

CITY OF YORK COUNCIL

Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Thursday, 24th January, 2008, starting at 6.30 pm.

Present: The Lord Mayor, Cllr Irene Waudby, in the Chair, and the following Councillors:

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

HUNTINGTON & NEW EARSWICK
WARD

Hyman
Orrell
Runciman

MICKLEGATE WARD

Fraser
Gunnell
Merrett

OSBALDWICK WARD

Morley

RURAL WEST YORK WARD

Gillies
Healey
Hudson

SKELTON, RAWCLIFFE & CLIFTON
WITHOUT WARD

Moore
Watt

STRENSALL WARD

Kirk
Wiseman

WESTFIELD WARD

Steve Galloway
Sue Galloway
Waller

WHELDRAKE WARD

Vassie

Apologies for absence were received from Councillor Hogg.

57. DECLARATIONS OF INTEREST

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

The following interests were declared:

- Cllr Gillies – a personal, non prejudicial interest in the motion on police pay (Minute 62(i) refers), as a former member of the Police Federation.
- Cllr Scott – a personal, non prejudicial interest in the motion on police pay, as a former legal adviser to the Police Federation.

58. MINUTES

RESOLVED: That the minutes of the Special and Ordinary meetings of Council held on 29 November 2007 be approved and signed by the Lord Mayor as a correct record, subject to the addition of Cllrs Ayre, Gunnell, Scott and B Watson to the list of attendances at the Ordinary meeting.

59. CIVIC ANNOUNCEMENTS, LORD MAYOR ELECT AND HONORARY RECORDER OF YORK

The Lord Mayor announced:

- (i) That a civic dinner had recently been held in the Mansion House for Judge Paul Hoffman and Brigadier Richard Dennis, who had each been presented with a 'Friend of the City' plaque as a mark of appreciation for their services to the City.
- (ii) The receipt of a letter from Sir Richard Dunnnett thanking the City of York for the welcome given to soldiers taking part in the Homecoming Parade for the Field Ambulance Brigade.
- (iii) The retirement of Civic Support Officers Paul Yeomans and Phil Fleming. It was agreed that Council's appreciation and thanks to Paul and Phil for their services over the years be formally placed on record.

The Lord Mayor invited Cllr Scott to nominate the Lord Mayor Elect for the Municipal Year 2008/09. Cllr Scott nominated, and Cllr Steve Galloway seconded, Cllr Brian Watson as the Lord Mayor Elect and this nomination was unanimously agreed. Cllr Watson replied that he would be honoured to accept this office and nominated Hon. Alderman David Wilde as Sheriff for the 2008/09 Municipal Year.¹

The Lord Mayor then announced the recent retirement of the Honorary Recorder of York, Judge Paul Hoffman, and asked Council to give formal approval to the appointment of Judge Stephen Ashurst, Resident Judge at York Crown Court, as the new Honorary Recorder. The appointment was approved unanimously.²

Action Required

1. Write to new Sheriff to confirm appointment. GR
2. Write to new Hon. Recorder to confirm appointment. GR

60. PUBLIC PARTICIPATION

The Lord Mayor reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

61. PETITIONS

The following petitions were presented by Members under Standing Order 7:

- (i) A petition presented by Cllr Bowgett, on behalf of residents of Howe Hill Road and Poppleton Road, asking for resurfacing and lighting of the alley way behind their homes, in order to improve safety and security.¹
- (ii) A petition presented by Cllr Moore, on behalf of residents of Skelton, Rawcliffe and Clifton Without, opposing the potential Eco-Town proposal in the Clifton area.²
- (iii) A petition presented by Cllr Looker, on behalf of customers of Sycamore House, objecting to proposed budget cuts affecting services there.³
- (iv) A petition presented by Cllr Douglas, on behalf of residents of Clifton, asking the Council to adopt 'Dead Man's Alley' as a footpath.⁴

RESOLVED: That the above petitions be referred to the Executive or appropriate committee.

Action Required

1. Refer Cllr Bowgett's petition to Executive or appropriate committee. JB
2. Refer Cllr Moore's petition to Executive or appropriate committee. JB
3. Refer Cllr Looker's petition to Executive or appropriate committee. SA
4. Refer Cllr Douglas's petition to Executive or appropriate committee. JB

62. NOTICES OF MOTION

In accordance with Standing Order 11, five notices of motion had been received:

(i) Police Pay

It was moved by Cllr Orrell and seconded by Cllr Vassie that:

“Council notes that crime levels across the City have fallen significantly in recent years. Whilst this reflects the partnership of the Police, Safer York and local communities, this reduction has relied heavily on the considerable efforts of local Police Officers.

The public expect a high quality of policing, and for the government to be fair in their treatment of police pay.

Government has chosen to reduce the police pay increase with a sleight of hand which has created unnecessary conflict with the officers who patrol our streets.

Council calls upon the Home Secretary to agree to the Independent Police Arbitration Tribunal’s recommendation for the pay increase, to maintain police morale.”

Cllr Potter then moved, and Cllr Scott, seconded, an amendment to the above motion, as follows:

‘Before the first paragraph, add:

‘Council would like to note its thanks to the Government for the extra policing, and the provision of PCSOs, that the City of York has received over the last decade.’

In the first (now the second) paragraph:

Remove the words *‘Whilst this reflects’* from the third sentence and remove the words *‘this reduction has relied heavily on the considerable efforts of’* from the last sentence.

In the second (now the third) paragraph:

Remove the words *‘to be fair in their treatment of policy pay’*.

Remove the whole of the next paragraph.

In the final paragraph:

Insert the word *‘therefore’* after *‘Council’*.”

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

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

RESOLVED: That the above notice of motion be approved.¹

(ii) Management of Empty Dwellings

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

“Council instructs Officers to take up powers given to local authorities under *The Housing (Empty Dwelling Management Orders) (Prescribed Exceptions*

and Requirements) (England) Order 2006 to help bring forward much needed housing lying empty in York.

Council instructs Officers within three months to draft guidance on how the powers might be exercised. Reports should be submitted to both the Local Development Framework (LDF) Working Group and the Executive Member for Housing Advisory Panel (EMAP), so that proper consideration can be given to the benefits of embedding the Government initiative into Council policy in order to help provide much needed housing in the area.”

Cllr Steve Galloway then moved, and Cllr Sunderland seconded, an amendment to the above motion, as follows:

“In the first paragraph:

Delete the words *‘take up’* in the first line and insert: *‘produce a report detailing the costs and other implications of using the’*;

Delete the word *‘forward’* in the last line and insert: *‘into use’*.

In the second paragraph:

Before the word *‘Council’* at the start, insert: *‘Should the new powers subsequently be adopted,’*.

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

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

RESOLVED: That the above notice of motion be approved.²

*** (iii) ‘Eco Town’ Proposal**

“The Council raises its concern at the Government’s selection of Clifton Gate as a potential ‘Eco-Town’ development site. In particular, there are severe infrastructure problems in the vicinity of the proposed site, which will be made worse should the development proceed. Moreover, there are major traffic congestion problems on the major roads feeding the site and the Council does not consider that the measures for transportation links proposed for Clifton Gate will ease the congestion.

Furthermore, the Council is disappointed that the Government selected the Clifton Gate site in concurrence with potential developers without consulting the City of York Council.

Therefore, we call upon the Chief Executive to write to the Minister for Communities and Local Government and the Minister for Yorkshire to express the objection of the City of York Council to the selection of Clifton Gate as a potential ‘Eco-Town’, on the grounds that it cannot be sustained by the local infrastructure.”

In accordance with Standing Order 14(f), a named vote of those Members present was requested and put on the above motion, as follows:

| For | Against | Abstained |
|---------------------|----------------|--------------------------|
| Cllr Aspden | Cllr Alexander | Cllr Brooks |
| Cllr Ayre | Cllr Bowgett | Cllr D'Agorne |
| Cllr Steve Galloway | Cllr Douglas | Cllr Sue Galloway |
| Cllr Healey | Cllr Fraser | Cllr Galvin |
| Cllr Holvey | Cllr Gunnell | Cllr Gillies |
| Cllr Hyman | Cllr Looker | Cllr Hudson |
| Cllr Moore | Cllr Merrett | Cllr Jamieson-Ball |
| Cllr Morley | Cllr Potter | Cllr Reid |
| Cllr Orrell | Cllr Scott | Cllr R Watson |
| Cllr Runciman | | Cllr Waudby (Lord Mayor) |
| Cllr Sunderland | | |
| Cllr Taylor | | |
| Cllr Vassie | | |
| Cllr Waller | | |
| Cllr Watt | | |
| 15 | 9 | 11 |

In accordance with this vote, the motion was declared CARRIED and it was

RESOLVED: That the above notice of motion be approved.³

**Note: In accordance with an interpretation of the advice offered by the Monitoring Officer regarding members of the Planning Committee dealing with any future planning application in relation to the Eco Town proposal, Cllrs Blanchard, Cregan, Crisp, Firth, Funnell, Horton, King, Kirk, Pierce, Simpson-Laing, B Watson and Wiseman all left the Chamber during the debate on the above motion and took no part in the decision thereon.*

(iv) Climate Change Action Plan

It was moved by Cllr Merrett and seconded by Cllr Alexander that:

“Council welcomes the recent Officer report on an ‘Action Plan’ for tackling climate change within the Council. Council recognises that there will be major challenges for the Council, York residents and businesses, which will require greater understanding of the need and measures to tackle ‘Climate Change’. Council therefore agrees that a Cross Party Task Force be established to lead on this issue from the Council. Its remit will be to:

1. Monitor the implementation of the current ‘Action Plan’ within the Council;
2. Examine how the longer term targets can be met to tackle CO2 emissions;
3. Seek consensus between the parties on the Council on the issue of CO2 emissions;
4. Lead the public debate and development of the wider York approach, in conjunction with the ‘Without Walls’ Partnership;
5. That the Task Force report to the Executive on a bi-monthly basis.”

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

“In the third sentence:

Delete all from ‘a Cross Party Task Force’ to ‘its remit will be to:’ and insert: ‘bi-monthly update reports – copied to all Council Members – be submitted via the Group Leader / Shadow Executive / Executive process detailing progress made in the following areas:’..

In the points numbered 1 to 5:

Delete the word ‘Monitor’ from point 1 and the word ‘Examine’ from point 2;

Delete the word ‘Seeking’ from point 3 and insert ‘Establishing’;

Delete the word ‘Lead’ from point 4 and insert ‘Leading’;

Delete the whole of point 5.”

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

The motion, **as amended**, now read as follows:

“Council welcomes the recent Officer report on an ‘Action Plan’ for tackling climate change within the Council. Council recognises that there will be major challenges for the Council, York residents and businesses, which will require greater understanding of the need and measures to tackle ‘Climate Change’. Council therefore agrees that bi-monthly update reports – copied to all Council Members – be submitted via the Group Leader / Shadow Executive / Executive process detailing progress made in the following action areas:

1. The implementation of the current ‘Action Plan’ within the Council;
2. How the longer term targets can be met to tackle CO2 emissions;
3. Establishing consensus between the parties on the Council on the issue of CO2 emissions;
4. Leading the public debate and development of the wider York approach, in conjunction with the ‘Without Walls’ Partnership.”

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

RESOLVED: That the above notice of motion, as amended, be approved.⁴

(v) North Yorkshire Fire Authority Funding

The fifth notice of motion had been proposed by Cllr Morley, as follows:

“The Council calls upon the Government to award a funding settlement at least in line with inflation to the North Yorkshire Fire Authority, in the light of representations already made to the Government by the North Yorkshire Fire Authority.”

Cllr Morley now sought Council’s consent to **alter** the above motion to read as follows:

“Council notes with regret the Government’s decision not to award a funding settlement at least in line with inflation to the North Yorkshire Fire Authority, despite representations made to the Government by the North Yorkshire Fire Authority. Council calls upon Government to reconsider the application of the funding formula in relation to the North Yorkshire Fire Authority.”

Council having consented to the alteration, the altered motion was then moved by Cllr Morley and seconded by Cllr Hyman.

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

RESOLVED: That the above notice of motion, as altered, be approved.⁵

Action Required

1. Write to Home Secretary in the terms set out in Motion (i). GR
2. Draft guidance on exercise of powers for submission to LDFWG and Housing EMAP, as set out in Motion (ii). LE
SC
3. Write to Ministers in the terms set out in Motion (iii). JB
4. Prepare bi-monthly reports as set out in amended Motion (iv) and enter on the Executive Forward Plan. SC
5. Write to Government in the terms set out in altered Motion (v).

63. REPORT OF EXECUTIVE LEADER AND EXECUTIVE RECOMMENDATIONS

A written report was received from the Leader, Cllr Steve Galloway, on the work of the Executive. Cllr Galloway then moved, and Cllr Jamieson-Ball seconded, those minutes requiring confirmation from the Executive meeting on 4 December 2007, namely:

- Minute 119 - amendment of the policy for nominating the Lord Mayor¹ and from the meeting of the Executive Member for Corporate Services and Advisory Panel on 11 December 2007, namely:
 - Minute 49 – transfer of Proper Officer responsibility for the Register Office to the Head of Finance.²

RESOLVED: That the above minutes, and the recommendations of the Executive and of the Executive Member for Corporate Services, be approved.

Action Required

1. Make any necessary changes to the policy documentation. GR
SA
2. Ensure that any necessary amendments are made to delegations in the Constitution.

64. REPORT OF EXECUTIVE MEMBER

A written report was received from Cllr Sunderland, the Executive Member for Housing Services.

Notice had been received of 9 questions on the report, submitted by Members in accordance with Standing Orders. In the time allowed, the following five questions were put, in the order indicated on the list circulated around the Council Chamber and as set out below, with the Executive Member's replies:

(i) From Cllr Horton:

"Given that you regard the increase from 84% to 88.23% as 'substantial, would you not regard the shortfall from your own target of 98% as much greater than 'substantial' and if not, why not?"

Reply:

"I would agree that there is still some way to go to meet our target. However, it has to be acknowledged that substantial progress in improving urgent repairs has been made over recent years with performance improving from 79% in 2004/05 to a projected 90% this financial year."

(ii) From Cllr Horton:

"Given that Labour's insistence on inclusion of choice-based lettings which did not receive your wholehearted approach at its introduction following a Scrutiny topic, will you now accept that it was Labour's perception of the procedure that has given rise to the successful numbers of 'hard to let' properties being achieved and if not, why not?"

Reply:

The outcome of the all party scrutiny review on Housing Allocations did not recommend full implementation of choice based lettings (CBL). There is no doubt that the introduction of CBL, for some of our more difficult to let properties, has had a part to play in reducing the length of time it has taken to re-let these properties. However, a systems review of the void process has been undertaken which has also changed a number of processes within the voids procedure. Additionally, the changes in staffing structures within Housing Services now give Tenancy Estate Managers a clearer focus. All contributed to reducing the turnaround time of hard to let properties."

[In response to a supplementary question from Cllr Horton]

"I do not accept that the introduction of CBL was a result of a minority report from the Scrutiny Committee."

(iii) From Cllr Horton:

"Who do you regard as 'vulnerable perpetrators' and would you please define?"

Reply:

"The approach that Housing Services take to dealing with anti-social behaviour is three-fold – prevention, enforcement and support. There are some instances where the most appropriate form of action is no enforcement but supporting the perpetrators to ensure that they modify their behaviour. In some of these cases the perpetrators will be vulnerable individuals."

[In response to a supplementary question from Cllr Horton]

"One example of a vulnerable perpetrator would be someone with mental health problems, but there are many others."

(iv) From Cllr Hyman:

"Does the Executive Member have any information regarding the results of the Annual Housing Service Monitor?"

Reply:

"Every year we take a satisfaction survey of our tenants covering the housing landlord service. I am very pleased to announce that I have the headline figures which I can share with Council.

Questionnaires were sent to 2,000 tenants during October / November 2007. 995 questionnaires were returned – a 49.75% response rate.

The key results were:

- Tenant satisfaction with the overall services provided by Housing up 8% to 88%*
- Agreement with statement that 'CYC is a good landlord' up 12% to 88%*
- Agreement that the rent for the property represents value for money up 12% to 86%*
- Percentage of tenants who would describe the condition of their property as very or fairly good up 7% to 87%*
- Satisfaction with repairs and maintenance up 4% to 83%*
- Satisfaction with opportunities for participation in decision making up 7% to 64%.*

I am sure that you will agree that this can be hailed as a huge success. I would like to thank all the officers who have worked so hard to achieve these fantastic results."

[In response to a supplementary question from Cllr Horton]

"received these figures today, in a press release produced by Housing Services."

(v) From Cllr Hyman:

"Does the Executive Member have any information regarding the results of the Annual Housing Service Monitor?"

Reply:

"I understand that York Housing Association could indeed choose to charge differential rents for identical properties on the same site. However, this would create a precedent.

Any rents charged by a Housing Association need to be agreed by the regulator and funder, which is the Housing Corporation. The Housing Corporation have agreed the rent levels for the new bungalows as part of the capital grant approval and the financial viability of the project assumed the same rent level. If the rent levels on any of the properties were to change then the financial viability would have to be re-appraised and would affect the capital receipt. If this were the case then it is likely that the Council would have to start the whole tender evaluation process again. This is therefore unlikely to be a viable option.

The Council cannot use monies from the Housing Revenue Account to benefit residents who are not council tenants. However the Council,

under the Local Government Act 2000, does have powers for discretionary expenditure 'to promote well being in the local area'. It may be possible, under these powers, to make a contribution towards the rent for those residents who are responsible for full payment of their rents. However, this would set a precedent for any future redevelopment projects as well as be open to challenge from residents who have been affected by redevelopment of their homes in the past. There are currently 15 Discus tenants who do not get any financial help with their rent. We do not know the financial circumstances of these 15 and the Council and York Housing Association will be visiting these people during February as part of a benefit take up campaign. Some people may be eligible for help through Housing Benefit now, and others may be eligible when their rents increase. There may be some people who do not wish to discuss or disclose any financial information. By the end of February we will have a clear idea of individual circumstances and how many people, if any, will be directly affected by an increase in their rent."

[In response to a supplementary question from Cllr Potter]

"It's true that information on the level of rent increases was included in a leaflet left on tables at a meeting of the Steering Group and I was surprised by this."

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

In accordance with Standing Order 10(c)(i), the following questions were put and responses given:

(i) To the Executive Member for City Strategy, from Cllr Merrett:

"Would the Executive Member agree that the state of the back lane through from Scarcroft Hill to Mill Mount, with major potholes and heave, is completely unacceptable, particularly for what is supposed to be the designated safe walking / cycling route between All Saints' Upper and Lower Schools, and will she give an undertaking to obtain early action to restore the route to a safe state?"

The Executive Member replied:

"Officers inform me that the status of the land is that of 'private highway'. As such the Council may be undertaking an ultra vires act (i.e. going beyond their legal role and responsibilities) if they use public money to maintain what is a private asset."

In response to a supplementary question from Cllr Merrett, the Executive Member replied:

"Any request for an early report to EMAP on options to tackle this issue should be made in writing, rather than trying to circumvent the system in this way."

(ii) To the Executive Member for City Strategy, from Cllr Merrett:

"Would the Executive Member also explain why the agreed latter phase of the safe route to school works to remove the blind turn, widen the

gap and eliminate the step down between Mill Mount and the back lane has never been undertaken some several years since it was originally agreed, and will she agree to get officers to expedite this long overdue measure to improve personal safety – especially when it's dark – and to achieve disabled access standards?"

The Executive Member replied:

"Given my answer to the previous question, we might be in some difficulty carrying out some of the work that Councillor Merrett is suggesting.

Officers inform me that in April 2004 EMAP noted it as a reserve scheme but it would appear that it was not progressed.

Officers can find no record of any member raising the issue during the past four years.

Officers are currently drawing up the 08/09 capital programme and there will, of course, be a Safe Routes to Schools spending block. I am happy for them to consider this as one of the schemes but we will need to take into account the implications of the landownership issue."

In response to a supplementary question from Cllr Merrett, the Executive Member replied:

*"If the matter was raised on a 'walkabout' with the Chief Executive, it was not progressed via Transport Planning. I can discuss with the Neighbourhoods department how they would progress issues raised during walkabouts."*¹

(iii) To the Executive Member for City Strategy, from Cllr Pierce:

"Would the Executive Member explain why there is no local service bus serving the new Morrison's development as was expected when planning approval was given for the development with a bus corridor through being specifically provided?"

The Executive Member replied:

"There were discussions with First York, Coastliner and East Yorkshire Motor Services regarding the diversion of bus services via the Foss Islands development when it was first proposed.

First offered, and the Council accepted, re-routing of Grimston Bar P&R via the development. First are, I understand, currently undertaking a review of all their services and are considering the viability of including the development in their services.

East Yorkshire Motor Services have confirmed they will divert some services via the development but they are waiting until bus stops have been established in James Street and Stonebow before changing their existing routes. The Stonebow works are due to start at the end of January and the James Street ones are also well advanced towards implementation.

All bus operators are commercial organisations and, if the service has the potential to increase their patronage, then no doubt they will consider making services available."

In response to a supplementary question from Cllr Simpson-Laing, the Executive Member replied:

"Yes, I would be willing to raise in my discussions with First Bus the suggestions made regarding the re-routing of the no.6 bus."² Regarding

the suggestion that there are no dropped kerbs along James St., I will ask Officers to look into that.”³

(iv) To the Executive Member for City Strategy, from Cllr Moore:

“Can the Executive Member confirm that there was no consultation with the Council before developers submitted the ‘Clifton Gate’ Eco-town application to the Government?”

The Executive Member replied:

“There was no consultation with the Council before developers submitted the eco town application to government.

The Leader of the Council wrote to Hazel Blears, Secretary of State for Communities and Local Government, on the 14th December, expressing dismay at the current process which allows developers to put forward to government a major development proposal for York without any consultation with the Council.

It was not until over three weeks after submission was made that the developers contacted the Council to inform us that a bid had been submitted. To date we do not have the full details of the bid and when the Director of City Strategy telephoned the DCLG in December he was told that they would not discuss any individual bids or even confirm that a bid had been received.

No meaningful attempt has been made to involve the Local Authority. This is completely contrary to the requirements of the new planning system which is very much about working with communities and stakeholders with proposals based on evidential need. The letter sought DCLG assurance that if any proposal for an Eco-town in York comes forward that it will be subject to the full rigours of the planning process both at a regional and local level and that they should seek the advice of the Local Planning Authority on the appropriateness or otherwise of any proposal before making such a decision.

The developers submitting the bid have subsequently contacted the Council to arrange a meeting.”

(v) To the Executive Member for City Strategy, from Cllr D’Agorne:

“Can you please outline the likely budgetary implications for other Council services if we enter into PFI 25-year contracts for both Highways Maintenance and Waste?”

The Executive Member replied:

“I am pleased to tell the Council that it has been selected as one of five Councils, by DfT, to refresh the Expression of Interest for Highway Maintenance PFI submitted in September 2006. The refreshed Expression of Interest will be submitted to DfT in mid February and officers are currently preparing the document.

The costs are being amended to take account of changes to the scope, the discount rates, the swap rates and inflation.

If the Council is successful in being selected as a pathfinder project then the earliest the new contract would become operational is autumn 2011.

The likely budgetary implications for other council services are the loss of the contribution towards directorate and corporate overheads and

the general fund. It is currently estimated this will be in the order of £0.5m each year.

The latest available figures on the affordability of the waste PFI project were approved by the Executive on 26 June 2007.

The project is currently in the competitive dialogue process.

Solutions are being discussed and, until the outcome of the procurement is complete, the affordability of the project will not be known. However, it is expected to be within the affordability envelope already approved by the Executive on 26 June 2007."

In response to a supplementary question from Cllr D'Agorne, the Executive Member replied:

"The question of the impact of the project on the continuation of essential services is premature. There will be no impact this year. Any method of dealing with this matter would incur costs and 'do nothing' is not an option."

(vi) To the Executive Member for City Strategy, from Cllr D'Agorne:

"Can you report on progress with purchasing sites for waste treatment at Tockwith or elsewhere?"

The Executive Member replied:

"I am not aware of any plans for the purchase of sites for waste treatment within the CYC boundary."

In response to a supplementary question from Cllr D'Agorne, the Executive Member replied:

"Waste treatment sites will be needed, but none have been identified in the City of York area. North Yorkshire County Council are progressing the matter via the LDF process."

(vii) To the Executive Member for City Strategy, from Cllr D'Agorne:

"Can you tell me when the agendas and minutes of the Quality Bus Partnership will be made publicly available and can you supply a report to councillors on the decisions of the Partnership since its 'relaunch' in September 2007?"

The Executive Member replied:

"The approved minutes of the Quality Bus Partnership will be forwarded by the Transport Planning Unit to Democratic Services for publication on the Council's web site at the beginning of next week.⁴ A report will be prepared for the June 2008 meeting of the Executive Member for City Strategy and Advisory Panel on the decisions of the QBP since its re-launch in September 2007.⁵ In addition, the current list of outside bodies set out in the Constitution for report to full Council has been referred for reconsideration under the forthcoming constitutional review."

(viii) To the Executive Member for Neighbourhood Services, from Cllr Potter:

"Neighbourhood Services EMAP agreed to provide litter bins in the City Centre with compartments to allow for various items to be recycled. These have been very successful in other cities in the UK. When will they eventually be installed in York and what has been the delay?"

The Executive Member replied:

“The EMAP on 17th October 2007 agreed to trial an integrated litter and recycling bin design in the city centre. It would be fair to say that experience of this type of bin has been mixed across the country. Two of the bins discussed at October EMAP were put in place in St Helens Square (17 October 2007) and Kings Square (24 October 2007).”

In response to a supplementary question from Cllr Potter, the Executive Member replied:

“This was only intended to be a small scale pilot project. The priority has been to provide kerb side recycling in those areas which do not already have it.”

(ix) To the Executive Member for Housing Services, from Cllr Potter:

“The current ‘Discus’ bungalow residents in Heworth and Fishergate Wards are having to move to new properties through no fault of their own. They face a rent increase of over £20 per week. They have no choice in the matter and it is difficult for a pensioner on a fixed income to accommodate such a large increase within their existing budgets. What is the Executive Member going to do to address this unacceptable rent increase to be faced by these elderly and vulnerable residents?”

The Executive Member replied:

“As Cllr Potter will know, the Director of Housing and Adult Services updated the EMAP meeting, held on Monday 14th January, on the issues surrounding the future increase in rents, for existing tenants, following the redevelopment of the Discus sites.

I understand that York Housing Association could indeed choose to charge differential rents for identical properties on the same site. However this would create a precedent.

Any rents charged by a Housing Association need to be agreed by the regulator and funder, which is the Housing Corporation. The Housing Corporation have agreed the rent levels for the new bungalows as part of the capital grant approval and the financial viability of the project assumed the same rent level. If the rent levels on any of the properties were to change then the financial viability would have to be re appraised and would affect the capital receipt. If this were the case then it is likely that the council would have to start the whole tender evaluation process again. This is therefore unlikely to be a viable option.

The Council cannot use monies from the Housing Revenue Account to benefit residents who are not council tenants. However the council, under the Local Government Act 2000, does have powers for discretionary expenditure to ‘promote well being in the local area’.

It may be possible, under these powers, to make a contribution towards the rent for those residents who are responsible for full payment of their rents. However, this would set a precedent for any future redevelopment projects as well as be open to challenge from residents who have been affected by redevelopment of their homes in the past.

There are currently 15 Discus tenants who do not get any financial help with their rent.

We do not know the financial circumstances of these 15 and the Council and York Housing Association will be visiting these people during February as part of a benefit take up campaign.

Some people may be eligible for help through Housing Benefit now and others may be eligible when their rents increase.

There may be some people who do not wish to discuss or disclose any financial information.

By the end of February we will have a clear idea of individual circumstances and how many people, if any, will be directly affected by an increase in their rent.

The new bungalows are unlikely to be ready for occupation for 18 months and we therefore have plenty of time to consider individual circumstances.

The meeting on Monday 14th agreed that no options would be considered further until the existing 15 tenants has been visited and there was a clear picture of how many people, if any, would be ultimately affected by any increase in their rent.

Tenants do, of course, continue to have the option of transferring to another Council property, with a lower rental, should they choose to do so."

(x) To the Executive Member for Housing Services, from Cllr Horton:

"Who initiated, and following what consultation was the decision taken, in respect of expenditure of estate management budgets, that suggestions for estate improvements be limited to only those members of the relevant R.A. who turned up for the estate walkabout? Would the Executive Member for Housing not consider that such a decision could be regarded as discriminatory against the disabled and infirm and subject to legal challenge, and if not, why not?"

The Executive Member replied:

"The proposed new process for dealing with Estate Improvement budgets was developed by officers in consultation with the Tenants Federation. The intention, I understand, was to encourage more integration between the process and the development of neighbourhood action plans.

I share the questioner's concern that the process has, so far, not specifically sought suggestions from tenants in an area of benefit, although it was intended to do so for the 09/10 financial year.

While the number of suggestions for improvements submitted by ants has fallen over the years, I do regard the freedom to generate proposals to be an important underpinning principle of any representative process.

I have therefore asked officers to ensure that a letter is sent to all tenants within the next 6 weeks seeking any nominations that they may wish to make for the use of the 08/09 estate improvement budget.

The intention would then be for a list of proposed schemes to be subject to the usual ballot of tenants later in the spring, following initial review by the local Tenants Association and the Ward Planning Team."

In response to a supplementary question from Cllr Horton, the Executive Member replied:
"Yes, the ballot will be of all tenants."

Action Required

- | | |
|---|----------|
| 1. Neighbourhoods to supply this information to Executive Member. | GR JB |
| 2. Executive Member to raise this matter with First York. | JB |
| 3. City Strategy Officers to provide this information for Executive Member. | GR JB |
| 4. Publish QBP minutes on the Council's website. | |
| 5. Prepare report on QBP for June 2008 City Strategy EMAP meeting. | |

**66. INDEPENDENT REMUNERATION PANEL ON MEMBERS ALLOWANCES
– FINAL REPORT**

Cllr Steve Galloway moved, and Cllr Scott seconded, the following amendment to the recommendation in the report on the Independent Remuneration Panel's review of Members' Allowances, at page 37 of the Council papers:

"Insert at the start of the recommendation at paragraph 18 of the report (page 40): *'That arising from the Independent Panel's report,'*

Delete all after *'Members are asked to'* and insert:

'Agree that the following actions be taken:

- (i) That, effective from 1 February 2008, the Councillors basic allowance be increased by the rate of inflation since the last review (approximate 10% increase in basic allowance bringing it to £7,000 per annum & equivalent to the 4 year inflation increase awarded to local government employees)*
- (ii) That the basic allowance be increased annually in line with the average annual inflation salary increase awarded to local government employees;*
- (iii) That Members allowances to be pensionable with effect from 1 April 2008;*
- (iv) That, subject to the implementation of appropriate audit and transparency safeguards, the current dependant carers scheme be extended to include a further allowance option, payable at £3.50 per hour up to a maximum of 3.5 hours, and which will be available for family members (other than those with parental responsibility) as from 1 February 2008*
- (v) That no changes be made to current special responsibility allowance levels at the present time but that Group Leaders be asked to review the options for refining the payment levels available for individual posts prior to the Annual Meeting in May 2008, when new Council and Committee places are agreed."*

The recommendation, as amended, now read as follows:

“That, arising from the Independent Panel’s report, Members are asked to agree that the following actions be taken:

- (i) That, effective from 1 February 2008, the Councillors basic allowance be increased by the rate of inflation since the last review (approximate 10% increase in basic allowance bringing it to £7,000 per annum & equivalent to the 4 year inflation increase awarded to local government employees)
- (ii) That the basic allowance be increased annually in line with the average annual inflation salary increase awarded to local government employees;
- (iii) That Members’ allowances be pensionable with effect from 1 April 2008;
- (iv) That, subject to the implementation of appropriate audit and transparency safeguards, the current dependant carers scheme be extended to include a further allowance option, payable at £3.50 per hour up to a maximum of 3.5 hours, and which will be available for family members (other than those with parental responsibility) as from 1 February 2008
- (v) That no changes be made to current special responsibility allowance levels at the present time but that Group Leaders be asked to review the options for refining the payment levels available for individual posts prior to the Annual Meeting in May 2008, when new Council and Committee places are agreed.”

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

RESOLVED: That the recommendation in respect of Members’ Allowances, as amended, be approved.¹

Action Required

1. Make the required adjustments to Members' allowances GR
and amend the information in the Constitution and on the
Council website.

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

A written report was received from Cllr Galvin, the Chair of the Scrutiny Management Committee (SMC) on the work of the SMC since the last report to Council, on 29 November 2007.

Cllr Galvin agreed to provide a written answer to a query raised by Cllr Funnell on the report concerning the lack of policy reviews carried out by the Health Scrutiny Committee.¹

Action Required

1. Supply the information required for Cllr Galvin's response. GR

68. ACTIVITIES OF OUTSIDE BODIES

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

- York and North Yorkshire Waste Management Partnership – meeting on 1 November 2007
- Yorkshire and Humber Assembly – meeting on 6 December 2007
- Local Government Yorkshire and Humber – meeting on 22 November 2007
- North Yorkshire Fire and Rescue Authority – meeting on 26 September 2007
- Regional Transport Forum – meeting on 7 December 2007
- Pension Fund Sub-Committee – meeting on 27 September 2007
- Police Authority – meeting on 21 November 2007
- Safer York Partnership – meeting on 10 January 2007 (added after publication of the Council agenda).

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

69. APPOINTMENTS AND CHANGES TO MEMBERSHIP

RESOLVED: That the appointments to Committees, Outside Bodies and Working Groups set out on the revised list circulated at the Council meeting (and attached as Annex 1 to these minutes) be approved.¹

Action Required

1. Update committee management system with revised appointments.

GR

Council Meeting 24 January 2008

Membership of Committees, Working Groups and Outside Bodies – revised list

Neighbourhood Services Advisory Panel

To appoint Cllr Ayre as Vice Chair of the Panel, in place of Cllr Holvey.

York Joint Consultative Committee

| | | |
|------------------|-----|--|
| Liberal Democrat | (1) | Cllr Jamieson-Ball (substitute - Cllr D'Agorne) |
| Labour | (1) | Cllr Fraser |
| Conservative | (1) | Cllr Healey |

Note:

No nominations have been received for representation on the Regional Environment Protection and Advisory Committee (REPAC). It has therefore been removed from the list.

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