to her on the 25th September, to delay the ending of the lunchtime meals service in sheltered homes so that alternatives could be developed, chosen by residents, and properly tendered?”

(xxxix) To the Cabinet Member for Health & Community Engagement from Cllr Orrell:

“Could the Cabinet Member update Council on the latest “delayed transfer of care” figures and outline what plans are in place to improve performance in this area in York?”

(xl) To the Cabinet Member for Health & Community Engagement from Cllr Reid:

“In February 2012 Labour promised that the same services which were offered at the Acomb Office would be offered in new sessions, including housing, council tax, and housing benefits advice at Sanderson House. Why has there now been a change in policy and why have these advice sessions at Sanderson House ended?”

(xli) To the Cabinet Member for Health & Community Engagement from Cllr Barton:

“What was the average attendance at the recent Community Conversation Meetings?”

(xlii) To the Cabinet Member for Health & Community Engagement from Cllr Barton:

“What were the major concerns expressed by residents at the recent Community Conversation Meetings?”

(xliii) To the Cabinet Member for Health & Community Engagement from Cllr Barton:

“What lessons were learned from the recent Community Conversation Meetings?”

(xliv) To the Cabinet Member for Health & Community Engagement from Cllr Barton:

“Of the monies to date distributed on CYC’s behalf by Your Consortium, what percentage was distributed to Wards represented by Labour Councillors?”

(xlv) To the Cabinet Member for Leisure, Culture & Tourism from Cllr Cuthbertson:

“Could the Cabinet Member confirm that there are no plans to close or re-locate Bishopthorpe Library?”

(xlvi) To the Cabinet Member for Leisure, Culture & Tourism from Cllr Runciman:

“Could the Cabinet Member confirm that users of Waterworld and residents of Huntington will be kept informed of the Community Stadium development going forward, particularly any further changes and/or extra development?”

(xlvii) To the Cabinet Member for Leisure, Culture & Tourism from Cllr Ayre:

“How much did the “Grand Depart”, held at Huntington Stadium on 4th July 2014, cost and what income was raised from ticket sales?”

(xlviii) To the Cabinet Member for Education, Children and Young People from Cllr Aspden:

“Could the Cabinet Member outline what local community use she expects from the newly announced £7m plans at Fulford School (specifically the sports hall) and what additional consultation will take place with local sports groups and residents in the drawing up of these plans?”

14. Urgent Business

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

Democracy Officer for this meeting:

Name: Jill Pickering

Contact details:

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

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**