

## CITY OF YORK COUNCIL

Resolutions and proceedings of the Meeting of the City of York Council held in the Guildhall, York on 11 April 2006, starting at 6.30 pm.

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

### ACOMB WARD

David Horton  
Tracey Simpson-Laing

### BISHOPTHORPE WARD

David Livesley

### CLIFTON WARD

Alan Jones  
Kenneth King  
David Scott

### DERWENT WARD

### DRINGHOUSES & WOODTHORPE WARD

Thomas Holvey  
Ann Reid  
Susan Sunderland

### FISHERGATE WARD

Andrew D'Agorne  
Mark Hill

### FULFORD WARD

Keith Aspden

### GUILDHALL WARD

Janet Looker  
Brian Watson

### HAXBY & WIGGINTON WARD

Charles Hall  
Christopher Hogg

### HESLINGTON WARD

Ceredig Jamieson-Ball

### HEWORTH WARD

Paul Blanchard  
Vivienne Kind  
Ruth Potter

### HEWORTH WITHOUT WARD

Martin Lancelott

### HOLGATE WARD

Martin Bartlett  
Charles Fairclough  
Gilbert Nimmo

### HULL ROAD WARD

Derek Smallwood

**HUNTINGTON & NEW EARSWICK  
WARD**

Keith Hyman  
Keith Orrell  
Carol Runciman

**MICKLEGATE WARD**

David Evans  
Sandy Fraser  
David Merrett

**OSBALDWICK WARD**

Jonathan Morley

**RURAL WEST YORK WARD**

Janet Hopton  
Quentin Macdonald

**SKELTON, RAWCLIFFE & CLIFTON  
WITHOUT WARD**

Richard Moore  
Irene Waudby  
Mark Waudby

**STRENSALL WARD**

Ian Cuthbertson  
Madeleine Kirk

**WESTFIELD WARD**

Stephen Galloway  
Susan Galloway  
Andrew Waller

**WHELDRAKE WARD**

Christian Vassie

Apologies for absence were received from Councillors Bradley, R Watson and Wilde.

**DECLARATIONS OF INTEREST**

62. The Lord Mayor invited Members to declare any personal or prejudicial interests they had in any of the business on the agenda. None were declared.

**MINUTES**

63. The minutes of the meeting of Council held on 24 January 2006 and the budget meeting of Council held on 1 March 2006 were agreed as a correct record and signed by the Chair.

**PUBLIC PARTICIPATION**

64. The Lord Mayor reported that she had agreed to the following registrations to speak in connection with the sale of the Barbican Centre in view of the local concern on this issue. Each speaker had been given 4 minutes to enable the session to be managed within the 30 minute timescale permitted in Standing Orders:

Miriam Jackson (York Sport & Leisure Campaign)  
Danny Golding (former Barbican user)  
John Issit  
Ernie Dickinson  
Margot Blanchard (local resident)  
John Wartho  
Maria Dodd (parent)

RESOLVED: That the comments made be noted and taken into account by Members when considering the first Notice Motion below in relation to the sale of the Barbican Centre.

## PETITIONS

66. In accordance with Standing Order (7), the following petitions were presented by Members:
- (i) A petition presented by Cllr Simpson-Laing on behalf of residents of Leeman Road, seeking improvements to the “Back Park” play area in Carnot Street.

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

## NOTICES OF MOTION UNDER STANDING ORDER 11

67. In accordance with Standing Order 11, three notices of motion had been received:-
- (i) **Barbican**

It was moved by Councillor Looker and seconded by Councillor Evans that:

“In the light of the Council's inability to sell the Barbican site, we call for a review of the rushed decision to make the reduced price sale. Council resolves to set up an Ad Hoc Scrutiny Committee to undertake a review of the options available to the Council and to make recommendations to the Executive to ensure that best value is achieved for the Council and the citizens of York.”

Councillor D’Agorne then moved, and Councillor Hill seconded an amendment to the above motion, as follows:

“At the end of the Notice of Motion, add:  
*‘This scrutiny should in particular consider the option of excluding the sale of the Kent Street site which would result in the loss of the site of a promised community swimming pool and fitness suite in favour of a budget hotel. This aspect represents a particularly bad deal for the local*

*residents, sports groups and all those who used the former Barbican facilities and precludes any chance of sports facilities being provided on this site even if funds could be identified in the future.”*

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

The original motion was put to the vote and was declared LOST and it was

RESOLVED: That the above notice of motion be not approved.

(ii) **Council Tax**

It was moved by Councillor Macdonald and seconded by Councillor Moore that:

“Council notes with concern the announcement by the Local Government Minister Phil Woolas that he is considering ‘capping’ the City of York Council Tax rise at 5% for the 06/07 year. As the lowest spending unitary authority, per head of population, in the country, Council places on record its amazement that its budget should be labelled as ‘excessive’ by the Minister and that he should apparently feel that, by reducing Council Tax levels by an average of 7p per household per week, the CYC would be transformed into a ‘prudent’ authority.

Council is also deeply aggrieved that a local member of Parliament, Hugh Bayley, should similarly claim, without a shred of evidence, that the CYC is ‘extravagant’. Council resolves to invite Mr Bayley to attend its next meeting, on 27<sup>th</sup> April, and explain which items of expenditure in its budget he considers to be ‘extravagant’.

Council’s main concern is to sustain good quality public service standards while continuing to provide excellent value for money. In looking forward to the day when Council Tax is abolished in favour of a more equitable way of funding local government, Council regrets the crude and unfair discrimination against York residents demonstrated by the present government.”

Councillor Looker then moved, and Councillor Merrett seconded an amendment to the above motion, as follows:

“In the first paragraph:

At the end of the first sentence, delete the full stop and insert a comma.

In the second sentence, delete ‘As’ and insert ‘*although it is*’, delete the comma after ‘*country*’ and insert a full stop, delete all from the word ‘*Council*’ to the end of the paragraph.

Delete the whole of the second paragraph.

In the third paragraph;

Delete all after the first sentence and insert ‘*Council agrees that it would be best to respond to the Minister on an agreed bipartisan basis with as*

*much support from local residents and Council Members as possible in the time allowed, and asks Council Officers to proceed on that basis.”*

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.

(iii) **The Government’s Energy Review**

It was moved by Councillor D’Agorne and seconded by Councillor Hill that:

“This Council resolves to respond to the Government’s Energy Review by writing to the Secretary of State -

1. Drawing attention to the commitment of City of York Council to the Nottingham Declaration on Climate Change and its support for the Microgeneration Bill (July 2005) now represented through the Sustainable Energy Bill due to receive its third reading in May.
2. Stating that this Council believes that enhanced building regulations (that increase energy efficiency) combined with expansion of renewables and other measures to reduce fossil fuel use for heating and transport are the most timely, cost effective and publicly acceptable ways of reducing CO2 in order to address climate change.
3. Stating that this Council believes that new nuclear power stations are not an option that should be supported for the UK at this time, and that solutions for the decommissioning of existing stations and long term safe storage and management of the existing nuclear waste must be a priority.”

Councillor Vassie then moved, and Councillor Waller seconded an amendment to the above motion, as follows:

“In paragraph 2:

*After ‘stating that’, insert ‘in the light of the national 2% increase in CO2 emissions since 1997’*

*Delete all after ‘this Council believes that’ and insert ‘a combination of:*

- i) *energy efficiency measures, including*
  - *the construction of more energy efficient buildings,*
  - *ensuring better levels of insulation in existing buildings,*
  - *encouragement of more fuel-efficient vehicles,*
  - *encouragement of more energy efficient domestic appliances and lighting;*
- ii) *renewable energy initiatives, including*
  - *the expanded support of the renewable energy sector,*

- *the encouragement of biofuels,*
- *the encouragement of microgeneration by ensuring the domestic / small scale installation of renewable energy technologies is a permitted development right;*
- iii) *and taxation of all fossil fuels including those used in commercial aviation;*

*are the most timely, cost effective ways of reducing CO2 in order to address Climate Change at the present time.'*

In paragraph 3:

After 'Stating that' insert 'while'.

Delete 'power' and insert 'fission powered'.

Delete all after 'the UK at this time' and insert:

*'this Council calls upon government to ensure that any continued interest in nuclear power is not at the expense of:*

- *further support and expansion of the renewable energy sector,*
- *continued commitment to improving energy efficiency in homes, industry and transport,*
- *further legislation to improve energy efficiency, and*
- *funding to enable existing legislation, such as Part F & L on the new building regulations, to be properly enforced."*

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

The motion, as amended, now read as follows:

"This Council resolves to respond to the government's Energy Review by writing to the Secretary of State:

1. Drawing attention to the commitment of City of York Council to the Nottingham Declaration on Climate Change and its support for the Microgeneration Bill (July 2005) now represented through the Sustainable Energy Bill due to receive its third reading in May.
2. Stating that, in the light of the national 2% increase in CO2 emissions since 1997, this Council believes that a combination of:
  - i) energy efficiency measures, including
    - the construction of more energy efficient buildings,
    - ensuring better levels of insulation in existing buildings,
    - encouragement of more fuel-efficient vehicles,
    - encouragement of more energy efficient domestic appliances and lighting;
  - ii) renewable energy initiatives, including
    - the expanded support of the renewable energy sector,
    - the encouragement of biofuels,
    - the encouragement of microgeneration by ensuring the domestic / small scale installation of renewable energy technologies is a permitted development right;
  - iii) and taxation of all fossil fuels including those used in commercial aviation;

are the most timely, cost effective ways of reducing CO2 in order to address Climate Change at the present time.

3. Stating that while this Council believes that new nuclear fission powered stations are not an option that should be supported for the UK at this time, this Council calls upon government to ensure that any continued interest in nuclear power is not at the expense of:
  - further support and expansion of the renewable energy sector,
  - continued commitment to improving energy efficiency in homes, industry and transport,
  - further legislation to improve energy efficiency, and
  - funding to enable existing legislation, such as Part F & L on the new building regulations, to be properly enforced.”

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

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

#### **BUSINESS OF THE LEADER AND THE WORK OF THE EXECUTIVE**

68. An oral report was received from the Leader on the work of the Executive, and he then formally moved, and Councillor Waller seconded, those minutes requiring confirmation from the following meeting:

- (i) Executive on 21 March 2006, Minute 185 – recommendations in respect of the Local Transport Plan 2006-2011 (*page 424*).

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

RESOLVED: That minute 185 of the above meeting, and the recommendations of the Executive in respect of the Local Transport Plan 2006-2011, be approved.

#### **WRITTEN REPORT OF THE EXECUTIVE MEMBER FOR EDUCATION AND CHILDREN'S SERVICES**

69. A written report was received from Councillor Runciman, the Executive Member for Education & Children's Services. Councillor Runciman then responded to a series of questions put by Members in accordance with Standing Orders. Prior notice had been given of three questions to the Executive Member under this item. These were put and answered first, as follows:

- (i) **From Cllr Livesley:**

“Would the Executive Member comment on the recent Beacon Award received by Children's Services for its work in the area of Early Intervention (Children at Risk)?”

The Executive Member replied:

*“This year was the third in which we have been shortlisted for Beacon Status. In the last two years this was firstly for Early Years and then for Multi-agency working. I am pleased to confirm that this year, our work in the area of Early Intervention (Children at Risk) has been recognised with the award of Beacon Status and am pleased to show Council the award we were given. We know that we will be given funding to put on events to disseminate good practice but do not have full details of this yet.*

*The work that attracted this award has been largely about working with children and young people and their families who are at risk of failure. By keeping them in the system we have not only improved their quality of life, but also avoided the need for expensive crisis work. This includes avoiding out of city placements, which firstly improves outcomes for children and young people and secondly makes economic sense. There was inspirational testimony to the judging panel about the impact of some of our programmes on individual young people. This included such projects as YILTS, Parenting courses and youth service schemes such as Network 2.*

*However, many of the initiatives that we have showcased have been funded from additional grants (such as the Children's Fund), or projects such as 'Sure Start' that have fixed term funding. There is a real danger that instead of them being mainstreamed, they will be lost due to lack of funding but for me, it is essential that we focus on prevention rather than crisis management.*

*I would like to record my thanks to all the officers who contributed to this achievement and in particular to Murray Rose and Pete Dwyer, who have worked together so effectively in this important area.”*

(ii) **From Cllr Cuthbertson:**

“How were the plans for the future provision of secondary education on the West side of the city received at the recent consultation event?”

The Executive Member replied:

*“After the public notices were published for Lowfield/Oaklands and for Manor, brochures were produced to keep parents informed. Lowfield and Oaklands co-operated to organise a consultation evening at which a specially made DVD about the school was shown. This was excellent and made the plans very*



*clear to all who attended. It was shown three times during the evening to a very receptive audience and a team of about 10 council officers as well as senior staff from the two schools was available (with myself) to respond to questions. There was some concern from parents, but this was mainly about the timescale for the build and the potential for disruption, not about the scheme overall. We have received no formal objections to the proposals or the notices. We have received a couple of responses commenting on details of the build and enquiring about the way in which the priority admission zone for Manor will work.*

*For Manor two consultations have taken place. The first was initiated by the council and is designed to test attitudes towards relocating the school on land currently owned by the council off Millthorpe Lane. A presentation was made to the ward committee for Rural West York, which was very positively received, and a further presentation is planned for the Acomb ward committee. The second consultation followed the publication of statutory notices for the increase in size of Manor School. Both issues were the subject of a consultation meeting held by the school, at which I was also present. It was attended by over 100 people most of whom were parents or prospective parents. The response has been overwhelmingly positive. Two letters have been received raising detailed questions about access to the site and traffic management. Neither of the writers appears to believe that the problems will be insurmountable.*

*So far I am pleased to report that there is a remarkable degree of consensus about the proposals from all those people expressing a view. It is quite unusual for school reorganisation proposals on this scale to be received so positively and is, in part, a tribute to the constructive and positive attitude adopted by the Headteachers and Governing Bodies of the schools concerned. I would like to thank them all as well as the officers who have worked together to take this matter forward.”*

(iii) **From Cllr Jamieson-Ball:**

“Could the Executive Member please provide an update for Council on the work of the Involvement Group?”

The Executive Member replied:

*“The Involvement Group meets as part of the work of the YorOK Board, the York Children’s Trust. Its members include representatives from the Children’s Fund, the Play team, the Youth team, Connexions, the Education Development Service, Sure Start, the Children’s Society and myself.*

*At present, we are auditing the work done across the city to consult with Children and Young People. This is extensive and is exemplified by the list included in the recently published*

*Children's Services Plan, which I am pleased to show Members tonight.*

*As well as the two recent Schools Council Conferences for delegates from Primary and Secondary Schools, we have listened to the views of young people as expressed through specialist teams of workers. These include Traveller Children, Black and Ethnic Minority groups, children with Disabilities, children in their early years, Looked After children and Care Leavers. All of these groups are those with which we will be doing further work to ensure that their voices are heard and they are involved in the development of the next Children and Young People's Plan.*

*A consultation is at present underway on the plans for the One Stop Shop and a very successful consultation day was held, both for professionals and young people, last week.*

*We are also hope to do further work with young people involved in the CAMHS Service (Child and Adolescent Mental Health Service) and, particularly, with children and families in their local communities.*

*It is most important that this council listens to the voices of young people in the city and the Involvement Group contributes in a significant way to ensuring that this happens and planning for further work in the future."*

#### **QUESTIONS UNDER STANDING ORDER 10**

70. In accordance with Standing Order 10 (c) (1) the following questions were put and responses given:

**(i) From Cllr Merrett to the Executive Leader:**

"What will be the number of staff and budget levels that each of the proposed new Executive Members will be responsible for?"

The Executive Member replied:

*"This information is not available. The date on which proposals to change the constitution will be considered has been put back until 27<sup>th</sup> April."*

He then responded to supplementary questions regarding the timing of the Special Meeting and suggested that the start time be reviewed accordingly.

**(ii) From Cllr Looker to the Executive Member for Resources:**

“What are the costs and risk to the authority in the leasing back of St Leonard’s?”

The Executive Member replied:

*“The sale particulars for St. Leonard's will be published shortly and they will require the purchaser to enter into a lease back deal. Clearly the financial consequences of this will not be know until a purchaser has been selected. Lease back is a well understood arrangement which has few risks. The main risk is that it proves impossible to assemble the land package needed on which to build the new council office. We will not complete the sale of St. Leonard's until the land assembly has been achieved.”*

**(iii) From Cllr Simpson-Laing to the Executive Member for Planning and Transport:**

“Can the Executive Member for Planning and Transport explain why the Highways Maintenance Procurement contracts, which should have been let in 2003, have still not been let and confirm when that will now be done?”

The Executive Member replied:

*“As the Councillor knows, a report on this issue will be considered by the Executive on 2<sup>nd</sup> May. I cannot at this stage anticipate the contents of that report.”*

**(iv) From Cllr Simpson-Laing to the Executive Member for Planning and Transport:**

“Can the Executive Member for Planning and Transport explain why the Council is supporting First York’s buy in advance ticket system on the FTR bus on Route 4, and the roll out of this scheme as mentioned in LTP2, which could exclude less frequent bus users, those who do not live near a Pay Point terminal and those who cannot afford to buy multiple tickets in advance?”

The Executive Member replied:

*“Cllr Simpson-Laing is wrong in implying that people will not be able to pay cash on the FTR for their journey. It has always been intended that there will be a facility to pay by cash on the FTR, although no change will be given.*

*Encouraging passengers to pay in advance by offering discounts to frequent users is a welcome move from First and I am pleased that the use of new technology should appeal to the next generation of bus users. Downloading your "ticket" to your mobile phone will have real appeal to younger people and expanding the pay point outlets will be beneficial to all bus users not just those using FTR.*

*Yet again the Labour Group are showing they don't check their facts –*

*this information has always been publicly available. It is also a great shame that any new initiative in the city meets with such negativity from the Labour Group.”*

## **ANNUAL REPORT OF STANDARDS COMMITTEE**

71. Members received a written report from the Monitoring Officer setting out a review of the work carried out by the Standards Committee at City of York Council during the municipal year 2005/06 (page 430).

**RESOLVED:** That the Annual Report of the Standards Committee be received and thanks be extended to Roger McMeekin for his hard work in chairing the Committee for a number of years. Mr McMeekin had resigned from the role and a replacement was being sought.

## **SCRUTINY**

72. **Oral Report of the Chair of Scrutiny Management Committee:**

Councillor Kirk, the Chair of the Scrutiny Management Committee (SMC), gave an oral report on the work of the SMC since the last report to Council, in January 2006. She reported on the outstanding reviews and indicated that she wished to see completion of these as soon as possible. She highlighted a number of ongoing potential scrutiny initiatives, such as a skills database of scrutiny Members and a newsletter, which would be subject to the resource and managerial implications for the Scrutiny Team being resolved as part of the Chief Executive's pending restructure.

## **ACTIVITIES OF OUTSIDE BODIES**

73. Minutes or reports of the following meetings of Outside Bodies were considered. In accordance with a previous request at Council, these had been made available to Members to view on the Council's computer system. The Lord Mayor invited comments and questions, firstly, from Council representatives on those bodies either in relation to the body generally or specifically on the minutes, and then, secondly, from Members generally.

- **Menwith Hill Forum**  
Meetings held on 15/4/05, 7/10/05 and 27/1/06 (draft)
- **Yorkshire and Humber Association of Local Authorities**  
Meeting held on 3/11/05
- **Yorkshire and Humber Assembly**  
Meeting held on 24/11/05
- **North Yorkshire Police Authority**  
Meetings held on 19/12/05 and 6/2/06

In relation to the above Police Authority Minutes, Councillor Irene Waudby was asked to indicate how she had voted in relation to proposals for reconfiguration. Councillor Potter responded to a similar question about voting and indicated her position on the proposed merger.

## **APPOINTMENTS TO COMMITTEES, OUTSIDE BODIES, WORKING GROUPS**

### **74. Appointments to Committees, Outside Bodies and Working Groups**

**RESOLVED:** That the appointments to Committees, Outside Bodies and Working Groups, as set out in the revised list circulated with late papers (*page 439*) (attached as Annex A to these minutes), be approved.

Councillor Janet Greenwood  
LORD MAYOR OF YORK

*[The meeting started at 6.30pm and concluded at 11.00 pm]*

## Membership of Committees, Working Groups and Outside Bodies

### PARTNERSHIP AND OTHER BODIES

#### Members' Council of the York NHS Foundation Trust

Liberal Democrat (2)	Cllr Sue Galloway Cllr Kirk
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Labour (1)	TBA
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#### Schools Organisational Committee

To appoint Ms Liz Burdette as representative of the Learning and Skills Council (formerly the Further Education Funding Council), in place of Mr David Harbourne.

#### Lifelong Learning Partnership Board

To appoint Cllr Runciman as the Council's representative on the above body.