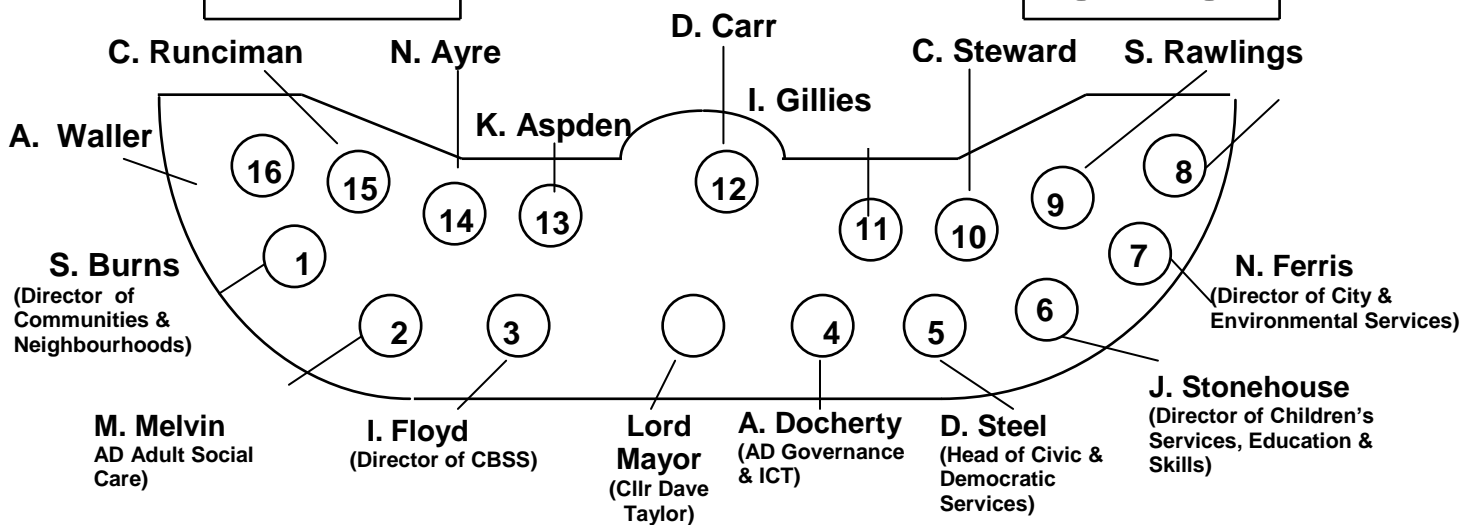
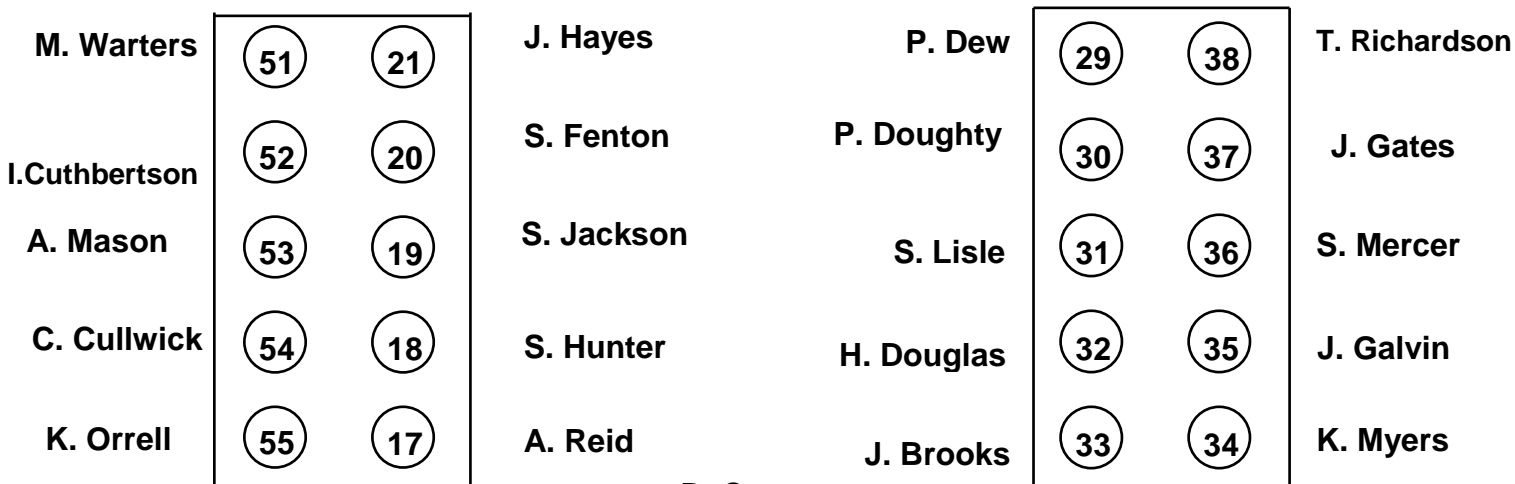
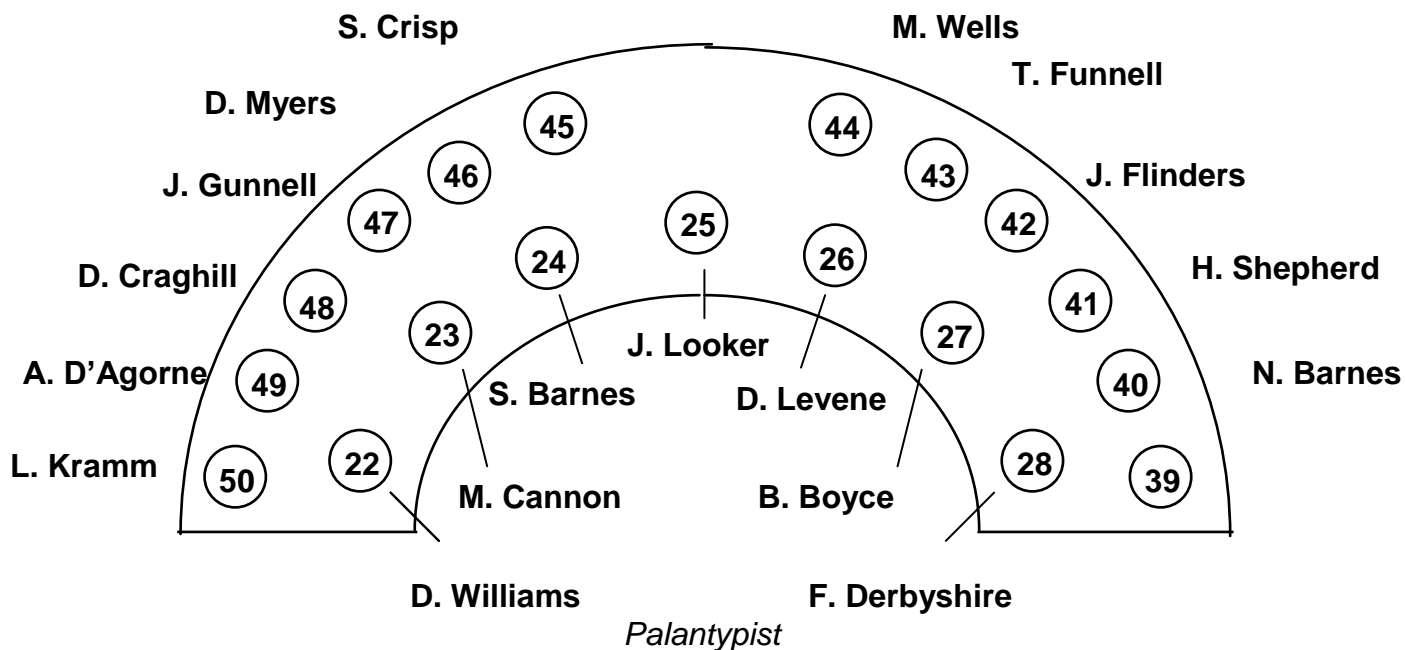


**CITY OF YORK COUNCIL
SUMMONS**

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, 21 July 2016 at 6.30 pm

COUNCIL CHAMBER



A G E N D A

1. Declarations of Interest

At this point, Members are asked to declare:

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

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

2. Minutes (Pages 1 - 28)

To approve and sign the minutes of the last Ordinary Council meeting held on 24 March 2016 and the Annual Council meeting held on 26 May 2016.

3. Civic Announcements

To consider any announcements made by the Lord Mayor in respect of Civic business.

4. Public Participation

At this point in the meeting, any member of the public who has registered to address the Council, or to ask a Member of the Council a question, on a matter directly relevant to the business of the Council or the City, may do so. The deadline for registering is **5:00pm on 20 July 2016**.

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

WEBCASTING NOTICE

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

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

Public seating areas will not be filmed by the Council.

5. Petitions

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

- Cllr Susan Hunter, on behalf of 822 local residents, calling on the Council to work to improve the condition of footpaths in the Front Street shopping area of Acomb.
- Cllr Nigel Ayre, on behalf of 34 local residents in the Ashley Park Road area, calling on the Council to have the lamp post outside the property of 19 Ashley Park Road moved from its current position due to safety concerns.
- Cllr Sheena Jackson, on behalf of 80 local residents, calling on the Council to work with the landowners to find ways to improve the pavements around Foxwood shops and make the area safer and more attractive.

6. Report of Executive Leader and Executive Recommendations and Questions (Pages 29 - 40)

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

Meeting	Date	Recommendations
Executive	19 May 2016	Minute 153: Delivery of Community Facilities at the Burnholme Health and Wellbeing Campus http://democracy.york.gov.uk/ieListDocuments.aspx?Cld=733&Mid=8884&Ver=4
Executive	30 June 2016	Minute 16: Capital Programme Outturn 2015/16 and Revisions to the 2016/17 – 2020/21 Programme

Minute 17: Financial
Strategy Update 2016/17 to
2020/21

<http://democracy.york.gov.uk/ieListDocuments.aspx?Cld=733&MId=9191&Ver=4>

Executive 14 July 2016

Minute 29: Demonstrating
Progress on the Older
Persons' Accommodation
Programme

Minute 28: Children and
Young People in Care:
York's New Strategy 2016-
2020

<http://democracy.york.gov.uk/ieListDocuments.aspx?Cld=733&MId=9303&Ver=4>

7. **Report of Deputy Leader and Questions** (Pages 41 - 44)
To receive and consider a written report from the Deputy Leader
and to question the Deputy Leader thereon.

8. **Motions on Notice**

To consider the following Motions on Notice under Standing
Order 22:

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

- (i) From Cllr Douglas

Audio Visual Displays on Buses

“Council notes and is aware that:

- i) bus operators nationally are moving towards fitting all
buses in their fleets with audio-visual next stop displays in
order to assist passengers with hearing and sight
disabilities, tourists and other users; and

- ii) Park & Ride buses in York are scheduled to have such devices fitted to all of their vehicles by February 2018 at the latest;

Council therefore calls on all bus operators providing services in York to work towards a similar timetable to provide comparable real-time audio-visual information on all of their routes.”

- (ii) From Cllr Aspden

York and the impact of Brexit

“Council notes:

- The result of the EU referendum
- That 58% of those who voted in York voted for the UK to remain a member of the EU
- That York is a tolerant and inclusive city where the contribution of all citizens (including nationals of other EU countries living here) is recognised and appreciated
- York residents have benefited from the training, education and employment opportunities offered by EU membership
- Yorkshire is one of the biggest beneficiaries of EU regional funding, which will include before 2020:
 - **£345m** to support small businesses and create jobs (European Regional Development Fund)
 - **£286m** to get unemployed people back into work (European Social Fund)
 - **£19.7m** to support farmers and rural communities (European Agricultural Fund for Rural Development)

Council believes:

- Many questions vital to the local interest now need answering, including the likely impact on York’s economy, the future of EU funding programmes that benefit York, and the future of the EU citizens who have made York their

home

- With the Brexit proposition of 'taking control' so ill-defined, it is vital that elected members at all levels and other interested parties make clear their demands for a Brexit negotiating position that promotes and protects the interests of the people they represent.

Council resolves to write to the Government saying that:

- The Government should ensure that York and Yorkshire receives investment at least equal to that planned to be provided by EU programmes
- In future negotiations, the UK's vital trading relationship with the EU should be protected as far as possible alongside environmental standards and legislation supporting workers' rights
- The Government should work with regional LEPs and other partners to put in place a support package to help businesses deal with the short-term economic shock and the transition to the UK's new relationship with the EU
- The Government should re-affirm its commitment to funding key projects in the region including York Central, HS2 and Transpennine electrification
- The rights of EU citizens currently working and living in the city should be protected.”

(iii) From Cllr Boyce

Hate Crime

“This Council supports the recent statement from Group Leaders condemning racism and xenophobia in York, noting increases of each following the recent EU referendum result.

Council believes everyone has a right to live free of hate crime and that such behaviour is a blight on York, threatening its reputation as a welcoming and tolerant city.

Furthermore, Council notes:

- That an upsurge in such incidents is likely to be damaging

to a city that depends on its tourist economy;

- That recorded reports only represent part of the problem, as only victims themselves can report incidents to the Police;
- That available evidence indicates many people will not report racist and xenophobic abuse to the Police.

Council believes there is more the City of York Council can do in partnership with the Police to address this problem. As well as sharpening its focus to work more collaboratively with the Police on this specific issue, Council resolves:

- To agree a central point of contact within the council to record all instances of racial and xenophobic abuse where people wish to record an incident, anonymously or otherwise, but who do not wish to pursue a formal investigation;
- That individual councillors widely publicise their ability to record reports of such abuse which can be passed on to that central contact;
- To ensure anonymised reports recorded by the council are shared with North Yorkshire Police to ensure a full understanding of the problem and appropriate joint responses where hotspots are identified.”

(iv) From Cllr Warters

Local Plan

“Council notes the result of the 23rd June European Referendum.

Council welcomes the future benefit of the UK being able to restrict the free movement of people into the UK from the EU countries thereby reducing pressure on many UK services and in particular on housing provision.

Council notes the emerging York Local Plan housing provision has been drawn up to take account of 65% of demand for

housing and job growth being generated by 'International Inward Migration' and Council therefore considers in the light of the referendum that the Local Plan housing and job growth predictions for York should be subject to review by Government.

Council resolves to instruct the Chief Executive to write to the Minister of State for Housing and Planning requesting:

- (i) that the Minister looks at York, in planning terms, as a special case and in particular considers the role of Green Belt in York, namely for the purpose of 'preserving the historic setting of the City of York' and
- (ii) allows a greater degree of flexibility with the progression of the Local Plan in York, to allow Local Plan housing allocations and therefore Green Belt land take in the emerging Local Plan to fully take into account the implications of the EU referendum on revised population growth statistics that Council expects Government to revise with due haste."

9. Questions to the Leader or Executive Members

To question the Leader and/or Executive Members in respect of any matter within their portfolio responsibility, in accordance with Standing Order 20.

10. Report of Executive Member (Pages 45 - 50)

To receive a written report from the Executive Member for Adult Social Care and Health, and to question the Executive Member thereon, in accordance with Standing Order 19.

11. Scrutiny - Report of the Chair of the Corporate and Scrutiny Management Policy and Scrutiny Committee (Pages 51 - 54)

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

12. Recommendations of the Audit and Governance Committee
(Pages 55 - 92)

Meeting	Date	Recommendations
Audit & Governance Committee	10 May 2016	<p>Minute 76: Matter Referred from Executive - Public Interest Report City of York Trading</p> <p><u>Officer Scheme of Delegations</u></p> <p>a) Minute 77: To consider approving changes to the Scheme of Delegations recommended by the committee (copy attached)</p> <p>b) To consider the Monitoring Officer's report setting out further changes to the Scheme of Delegations which have arisen since the meeting of the committee</p> <p>http://democracy.york.gov.uk/ieListDocuments.aspx?CId=437&MId=9646&Ver=4</p>
Audit & Governance Committee	22 June 2016	<p>Minute10 : Annual Report of the Audit and Governance Committee (copy attached)</p> <p>Minute 11: Contract Procedure Rules Update</p> <p>http://democracy.york.gov.uk/ieListDocuments.aspx?CId=437&MId=9183&Ver=4</p>

13. Recommendations of the Corporate and Scrutiny Management Policy and Scrutiny Committee (Pages 93 - 106)

Meeting	Date	Recommendations
CSMC	13 June 2016	Minute 9: Draft Annual Scrutiny Report 2015-16 (copy attached) http://democracy.york.gov.uk/ieListDocuments.aspx?Clid=144&MId=9420&Ver=4

14. Recommendations of the Gambling, Licensing & Regulatory Committee (Pages 107 - 110)

Meeting	Date	Recommendations
Gambling, Licensing & Regulatory Committee	11 July 2016	Minute 5: Hackney Carriage and Private Hire- Delegation of Enforcement Powers Minute 6: Statement of Licensing Policy – Review of the Saturation and Cumulative Impact Zone http://democracy.york.gov.uk/ieListDocuments.aspx?Clid=606&MId=9636&Ver=4

15. Recommendations of the Joint Standards Committee (Pages 111 - 122)

Meeting	Date	Recommendations
Joint Standards Committee	24 Feb 2016	Minute 22: Review of the Code of Conduct (copy attached) http://democracy.york.gov.uk/ieListDocuments.aspx?Clid=140&MId=8729&Ver=4

16. Urgent Business

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

Democracy Officer for this meeting:

Name: Jayne Carr

Contact details:

- Telephone – (01904) 552030
- E-mail – jayne.carr@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**

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City of York Council

Resolutions and proceedings of the Meeting of the City of York Council held in the Guildhall, York on Thursday, 24th March, 2016, starting at 6.30 pm

Present: The Lord Mayor (Cllr Sonja Crisp) in the Chair, and the following Councillors:

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

Hull Road Ward

N Barnes
Levene
Shepherd

Huntington and New Earswick Ward

Cullwick
Orrell
Runciman

Micklegate Ward

Gunnell
Hayes
Kramm

Osballdwick and Derwent Ward

Brooks
Warters

Rawcliffe and Clifton Without Ward

Dew
Lisle
Rawlings

Rural West York Ward

Gillies
Steward

Strensall Ward

Doughty

Westfield Ward

Hunter
Waller

Wheldrake Ward

Mercer

Apologies for absence were received from Councillors S Barnes, Williams, Douglas and Jackson

65. 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** interests were declared:

<u>Councillor</u>	<u>Agenda Item</u>	<u>Description of Interest</u>
N Barnes	14. Public Interest Report – City of York Trading Ltd	Employer is a customer of CY Trading Ltd
Doughty	6. Recommendations of Executive: Community Stadium & Leisure Facilities	As a supporter and season ticket holder of York City Football Club and took no part in the discussion and voting thereon
Gates	6. Recommendations of Executive: Community Stadium & Leisure Facilities	Season Ticket holder York City and left the meeting for this item
Gillies	6. Recommendations of Executive: Community Stadium & Leisure Facilities	Daughter was founder member of York City Supporters Trust and son in law had been a long term mascot
Kramm	8.(ii) Motions on Notice – EU Referendum	Non EU resident
Mason	6. Recommendations of Executive: Community Stadium & Leisure Facilities	Provision of doctor and paramedical staff
D Myers	6. Recommendations of Executive: Community Stadium & Leisure Facilities	Member of York City Supporters Trust
Rawlings	14. Public Interest Report – City of York Trading Ltd	As Chair of City of York Trading Ltd he had been granted a dispensation to take part in the discussion and voting

Taylor	6. Recommendations of Executive: Community Stadium & Leisure Facilities	Cinema proposals may impact on viability of City Screen his employer – left the room and took no part in the discussion of voting
Waller	6. Recommendations of Executive: Community Stadium & Leisure Facilities	Local Authority Governor at York High School and administrator at the Energise Sports Centre

The following **prejudicial** interests were declared:

<u>Councillor</u>	<u>Agenda Item</u>	<u>Description of Interest</u>
N Barnes	6. Recommendations of Executive: Community Stadium & Leisure Facilities	Employer had a commercial interest in the project
Flinders	6. Report of Executive Leader - Transport	In his employment as project manager of a railway construction project

66. Minutes

Resolved: That the minutes of the Ordinary meetings of Council held on 12 December 2015 and the Budget meeting held on 25 February 2016 be approved and signed by the Chair as correct records.

67. Civic Announcements

The Lord Mayor confirmed that she had no items of civic business to report to the meeting.

68. Public Participation

Clive Millard spoke in support of Councillor D'Agorne's motion, due for debate later in the meeting, in relation to the impact the Transatlantic Trade and Investment Partnership (TTIP) could have on local government services and employment, suppliers and decision making. In view of the impact he urged Members to support the motion

Ginnie Shaw also spoke in support of Councillor D'Agorne's motion, and also requested Council support. She highlighted the four main reasons as secrecy regarding negotiations, the undermining of democracy, impact on local authorities and support for OnePlanetYork.

Gwen Vardigans also spoke in support of Councillor D'Agorne's motion, highlighting the Investor State Dispute Settlement mechanism which had been used by companies to overturn democratic decisions. She also raised the possible affect of this mechanism on the NHS.

Gwen Swinburn spoke in relation to the Public Interest Report to be considered later in the meeting. She referred to the findings of the report regarding remuneration to Officers, governance of the Shareholder Committee, action taken and lessons learnt.

At this point the public speaker was asked to leave the meeting and the meeting was briefly suspended to allow the speaker to leave the Chamber.

Don Phillips spoke as the organiser of the Britain Stronger in Europe campaign, in support of Cllr Fenton's motion regarding the EU referendum to be discussed later in the meeting. He confirmed that it was in the city's best interests to remain in the EU referring to the funding benefits for York and the surrounding area

Robin Brabham spoke as a student, also in support of Cllr Fenton's motion, he asked the Council to support the motion as leaving the EU would be detrimental to students and staff of York University.

Martin Whiteley also spoke in relation to the Public Interest Report to be discussed later in the meeting. He expressed concern at its content and action taken by the Council. He suggested an audit of the management of Veritau, the shared service company.

John Heywood spoke in support of the Green Group motion on TTIP, in particular to the effect this could have on Small and Medium Sized Enterprises of which the city had many. He expressed concern that the SME's would have to compete with businesses in other countries which had to meet lower standards.

Hon Alderman Brian Watson spoke in relation to the recommendations of the Executive on the Community Stadium and Leisure Facilities. He expressed concern at the increase in size of the proposed facilities and that the stadium would not be available for the forthcoming season for the football and rugby teams.

Hazel Palmer also spoke in support of the TTIP motion and expressed concern at the lack of democracy in the process. She also raised a number of concerns regarding the effects on small businesses and food standards and requested Members to support the motion.

69. Petitions

Under Standing Order 7, no petitions were presented by Members for referral to the Corporate and Scrutiny Management Policy and Scrutiny Committee.

70. Report of Executive Leader and Executive Recommendations and Questions

A. Executive Leaders Report

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

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

- Cllr Gunnell – regular flood updates to Communities & Environment Scrutiny Committee
- Cllr Reid – how can York ensure that it benefits from HS2 and HS3
- Cllr Funnell – recent announcements regarding the lesser role of school parent governors

- Cllr Levene – concerns regarding the removal of parent governors from schools
- Cllr Levene – April meeting of Local Plan Working Group or miss Government deadline
- Cllr Levene – consultation on significant changes to Local Plan and effect on deadline
- Cllr N Barnes – exploration of Devolution options and consultation
- Cllr N Barnes – meeting end of March devolution deadline

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

[At this point in the proceedings the Lord Mayor vacated the Chair and the Deputy Chair took the meeting for the following item]

B Executive Recommendations

Community Stadium and Leisure Facilities

Cllr Steward moved, and Cllr Aspden seconded the following recommendation contained in Minute 83 of the Executive meeting held on 17 March 2016, circulated at the meeting:

83. Community Stadium & Leisure Facilities

Recommended: That Executive recommend Council approval of the following:

- (i) Agreement to proceed with the Community Stadium and Leisure Facilities Project.
- (ii) The Director of Customer and Business Support Services, in conjunction with the Leader and Executive Member for Leisure & Culture be authorised to complete all final negotiations and arrange execution of the following legal documents:
 - a) the Design, Build, Operate and Maintain contract (“DBOM Contract”) and ancillary documents to the DBOM Contract;
 - b) Freehold transfer of the land adjacent to the proposed South Stand of the NSLC (“Southern Block”);

- c) Agreement for lease of the East Stand Retail Units;
 - d) Agreement for lease of commercial space on first floor of the Southern Block;
 - e) Agreements for lease with the Community Partners.
- (iii) The approval of a total capital budget of £44.2m for the Project (as set out at table 2).
- (iv) Funding for the Project as set out below:
- a) £15.3m Stadium s106 contribution
 - b) £2.0m Football Club contribution
 - c) £1.2m Highways s106 contribution
 - d) £11.3m Commercial Capital Land Receipt
 - e) £13.4m Prudential borrowing
 - f) £1.0m Venture Fund
- (v) That additional borrowing of £5.4m, within the revised total Capital budget of £44.2m, is undertaken to fund the Project (as set out at paragraph 63 of the report).
- (vi) That the annual additional borrowing costs (£0.4m) relating to the prudential borrowing set out under recommendation (v) be included as a committed growth item in the 2017/18 Revenue Budget.
- (vii) That the Venture Fund be used to fund £1.0m of the capital expenditure which will be repaid from later years leisure revenue budget savings (as set out at paragraph 75 of the report).
- (viii) The use of the Venture Fund to manage early years deficits on the leisure revenue budget, up to a total of £0.3m. This to be repaid from later

years savings on the leisure revenue budget (as set out at paragraph 75).

- (ix) That £1.2m of the transport mitigation monies from the Vangarde Section 106 Agreement be used to fund the Project (further detail of which are set out at paragraph 58).
- (x) That £0.4m be used from the existing stadium capital budget for continued early design works through to DBOM Contract signature (“Financial Close”). This £0.4m will be netted off from the overall DBOM Contract capital cost set out in the report and is therefore not an additional cost.
- (xi) That the Commercial Development proposal be approved bringing the “Capital Land Receipt” and capital contribution to Stadium works to the Project (further detail of which are set out at paragraphs 32 - 41).
- (xii) That the freehold land transfer from the Council to the Investment Fund of the Southern Block is approved.
- (xiii) That the terms of Agreement for Lease of the East Stand Retail Units under which the Council will grant a 250 year lease to the Investment Fund be approved.
- (xiv) That the Director of Customer and Business Support Services, in conjunction with the Leader and Executive Member for Leisure & Culture be authorised, following further negotiations, to finalise and arrange execution of a 15 year lease with the Investment Fund for a portion of commercial space in the Southern Block (further detail of which are set out at paragraphs 42 - 43).
- (xv) That the Director of Customer and Business Support Services, in conjunction with the Leader and Executive Member for Leisure & Culture be authorised to complete all final negotiations and arrange execution of the Stadium Naming Rights Sponsorship agreement.

- (xvi) That the terms of the current Design Build Operate and Maintain (DBOM) Contract, as set out at paragraphs 22 - 29 be acknowledged and in relation to Yearsley Pool note the continuing Review which will be subject of a separate Executive report to be brought in Autumn 2016.
- (xvii) That the current anticipated Project timetable for delivery of the New Stadium and Leisure Complex (NSLC) in the report is acknowledged, as set out at table 7.
- (xviii) That the risks of the Project as set out in the report, that cover the period to reaching DBOM Contract signature and through the NSLC construction period and the ongoing operation of the full term of the DBOM Contract, are noted.¹

Reason: To progress with the Project and enter into all legal agreements to deliver NSLC and operation by Greenwich Leisure Ltd of the NSLC and the city's wider leisure facilities.

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

Resolved: That the above recommendations in respect of the new Community Stadium and Leisure Facilities be approved.¹

Action Required

1. Proceed with scheme and negotiations in conjunction with Leader and Executive Member. IF

71. Report of Deputy Leader and Questions

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

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

- Cllr Mason – Members continued input into review of ward committees
- Cllr N Barnes – subject Ward Committees to internal audit to ensure value for money
- Cllr Kramm –Ward Committees and additional funding to city centre wards
- Cllr Kramm – Economic Strategy and need for reliable C21st infrastructure
- Cllr Kramm –recent infrastructure failures in the city and a requirement for more reliability and resilience
- Cllr Levene – Local Plan and its relationship to York Central and the environment, need to bring forward to avoid missing deadlines
- Cllr Orrell – update on arrival of Syrian refugees in York and delay

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

72. **Motions on Notice**

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

(i) From Cllr Galvin

Flooding in the City

“Following the York Christmas floods, council puts on record its thanks to all council staff and emergency services for their work, and further notes the tremendous efforts of volunteers, including Mountain Rescue, York residents, businesses, the York floods Facebook group and those from outside York such as and the mosques from around the country all of whom contributed valuable help and support.

Council acknowledges and welcomes the assistance provided by other authorities, the willingness of the Government to deploy military resources and sandbags and its long-term additional £10 million of funding for the Foss Barrier.

Whilst welcoming the early announcement of an Independent Inquiry into the floods and without wishing to prejudice any conclusions resulting from said inquiry, council wishes to put forward three recommendations arising from York’s recent experiences:

- a) That at the appropriate time the council makes written representations to the Environment Agency regarding the need for more local and regional input into decision-making and programme development;
- b) The council strengthens its working relationship with North Yorkshire County Council regarding flood planning, with a particular emphasis on proposing a specific programme addressing the long-term development of steps which can be taken up river from York to mitigate extreme weather events; and
- c) To ensure that York accesses all possible funding avenues for both the Christmas floods and for future planning and that Executive lobbies government as appropriate.”

The first amendment was proposed by Cllr Flinders as follows:

Delete “and its long-term additional £10 million of funding for the Foss Barrier” and **insert** “While it welcomes additional funding after the recent flooding, Council expresses deep concern at the Government’s 14% reduction in Environment Agency funding despite being told in November 2015 that this could cost the UK £1.1 billion (Association of Drainage Authorities), and that according to the Office of National Statistics, Government flood spending has been reduced in real terms.”

Delete “put forward three” and **insert** “ask the Inquiry to consider four”

At the end of the motion, **insert:** “d) The council makes written representations to the Government stating its concern at past reductions in flood funding and expressing the need for a long-term funding settlement to ensure flood defences can be properly planned.”

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

A second amendment was proposed by Cllr Waller as follows:

Insert after “Barrier” “plus the additional £45m funding announced last week for 15 flood defence schemes in York and we look forward to further details on these.

Council recognises the need for consistent funding for flood defences which keeps pace with the rising pressures of Climate Change.”

Change “three” to “four” in the paragraph starting “Whilst welcoming....”

In the next paragraph **change** the “Environment Agency” to “DEFRA” and **insert** “long-term” after the word “more” and **insert** “by councils and the Environment Agency” after the word “input.”

In the next paragraph **insert** “recognises the success of the North Yorkshire Flood Risk Partnership in bringing together City of York Council, North Yorkshire County Council and further” after “The council” and **delete** the word “and” after “events.”

In the next paragraph **insert** the words “and welcomes the application for European Solidarity funding for the North of England after appropriate.”

Insert as point four “Council further agrees to lobby the government as appropriate on the reduction of funding for local authorities, cuts which will put at risk the capacity to respond to future flooding events and the provision of trained engineering staff to develop flood protection from river and surface flooding.”

On being put to the vote the amendment was CARRIED.

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

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

(ii) From Cllr Fenton

York and the EU Referendum

“Council notes:

The cross-party campaign for Britain to remain in the EU is supported by party leaders including David Cameron, Jeremy Corbyn, Tim Farron and Natalie Bennett

The campaign argues that we are stronger, safer and better off in Europe and the UK can more effectively tackle global threats – be it terrorism, cross-border crime or climate change – by working with our partners in the EU

More than 3 million jobs in Britain are linked to our trade with other EU Countries, including 350,000 jobs in Yorkshire

Major employers in York including the Chairman of Nestlé and Chief Executive of BT have called for Britain to stay in the EU

Around 70% of tourists visiting the UK come from the EU and the inbound tourism sector have consistently warned against Brexit

200,000 UK businesses, including many small businesses in York, trade with the EU

York and Yorkshire benefits directly from EU investment, which will include between now and 2020:

- £743million from 'Horizon 2020' for science in Yorkshire (more than any other UK region)
- £78million from the 'European Structural and Investment Fund' to support local economic growth and create jobs via the York, North Yorkshire, East Riding LEP

Council believes:

The interests of York's economy and the wider UK economy are best served by being within the EU

Brexit would be a leap in the dark for our local economy and could put at risk jobs and businesses in our city."

Council resolves:

To send a letter to Lord Rose, Chair of 'Britain Stronger In Europe', outlining our position that York and the UK are stronger, safer and better off in the EU."

Following Council's agreement in the absence of Cllr Williams, the amendment was proposed by Cllr Boyce, as follows:

*After "York, North Yorkshire, East Riding LEP" in the second bullet point, **insert** "and a further £338million via the Leeds City Region*

LEP. - A share of £125 million from the EU Solidarity Fund to deal with damage from flooding. - Up to £1.29 million of Community-Led Local Development European funding in deprived areas of York."

*After "businesses in our city" in the second paragraph under "Council believes", **insert** a new paragraph reading "However, Council also recognises the EU's flaws and believes that it needs to be more democratic, less bureaucratic, and go further to promote workers' rights and conditions, social justice and sustainable development."*

*In the final line under "Council resolves " **replace** "better off in the EU" with "better off in a social Europe based on democracy, workers' rights and conditions, social justice and sustainable development, and that we need to stay in Europe to change Europe."*

On being put to the vote the amendment was CARRIED.

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

Resolved: That the original motion, as altered by Cllr Boyce's amendment, be approved. ².

(iii) From Cllr D Myers

Protecting Local Decision Making motion

"Council notes with alarm the Department for Communities and Local Government's recent consultation on new, more restrictive guidelines on Councils' investment and procurement policies.

Council believes that this represents an attack on localism, local decision-making, and local democracy and accountability. This is directly contrary to the Government's claims to support localism, given a statutory basis by the Localism Act 2011, which holds that local authorities are best able to do their jobs when they have genuine freedom to respond to what local people want, not what they are told to do by government.

Council also believes that this is a further erosion of local authorities' ability to achieve their policy aims, in York for example, using procurement to encourage local supply chains, apprenticeships and the Living Wage, or using socially responsible

investment strategies to tackle climate change and its consequences such as flooding.

Council therefore resolves to oppose these new measures, including:

- Writing to the Secretary of State for Communities and Local Government to express Council's unequivocal opposition to the proposed changes; and
- Working with other local authorities, the Local Government Association, and other appropriate forums and partner organisations (such as local trade unions and community groups) who share these concerns to raise awareness of the implications of the proposed measures and to campaign against their introduction."

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

Resolved: That the motion be approved. ³.

At this point in the meeting, the guillotine fell and the following business was deemed moved and seconded. Where a proposer and seconder were before Council, at the time of the guillotine falling, details are listed below:

(iv) From Cllr D'Agorne

Transatlantic Trade and Investment

"Council notes that:

- The European Union (EU) and the USA launched negotiations in July 2013 on a Transatlantic Trade and Investment Partnership (TTIP);
- Negotiations continue, seeking to protect international investors, harmonise standards, reduce tariffs and open new markets throughout the EU and USA;
- Services within TTIP includes not just private but also public services
- There has been no assessment of the potential impact on local authorities and their services;
- There has been no scrutiny or consultation with City of York Council or other local government representatives such as the Local Government Association (LGA) and our local MPs

for York Central or York Outer are also unable to scrutinise the negotiating documents;

- Our twin municipality of Munster in Germany passed a resolution in 2014 to reject TTIP;
- Our twin municipality of Dijon in France passed a resolution in 2014 to ask for the full involvement of local authorities in free trade negotiations and public disclosure of all texts on the TTIP negotiations.

Council believes that:

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

Council resolves:

(i) That appropriate officers report to the Executive analysing the potential impact of TTIP upon the Council and its services, with a view to -

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

(ii) That any report to the Executive addresses the feasibility of and resource implications associated with:

- calling for a full assessment of the impact of TTIP on local authorities;
- joining with other local authorities that are opposed to TTIP across Europe and work with local campaigners to raise awareness about the potential impact of TTIP;
- developing local supply chains and business networks through better advertising and promotion of what local companies can provide;
- reviewing the council's own procurement policies to promote as much as possible the take up of locally produced and fair trade food;
- enhancing the support to York's diversity of small, independent and locally based shops;
- developing a Local Food Strategy for York in conjunction with the health service and producer groups in our region (including the promotion of local supply chains and networks, support for producers and feasibility studies into increasing the local production of high quality healthy food in the region)."

Cllr Cuthbertson moved, and Cllr Gillies seconded, reference of the motion to scrutiny for further consideration before reconsideration by Council, at a later date. On being put to the vote the reference of the motion was CARRIED and it was

Resolved: That Cllr D'Agorne's TTIP motion, be referred to scrutiny for consideration, prior to further consideration by Council. ⁴.

Action Required

- | | |
|--|--------|
| 1. Implement four recommendations arising from flood motion. | SW |
| 2. Send letter to Lord Rose on the lines stated. | SB, SS |
| 3. Send letter to SofS for Communities and Local Government and raise awareness on the lines stated in the motion. | SB, SS |
| 4. Refer to CSMC for consideration. | DS |

73. Questions to the Leader or Executive Members

As the guillotine had fallen earlier in the meeting Members were unable to question Cllr Steward and/or the Executive Members in respect of any matters within their portfolio responsibility.

74. Report of Executive Member

Council received a written report from Councillor Waller, Executive Member for the Environment, as set out in the agenda papers at pages 47 to 52.

As the guillotine had fallen earlier in the meeting Members were unable to question Cllr Waller on his report.

Resolved: That the report of the Executive Member for the Environment be received and noted.

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

Council received the report of the Chair of the Corporate and Scrutiny Management Policy and Scrutiny Committee, at pages 53 to 56 of the agenda papers, on the work of the Committee, since the last report to Council in December.

Resolved: That the scrutiny report be received and noted.

76. Recommendation of the Staffing Matters and Urgency Committee

Councillor Steward as Chair of the Staffing Matters and Urgency Committee, moved the following recommendation, from the Committee's meeting held on 1 February 2016, as set out at Minute 68, relating to the remuneration for Chief Officer appointments.

68. Organisational Review – Senior Management Arrangements within the City of York Council

Recommend: That Council approves a salary package for the Director of City and Environmental Services and the Director of Public Health which is in excess of £100,000, should it be necessary. ¹.

Reason: To allow for the appointments to be made.

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

Resolved: That the above recommendation of the Staffing Matters and Urgency Committee meeting held on 1 February 2016 be approved.

Action Required

1. Note salary package agreement, if required. MB

77. Pay Policy 2016/17

Consideration was given to a written report detailing the Council's Pay Policy Statement for 2016/17 relating to the pay of the Council's senior staff, to fulfil the requirements of Sections 38-43 of the Localism Act 2011.

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

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

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

78. Public Interest Report – City of York Trading Ltd

Council received a report submitted in response to the Public Interest Report issued by Mr Gareth Davies, the Council's external auditor, on 26 February 2016. The Council was legally required to consider the report and its recommendation within one month of issue.

Councillor Steward moved and Councillor Aspden seconded the following recommendations in relation to the report:

- Recommended: (i) That Members confirm their consideration of the Public Interest Report published by the Auditor.
- (ii) That Council note and endorse the proposed responses that CYC has made to the recommendations (set out from Para 19 of the report) and those that will be considered by the Executive.

- Reason: (i) It is a legal requirement for Members to consider the Public Interest Report.
- (ii) There is a legal requirement for the Council to respond to the Auditors recommendations.

Following full consideration it was

Resolved: That the recommendations set out in the Chief Executive's report set out above, be approved.

79. Appointments and Changes to Membership

Resolved: That the appointments and changes to membership of Committees and outside bodies, as set out in the updated list circulated at the meeting and in the republished papers online, be approved. ¹

Action Required

1. Update lists and inform relevant bodies. JP

Cllr Sonja Crisp

LORD MAYOR OF YORK

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

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City of York Council

Resolutions and proceedings of the Annual Meeting of the City of York Council held in the Guildhall, York on Thursday, 26th May, 2016, starting at 11.00 am

Present: The Lord Mayor (Cllr Sonja Crisp) in the Chair, during the first part of the meeting; the Lord Mayor Cllr Dave Taylor, in the Chair for the second part of the meeting and the following Councillors:

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

Hull Road Ward

N Barnes
Levene
Shepherd

Huntington and New Earswick
Ward

Cullwick
Orrell
Runciman

Micklegate Ward

Gunnell
Hayes
Kramm

Osbalwick and Derwent Ward

Brooks
Warters

Rawcliffe and Clifton Without Ward

Dew
Lisle
Rawlings

Rural West York Ward

Gillies

Strensall Ward

Doughty
Douglas

Westfield Ward

Hunter
Jackson
Waller

Wheldrake Ward

Mercer

Apologies for absence were received from Councillors Cannon and Steward

Also in attendance Honorary Aldermen Mrs M Bwye, C Hall, D Horton, K King, M Kirk, J Morley, B Watson, R Watson, I Waudby and D Wilde

1. 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. No further interests were declared.

2. Appointment of Lord Mayor

Councillor Andrew Waller moved, Councillor Lars Kramm seconded and the Council unanimously

Resolved: That Councillor Dave Taylor of 26 New Walk Terrace, York YO10 4BG, be elected Lord Mayor of the City of York for the ensuing municipal year.

3. Qualification of Lord Mayor

Councillor Dave Taylor signified Acceptance of the Office of the Lord Mayor of the City of York, subscribed the Declaration of such acceptance and took the Oath of Allegiance prescribed by the law in that behalf.

4. Appointment of Sheriff

Councillor Ian Gillies moved, Councillor Johnny Hayes seconded and Council unanimously

Resolved: That Mr Jonathan Tyler, of 11 Sandringham Street York, YO10 4BA, be appointed Sheriff of the City of York for the ensuing municipal year.

5. Qualification of Sheriff

Mr Jonathan Tyler made and subscribed the Declaration of Acceptance of Office of Sheriff for the City of York Council and took the Oath of Allegiance prescribed by law in that behalf.

6. Appointment of Deputy Lord Mayor

Councillor Dave Taylor as Lord Mayor moved, Councillor Janet Looker seconded and the Council unanimously

Resolved: That Councillor Sonja Crisp, of 88 Manor Drive North, Holgate, York YO26 5RY be appointed Deputy Lord Mayor for the ensuing municipal year.

7. Qualification of Deputy Lord Mayor

Councillor Sonja Crisp made and subscribed the Declaration of Acceptance of Office of Deputy Lord Mayor for the City of York Council and took the Oath of Allegiance prescribed by law.

8. Lady Mayoress's Chaplain

The Lord Mayor advised Council that the Lady Mayoress had appointed Reverend Canon Dr Christopher Collingwood to serve as her Chaplain during her year of office.

9. Sheriff's Chaplain and Under Sheriff

The Sheriff advised Council that he had appointed Carol Robinson to serve as his Chaplain and Ms Deborah Taylor to serve as his Under Sheriff during his year of office.

10. Vote of Thanks to Outgoing Lord Mayor and Consort

Councillor Chris Cullwick moved, Councillor Fiona Derbyshire seconded and Council unanimously

Resolved: That the Council express its sincere thanks to the outgoing Lord Mayor and Lady Mayor's Consort for their services to the City during the past municipal year.

11. Vote of Thanks to Outgoing Sheriff and Sheriff's Lady

Councillor Julie Gunnell moved, Councillor Suzie Mercer seconded and Council unanimously

Resolved: That the Council express its sincere thanks to the outgoing Sheriff and Sheriff's Lady for their services to the City during the past municipal year.

12. Formal Business of Council - Allocations to Seats and Appointments to the Council Structure and Outside Bodies 2016/17

With reference to the recommendations contained in paragraph 13 of the report at page 6 of the Council papers, Councillor Aspden moved the recommendations, which were seconded by Councillor Carr, namely the appointment of a Council Leader, Deputy Leader and the allocation of places and Councillors to Committees and other bodies for 2016/17, as shown in the republished papers circulated at the meeting.

It was then

Resolved: That Council

- (i) Agree the allocation of seats in accordance with Annex A circulated at the meeting and republished online;
- (ii) Approve the nominations to Committees, other bodies and outside bodies, including the appointment of Chairs and Vice-Chairs to Committees, at Annex B, as circulated at the meeting and set out online in the republished papers for the meeting.
- (iii) Note the appointments made to the Executive for 2016/17.
1.

Reason: To fulfil the Council's statutory requirements.

Action Required

1. Update website and inform outside bodies accordingly.

JP

13. Appointment of Chief Executive

Following the recent interviews held by the Chief Executive Appointments Panel, consideration was given to the making of a formal appointment of a new Chief Executive of the City of York Council.

Resolved: That Mary Weastell be formally appointed as the Chief Executive and Head of Paid Service of the City of York Council on a start date to be agreed.

Cllr Dave Taylor
LORD MAYOR OF YORK

[The meeting started at 11.00 am and concluded at 12.20 pm]

LEADER'S REPORT TO COUNCIL - JULY 2016

I will begin by paying tribute to my predecessor, Cllr Steward, and to thank him for his excellent leadership of the Council during the past year. It is an honour and privilege for me to succeed him as Leader of the Council and I am delighted that he will continue to make a major contribution to the Council as Executive Member for Finance and Performance.

EU REFERENDUM

I accept that comment in this forum is usually confined to matters specifically relating to York - matters the Council can actually influence directly. However, the recent referendum on leaving or remaining in the EU is such a major decision and with potentially far-reaching consequences for all communities that I believe it is right to make a brief reference to it.

Whichever side we as individuals voted for, the decision to leave the EU is clear, with 52% of voters expressing that wish. That is the democratic choice of the people and we must respect that decision and act accordingly. I have been dismayed by the reports of hate-crime following the referendum; the sporadic instances of deeply insulting behaviour directed at others, whether immigrants or otherwise. Here in York, all four group leaders have recently issued a joint statement strongly condemning such behaviour.

As politicians we should now do what we can to reduce negativity on both sides and to bring people together in the best interests of the UK. This country is one of the most successful in the world; with our creativity, our inventiveness, our world-class businesses, our strong economy, and our sense of social justice and fair play. We have a fully functioning government with a new Prime Minister and I am confident that our country has a bright future ahead of it.

LOCAL PLAN

Our revised draft Local Plan has just gone out to public consultation for an 8 week period. This is a sound Plan based on the best expert evidence of population growth and household formation. I believe it reflects the views of the majority of York's residents in providing the right balance between providing much needed homes and jobs, and protecting the natural environment and the heritage of York. We are encouraging residents to make their views known during this consultation period, not only to register their concerns but to say where they support the Plan also.

For those members who are concerned about us meeting the Government's timetable for submission of the Plan, I would like to confirm we are fully on

course to meet the deadline of Spring 2017. This administration's re-working of the Plan has been an extended process since residents were clearly not happy with the previous Labour administration's emphasis on extreme levels of development - something which was clearly demonstrated in last year's election results - but we now have a Plan which is realistic and deliverable and which I believe will be supported by most residents.

YORK CENTRAL

I am pleased to announce that the York Central project took a significant step forward when a Memorandum of Understanding was signed on 8th July by the Rt Hon James Wharton, Minister for the Northern Powerhouse and all the development partners including Network Rail, the National Railway Museum, the Homes and Community Agency and Local Enterprise Partnerships to facilitate the delivery of a project which, with its potential to create 8,000 jobs and provide 1500 homes and 1 million square feet of business space, is pivotal to the future of York, the region, and I think without overstating the case, the entire North of England.

But public consultation and the engagement of local residents is also extremely important with a project of this size and complexity. To that end, earlier this year, an initial public consultation was held comprising a number of bespoke events and a Holgate ward committee meeting on 11th February. A total of over 1200 responses were received and a report detailing the findings was presented to Executive on 14th July. There will be ongoing public consultation as the project progresses and a York Central Community Forum is being established to enable the views of the local community to be heard and acknowledged.

BUS SERVICES

As members will have noted, at the last meeting of the Executive, we agreed a strategy for making budget savings on subsidised bus routes. We listened to what the public had to say during the consultation period and decided to alter our original budget savings plan in order to maintain certain routes where need was greatest. Without repeating all that was said at Executive, I would emphasise yet again to residents that it is not sustainable to pay hard-earned council taxpayers money for bus operators to run empty buses all over the city. The Council simply cannot support every uneconomic service and more service reviews are likely to be necessary in future. So the message must be 'use it or lose it'.

PRIVATE SECTOR HOUSING STRATEGY

The reviewed Private Sector Housing Strategy was approved by Executive at its 30th June meeting. With 86% of the city's housing stock in private ownership (both owner-occupied and rented), the strategy has a number of aims, principal amongst which are; to encourage and support owner-occupiers to maintain safe homes; to encourage private landlords to provide safe and well-managed properties; to facilitate independent living amongst the elderly and disabled and to enable more sustainable homes by improving energy efficiency. As part of this strategy, the Council has given a positive response to the recent government consultation on its proposal to extend licensing of houses in multiple occupation to smaller HMOs , ie those of less than 3 storeys and /or fewer than 5 occupants. Government's intentions with regard to regulating that sector of the housing market are awaited.

Cllr David Carr

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City of York Council

Extract from Committee Minutes

Meeting	Executive
Date	19 May 2016
Present	Councillors Aspden (Vice-Chair), Ayre, Brooks, Carr, Gillies, Runciman and Waller
Other Members participating in the meeting	Councillors D'Agorne and S Barnes
In attendance	Councillor Cuthbertson
Apologies	Councillors Looker and Steward

Part B - Matters Referred To Council

153. Delivery of Community Facilities at the Burnholme Health & Wellbeing Campus

[See also Part A minute]

Consideration was given to a report which sought consent to commence the delivery of the Burnholme Health and Wellbeing Campus to secure a viable future for the former Burnholme Community College site.

Officers highlighted the key risks to the delivery of the project, in particular the failure to secure consent to dispose of Area C to the south of the site and failure to secure consent to the use of the redundant school buildings which were both outside the authorities control.

Officers confirmed that the enabling works to facilitate and expedite the delivery of the project by around six months.

Following further discussion it was

Recommended: That Executive recommend that the estimated £981,000 of costs for the enabling works and the access road needed to facilitate the development of the Care Home are added to the Capital Programme with the costs initially being funded from capital held for the use of

the Older Persons' Accommodation Programme and subsequently being paid back from the capital receipt received from the disposal of development land on the Site. ¹.

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

Action Required

1. Refer to Council.

JP

Cllr K Aspden, Chair

[The meeting started at 5.30 pm and finished at 6.45 pm].

City of York Council

Extract from Draft Committee Minutes

Meeting	Executive
Date	30 June 2016
Present	Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Rawlings, Runciman, Steward and Waller
Other Members participating in the meeting	Councillors D'Agorne and Looker
In attendance	Councillor Cuthbertson

Part B - Matters Referred to Council

16. Capital Programme Outturn 2015/16 and Revisions to the 2016/17 - 2020/21 Programme

Consideration was given to a report which set out the capital programme outturn position, including any under or overspends, overall funding of the programme and an update on the future years programme.

It was noted that the report showed an outturn of £41.505m compared to an approved budget of £51.538, an overall variation of £10.033m, made up from requests to reprofile budgets and adjustments to schemes detailed in the report.

The variances for individual department were also reported together with the restated capital programme at Table 3.

Officers reported on the capital schemes both completed and underway to deliver the Council's priorities.

Recommended: That Council agree the restated 2016/17 to 2020/21 programme of £221.594m as summarised in Table 3 and detailed in Annex A of the report.

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

17. Financial Strategy Update 2016/17 to 2020/21

Members considered a report which presented an update to the Financial Strategy 2016/17 to 2020/21 and set out the outline process for the 2017/18 to 2021/22 Financial Strategy.

Owing to the uncertainty of the current process by which the Government confirmed funding to Council's, authorities had been offered a 4 year funding settlement if they published an Efficiency Plan prior to 14 October 2016.

Officers confirmed that the Financial Strategy had been used as the general direction for the Plan, however there was still a need for flexibility, as issues arose, however the Plan would improve stability and medium term planning.

Recommended: That Council agree the adoption of the Efficiency Plan 2016/17 to 2019/20 as set out in Annex 1 of the report.

Reason: In order to achieve the proposed savings and efficiencies set out in the Council's Financial Strategy and Efficiency Plan and protect priority areas and key statutory safeguarding services.

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 7.25 pm].

City of York Council

Extract of Draft Committee Minutes

Meeting	Executive
Date	14 July 2016
Present	Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Rawlings, Runciman, Steward and Waller
Other Members participating in the meeting	Councillors Looker and Craghill
In attendance	Councillors Crisp and Cuthbertson

Part B - Matters Referred to Council

28. Children and Young People in Care: York's New Strategy 2016-2020

Members considered a report which presented the new Children in Care Strategy 2016-20 and sought Council endorsement of the strategy which had been developed on the basis of consultation and input from children and young people in care, council colleagues and multi-agency partners. The report also detailed the new partnership arrangements which would provide strategic leadership across agencies responsible for commissioning and providing services for children in care in York.

Officers drew Members' attention to the "Aspire to More" project that had been carried out by Show Me That I Matter.

Members noted that a young persons' version of the strategy was also to be produced. It was agreed that all Members of Council should receive a copy of the strategy.

Members expressed their support for the Children in Care Strategy and stressed the importance of ensuring that there was a collective commitment to the strategy. The Council's responsibility to Looked After Children was of the highest priority.

Members paid tribute to the work carried out by foster parents and wished to place on record their thanks to them.

- Recommended: (i) That Council endorse the Children in Care Strategy 2016-2020 (Annex 1 of the report).
- (ii) That Council note the introduction of new strategic partnership arrangements and strengthened leadership to ensure the progress and delivery of the strategy be noted.

Reason: To endorse the new children in care strategy.

29. Demonstrating Progress on the Older Persons' Accommodation Programme

[See also Part A minutes]

Members considered a report that provided an update on the Older Persons' Accommodation Programme and which demonstrated the changing supply and demand for older persons' accommodation with care up to 2020. The report also sought consent to:

- Move forward with plans for the re-development of the Lowfield school site, beginning with public engagement regarding use and design.
- Open negotiations to purchase land adjacent to Haxby Hall in order to facilitate the examination of options for its future.
- Consult on the closure of a further Older Persons' Home in the autumn of 2016 and another one in the first half of 2017, in accordance with the Moving Homes Safely Protocol.

Recommended: That, in respect of Haxby Hall, provision of up to £600,000 be made within the Capital Programme to meet the acquisition and legal costs as well as to fund demolition, enabling and related works, drawing upon capital held for the use of the Older Persons' Accommodation Programme.

Reason: To allow the development of options for the future of Haxby Hall as part of the Older Persons' Accommodation Programme.

Cllr Carr, Chair

[The meeting started at 5.30 pm and finished at 8.40 pm].

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Deputy Leader's Report - July 2016

I would like to begin by thanking Steve Stewart for all his work as Acting Chief Executive. Our new permanent Chief Executive, Mary Weastell, will be starting in the role in August and I look forward to working with her.

Local Plan

Last month, our new Local Plan proposals were agreed by Executive. There will now be an 8-week consultation where we want to hear feedback from local residents, businesses, and organisations.

Our evidence-based proposals seek to provide the housing York needs, but protect the character and setting of our city. The main changes from the plans brought forward under the previous administration are a reduction in land for green belt development of over 50%, which is supplemented by the removal of so-called safeguarded land.

Our projections are in line with York's independently-assessed housing need, taking account of completed sites, sites with permission and supplemented by windfalls (sites which come forward during the plan period). Overall, the proposals will deliver land for at least 8,277 homes for the period up to 2032 and 2,450 homes for the period 2032 and 2037. I would like to thank officers for all their work in producing the proposals and encourage everyone to have their say in the coming weeks.

Budget Underspend 15/16 and City Vision

A report agreed at June's Executive showed that the Council came in £876,000 under its £119million revenue budget for the financial year 2015/16. Given the ongoing national funding cuts and budget pressures, we agreed to put the majority of this into contingency; however, we did decide to fund the following projects to support our key priorities:

- Recycling (£30,000) - Launch a Community Recycling Fund to support projects and voluntary groups across the city as part of our ongoing ambition to make York the "Greenest City in the North".
- Pupil Premium/ Narrowing the Gap (£15,000) - A citywide project to support work to narrow the gap between disadvantaged children and their peers, including the launch of a York "Pupil Premium toolkit" to help share best practice.
- City Ambassadors (£25,000) - Work with the BID to support the launch of an Ambassador scheme offering visitors and residents a friendly welcome to the city-centre, as part of our support for the early-evening economy.
- Jobs Fair (£10,000) - Work with partners to deliver up to 2 further citywide jobs fairs as part of our ongoing efforts to help York residents access employment and training opportunities, in addition to more targeted sector-specific activity.

In June, Cllr David Carr and I presented our revised 12 Point Plan (Progress and Next Steps) to the Corporate and Scrutiny Management Policy and Scrutiny Committee (CSMC). This plan showed the progress we have made since last May. Key achievements have been the re-introduction of Ward Committees with an increased budget, the bringing back of winter green bin collections, and the new cross-party pre-decision scrutiny system.

The focus in the coming 12 months, which is represented in the new City Vision (to be tabled at the Executive, 14 July 2016) will remain on frontline services with the roll-out of 94 extra bins, new LED streetlights and a £2.7million investment in road repairs. Work will obviously focus on a new Local Plan, the One Planet York initiative and other major projects such as Burnholme and York Central.

Senior Management Review

Executive agreed last month a reorganisation of the Council's senior management structure. We originally agreed to commence a review last June and for a minimum of £150,000 saving to be achieved from that review. The proposed changes will achieve a £230,000 reduction in salary costs by removing one Assistant Director post (which ended 31 March 2016) and a Director post.

Economic Strategy and Employment Figures

The Council has worked with around 100 partners citywide to create a new economic strategy for the city. It focuses on eight main targets:

1. Deliver York Central.
2. Deliver a Local Plan that supports a high-value economy.
3. Take practical steps to develop and retain talent in the city.
4. Drive real University and research led growth in high-value sectors.
5. Lobby for investment in future transport networks.
6. Use local business rates freedoms to drive economic growth.
7. Make a positive statement of York's cultural identity to drive economic growth.
8. Bring businesses together in low cost ways.

The latest employment news was positive for York. Figures released by the Office for National Statistics showed a 35.4% fall in the number of people claiming Job Seekers Allowance (JSA) in York over the last year. I am particularly pleased that the number of young people (aged 18-24) claiming JSA has also fallen by 60% in the last year.

Flood Awards and Flood Inquiry

The Council worked with *The Press* to set-up the recent flood awards with the new York & District Medal presented to residents and organisations for their work during and after Boxing Day. I would like to say a huge thank you to everyone who won on the night, and all those who helped deal with the floods across York. The city showed real community spirit in the most testing of conditions.

In June, we also ran a series of public meetings as part of the flood inquiry. These gave an opportunity for those affected by the flooding to detail their personal experience and address issues such as whether the warnings were sufficient, their experience of the emergency response and whether communications were effective. Two additional sessions will take place in September.

One Planet York

The One Planet York initiative was officially launched at the York Festival of Ideas in June. This was a hugely successful event with numerous organisations and businesses showcasing practical action being taken, including Yorkshire Water, Native Architects, Novalux LED Ltd, Nestle, First York, Sustrans, Better Homes Yorkshire and Edible York.

The One Planet York programme supports our ambition for York to become the Greenest City in the North. In the coming months, we plan to lead by example by becoming a One Planet Council as we aim to boost recycling, cut carbon emissions, and increase the use of renewable energy. My colleague Cllr Andrew Waller is leading on this work and will be bringing forward a range of policy papers at his Decision Session on August 1st.

Play Equipment

In May, I approved an updated play policy 'Taking Play Forward' and as part of this £265,000 of funding for playground improvements in 2017/18. Around £30,000 has already been allocated towards the replacement skatepark in Rowntree Park.

We are now inviting suggestions for schemes from children, young people, parents or carers. The consultation was launched in the summer edition of Shine with 16,000 free copies having been distributed to all schools in York and I look forward to see the results of the consultation.

Armed Forces Covenant and Parish Carter

I was delighted to recently be appointed as the Council's Armed Forces Champion, due to my role as Portfolio Holder for Community Engagement. In June Cllrs Taylor, Carr, Boyce and myself attended the re-signing of the York Community Covenant Agreement. This recognises the hard work and sacrifice of our armed forces, and the re-signing was particularly pertinent this year given the role armed forces played in helping deal with the Boxing Day floods.

In May, I also signed the York Parish Charter between the Council and the 31 parish and town councils. Parish councils are the grass roots of our local democracy and play an invaluable role across York.

If members have any questions on the content of this report or would like further information then please email me on cllr.kaspden@york.gov.uk

Cllr Keith Aspden

Report to Council from Cllr Carol Runciman

Portfolio Holder for Adult Social Care and Health – July 2016

Mental Health Provision

1. CYC staff are working closely with Tees, Esk and Wear Valleys NHS Foundation Trust (TEWV) and have attended the consultation sessions run in York to discuss future plans for the delivery of Mental Health Services in the area. I have recently received the feedback from those events in which the public's concerns and priorities were made clear. These included improved waiting times for assessment, the importance of early intervention, the importance of services being located within York and maximising the contribution of partners. Partnership working was emphasised throughout. CYC will continue to contribute as TEWV's plans develop.
2. A report entitled 'Building the Right Support', which looks at transforming services for people of all ages with a learning disability and/or autism who display behaviour that challenges, including those with a mental health condition, has recently been considered by the Health and Wellbeing Board (HWBB) and after revision, has been submitted to NHS England. Once again, it lays considerable emphasis on the importance of partnership working.

Mental Health, Young Adults

3. Having visited both Sycamore House and Castlegate recently to see the very valuable services provided in both places, it is good to report that plans to create a more joined up service for young people and adults are well underway. Early help that is accessible, appropriate and easily available and is located in the city centre is important, and will continue to be a priority for this administration.

Older People's Accommodation

4. Plans for both the Burnholme and the Lowfield site are progressing. The Burnholme site had well attended local consultation sessions and similar sessions will be taking place in the near future to enable the local community to express their views about the Lowfield site. It is a priority of this administration to bring accommodation for older people in the city up

to acceptable standards as well as those required by the Care Quality Commission; whilst supporting those who wish to live in their own homes for as long as it is possible to do so. To do this, we need new provision to be available, working in partnership with the independent sector so that together we can ensure sufficient beds are available within the city.

A Dementia Friendly City

5. Working with the Dementia Action Alliance, plans are underway to appoint a Dementia Co-ordinator to ensure that York is acknowledged as an exemplar of good quality services for people with dementia. This includes raising awareness of the condition, reviewing the support available, understanding how people can live well with dementia and ensuring that health, social care and independent and voluntary sector teams can work well together. As life span is extended, more and more people will need such support - by 2020 there are expected to be 2,988 people over the age of 65 living with dementia in York and by 2025, 3,503 people. It is important that they along with other older people are respected and valued in our communities.

Adult Social Care Provision and commissioned services

6. There have been a large number of services based in the community that have been commissioned over the years and it was timely for these to be reviewed. I am pleased to report that this process is underway and will see a rationalisation of 150 contracts to approx 30. This has been an enormous piece of work, requiring careful attention to detail with a strong awareness of the needs of the vulnerable people who use such services. There are many excellent providers of such services, some national and some very local and it is hoped that the continuation of such services can be maintained but in a more manageable way. Without the partnership of independent and voluntary sector, provision for those in need would not be possible.

Establishment of a permanent Public Health Team

7. Permanent appointments have been made to the posts of Director of Public Health and Assistant Director of Public Health; this post is in conjunction with North Yorkshire County Council. All contracts that sit within the public health budget are under review, including services such as alcohol and smoking reduction. A draft alcohol strategy is out for

consultation at this time. It is important to note that a strong and effective public health team is an essential part of any strategy to help residents understand and manage their own health and in supporting people to remain independent for as long as possible.

Children's Health Team

8. The transfer of Health Visitors and School Nurses from the NHS to CYC has been completed and was achieved successfully. The new staff have attended induction sessions to enable them to understand better the workings of a local authority and their role within it. The next challenge is to tackle the issue of the large number of children's paper records held by the team and bring in a new e-system that staff can use.

Workforce Development

9. A successful multi-agency workforce conference has been held to identify shared challenges in relation to the adult health and social care workforce in York and to identify joint approaches and solutions. An action plan has been developed to tackle four themes that have emerged, including recruitment and retention of staff. (The other themes are; Improving the Image and Reputation of Care, Developing Career Pathways and Supporting Positive Risk Management).
10. The Adult Services Directorate has been awarded the Government's Customer Excellence Standard in which all the directorate's service teams were scrutinised. This included Customer Advice and Assessment, Long Term Assessment, Older Person's Services, Occupational Therapy, Learning Disabilities and Mental Health, Hospital Discharge and Reablement, Safeguarding and Commissioning. The Independent Inspector considered evidence of putting customers at the heart of everything, work to engage the public in the way services are delivered and considered how feedback is used to improve services further. This is an excellent result for the staff in Adult Social Care (ASC).
11. It is also pleasing to note that 83% of staff have had Personal Development Reviews (PDRs) completed and the department aims next year to make that 90.

Mystery Shopper Exercise

12. Between October 2015 and January 2016 the Association of Directors of Adult Social Services (ADASS) Yorkshire & Humberside Experts by

Experience conducted a regional mystery shopping exercise on behalf all the local authorities across the region focussing on Access to Services. In CYC, ratings across 6 areas of customer facing provision show significant improvement.

Scenario	2015/16 Rating	2014 Rating	2013 Rating	2012 Rating
Telephone	EXCELLENT	GOOD	GOOD	FAIR
Website	EXCELLENT	GOOD	FAIR	GOOD
Face to Face	GOOD	GOOD	GOOD	FAIR
Reception	GOOD	GOOD	EXCELLENT	UNSATISFACTORY
Out of Hours	EXCELLENT	GOOD	UNSATISFACTORY	GOOD
Safeguarding Access	EXCELLENT	GOOD	GOOD	N/A

Better Care Fund

13. Work continues to try to resolve the issues around the Better Care Fund (BCF). Recently the Chief Executive, the Director of ASC and I, alongside representatives from the Vale of York Clinical Commissioning Group (CCG), visited the Department of Health to discuss a way forward. The Department of Health recognised the exceptional pressures facing us in York and agreed to extend the deadline for submission up to 29th July, so as not to undermine the progress being made.
14. It was agreed that officers from the Vale of York CCG and the Council would aim to complete the submission by 8th July and to submit a report to the HWBB on 20th July for consideration. This deadline for the report to HWBB has not met as the CCG have altered scheme details and their funding requirements which have not yet been included in the final draft, but as things stand, this would mean the programme was out of balance. Although we understand the extremely difficult financial context faced by the CCG the failure to conclude BCF negotiations does have an impact upon the reputation of York including the council. We are engaging directly with National Health Service England/Local Government

Association (NHSE/LGA) about the concerns in relation to the inability to conclude negotiations in a timely manner due to the CCG's financial deficit.

15. In future I hope that it will be a priority to bring budgets together and ensure services are jointly planned, commissioned and delivered. This would help avoid duplication of activity and be a more efficient way of working to bring effective and efficient services to our local residents.

Joint Strategic Needs Assessment and Joint Health and Well-Being Strategy

16. Work on the refresh of the Joint Strategic Needs Assessment (JSNA) is underway and a steering group has been established. Consultation has begun with different groups on the priorities and the aim is to reach as many people and organisations as possible. The steering group are working on a business case with a number of different options for what the new JSNA might look like and a proposal will be considered by the Health and Wellbeing Board in due course. In addition, two open sessions will shortly be held on the Joint Health and Well-Being Strategy. Some of the priorities that are being raised at present include mental health, dementia care and student health, which was not included in the previous JSNA but will be in the forthcoming revision. A needs assessment around student health is being undertaken as part of the JSNA.
17. It has been a time of hard work and application to important issues, some of which have not been addressed for some time. I would like to thank all those involved in both ASC and Public Health for everything they have done and will be doing as the many changes in both directorates come into effect in future months. The long term sustainability of good health and social care Services is the aim of all involved.

Cllr Carol Runciman
July 2016

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

July 2016

1. This report is submitted by the Chair of Corporate & Scrutiny Management Policy & Scrutiny Committee (CSMC), in accordance with the constitutional requirements set out in Standing Order 4.2.1 (i) to update Council on scrutiny work and to set out any recommendations such as may be made to Council in relation to that work.
2. The next meeting of Corporate & Scrutiny Management Committee will consider how the Scrutiny function of the Council is carried out. This piece of work has been ongoing for some time, partly due to the uncertainty around the planned senior management restructure. Recent developments on this issue should give Scrutiny members greater clarity over the options and I hope members will be able to agree a way forward as details emerge for the new council management structure.
3. However, regardless of how Scrutiny committees are structured, and indeed, the specific individuals involved, we need to give greater consideration as to how Scrutiny can be better involved in making and delivering council decisions.
4. I would like to welcome Mary Weastell to her new role as Chief Executive, and invite her to meet with myself as Chair of CSMC, the Vice Chair, and Scrutiny Officers, to discuss how we can improve the relationship between Scrutiny members, Executive members, and Senior Officers.
5. While there has been some recent progress, there are still improvements that can be made. In particular, how Scrutiny members are updated about policies and services are being developed, and are able to contribute to their development. While the structure of Scrutiny is a factor in this, the culture and attitudes in which it operates is perhaps of greater importance and needs to be addressed. I hope this is something all members and officers can commit to working towards.

Finance and performance

6. Since the last report to Council on 24 March 2016 the four standing scrutiny committees have all received the year end Finance and Performance monitoring reports. CSMC will consider their end of year report at their meeting on 25 July.

Attendance of Executive Members

7. Since the last report to Council the majority of the Executive Members have attended the June and July rounds of Policy & Scrutiny Committee meetings to outline the priorities and challenges within their portfolio areas for this municipal year. The Executive Member for Finance and Performance is scheduled to attend the 25 July meeting of CSMC and the Executive Member for Housing & Safer Neighbourhoods the September meeting of the Economic Development & Transport Policy & Scrutiny Committee.

Call-ins

8. In May 2016 the Economic Development & Transport Policy & Scrutiny Committee considered a pre-decision call-in of the delivery of reductions in the subsidised bus service budget in the city, CSMC considered the pre-decision call-in of the private Sector Housing Strategy and the Learning & Culture Policy & Scrutiny Committee considered a pre-decision call-in of the Play Policy Review.

Corporate & Scrutiny Management Policy & Scrutiny Committee

Petitions

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

Scrutiny Work

10. CSMC has met twice since the last report to Council. In May 2016 members considered an update report on plans and progress of implementation of the Council's My Account system and digital inclusion and a Briefing paper on the Transatlantic Trade and Investment Partnership (TTIP) following a motion to Council.
11. In June 2016 Members considered a pre-decision report on the Guildhall project and the annual scrutiny report. They also considered topics for review during the municipal year including elements of the TTIP motion to support the work of One Planet York.

Communities & Environment Policy & Scrutiny Committee

12. The Committee has met twice since the last report to Council. In June Members received a report on riverside improvements and a scoping report on a new review to look at ward funding and commissioning. A

decision was taken to proceed with the review and a task group was formed.

13. Earlier this month, the Committee met again to receive a bi-annual performance update from Safer York Partnership (SYP). The North Yorkshire Police Deputy Commander for York was in attendance to discuss the Police's contribution to the work of the SYP. The Committee also received updates on CYC's draft Alcohol Strategy and the Housing Planning Act. Finally the Committee considered the draft final report arising from their Housing Allocations scrutiny review which will feed into the ongoing Allocations Service Development officer review.

Economic Development and Transport Policy & Scrutiny Review

14. This committee has met three times since the last report to Council. In May 2016 the committee received a report from the managing director of Make It York on the first anniversary of the launch of the organisation. Members also received six-monthly update reports on Major Development within the city and Major Transport Initiatives.
15. In June 2016 they welcomed the Executive Members for Economic Development & Community Engagement and Transport and Planning to explain their priorities and challenges for the coming year.
16. In July 2016 they received the Executive Member for Environment and considered an interim report on the Grass Verges Scrutiny Review and a scoping paper on a potential scrutiny review into the impact of the arts and culture sectors on economic development in the city.

Health & Adult Social Care Policy and Scrutiny Committee.

17. This Committee has met five times since the last report of this nature. In April 2016 the Committee considered a major item around the closure of Bootham Park Hospital including the NHS England Reflections, Learning and Assurance Report on the transfer of services between Leeds & York Partnership FT and Tees, Esk & Wear FT; the initial conclusions of the committee's independent expert adviser and Healthwatch York's report: Bootham Park Hospital: What next for mental health in York? A Scrutiny Review into the Bootham Park Hospital closure is ongoing.
18. Also in April 2016 the Committee received update reports on Wheelchair Services in York; Elderly Persons' Homes and the Better Care Fund. They also considered an assurance report on the relocation of Hull Road Surgery, the six-monthly monitoring report on Residential, Nursing and Homecare Services and considered the Vale of York Clinical

Commissioning Group's Sustainability and Transformation Plan.

19. In May 2016 the Committee considered an update report on Musculoskeletal Services in the city, the six-monthly Healthwatch performance report and a report on the Vale of York Clinical Commissioning Group's turnaround plans.
20. In June 2016, in addition to welcoming the Executive Member for Health & Adult Social Care, the Committee received a report detailing Be Independent's end of year position and a verbal update on the Bootham Park Hospital scrutiny review.
21. Finally, in July 2016 the Committee considered the Annual Assurance Report on Safeguarding Vulnerable Adults, a report from Tees, Esk and Wear Valleys NHF Foundation trust on consultation for a proposed new mental health hospital in York, a position report on the Health Child Service and a pre-decision report on the re-procurement of substance abuse services.

Learning & Culture Policy & Scrutiny Committee

22. This Committee has met twice since the last report to Council. In June they received a bi-annual partnership delivery plan update from York Museums Trust. They also considered a number of topic proposals and agreed to proceed with a review of Play opportunities across the city.
23. The Committee met again earlier this month to receive an introductory report on the York pilot for 30 hours free childcare for working families. The Committee will receive further updates on this as the pilot progresses. They also considered a scoping report for their proposed scrutiny review on play opportunities.
24. Work continues on the committee's ongoing scrutiny review of the Tour de France.

Cllr Levene

City of York Council

Extract from Committee Minutes

Meeting	Audit & Governance Committee
Date	10 May 2016
Present	Councillors N Barnes (Chair), Dew (Vice-Chair), Cullwick, Fenton, Gunnell, Kramm and Lisle
Apologies	Mr Mendus and Mr Bateman

Part B - Matters Referred to Council

76. Matter Referred from Executive - Public Interest Report City of York Trading

Members considered a resolution which had been referred by the Executive to the Audit and Governance Committee on 28 April 2016. The resolution requested that the Audit and Governance Committee gave consideration to proposed changes to the Council Procedure Rules and the Council's Webcasting Protocol.

Officers clarified that, if the proposed amendment to the Council Procedure Rules was adopted, rule 14.7 would read "*In exercising his or her public participation rights a member of the public is entitled to express views, positive or negative, about the performance of the Council but must not:*

- *Say anything which is defamatory or discriminatory;*
- *Make any personal attack on an officer;*
- *Disclose confidential or exempt information including personal information".*

Members gave consideration to the Protocol for Webcasting, Filming and Recording of Council Meetings, as detailed at Annex 2 of the report to the Executive. Members suggested that if a decision was taken to edit any webcast or filmed material the reason for the editing should be stated.

Recommended: (i) That the proposed amendment to Council Procedure Rule 14.7 be adopted.

- (ii) That paragraph 7 of the existing “Protocol for Webcasting, Filming and Recording of Council Meetings” be revised to read *“The Chief Executive will, in consultation with Group Leaders, make the final decision on editing any webcast or filmed material to be broadcast or published in connection with any Council meeting. The reason for any decision to edit a webcast or filmed material will be published.”*

Reason: In order to address the recommendations highlighted in the Public Interest Report.

77. Scheme of Delegations

Members considered a report which sought their views on changes to the Officer Scheme of delegations.

Officers stated that the review of the Scheme of Delegations was part of the ongoing review of the Council’s Constitution.

Members were informed that the majority of powers covered by the Officer Scheme of Delegations related to executive functions although some significant non-executive functions were also covered, including planning and licensing functions. For this reason the new scheme of delegations required the approval of the Leader in so far as it related to executive functions and Full Council in respect of non-executive functions. The Leader and Deputy Leader had requested the views of the committee on the draft scheme.

Members gave particular consideration to paragraph 1.7 of the draft scheme, which detailed the circumstances in which a director may refer a matter to Full Council, the Executive, a committee of the Council or an Executive Member.

Members were invited to submit any further comments to the Monitoring Officer prior to the publication of the agenda for the Full Council meeting on 21 July 2016.

Recommended: That the scheme of delegations, as detailed at Annex A of the report, be adopted.

Reason: To ensure that an appropriate scheme of delegation is in place.

Councillor N Barnes, Chair
[The meeting started at 5.30 pm and finished at 7.35 pm].

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Officer delegations and Proper Officer Functions

Part A - Officer Delegations

1. General Principles of Officer Delegations

- 1.1 The delegations set out below apply both Executive functions and non Executive functions.
- 1.2 Functions delegated to officers are to be exercised in compliance with other parts of the Constitution (including the restrictions on use of delegated powers set out in section 9 of this part of the Constitution) and in accordance with the budget and policy framework.
- 1.3 Functions delegated to officers shall also be exercised having full regard to:
 - Any advice given by the Chief Executive,
 - Any financial advice given by the Director of Customer and Business Support Services in his capacity as Chief Finance Officer appointed under section 151 of the Local Government Act 1972,
 - Any legal advice given by the Monitoring Officer, and
 - Any statutory codes or guidance, and any policies or protocols as may be approved by the Council and Executive.
- 1.4 “Function” is to be construed broadly and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.
- 1.5 A Director is not required to exercise all delegations personally and may authorise officers of suitable experience and seniority to exercise delegated powers on his/her behalf. A Director must maintain a list of all such authorisations, as part of a comprehensive Directorate Scheme of Delegation.

- 1.6 The fact that a function is delegated to a Director under this scheme does not preclude the Executive or an Executive Member (for Executive functions) or the Council or a Committee (for non-executive functions) from exercising the function in question
- 1.7 A Director may refer any matter to Full Council, the Executive, the appropriate Committee of the Council or the Executive Member for decision at their discretion. A Director should exercise this discretion if in his or her opinion:
- the matter is of significant political impact and where Members might be expected to be accountable to the electorate for the decision;
 - it is a matter of substance relating to a key or significant project;
 - where significant risks have been identified in proceeding with the issue;
 - where there is a significant deviation from the original intention of a proposal previously reported to Members
 - the decision could have significant consequences for another directorate.
- 1.8 Directors have responsibility to report to Council, Executive, the appropriate Committee or Committee Chair or appropriate Ward Members matters that are of particular significance where that body or person is not required to make a decision but where it is proper for them to be aware of the position.
- 1.9 Functions delegated by reference to job titles or posts which have changed will continue in force and shall be exercised by officers whose duties include or most closely correspond to the duties of the post originally referred to (including those holding the post on an acting or interim basis).
- 1.10 In the absence or the unavailability of an officer, any function delegated to that officer may be exercised by an Officer acting as their deputy either generally or in relation to a particular service area.

2. Powers of the Chief Executive

- 2.1 The Chief Executive is the Head of Paid Service and has authority over all Chief Officers.
- 2.2 To exercise the powers delegated to any Director or other members of staff so far as the law allows.
- 2.3 To take such immediate action as he/she considers necessary to implement the Council's peace time emergency planning scheme
- 2.4 To undertake any other functions necessary for the carrying out of the role of the Chief Executive.
- 2.5 To act as the Council's Returning Officer and Electoral Registration Officer
- 2.6 The Chief Executive or his/her nominated deputy has the power to take any decision, including a key decision, in a situation where the matter is so urgent that it does not allow time for a report to be considered by Council, the Executive, the relevant Executive Member or the appropriate Committee. Wherever possible, in the case of any key decisions, such decisions shall be made in consultation with the Leader or the Deputy Leader. The decision shall be reported to the next appropriate and available meeting.

3. Deputy Chief Executive

- 3.1 The Council will designate one of the Directors as the Deputy Chief Executive for the time being. Such designation shall carry with it the delegation to exercise all and any of the Chief Executive's specific delegated functions, during any period where the Chief Executive is absent in the sense that he/she is not in a position to exercise the powers of Chief Executive, for example due to sickness, incapacity, or being out of contact in the case of emergency.

4. Powers of the Directors

- 4.1 Details of the Council's Directors indicating their general areas of responsibility will be recorded in this Constitution.

- 4.2 All Directors have the power to take decisions in relation to the discharge of the Council's and the Executive's functions within their area of responsibility and which have not been reserved to Council, the Executive and Executive Member or a Committee.

Note that this delegation is subject to the general provisions and limitations set out in this Constitution.

- 4.3 Each Director shall have all the powers and duties delegated other staff within his/her portfolio so far as is legally permissible.

5. Powers of Staff

- 5.1 All staff shall be delegated all those powers necessary to carry out those functions specified in their respective job descriptions, subject to the general provisions and limitations set out in this Constitution.

- 5.2 All staff will have delegated authority required to:-

- (a) Effectively manage and promote the services for which they are responsible;
- (b) Exercise the functions delegated to Officers under the Financial Procedural Rules and to let contracts in accordance with Contract Procedure Rules;
- (c) Exercise all functions delegated under the Officer Employment Procedure Rules and to manage all staff in accordance with the Council's Policy and Procedures

6. Monitoring Officer and Chief Finance Officer

- 6.1 The functions of the Monitoring Officer and Chief Finance Officer are set out below. The Council will provide the Monitoring Officer and Chief Finance Officer with such offices, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

6.2 The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service

6.3 The Council has appointed the Assistant Director of Governance and ICT as the Monitoring Officer

6.4 **Functions of the Monitoring Officer**

The powers and functions of the Monitoring Officer are:

- (a) to maintain an up to date version of the Constitution and ensure that it is widely available for consultation by Members, staff and the public. This responsibility includes the power to make such amendments to the Constitution and related documents as may be necessary. Such changes should not include any changes of substance but be restricted to changes which the Monitoring Officer considers are required to reflect and take account of changes in legislation, guidance, Council policy and decisions of the Council and the Executive or are drafting changes and/or improvements;
- (b) to report to Full Council (or to the Executive in relation to an Executive function) after consulting with the Head of Paid Service and Chief Finance Officer, if he/she considers that any proposal, decision or omission would give rise to unlawfulness or to maladministration. Such a report will be sent to all Members of the Council and will have the effect of stopping the proposal or decision being implemented until the report has been considered;
- (c) to contribute to the corporate management of the Council, in particular by providing professional legal advice;
- (d) to contribute to the promotion and maintenance of high standards of conduct and ethics through provision of support to the Joint Standards Committee;
- (e) to jointly advise with the Chief Finance Officer whether the decisions of the Executive are in accordance with the budget and policy framework;

- (f) in conjunction, where necessary, with the Chief Finance Officer, to provide advice to all Councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues;
- (g) where necessary, in conjunction, with the Chief Finance Officer, to exercise powers of sanction and intervention where he or she considers that any proposal, decision or omission would give rise to unlawfulness or maladministration or otherwise contravene the corporate governance interests of the authority;
- (h) As solicitor to the Council the power to;
 - (i) take any action intended to give effect to a decision of the Council, the Executive, a Committee of the Council or an Officer.
 - (ii) institute, defend, participate in, settle or withdraw from any legal or other proceedings or procedures in any case where such action is necessary to give effect to decisions of the Council, the Executive, a Committee of the Council or an Officer or in any case where he/she considers that such action is necessary to protect the Council's interests.
 - (iii) to authorise Council employees to conduct legal matters in court
 - (iv) to take any action remitted to him/her under corporate procedures, 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.
 - (v) in consultation with the Chair of the Joint Standards Committee the power to grant dispensations allowing Members to participate in meetings where they have a disclosable pecuniary or prejudicial interest in the business being considered at the meeting.

7. Functions of the Chief Finance Officer

7.1 The Council has appointed the Director of Customer and Business Support Services as the Chief Finance Officer.

7.2 The functions of the Chief Finance Officer are:

- (a) to report to the Full Council (or to the Executive in relation to a Executive function) after consulting with the Head of Paid Service and the Monitoring Officer and send a copy of the report to all Members of the Council and to the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure or is unlawful and is likely to cause a loss or deficiency or if the Council (or the Executive) is about to enter an item of account unlawfully;
- (b) to be responsible for the administration of the financial affairs of the Council;
- (c) to contribute to the corporate management of the Council, in particular by providing professional financial advice.
- (d) to provide advice to all Councillors on the scope of powers and authority to take decisions, maladministration in relation to financial matters, financial impropriety, probity and budget and policy framework issues and to support and advise Councillors and staff in their respective roles (in liaison, as necessary, with the Monitoring Officer);
- (e) where required by law or authorised by the Council, to provide financial information to the media, members of the public and the community.
- (f) where necessary, and in conjunction with the Monitoring Officer as appropriate, to exercise powers of sanction and intervention when he or she considers that any proposal, decision, omission or course of action is likely to incur unlawful expenditure or otherwise contravene the corporate governance interests of the Council.

8. Statutory Scrutiny Officer

- 8.1 The statutory scrutiny officer cannot be the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer.
- 8.2 The Council has appointed the Head of Civic and Democratic Services as the Statutory Scrutiny Officer
- 8.3 The functions of the statutory scrutiny officer are:
- (a) to promote the role of the authority's overview and scrutiny committee or committees;
 - (b) to provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees;
 - (c) to provide support and guidance to—
 - (i) members of the authority,
 - (ii) members of the executive of the authority, and
 - (iii) officers of the authority,in relation to the functions of the authority's overview and scrutiny committee or committees

9. Restrictions on use of delegated powers

Note: All delegated decision must be in compliance with the Constitution including the budget and policy framework, financial procedure rules and the contract procedure rules

Financial thresholds

- 9.1 An Officer may not make a key decision unless specifically authorised to do so under this Constitution or by the Executive
- 9.2 An Officer may not award a contract with a value exceeding £250K except where the contract is treated as a routine procurement in accordance with the Contract Procedure Rules

Planning Powers

- 9.3 An Officer may not exercise a power in respect of a planning matter where the power to take the particular decision is specifically delegated under this Constitution to the Planning Committee or Planning Sub Committee
- 9.4 An Officer may not authorise the issuing of a planning enforcement or stop notice without consultation with the Chair and Vice Chair of the Planning Committee. Such consultation shall not be required where urgent or immediate action is required.
- 9.5 An Officer may not determine a planning application which a Councillor has requested be determined by Committee unless the Director of City and Environmental Services or the Assistant Director (Planning and Transport) has consulted the Chair and Vice Chair of Planning Committee and, following that consultation, has agreed to the matter being determined under delegated powers.
- 9.6 An Officer may only designate or refuse to designate an area as a neighbourhood area under the Localism Act 2011 where the application for designation has been made by a Parish Council for the designation of the whole Parish and no objection has been received to the application.

Licensing functions

- 9.7 An Officer may not exercise a Council function in respect of a licensing matter where the function has been specifically reserved under this Constitution to Council, a Committee or a Sub Committee

Executive functions

- 9.8 An Officer may not exercise an executive function where the relevant Executive Member or the has reserved the power to him or herself by giving written notice to the officer holding the delegated power or to the Chief Executive

Legal Action

- 9.9 An Officer may only commence legal proceedings in accordance with an approved enforcement policy or with the approval of the Assistant Director of Governance and ICT

Part B- Proper Officer Functions

1. Meaning of Proper Officer Functions

- 1.1 Certain legislation requires the Council to designate a particular Officer as “Proper Officer” for the performance of certain functions.
- 1.2 The following officers are designated to perform the functions of Proper Officer in relation to the matters set out below in the following tables:

Local Government Act 1972

No.	Section	Duties	Proper Officer
1	42	To receive notice in writing of a request for an election on casual vacancy occurring in the office of a Parish Councillor.	Chief Executive
2	83 (1)	To receive the declaration of acceptance of office by the Lord Mayor, Deputy Lord Mayor, Sheriff or Councillor of the Council.	The Monitoring Officer or in his/ her absence the Democratic Services Manager.

No.	Section	Duties	Proper Officer
3	83 (3)	To witness the declaration of acceptance of office by the Lord Mayor, Deputy Lord Mayor, Sheriff or Councillor of the Council.	The Monitoring Officer or in his/ her absence the Democratic Services Manager.
4	84	To receive written notice of resignation from any officer under the Local Government Act 1972.	The Monitoring Officer or in his/ her absence the Democratic Services Manager.
5	88 (2)	To convene a meeting of the Council for the election of Chairman of the Council on a casual vacancy occurring.	The Monitoring Officer or in his/ her absence the Democratic Services Manager.
6	89 (1) (b)	To receive written notice of a casual vacancy in the office of a Councillor from two local government electors.	The Monitoring Officer or in his/ her absence the Democratic Services Manager.
7	146 (1)(a) (re: transfer of securities of a company in the name of a local authority)	To make statutory declarations as to the securities and the change of name and identity of an authority on the transfer of those securities into the new name of the authority	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.

No.	Section	Duties	Proper Officer
8	146(1)(b) (re: transfer of securities of a company in the name of a local authority)	To give a certificate confirming that a local authority has become entitled to securities, dividends or interest standing in the name of the name of another local authority.	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.
9	151	Officer responsible for the proper administration of financial affairs.	Director of Customer & Business Support Services
10	191 (2)	To receive applications concerning surveying under section 1 of the Ordnance Survey Act 1841.	Director of City and Environmental Services
11	210 (6) and (7)	Duties relating to charities.	Head of Finance

No.	Section	Duties	Proper Officer
12	225 (1)	To receive and retain such documents as are specified by the Standing Orders of the House of Commons, or any enactment or instrument, in the manner and for the purpose directed and to make such notes and endorsements thereon and to give such acknowledgments and receipts in respect thereof as may be so directed.	The Monitoring Officer
13	229 (5)	To give a certificate in legal proceedings that a document is a photographic copy of a document or any part of a document which is in the custody of, or has been destroyed while in the custody of a Local Authority.	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.
14	234 (1)	To sign on behalf of the Authority any notice, order or other document which the Authority is authorised or required to authorise or required to give, make or issue.	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.

No.	Section	Duties	Proper Officer
15	238	To sign a certificate endorsed on a printed copy of any byelaws (relating to the authenticity of the byelaws).	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.
16	Schedule 12 Para 4 (3)	To receive written notice from a Member that the summons to a meeting of the Council shall be sent to some other address other than his/her place of residence.	The Monitoring Officer or in his/ her absence the Democratic Services Manager.
17	Schedule 14	To certify resolutions of the Council under Public Health Acts 1875-1925.	The Monitoring Officer
18	Schedule 16 (28)	To receive on deposit lists of buildings of special architectural or historic interest under section 54 (4) of the Town & Country Planning Act.	Director of City and Environmental Services

No.	Section	Duties	Proper Officer
19	Schedule 29 Para 41 (3)	Substitution of Proper Officer for Clerk of Council in section 9 (1) of Registration Services Act 1953- the determination of a Deputy to become Interim Superintendent Registrar or Interim Registrar of births and deaths if the latter ceases to hold office.	Assistant Director (Communities & Neighbourhoods)
20	Schedule 29 Para 41 (4)	<p>Substitution of Proper Officer for Clerk of Council.</p> <ol style="list-style-type: none"> 1. In section 9 (2) of Registration Service Act 1953- appointment of Interim Superintendent Registrar or Registrar of births and death were no Deputy. 2. In section 13 (2) (h) details of running of service hours in business Superintendent Registrars. 3. In section 13 (3) (b) general supervisory powers over administration of Registration Service Act. 	Assistant Director (Communities & Neighbourhoods)

No.	Section	Duties	Proper Officer
21	Schedule 29 Para 41 (5)	Substitution of Proper Officer for Clerk of Council in section 20 (b) of Registration Service Act 1953-prescription of duties in regulation of Clerks of Council under Registration Acts.	Assistant Director (Communities & Neighbourhoods)
22	Section 100 b (2)	Excluding from inspection by Members of the public, the whole or part of any report which in his/her opinion is likely to be excluded from consideration in public at a Council, Executive, Committee or sub Committee meeting.	The Monitoring Officer or in his/ her absence the Democratic Services Manager.
23	Section 100 B (7)	Deciding whether or not a newspaper should be supplied with copies of any documents supplied to a Member of the Council other than the agenda, report and statement, or particulars indicating the nature of the agenda items.	The Monitoring Officer or in his/ her absence the Democratic Services Manager.

No.	Section	Duties	Proper Officer
24	Section 100 C (2)	Making (without disclosing exempt information) a written summary to provide Members of the public with a reasonable fair and coherent record of the whole or part of the proceedings where part of the minutes of the meeting are not open to the public because they disclose exempt information.	The Monitoring Officer or in his/ her absence the Democratic Services Manager.
25	Section 100 d (1) a & 5 (a)	Compilation of lists of background papers and identification of background papers.	Chief Executive & Corporate Directors (each Corporate Director for their service reports)
26	Section 100 d	Papers not open to inspection by Members.	Chief Executive & The Monitoring Officer

The Highways Act 1980

No.	Section	Duties	Proper Officer
1	Section 205 (5) (re: private street works)	To certify a copy of the resolution of the Local Authority approving the specifications, estimates and apportionment and a copy of those documents for keeping on deposit open to public inspection.	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.
2	Section 210 (2) (re: private street works)	To certify a document giving details of the amendment of any estimate and consequential amendment of any apportionment for keeping on deposit open to public inspection.	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.

Representation of the People Act 1983

Para	Section	Duties	Proper Officer
1	Section 35	To be the Returning Officer for elections of Councillors of the City	Chief Executive

1.3 The Chief Executive shall act as proper officer in any other circumstances



Council

21 July 2016

Report of the Monitoring Officer

Officer Scheme of Delegations

Summary

1. This report seeks Members' approval to a revised scheme of delegations to Officers.

Background

2. The Council's scheme of officer delegations forms part of the Constitution. So far as it relates to executive decision making the scheme is the responsibility of the Leader. Most Council decisions are executive decisions. In respect of those functions which are non-executive including the determination of planning and licensing applications, the scheme is the responsibility of full Council.
3. The proposed scheme has been considered by the current and former Leader and by the Deputy Leader. Before finally approving the scheme in relation to executive decision making the Leader has agreed to await the outcome of debate at Council
4. At their meeting held on 10th May 2016 Audit and Governance Committee recommended approval of the new draft scheme of delegations but invited Members of the Committee to make any further comment to the Monitoring Officer before the publication of the Council agenda. The report and supporting documents for that meeting are available here:
<http://modgov.york.gov.uk/ieListDocuments.aspx?CId=437&MIId=9646&Ver=4>
5. Comments have been received which have resulted in some minor changes to the draft scheme highlighted in the scheme annexed to the Audit and Governance Committee minutes.

6. Since the meeting of the Committee discussions have also taken place in relation to the call in scheme for planning applications. This is the scheme under which Members can request that applications which would otherwise be dealt with under Officer's delegated powers can instead be presented to Members.

7. It is proposed that the new call in provisions will be as follows:

The request to bring an application to the Planning Area Sub-Committee must be made:-

- i. by the Ward Councillor for the site of the application , and*
- ii. in writing to the Director of City and Environmental Services, the Assistant Director Development Services, Planning & Regeneration or Head of Development Services and Regeneration, and*
- iii. within the consultation or reconsideration period, and*
- iv. include the planning reason(s) for the request. (for the avoidance of doubt matters such as the loss of a private view, loss in value of a property or 'to allow the matter to be heard in a public arena' would not constitute valid planning reasons.*

If Council agrees this wording will replace the wording considered by Audit and Governance Committee and set out in paragraph 9.5 of the draft scheme annexed to the Audit and Governance Committee minutes.

8. It is important to achieve the right balance between the cases which are determined by Officers and those being presented to Committee. Councils' performance in handling planning applications is subject to considerable scrutiny and poor performance can lead to Ministerial intervention. The delays inherent in taking cases to Committee affect that performance. The proposed wording seeks to strike the right balance; in particular by ensuring that there is a local connection between the Councillor and the application being called in.

Analysis

9. An appropriate scheme of delegations is essential if decision making is to be both lawful and effective. There is a need to strike a balance between the requirement for efficient operational decision making against the desirability of ensuring political oversight of decisions for which Members may be held to account by the electorate. Audit and Governance Committee have considered and approved the scheme as presented with the exception of the new provisions in respect of the call in of planning applications.

Council Plan

10. Effective schemes of delegation support good governance and the delivery of the council's priorities.

Implications

11. **Legal** – as the report indicates the Leader is responsible for the allocation of executive decision making functions. Council is responsible for the allocation of non- executive decision making functions. The revised scheme of delegations will form part of the Council's constitution.

Risk Management

12. In approving a scheme of delegations the Council need to achieve a balance between the risk of hampering effective operational decision making by having too restrictive a scheme against the risk of loss of effective control, including political control, by having too loose a scheme. Specific risks in relation to planning are described in the body of the report.

Recommendations

13. Further to the recommendation of Audit and Governance Committee Members are asked:
 - a) approve the scheme of delegations annexed to the Audit and Governance Committee minutes in so far as it relates to non-executive functions;
 - b) agree to the substitution of the wording set out in paragraph 7 above relating to planning call arrangements for the wording which

appears in paragraph 9.5 of the draft scheme of delegations attached to the Audit and Governance Committee minutes.

c) ask the Monitoring Officer to make the necessary constitutional changes.

Reason: To ensure the Council maintains and updates it's Scheme of Delegation appropriately.

Contact Details

Author and Chief Officer responsible for the report:

Andy Docherty
Assistant Director
Telephone: 01904
551004

Report Approved

Date

11th July 2016

Specialist Implications Officers

Not applicable

Wards Affected: Not applicable

All

For further information please contact the author of the report

Background Papers

None

City of York Council	<i>Extract from Draft Committee Minutes</i>
Meeting	Audit & Governance Committee
Date	22 June 2016
Present	Councillors N Barnes (Chair), Dew (Vice-Chair), Cuthbertson, Fenton, Flinders and Lisle Mr Mendus and Mr Bateman
Apologies	Councillor Kramm

Part B - Matters Referred to Council

10. Annual Report of the Audit and Governance Committee

Members gave consideration to the draft Annual Report of the Audit and Governance Committee for the year ended 13 April 2016, prior to its submission to Full Council.

Recommended: That the Annual Report of the Audit and Governance Committee for the year ended 13 April 2016 be received.

Reason: To enable the Committee to fulfil its role in providing assurance about the adequacy of the Council's internal control environment and arrangements for managing risk and for reporting on financial and other performance.

11. Contract Procedure Rules Update

Members gave consideration to a report which set out proposed changes to the current Contract Procedure Rules.

The proposed changes were mainly for clarification and were in response to concerns and queries that had arisen since the current Contract Procedure Rules had been in use.

In response to questions from Members, officers gave details of tendering arrangements that were in place and of the efforts that were made to encourage local companies to register in this process.

Recommended: That the revised Contract Procedure Rules be approved.

Reason: To ensure appropriate governance of the Council's purchasing activity.

Councillor N Barnes, Chair

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

ANNUAL REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE

PURPOSE OF THE REPORT

To provide Members of the council with details of the work of the Audit and Governance Committee covering the year to 13th April 2016. The report also details how the Audit and Governance Committee has fulfilled its terms of reference.

BACKGROUND

The Audit and Governance Committee is responsible for overseeing the council's corporate governance, audit and risk management arrangements. The Committee is also responsible for approving the Statement of Accounts and the Annual Governance Statement. The functions of the Audit and Governance Committee are set out in Section 7, Part 3C of the Constitution. A copy of the list of the Committee's responsibilities is attached at **Appendix 2** for information.

The Chartered Institute of Public Finance and Accountancy (CIPFA) has issued guidance to local authorities to help ensure that audit committees are operating effectively. The guidance recommends that audit committees should report annually on how they have discharged their responsibilities.

TRAINING

The Committee has continued to receive a number of training sessions during 2015/16 in order to assist the Committee in effectively fulfilling its responsibilities. These included:

- An Introduction to the work of the Audit & Governance Committee
- Statement of Accounts training session
- Various briefing/ demonstration sessions on Project Management
- A Training session provided by Bevan Brittan on the Audit Committees role, purpose and terms of reference, as well as the role of others, standards and codes of conduct, Access to information and use of social media amongst other items.
- Treasury Management training
- Risk Management training

WORK UNDERTAKEN

The Audit and Governance Committee has met on seven occasions in the year to 13th April 2016. During this period, the Committee has assessed the adequacy and effectiveness of the council's risk management arrangements, control environment and associated counter fraud arrangements through regular reports from officers, internal audit and the external auditors, Mazars. The Committee has sought assurance that action has been taken, or is otherwise planned, by management to address any risk related issues that have been identified by auditors or inspectors during this period. The Committee has also sought to ensure effective relationships exist between internal and external auditors, inspection agencies and other relevant bodies.

The specific work undertaken by the Committee is set out below by subcategory.

Risk

1. The Committee received a number of update reports on the key corporate risks for the Council during the year, along with the refreshed Key Corporate Risk Register 2015.
2. Members also received a paper presenting the council's Risk Based Verification Policy which the Committee approved.

Internal Audit and Counter Fraud

3. The Committee received and considered the results of internal audit work completed during the period and monitored the progress made by management to address identified control weaknesses.
4. Received, considered and approved the initial Internal Audit and Counter Fraud plan along with a number of update reports on the progress made throughout the year.
5. Received a report informing Members about potential fraud risks that the Council is exposed to, and proposed counter fraud activity to address those risks.
6. Considered a report which sought member's views on the priorities for internal audit for 2016/16, to inform the preparation of the Internal Audit plan.
7. Received the Annual Report of the Head of Internal Audit which

summarised the outcome of audit and fraud work undertaken in 2014/15 and provided an opinion on the overall adequacy and effectiveness of the council's internal control arrangements. Members scrutinised the significant control issues highlighted in the report and noted that these were reflected within the Annual Governance Statement.

External Audit

8. Received and considered a report presenting an audit review of the Elderly Person's Home Project, carried out by Mazars, along with an action plan developed by the Council in response to the key findings in the report.
9. Members also received a report detailing the findings of a review by Mazars of the programme and project management arrangements for the transformation programme.
10. Received a report from Mazars presenting the outcomes from the objection and closure of the 2013/14 audit.
11. Received and considered Mazars Audit Strategy Memorandum which set out the audit plan in respect of the audit of the Council's Financial statements for 2015/16 along with the Value for Money audit plan. The report summarised the audit approach, highlighted significant audit risks and provided details of the audit team.
12. Received and considered the Annual Audit Letter which summarised the outcome of the 2014/15 audit carried out by Mazars on the annual accounts and work on its value for money conclusion.. Members noted the findings of the audit contained in the report.
13. Received regular reports on the progress made by Mazars in meeting their responsibilities as the Council's external Auditor. The Committee were also kept updated on key emerging national issues and developments
14. As part of the Audit Progress report in April Members noted that Mazars had issued a Public Interest Report on governance issues in relation to City of York Trading Ltd (CYT) which was considered by Council on 26th February
15. Received and considered an Audit Completion report from Mazars

which summarised their audit conclusions for the year ended 31 March 2015.

Treasury

16. The committee continued the role of scrutinising the council's treasury management strategy and policies and considered both strategy statements and update reports during the year .
17. Members received and considered the annual treasury management strategy statement and prudential indicators for 2015/16, and also later considered a mid year review report updating members on the performance for the first six months of the year.
18. At Members' request, a report was also presented on Pension Investment in Fossil Fuels. This report was in response to a Council motion of 8 October 2015 which required a report to be presented to the Committee detailing York's current direct and indirect investments in fossil fuels, including current investment by North Yorkshire Pension Fund.
19. Members later received the Treasury Management Strategy Statement for 2016/17 to 2020/21. At the request of members the report also contained information on the Ethical Investment Policy.

Governance and Statement of Accounts

20. Considered and approved the Annual Governance Statement for 2014/15, noting that action plans would be put in place to address each of the significant governance issues identified. The Committee received various update reports from officers during the year on the progress that had been made on each of the items identified as significant governance issues.
21. Considered the Annual report of the Audit & Governance Committee prior to its submission to Full Council.
22. Initially considered a draft pre audited version of the Statement of Accounts for 2014/15 in June before approving the Final audited Statement of Accounts in September.

Democratic Governance

23. The Committee have received a number of reports related to Democratic Governance throughout the year including:
24. A Consultation report on Governance Issues. The new Council leadership wanted policy and scrutiny committees to have the opportunity to debate and make recommendations on matters requiring an executive decision before a final decision is taken. The report presented to members sought their views which were then fed back to Executive. The report also asked Members to consider further changes to /council Procedure Rules.
25. A report was presented which asked the Committee to give further consideration to the introduction of a Deputy Leader's report to Council. At a previous meeting members had considered the principle of introducing such a report and this paper put forward a specific proposal for consideration
26. A report presenting an update on actions being taken to progress the recommendations arising from the Local Government Association (LGA) peer reviews.

Other

27. At each meeting the Committee has maintained a rolling Forward Plan for meetings a year in advance, to ensure that its responsibilities are discharged in full and appropriate reports are scheduled to be brought by officers on a timely basis.
28. Received two progress reports providing Members with updates on the latest information governance developments.
29. At the Committees request received a report on Programme on Project Management outlining the arrangements in place in respect of project management to ensure transparency in general, but particularly in respect of projects with commercial sensitivities. The Committee also received a further follow up report later in the year providing information on the work the Council is carrying out to strengthen project and programme management.
30. Received a report presenting the statistics about the council's application of the Regulation of Investigatory Power Act 2000 (RIPA) which also described the council's progress in completing

the recommendations made following the most recent inspection by the Office of the Surveillance Commissioner (OSC).

31. Received a report presenting members with an update on the progress in delivering the Older Persons' Accommodation Programme
32. Members received a report providing an update on the Council's progress and performance in responding to Freedom of Information requests and scrutinised the contents.

Summary

33. The Audit & Governance Committee have considered a large number of reports during 2015-16 in carrying out their responsibility for overseeing the council's corporate governance, audit and risk management arrangements and providing assurance that the Council's financial and governance procedures are effective. The Committee has also carried out its duty in scrutinising the Statement of Accounts and Annual Governance statement prior to approval, alongside overseeing the appointment of two new independent co-opted members to the Committee for the upcoming year.

Cllr Neil Barnes
Chair of the Audit & Governance Committee

Part 3 C of the Constitution (Council Committees and Other Bodies)

7.1 The functions of the Audit & Governance Committee are:

No.	Delegated authority	Conditions
	Audit	
1	To consider the annual report and opinion of the Head of Internal Audit. The report should include a summary of internal audit activity in the relevant period and the level of assurance that can be given over the control environment and corporate governance arrangements at the Council	
2	To consider periodic reports from the Head of Internal Audit detailing the summary findings and the main issues arising from internal audit work.	
3	To consider reports dealing with the management and performance of the Internal and External Audit functions.	
4	To review the effectiveness of Internal Audit and the Committee itself on an annual basis.	
5	To consider reports of the Head of Internal Audit detailing the progress made by management to address control weaknesses identified by Internal or External Audit.	
6	To consider the action plan arising from the Annual Letter of the External Auditor.	With respect to the Annual Letter being first considered and accepted by the Executive
7	To consider all other relevant reports received from the External Auditor as scheduled in the forward plan for the	

No.	Delegated authority	Conditions
	Committee or otherwise requested by Members.	
8	To comment on the scope and depth of external audit work and ensure it provides value for money.	
9	To liaise with the Audit Commission over the appointment of the Council's External Auditor.	
10	To approve the Internal Audit Strategy	
11	To approve the Annual Plans of the Internal Audit Service and the External Auditor.	
12.	To commission work from the Internal Audit Service and External Audit with regard to the resources available and the existing scope and breadth of their respective work programmes and the forward plan for the Committee.	Subject to budgetary provision.
Governance & Regulatory		
13.	To keep under review the Councils contract procedure rules, financial regulations, working protocols and codes of conduct and behaviour (not otherwise reserved to the Joint Standards Committee).	
14	To review any relevant issue referred to it by the Chief Executive, S151 Officer, the Assistant Director (Financial Services)), the Monitoring Officer, the Head of internal Audit or any other Council body.	
15	To consider the effectiveness of the Councils arrangements for corporate governance (including information governance).	
16	To monitor the effective development and operation of risk management arrangements across the Council.	

No.	Delegated authority	Conditions
17	To assess the effectiveness of the Councils counter fraud arrangements including the Whistle blowing policy and other relevant counter fraud policies and plans.	
18	To consider the Councils compliance with its own and other relevant published regulations, controls, operational standards and codes of practice.	
19	To bring to Full Council all proposals for amendment to this Constitution submitted by Members in accordance with this Constitution.	Subject to the advice of the Assistant Director of Governance and ICT.
	Annual Governance Statement and Accounts etc	
20	To approve the Statement of Accounts and the Annual Governance Statement.	
21	To consider the External Auditors report to those charged with governance on issues arising from the audit of the accounts.	
22	To scrutinise the Treasury Management Strategy and Monitoring Reports.	
	General	
23	To meet informally with the External Auditor and the Head of Internal Audit on a periodic basis to discuss audit related matters.	
24	To report on the discharge of the Committees responsibilities under the Constitution to Full Council on an annual basis.	
25	To maintain and participate in a programme of training relevant to the activities and responsibilities of the Committee	

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City Of York Council

Extract from Committee Minutes

Meeting	Corporate and Scrutiny Management Policy and Scrutiny Committee
Date	13 June 2016
Present	Councillors Levene (Chair), Fenton, Galvin (Vice-Chair), Crisp, Gates, Lisle, Reid, Williams and D'Agorne

Part B - Matters Referred to Council**9. Draft Annual Scrutiny Report 2015-16**

Members gave consideration to the draft Annual Scrutiny Report 2015-16, prior to the report being presented to Full Council in July 2016.

It was noted that paragraph 11 should be amended to read "... the Task group was reformed in June **2015**".

Recommended: That the Annual Scrutiny Report for the period June 2015 to May 2016 be approved subject to paragraph 11 being amended to read "*...the Task Group was reformed in June **2015***".

Reason: To ensure that Council receives an Annual Scrutiny Report in accordance with Constitutional requirements.

Councillor D Levene, Chair
[The meeting started at 5.30 pm and finished at 7.45 pm].

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Corporate & Scrutiny Management Policy & Scrutiny Committee

13 June 2016

Report of the Assistant Director of Governance & ICT

Draft Annual Scrutiny Report 2015-16

Summary

1. This Draft Annual Scrutiny Report summarises the work of the five Policy & Scrutiny Committees for the municipal year June 2015 – May 2016, and asks Members to agree the report prior to its presentation to Council in July 2016.

Background

2. This committee is charged with monitoring overall performance in relation to scrutiny work and providing an Annual Report to Full Council. The last Annual Report for the period June 2014 – May 2015 was presented to this Committee on 13 July 2015 and to Council on 16 July 2015.

Consultation

3. Consultation was not required for the production of this Annual Report. However, consultation is an important element of scrutiny and is regularly carried out in support of all scrutiny reviews.
4. The final reports produced for each of the reviews completed during the period June 2015 – May 2016 detail all of the work undertaken, including any consultation carried out. Those final reports and all supporting information can be viewed in full at:

<http://modgov.york.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13029&path=13028>

Scrutiny Reviews in 2015-16

5. In the last municipal year the **Corporate & Scrutiny Management Policy & Scrutiny Committee (CSMC)** carried out a review on E-Democracy. In July 2015 CSMC agreed to undertake a review to identify

the potential for improving public engagement and take up of services through digital means, and the Council's ability to respond. To progress the review a CSMC Task Group needed to understand the Council's position in regard to online services, its current digital infrastructure and resources required to enable it to function; best practice adopted by other local authorities and York's potential for development. The Task Group also considered in detail the new Customer Relations Management (CRM) system the Council was in the process of procuring. A survey resulted in more than 570 people sharing information about how they interact with the Council by digital means. In January 2016 CSMC endorsed recommendations to feed in to the Executive's consideration of the implementation of the CRM and those recommendations were approved at an Executive meeting in February 2016. Furthermore, it is likely that CSMC will re-form its Task Group in the future to consider the ongoing implementation of the CRM system.

6. The Committee also considered reconvening an Ad-Hoc Scrutiny Committee to continue the previous year's Yearsley Pool_Scrutiny Review. However, having reflected on the allocation of funding to safeguard the future of the pool by the new administration, it was agreed the review was no longer necessary.
7. The following review work was undertaken by the **Economic Development & Transport Policy & Scrutiny Committee** during 2015-16:

- Economic Strategy Scrutiny Review

At a meeting of the Economic Development & Transport Policy and Scrutiny Committee (EDAT) in July 2015 Members were provided with a report on the development of the new Economic Strategy for York along with proposals on how the Committee could contribute in a cross-party policy development role. The Committee agreed to select two priorities for review:

- Unlocking Brownfield Sites for Jobs and Housing, and;
- A Creative City Uniquely Utilising its Distinctive Heritage

Two Task Groups were formed with the aim of actively engaging and contributing to the Economic Strategy development process. Those Members took part in a series of workshops involving businesses, representatives in Higher and Further Education and skills providers, the Council, Make It York and other relevant parties. They also attended and contributed to other workshops outside their specific focus. However, at a joint meeting of the two Task Groups in late January 2016 it was agreed that whilst the workshops had been

valuable, the key actions in the Economic Strategy were interlinked and could not be considered in isolation, so they agreed it would be better if EDAT took a holistic approach and focused on the priorities and actions where the Council could play a role. Proposals developed through the review helped inform the basis for a draft Economic Strategy, which EDAT Members contributed to by identifying some key priorities. The recommendations arising from the review were endorsed by EDAT at a meeting in March 2016 and the draft Economic Strategy was approved by the Executive in May 2016.

- Protection of Grass Verges

In March 2016 EDAT agreed to look at how the Council can work in partnership with residents to improve and protect the condition of grass verges from damage caused by motor vehicles. A Task Group was formed and a number of meetings were held prior to the end of the municipal year. Its work to date has included consulting on the reasons why people park on grass verges and considering best practice elsewhere. The review is expected to be completed in late summer 2016.

8. The **Health & Adult Social Care Policy & Scrutiny Committee** has been involved in two reviews during 2015-16:

- Public Health Grant Spending

In July 2015 the Health & Adult Social Care Policy & Scrutiny Committee appointed a Task Group to undertake a scrutiny review on public health grant spending. The review aimed to identify a comprehensive understanding of York's public health outcomes and spend, and establish a knowledge base for joint use with the Health & Wellbeing Board. The review stalled slightly while revised figures from the Department of Health were confirmed so it was not possible to conclude the review during the 2015-16 municipal year. Work on the review continues as further budget cuts are anticipated but not yet confirmed.

- Bootham Park Hospital Closure

Bootham Hospital was closed following an unannounced inspection of the psychiatric inpatients services by the Care Quality Commission (CQC) on 9 & 10 September 2015 when the CQC reaffirmed it was not fit for purpose and all clinical services had to be relocated from 30 September 2015. In October 2015 the Committee met to consider the circumstances leading to the closure and agreed to write to the Secretary of State for Health supporting a call for an inquiry / urgent investigation into the closure. In November 2015 the Committee

agreed to carry out its own review *“To understand the circumstances leading to the closure of Bootham Park Hospital, to establish what could have been done to avoid the gap in services in York, particularly for in-patients and their families, and identify any appropriate actions for relevant partners”*. The review utilised the support of an Independent Expert Adviser, who provided his services pro bono, and NHS England who were carrying out their own lessons learned review. Scrutiny worked closely with NHS England throughout the process and NHS England published its own report via scrutiny in April 2016 . It was publicly discussed for the first time at a Health & Adult Social Care Policy & Scrutiny Committee on 25 April 2016. The Committee is currently waiting for health partners to produce their action plans before final recommendations can be considered.

9. During 2015-16 the **Communities & Environment Policy & Scrutiny Committee** carried out a review on the Management of Geese. A Task Group undertook the work on behalf of the committee and was supported in that work by representatives from York University and Friends of Rowntree Park. The review concluded that the city required an integrated goose management strategy and the recommendations arising from the review were presented to the Executive in April 2016.
10. The Committee also spent some time considering whether to carry out a review of the effects of stag and hen parties on the city centre, having noted the perception of some residents and visitors that York city centre was not the place to be on a Saturday afternoon or weekend evening. A Task Group was formed which learnt of a considerable amount of ongoing partnership work to tackle alcohol related issues in the city on a Saturday which highlighted that stag and hen parties were only one element of a much wider issue. They also, attended a meeting of the Operation Erase Working Group set up by the Alcohol, Violence & Night Time Economy Group (AVANTE) to tackle York’s alcohol related Saturday daytime city centre anti-social behaviour. With this ongoing work in mind, and having been informed that work was also ongoing to produce an Alcohol Strategy for the city, it was agreed not to proceed further as the review would only duplicate the work being undertaken by others.
11. The **Learning & Culture Policy & Scrutiny Committee** undertook two reviews during 2015-16:
 - York Museums Trust Partnership Arrangements Review
A Task Group was formed to consider the future legal relationship between the Council and York Museums Trust (YMT) in light of the

reduction in funding provided by the Council. The review identified proposals for the development of a future funding agreement based on four core elements (agreed objectives, a reporting mechanism, a 5-year rolling financial plan and a capital development plan).

Consideration was also given to the multiple legal agreements in place and recognising that improved protection was needed for the buildings and collections, the Task Group recommended the introduction of a new charitable scheme, which had the Council as custodian trustee and YMT as managing trustee. The review recommendations were approved by the Executive in April 2016.

- Tour de France

In January 2015 a Task Group was formed to consider the appropriate planning, promotion, and delivery of future major events to ensure all associated risks are managed effectively, including Health & Safety and reputational risk. The review focussed on the Tour de France Grand Depart, and the provision of the entertainment Hubs and camping sites, and included consideration of feedback on individual elements of the delivery programme, including management of the event, its financial implications, and the lessons learned for the future. The review was not quite completed by the end of the municipal year and so the Task Group was reformed in June 2017 to conclude its investigation and identify appropriate recommendations. The review final report is scheduled to be considered by the Executive in September 2016.

Supporting the Council Plan 2015-19

12. All of the reviews carried out during 2015-16 (identified above) took account of the Council's need to be inclusive and ensure equality in accessing the services being reviewed. Each review also supported a number of the council's other improvement priorities and direction statements:
13. The following reviews were directly linked to the 'Prosperous City for All' element of the Council Plan:
 - Economic Strategy;
 - E-Democracy;
 - York Museums Trust
14. The following reviews were directly linked to the 'Focus on Frontline Services' element of the Council Plan:

- Yearsley Pool;
- Public Health Grant Spending;
- Bootham Park Hospital;
- E-Democracy;

15. The following reviews were directly linked to the 'Council That Listens to Residents' element of the Council Plan:

- Bootham Park Hospital;
- Economic Strategy;
- Grass Verges;
- E-Democracy;
- Goose Management

Finance & Performance Monitoring

16. Throughout 2015-16 the Policy & Scrutiny Committees received regular quarterly monitoring reports relating to the council's performance and finance management, in service areas specific to their individual remits.

17. In addition, they also received other monitoring reports specific to their individual terms of reference, as detailed below:

18. Corporate & Scrutiny Management Policy & Scrutiny Committee considered a Schedule of Petitions at each meeting and other updates / reports on:

- Proposed new Governance Arrangements;
- Future ways of Working in Scrutiny;
- The Procurement Strategy;
- Future development of the Guildhall Project;
- Council Tax Support Scheme
- Scrutiny Support Budget
- Transatlantic Trade and Investment Partnership – referred to CSMC by Council
- The Annual Scrutiny Report for 2014-15;

19. The Communities & Environment Policy & Scrutiny Committee received updates on:

- The costs associated with fly-tipping;
- The work of the Horse Bailiff;
- Proposals for a new Community Engagement Model;
- A Review of Neighbourhood Working Arrangements;

- York's Tenancy Strategy
- CYC's Housing Allocations & Choice Based Lettings Policy;
- The Public Enquiry into York's December 2015 Floods

20. Throughout 2015-16, the Committee also received a number of updates in support of its responsibility for the discharge of the functions conferred on the Council by sections 19 & 20 of the Police & Justice Act 2006, in relation to the scrutiny of community safety issues, the Police and the work of the local Crime and Disorder Reduction Partnership (CDRP). These included:

- Bi-annual performance reports from Safer York Partnership (SYP);
- An update on the work of AVANTE (Alcohol, Violence & Night-Time Economy);
- Two Briefings on Domestic Violence;
- An update on the Community Safety Unit;
- An update on the Hate Crime Action Plan;
- An overview report on the work of the Substance Misuse Team;
- An update on the Anti-Social Behaviour Hub;

21. The Economic Development & Transport Policy & Scrutiny Committee welcomed the attendance of the Managing Director of Make it York on two occasions and received briefings/updates on:

- Major developments within the city;
- Major transport initiatives and issues arising from them;
- York Economic Dashboard;
- Low Emissions Strategy including an update of the Air Quality Action Plan;
- iTravel;
- Business Improvement District for York City Centre;
- Scrutiny arrangements around make it York;
- Transport Briefing.

22. The Health Overview & Scrutiny Committee has a statutory role to review and scrutinise the impact of services and policies of key partners on the health of the city's population. As such it received updates on:

- York Health and Wellbeing Board;
- Safeguarding Arrangements;
- Carers' Strategy;
- Residential, Nursing and Home Care Services;
- Re-procurement of Musculoskeletal Services;
- Health Systems Resilience (Winter Pressures Money);

- Elderly People's Homes programme;
- CQC Inspection Report – York Teaching Hospital NHS Foundation Trust
- CQC Inspection Report – Yorkshire Ambulance Service;
- Tees, Esk & Wear Valleys NHS Foundation Trust – managing Transition of Mental Health & Learning Difficulties Services from LYPFT;
- Re-procurement of Community Equipment & Wheelchair Services;
- Healthy Child Service;
- Changes to Direct Payments
- Co-commissioning of Primary care Services;
- York Wheelchair Services;
- Relocation of Hull Road Surgery by Unity Health;
- Better Care Fund;
- GP Health Checks for People with Learning Disabilities;

23. The Committee were also consulted on a number of issues:

- Interim Solution for Bootham Park Hospital;
- CQC Inspection Quality Summit report on York Teaching Hospital NHS Foundation Trust;
- York Teaching Hospital NHS Foundation Trust Action Plan;
- Leeds and York Partnership FT progress against Action Plan following Care Quality Commission inspection;
- The merger of a number of medical practices in York – Clifton Medical Practice, Petergate and York Medical Group;
- CCG Turnaround Plans.

24. Finally, they received a number of reports and presentations i.e.:

- Be Independent monitoring reports;
- Healthwatch Performance Updates
- Healthwatch report on Wheelchair Services;
- Annual report of the Chief Executive of Yorkshire Ambulance Service;
- Annual report of the Chief Executive of York Teaching Hospital NHS Foundation Trust;
- CCG Sustainability & Transformation Plans;

25. The Learning & Culture Policy & Scrutiny Committee also received a range of reports and updates on the following, which included:

- Bi-annual Partnership Delivery Plan updates from York Museums Trust;

- Bi-annual Service Level Agreement Performance updates from York Theatre Royal;
- Bi-annual Service Level Agreement Performance updates from Explore York Libraries & Archives;
- Bi-annual updates on the work of York Safeguarding Board
- Bi-annual progress reports on Safeguarding and Looked After Children;
- An update on the implementation of the Children & Families Bill
- A York Museums Trust funding report
- A report on the work of Make-it York
- An update on Parks Development;
- School improvement updates and an Ofsted update on Schools Performance;
- School Results outturn.
- A Learning Services Self-Assessment Overview Report
- SACRE's Annual Report & Review of York Schools' agreed syllabus

26. In addition the Committee received presentations from the Chair of York @ Large and the Chair of Learning City York on their ongoing partnership work with the Council. They also met with the Chair of York Safeguarding Board and the Managing Director of Make it York.

Acting as Critical Friend

27. During the municipal year 2015-16 each of the Policy & Scrutiny Committees met with the relevant Executive Members to hear about their challenges and priorities for the year. They also met with some of the council's appropriate statutory partners to hear about their priorities and challenges.

Monitoring Previous Recommendations

28. Finally, each of the committees received bi-annual updates on the implementation of the approved recommendations arising from their previously completed scrutiny reviews. Those deemed to be fully completed were signed off.

Calling – In (post decision)

29. Throughout the municipal year 2015-16 there were four Executive/ Executive Member decisions called-in for consideration by CSMC. The decision of the Executive was upheld in each instance. They were:

- Applications for Community Right to Bid under the Localism Act 2011 – Clementhorpe Malt House
- Procurement of Council Security Services
- New Council Housing and Approval for Development at Ordnance Lane
- Park and Ride Bus Contract Options

Pre-decision call-in

30. At its meeting in August 2015, the Executive agreed some operational guidelines for enabling and supporting a pre-decision call-in process. This supplements the pre-existing arrangements for post-decision call in and is intended to provide all backbench and scrutiny Members with opportunities to comment upon relevant upcoming Executive or Executive Member decisions.
31. During the 2015-16 municipal year there were four pre-decision call-ins:
- CSMC: Private Sector Housing Strategy
 - EDAT: i. Air Quality Action Plan 3
ii. Delivery of Reductions in the Subsidised Bus Services Budget
 - Learning & Culture: Review of Play Policy, Playground Investment and Maintenance

Options

32. Having considered the draft Annual Report, Members may choose to:
- Agree any amendments required to the report
 - Approve the report for presentation to the meeting of Full Council in July 2016.

Implications

33. There are no known legal, HR and financial implications associated with the recommendation within this report.

Risk Management

34. There are no known risks associated with the recommendation in this report.

Recommendations

35. Having considered the information within this report, Members are asked to approve this Annual Scrutiny Report which covers the period between June 2015 and May 2016.

Reason: To enable its presentation to Full Council in July 2016, in line with Constitutional requirements.

Contact Details

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Report Approved



Date: 20 May 2016

Specialist Implications Officer(s) - None

Wards Affected:

All



For further information please contact the authors of the report

Background Papers: None

Annexes: None

Abbreviations:

AVANTE – Alcohol, Violence And Night Time Economy

CDRP – Crime & Disorder Reduction Partnership

CQC – Care Quality Commission

CRM – Customer Relations Management

CSMC – Corporate & Scrutiny Management Policy & Scrutiny Committee

CYC – City of York Council

EDAT – Economic Development & Transport Policy & Scrutiny Committee

HR – Human Resources

NHS – National Health Service

NYBEP –North Yorkshire Business Education Partnership

SYP – Safer York Partnership

YMT – York Museums Trust

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City of York Council

Extract from Draft Committee Minutes

Meeting	Gambling, Licensing & Regulatory Committee
Date	11 July 2016
Present	Councillors Douglas (Chair), Boyce (Vice-Chair), Aspden (minute 4 and 6 only), Gillies, Hayes, Crisp, Funnell, Mason (minute 4 only), Mercer, D Myers and Richardson
Apologies	Councillors Hunter, D'Agorne, Gunnell and Orrell

Part B - Matters Referred to Council

5. Hackney Carriage and Private Hire - Delegation of Enforcement Powers

Members considered a report which sought their support to amend the scheme of delegation in relation to enforcement powers under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, and recommend to Full Council the approval of these amendments.

Members noted that Licensing Officers had been working with the licensing services of the Combined Authority (West Yorkshire Authorities and City of York Council) to establish some common licensing standards and processes. Members' attention was also drawn to the relevant provisions relating to taxi licensing in the Deregulation Act 2015 which came into force on 1 October 2015 and which allowed for a licensed private hire operator to sub-contract a private hire journey from within one licensed authority area to another licensed operator who may be based anywhere in England and Wales. Members noted that private hire sub-contracting presented significant difficulties for the Council in conducting its enforcement activities, and potentially to the public in terms of service standards and safety, as detailed in paragraph 15 of the report. Officers were informed that the issue was particularly evident on race days.

The proposed cross authority delegation of taxi and private hire licensing enforcement functions was intended to tackle these concerns. Initially it was proposed that the cross authority

delegations would only apply to the West Yorkshire authorities although, if this proved to be successful, discussions could be entered into with North Yorkshire to ascertain if they wished to consider the same arrangement.

Members noted that the current functions delegated to licensing officers in City of York Council were set out in the Council's Delegation Scheme under Section 3 of the Constitution. The proposal was for City of York Council Licensing Officers to retain the sub-delegation of these functions but the same functions would also be delegated to the West Yorkshire authorities. Only the enforcement functions would be delegated and each authority would retain the ability to grant and renew licenses. Other authorities' enforcement powers would be delegated to City of York Council. Officers clarified that it would be the home authority that would take the enforcement action and which would incur the associated costs. The authority within which the alleged offence had taken place would provide the relevant evidence to the home authority.

Members queried whether there was parity in the standards required by the West Yorkshire authorities. Officers stated that there had been some differences in vehicle standards and a common set of standards had been agreed to enable a shared checklist to be drafted. Members were informed that the West Yorkshire authorities had already agreed to their participation in the scheme.

Members considered the following options:

- Option 1: Support the amendments to the scheme of delegation in relation to hackney carriage and private hire enforcement powers.
- Option 2: Refuse the request to amend the scheme of delegation

Recommended: That the amendments to the scheme of delegation in relation to hackney carriage and private hire enforcement powers be approved.

Reason: This will allow the Council to delegate hackney carriage and private hire enforcement powers to other licensing authorities in West Yorkshire, as well as being retained by City of York Council as licensing authority.

6. Statement of Licensing Policy - Review of the Saturation and Cumulative Impact Zone

Members considered a report which sought their approval to recommend to Full Council an amendment to the Special Policy within the Statement of Licensing Policy which related to the Saturation and Cumulative Impact. The proposed amendment had been made at the request of North Yorkshire Police. Officers gave details of the consultation that had been carried out and drew attention to the responses that had been received.

Members noted that the proposed amendment related to the wording of points 5, 6 and 7 of the existing policy as it was believed that variations had as much impact within the Special Policy Area as the grant of a new licence and/or certificate. The proposed change would read:

“5. The following variations are considered to be material:

- Change in style of operation
- Physical extension of the premises that increases capacity
- Extension of hours of operation

Therefore, there will be a presumption to refuse such applications, where relevant representations are received unless the applicant can rebut the presumption that the granting of such a variation would undermine the licensing objectives.”

Members considered the following options:

- Option 1: Recommend to Full Council that the Special Policy on Saturation and Cumulative Impact is amended, as detailed in paragraph 14 of the report.
- Option 2: Recommend to Full Council that the Special Policy on Saturation and Cumulative Impact is amended with alternative wording agreed by Members.
- Option 3: Take no further action

Members expressed their support for the proposed change.

Recommended: That the Special Policy relating to Saturation and Cumulative Impact, as detailed above, be approved.

Reason: To assist with the effective implementation of the Licensing Act 2003 in the city and contribute to the reduction of alcohol related crime and disorder in the city centre.

Councillor Douglas, Chair
[The meeting started at 4.00 pm and finished at 4.35 pm].

City of York Council

Draft Committee Minutes

Meeting	Joint Standards Committee
Date	24 February 2016
Present	Councillor Runciman – Chair (CYC Member) Councillor Cannon (CYC member) Councillor Hayes (CYC member) Councillor Kramm (CYC Member - substitute for Councillor Taylor) Councillor Mercer (CYC Member) Councillor Waudby (Parish council member)
In attendance	Mr Laverick – Independent Person
Apologies	Councillors Taylor and Perrett

Part B - Matters referred to Council

22. Review of the Code of Conduct

Members considered a report that followed on from the report considered at the previous meeting. The report asked Members to recommend revisions to the current Code of Conduct for Members.

Members queried the position in respect of co-opted members of scrutiny task groups. The Monitoring Officer stated that the definition of “co-opted member” in the Code was taken from the legislation. As scrutiny task groups were not sub-committees of the authority, and their members did not have voting rights, the co-opted members would not be covered by the Code. Members requested that further consideration be given to this issue in view of the expectation that anyone performing a public duty should demonstrate ethical behaviour.

The following amendments were also requested to the draft Code:

- Definitions Section - Amendment to formatting of paragraph 2.1 to give greater clarity
- Disclosable Pecuniary Interests – heading for para 3 to be amended to read “Non participation in items of business in the case of disclosable pecuniary interest”

- Disclosure of Interests Section – “vote” to be amended to “voting” (paragraph 5)
- Dispensations Section – Final sentence to be amended to state that the reasons for the dispensation will also be recorded.

Members requested that the amendments be incorporated into the draft and circulated to them prior to the revised Code being presented to Council for approval at its meeting on 24 March 2016.¹

Recommend: That the revised Code of Conduct for City Council Members be approved.

Reason: To ensure that the City of York Council has an effective and easily understood Code of Conduct.

Action Required

1. Incorporate amendments into draft Code

AD

Councillor Runciman, Chair

[The meeting started at 3.00 pm and finished at 4.15 pm].

Part 1: General Provisions

Introduction

1. (1) This Code sets out the standards of behaviour required of you whenever you are acting as a Councillor of the City of York Council.
- (2) This Code also applies to any person appointed as a co-opted member of the City Council or any of its Committees when acting as such.
- (3) A person will be acting as a Councillor or as a co-opted member when:
 - Present at formal meetings of the Council.
 - Performing duties entrusted to them by the Council
 - Performing functions associated with the ordinary role of Councillor – such as undertaking casework for residents
 - Otherwise acting, claiming to act or giving the impression that they are acting as a Councillor

But a person will not be acting as a Councillor or as a co-opted member when acting as a trustee or director of another organisation even where the appointment to that role was made by the Council.

- (4) The Code has been adopted by the City Council and is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Definitions

2.
 - (1) A “co-opted member”, is a person who is not an elected member of the authority but who –
 - (a) is a member of any committee or sub-committee of the authority, or

- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority and

in either case is entitled to vote at any meeting of that committee or sub-committee

- (2) “meeting” means a meeting of the Council or of any committee, sub-committee, joint committee or joint sub-committee of the authority or of the Executive or any committee of the Executive.
- (3) A “sensitive interest” is one where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees.

General Duties as to Conduct

- 3. (1) You must treat others with respect.
- (2) You must not do anything which may cause the Council to breach any equality enactment.
- (3) You must not bully or intimidate any person, or attempt to bully or intimidate them.
- (4) You must not do anything which compromises the impartiality of anyone who works for or on behalf of the Authority, or do anything that is likely to compromise their impartiality.
- (5) You must not disclose information which is confidential, unless:
 - (a) You have the permission of a person authorised to give it; or
 - (b) You are required by law to disclose the information; or
 - (c) You disclose it to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any

other person; or

- (d) The disclosure is reasonable; and is in the public interest; and is made in good faith.
- (6) You must not prevent another person gaining access to information which that person is entitled by law.
- (7) You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a Councillor into disrepute.
- (8) You must not use your position as a Councillor improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.
- (9) When you use or authorise the use by others of the resources of the Council you must:
 - (a) abide by the Council's reasonable requirements; and
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (10) You must have regard to relevant advice given by the Council's Chief Financial Officer or Monitoring Officer when making decisions and must give reasons for those decisions, in accordance with any requirements imposed by statute or the Council.

Part 2: Interests

Disclosable Pecuniary Interests

Registration of disclosable pecuniary interests

4. (1) Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'. These will be included in the register of interests which is published on the Council's website

Definition of disclosable pecuniary interests

- (2) A 'disclosable pecuniary interest' is an interest of a kind described in the first schedule to this Code. An interest is disclosable if the interest is of yours or of your partner. Your partner means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

Non participation in items of business in the case of disclosable pecuniary interest

- (3) Where a matter arises at a meeting which relates to one of your disclosable pecuniary interests,
- (a) You may not participate in any discussion of the matter at the meeting.
 - (b) You may not participate in any vote taken on the matter at the meeting.
 - (c) If the interest is not registered, you must disclose the interest to the meeting.
 - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition, Standing Orders require you to leave the room where the meeting is held while any discussion or voting takes place.

Non participation in individual executive decision making in case of disclosable pecuniary interest

- (4) Where an Executive Member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the Executive Member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

Notification of Interests

5. (1) In addition to the disclosable pecuniary interests you must, notify the Monitoring Officer of any interests you have of a kind described in the second schedule. You must make that notification within 28 days of this Code coming into effect or of you becoming a Member or co-opted Member if that is later.
- (2) You must notify the Monitoring Officer of any changes to these interests or of any new interests within 28 days of becoming aware of them.

Disclosure of Interests

6. (1) You have a personal interest in any business of your authority where it relates to or is likely to affect you, a body named in the second schedule or any person with whom you have a close association.
- (2) If you are present at a meeting and you have a personal interest in any matter to be considered or being considered at the meeting:
 - (a) If the interest is not registered, you must disclose the interest to the meeting.
 - (b) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
- (3) If you have a personal interest and a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it would be likely to prejudice your judgement of the public interest then you have a prejudicial

interest. This is subject to the exceptions set out in paragraph 6.4.

- (4) You do not have a prejudicial interest in any business of the authority where that business:
 - (a) does not affect your financial position or the financial position of a person or body named in the second schedule;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in the second schedule; or
 - (c) relates to the functions of your authority in respect of;
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.
- (5) A member with a prejudicial interest must leave the room during the debate and voting on the matter in question.

Sensitive Interests

7. (1) If you have a sensitive interest which is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.
- (2) If you are required to declare a sensitive interest at a meeting you need only declare the fact of the interest and not the details of the interest itself.

Dispensations

8. (1) The Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he or she has an disclosable pecuniary interest or a prejudicial interest. The Council may grant such a dispensation if:
 - It believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or
 - considers that without the dispensation the representation of different political groups would be so upset as to alter the likely outcome of any vote relating to the business
 - It is in the interests of the inhabitants in the Council's area to allow the member to take part; or
 - It is otherwise appropriate to grant a dispensation.
- (2) The Council has granted the Monitoring Officer in consultation with the Chair of the Joint Standards Committee the power to grant dispensations. These can only be granted following a written request from the Member and the existence of and reason for the dispensation should be recorded in the minutes of the meeting.

First Schedule – Interests which are Disclosable Pecuniary Interests

<i>Interest</i>	<i>Description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to your knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial</p>

	interest.
Securities	Any beneficial interest in securities of a body where— <ol style="list-style-type: none">(a) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and(b) either—<ol style="list-style-type: none">i. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; orii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“relevant period” means the period of 12 months ending with the day on which you give a notification for the purposes of section 30(1) of the Act;

“relevant person” means you or any your partner as defined in paragraph 4.2

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

Second Schedule – Other Interests

1. Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
2. Any body —
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
3. Any person from whom you have received the offer of a gift or hospitality with an estimated value of more than £50 (whether or not you accept the offer) which is attributable to your position as an elected or co-opted member of the Council.