### City of York Council

Resolutions and proceedings of the Meeting of the City of York Council held in The Citadal, Gillygate, York on Thursday, 14th December, 2017, starting at 6.30 pm

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

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<th>Acomb Ward</th>
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<td>D’Agorne Taylor</td>
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Apologies for absence were received from Councillors S Barnes, Ayre, Crisp, Pavlovic and Douglas
42. **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:

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<th>Councillor</th>
<th>Agenda Item</th>
<th>Description of Interest</th>
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<tr>
<td>Reid</td>
<td>10 – Report of Executive Member</td>
<td>Regarding reference to Bedern Hall as her son is director of Bedern Hall Company but receives no remuneration from that role.</td>
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<tr>
<td>Williams</td>
<td>8 – Motions on Notice (ii) Funding for Children &amp; Young People in York</td>
<td>Parent of a two young children attending York schools affected</td>
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The following **prejudicial or disclosable pecuniary** interests were declared:

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<th>Councillor</th>
<th>Agenda Item</th>
<th>Description of Interest</th>
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<td>Derbyshire</td>
<td>8 – Motions on Notice (ii) Funding for Children &amp; Young People in York</td>
<td>Employee of a school</td>
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<td>13 – Appointments and Changes to Membership</td>
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<td>Flinders</td>
<td>6 – Report of Executive Leader</td>
<td>Employed by Network Rail (references to York Central site in those</td>
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<td>7 – Report of Deputy</td>
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<td>Name</td>
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<td>Gates</td>
<td>Leader</td>
<td>Works in construction industry</td>
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<td>Stuart Rawlings</td>
<td>8 – Motions on Notice (iii) Construction</td>
<td>Works for a company which supplies the construction industry</td>
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<td>Richardson</td>
<td>8 – Motions on Notice (iii) Construction</td>
<td>Employed in construction industry</td>
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43. **Minutes**

Resolved: That the minutes of the last meeting of Council, held on 26 October 2017, be approved and then signed by the Lord Mayor as a correct record.

44. **Civic Announcements and Announcement of Lord Mayor and Sheriff Elect**

The Lord Mayor reported that, since the last meeting of Council, a former City of York Councillor and Lord Mayor of York, Malcolm Heppell, had sadly passed away. Members stood for a minute’s silence in memory of Mr Heppell.

The Lord Mayor then acknowledged the Christmas opening of the Mansion House on 2 and 3 December. She confirmed that the House would remain open to the public from Wednesdays to Sundays until 23 December, after which it would close until the grand re-opening on 27 January 2018. She thanked the Mansion
House team and volunteers who had made the event such a success.

Finally, the Lord Mayor invited Cllr Aspden to nominate the Lord Mayor Elect for the 2018/19 Municipal Year. Aspden nominated Cllr Keith Orrell as the Lord Mayor Elect and this nomination was unanimously agreed.

Cllr Orrell confirmed that he would be honoured to accept this office with the assistance of his Lady Mayoress, Judith Orrell. He also announced that Mrs Verna Campbell and her husband Prof Colin Campbell would be Sheriff and Sheriff’s Consort for the 2018/19 Municipal Year.

45. Public Participation

Five members of the public had registered to speak at the meeting under Public Participation.

Gwen Swinburn spoke in relation to the reports of the Executive Leader and Deputy Leader. She commended the Council’s increased use of webcasting in 2017 and other work to strengthen transparency within decision-making, but commented on the perceived tensions within the council and its potential impact on public trust in the council’s management team.

Mr Fisher addressed the council in relation to open governance. He confirmed he was speaking as a private individual rather than expressing views of the parish council. He stated that, in his opinion, all councillors (but at the very least, members of the Audit and Governance committee), should be provided with a copy of the independent report which has been written in relation to the Audit and Governance Committee meeting, as soon as possible.

Bob Webb spoke in relation to Councillor Mason’s motion on funding for children and young people in York, at item 8 on the agenda. As a teacher, he expressed concern regarding ever decreasing resources for schools and pupils, particularly given that York schools were, he understood, the worst funded in the country. Lack of funding made it harder to maintain a balanced curriculum with potential loss of more creative subjects.

Claire Douglas also addressed the council in support of Councillor Mason’s motion on funding for children and young people in York.
She advised Members that she was the chair of trustees of the Big Futures Foundation, a charity working in York schools to close the attainment gap between disadvantaged and non-disadvantaged children. She stated that, as well as falling funding, York schools had to deal with other factors impacting on children’s ability to attend school including child poverty and mental health issues. The time put into closing the attainment gap, providing social welfare support to families and dealing with mental health issues were all a drain on schools budgets and would remain a challenge for schools.

Honorary Alderman Brian Watson spoke in relation to the Leader’s report and specifically in relation to the delivery of the Community Stadium project and expressed concern in regard to the financing of this project.

46. Petitions

Under Standing Order 15, the following petition was presented by Cllr Warters, for reference to the Customer and Corporate Services Scrutiny Management Committee, in accordance with the Council’s arrangements for petitions:

- A petition on behalf of residents of Osbaldwick Ward, calling for the removal of the 20mph signs in Osbaldwick.¹

47. Report of Executive Leader and Executive Recommendations and Questions

A. Executive Leader’s Report

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

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

- Cllr Cannon – the role of City of York Council in the York Central Partnership
- Cllr Craghill – equalities issues in respect of the provision of ultra-fast broadband
• Cllr Derbyshire – whether dualling of York’s northern ring road was raised during discussions with the Secretary of State for Transport and response to this issue. Cllr Carr responded directly to all the questions put to him, including supplementary questions.

B. Executive Recommendations

Refresh of Housing Revenue Account (HRA) Business Plan 2017 to 2047

Cllr Carr moved, and Cllr Waller seconded, the following recommendation contained in Minute 86 of the Executive meeting held on 15 November 2017:

“Recommended: That Council approve the creation of a new capital budget of £20m to fund the building of additional affordable homes over the period 2018/19 to 2022/23.

Reason: In order to support the adoption of the HRA Business Plan, which sets out priorities for the housing revenue account for the next five years and gives clear messages as to the commitment to continue to invest in the council’s existing stock and local communities and to build much needed social rented housing.”

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

Resolved: That the above recommendation in respect of the Housing Revenue Account Business Plan 2017-2047 be approved. ¹

Capital Programme – Monitor 2 2017/18

Cllr Carr moved, and Cllr Waller seconded, the following recommendation contained in Minute 87 of the Executive meeting held on 15 November 2017:

“Recommended: That Council approve:
1. The adjustments resulting in a decrease of £3.728m in the 2017/18 budget, as detailed in the report and contained in Annex A and

2. The amended financing of earmarked schemes from capital receipts, as set out in paragraphs 42 to 43 of the report and in Table 4.

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

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

Resolved: That the above recommendation in respect of the Capital Programme Monitor 2 2017-18 be approved.

Action Required
1. To note council approval of the creation of a new capital budget of £20m to fund the building of additional affordable homes over the period 2018/19 to 2022/23.
2. To note council approval of the adjustments resulting in a decrease of £3.728m in the 2017/18 budget and the amended financing of earmarked schemes from capital receipts as detailed in the report.

48. Report of Deputy Leader and Questions

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

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

- Cllr N Barnes – with regard to Universal Credit, how much progress the administration had made with Citizens Advice York in agreeing the new service level agreement and funding from April 2018
- Cllr Crawshaw – flood defence works at Clemethorpe and request to complete planned works on barrier at Clemethorpe as quickly as possible.
• Cllr Craghill – planning application for York Central, asked that full consultation takes place before a number of separate planning applications come forward.
• Cllr Looker – sustainability issues relating to York Central – intention to push for inclusion of open space to be used for a range of activities.

Councillor Waller responded directly to all the questions put to him, including supplementaries.

49. Motions on Notice

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

(i) Non-recyclable Materials

(Proposed by Cllr Richardson, seconded by Cllr Steward)

“Council notes:
• There are significant environmental problems with disposing of single use plastics, which release toxic chemicals when they break down, are a non-recyclable material and therefore a waste of energy and economic value, and also contribute significantly to waterway litter in York.

Council therefore:
• Requests the appropriate Scrutiny Committee to consider the merits of undertaking a scrutiny review in order to investigate the council’s use of single use plastics in its buildings etc. and through its procurement arrangements, and how the behaviour of others may be influenced in relation to this particular form of pollution in support of the coalition’s broader environmental policies.”

Cllr D’Agorne moved, and Cllr Kramm seconded, an amendment to the above motion, as follows:

“At the end of the first bullet point, after ‘in York’, add: ‘which can then contribute to long lasting plastic pollution on beaches and in the marine environment.’

Insert the following additional bullet points after the first one:
At the end of what is now the fourth bullet point, add the following sentence: ‘Options to reduce the use of single-use disposable cups in York should include working with Make it York (possibly via its new service level agreement with the Council) and the York BID to reduce waste and tackle litter and rubbish collection challenges within the city centre.’”

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

A vote was then taken on the original motion, as altered by Cllr D’Agorne’s amendment, which was CARRIED an it was:

Resolved: That the original motion, as altered by Cllr D’Agorne’s amendment, be approved as set out below.1

“Council notes:

- There are significant environmental problems with disposing of single use plastics, which release toxic chemicals when they break down, are a non-recyclable material and therefore a waste of energy and economic value, and also contribute significantly to waterway litter in York, which can then contribute to long lasting plastic pollution on beaches and in the marine environment.

- The harmful effects this has on marine life and the increased amount of plastic entering the food chain.

- Existing initiatives aimed at reducing the numbers of single use disposable coffee cups being used for take-away drinks, such as the ‘Freiburg cup’ and the York manufactured ‘iamreusable’ cup.

Council therefore:

- Requests the appropriate Scrutiny Committee to consider the merits of undertaking a scrutiny review in order to investigate the council’s use of single use plastics in its buildings etc. and through its procurement arrangements, and how the
behaviour of others may be influenced in relation to this particular form of pollution in support of the coalition’s broader environmental policies. **Options to reduce the use of single-use disposable cups in York should include working with Make it York (possibly via its new service level agreement with the Council) and the York BID to reduce waste and tackle litter and rubbish collection challenges within the city centre.**

(ii) **Funding for Children and Young People in York**

(Proposed by Cllr Mason, seconded by Cllr Aspden)

“Council notes:

- That under the new Schools National Funding Formula, the Government is imposing real term cuts on schools by freezing per-pupil funding while inflation and school costs, such as staff salary costs, employer pension and national insurance contributions, which affect all schools and academies, increase.
- That schools in York are set to remain the lowest funded, when compared to any other local authority area in the country.
- That every child deserves the best possible start in life, and that an excellent education is pivotal to this, yet this Government’s Funding proposals will make it difficult for schools to meet the increasing demand of pupil numbers or address the growing national crisis in teacher recruitment and retention.
- The importance of the York Youth Council in providing a vital link between the Council and young people in facilitating a space where young people can actively engage in decisions which affect their future.
- The excellent contribution of staff and youth councillors to the Youth Council in its activities to support young people across the City, particularly in their campaign efforts to protect and develop mental health support in local schools.
Council resolves:

- To write to the Secretary of State for Education to highlight that York continues to remain the worst funded local authority and ask for her to reconsider York’s position.

- That the Council supports schools as much as possible during the implementation of the new National Funding Formula.

- That we urge the Executive to maintain funding to the York Youth Council, particularly its membership of the UK Youth Parliament, as part of a wider effort to support children and young people.”

Cllr Crawshaw moved, and Cllr Looker seconded, an amendment to the above motion, as follows:

“After ‘Council Notes’:

insert the following as the first bullet point:

- ‘The challenges that York schools have had since core funding per pupil was frozen in cash terms in 2011.’

In what is now the second bullet point, after ‘the Government is imposing’, insert the word ‘further’, add an ‘s’ to the word ‘term’ and then delete the word ‘freezing’ and insert ‘failing to provide adequate’

In what is now the third bullet point, delete ‘school’ and insert ‘pupils’ and then after ‘when compared to’ insert ‘their peers in.’

After the third bullet point, insert the following:

- ‘That changes due to the National Funding Formula will impact significantly on High Needs provision, putting this area in particular under extreme pressure.

- That unsustainable workloads, the impact of high-stakes testing, the narrowing of the curriculum and the public sector pay cap which has been in place since 2010, have all contributed to an alarming fall in the number of people training to become teachers and the high levels of staff
leaving the profession, often within five years of becoming qualified.

- That testing and exams have a place within schools but should be undertaken for the benefit of pupils’ learning and development first and foremost and that pupil performance should not automatically be equated with staff or school performance.

In what is now the seventh bullet point, after ‘an excellent education is’, delete ‘pivotal to’ and insert ‘a crucial factor in’.

After ‘Council resolves’:

in the first bullet point, after ‘highlight that’, delete ‘York continues to be’ and insert ‘York’s pupils continue to be’, delete the word ‘remain’, and then after ‘the worst funded’ delete ‘local authority’ and insert ‘in the country’.

insert the following additional bullet point after the first one:

- ‘That Council formally recognises that York’s teachers are a real asset to the city and do an excellent job in increasingly difficult circumstances.’”

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

Cllr Steward then moved, and Cllr Doughty seconded, a further amendment, as follows:

“After ‘Council resolves’:

In the final bullet point, delete all wording after ‘Executive to’ and insert the following:
‘find ways to increase funding to the York Youth Council, including possibly using some of the scrutiny budget, which is regularly underspent. York puts the views of young people at the heart of everything it does; therefore giving the Youth Council more resources to increase participation in influencing decision making and events for young people supports this and recognises the excellent efforts of youth councillors.’”

On being put to the vote, this amendment was also declared CARRIED.
A vote was then taken on the original motion, as altered by both Cllr Crawshaw’s and Cllr Steward’s amendments, which was CARRIED and it was:

Resolved: That the original motion, as altered by Cllr Crawshaw’s and Cllr Steward’s amendments, be approved as set out below:

“Council notes:

- The challenges that York schools have had since core funding per pupil was frozen in cash terms in 2011.

- That under the new Schools National Funding Formula, the Government is imposing further real term cuts on schools by failing to provide adequate per-pupil funding while inflation and school costs, such as staff salary costs, employer pension and national insurance contributions, which affect all schools and academies, increase.

- That pupils in York are set to remain the lowest funded, when compared to their peers in any other local authority area in the country.

- That changes due to the National Funding Formula will impact significantly on High Needs provision, putting this area in particular under extreme pressure.

- That unsustainable workloads, the impact of high-stakes testing, the narrowing of the curriculum and the public sector pay cap which has been in place since 2010, have all contributed to an alarming fall in the number of people training to become teachers and the high levels of staff leaving the profession, often within five years of becoming qualified.

- That testing and exams have a place within schools but should be undertaken for the benefit of pupils’ learning and development first and foremost and that pupil performance should not automatically be equated with staff or school performance.

- That every child deserves the best possible start in life, and that an excellent education is a crucial factor in this, yet this Government’s Funding proposals will make it difficult for
schools to meet the increasing demand of pupil numbers or address the growing national crisis in teacher recruitment and retention.

- The importance of the York Youth Council in providing a vital link between the Council and young people in facilitating a space where young people can actively engage in decisions which affect their future.

- The excellent contribution of staff and youth councillors to the Youth Council in its activities to support young people across the City, particularly in their campaign efforts to protect and develop mental health support in local schools.

Council resolves:

- To write to the Secretary of State for Education to highlight that York’s pupils continue to be the worst funded in the country and ask for her to reconsider York’s position.

- That Council formally recognises that York’s teachers are a real asset to the city and do an excellent job in increasingly difficult circumstances.

- That the Council supports schools as much as possible during the implementation of the new National Funding Formula.

- That we urge the Executive to find ways to increase funding to the York Youth Council, including possibly using some of the scrutiny budget, which is regularly underspent. York puts the views of young people at the heart of everything it does; therefore giving the Youth Council more resources to increase participation in influencing decision making and events for young people supports this and recognises the excellent efforts of youth councillors.”

[Note: Cllr Derbyshire left the room during consideration of the above motion and took no part in the debate or decision thereon].
(iii) Construction Standards

(Proposed by Cllr D Myers, seconded by Cllr Derbyshire).

“Council notes:
• The ability of this council to influence standards within the construction industry through its procurement policies. It further notes some sub-standard practices historically within the industry that are likely to continue unless those procuring large contracts insist on basic minimum standards for every worker, whether directly or indirectly employed.

Council resolves:
• To request the Executive to review the council’s procurement policies around construction contracts, with particular regard to health and safety, pay and benefits, employment rights and skills, (modelled on Construction Standards Charters adopted by fellow Yorkshire councils Barnsley, Bradford, Doncaster, Sheffield and Wakefield) in order that workers enjoy a reasonable level of protection and are safe and properly paid for the work they do.”

Cllr D’Agorne moved, and Cllr Craghill seconded, an amendment to the motion, as follows:

“In the bullet point under ‘Council resolves’, delete ‘a reasonable level of protection and are safe and properly paid for the work they do’ and insert ‘protection of employment rights, a safe working environment and at least the UK Living Wage.’”

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

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

Resolved: That the original motion be approved as set out below³.

“Council notes:
• The ability of this council to influence standards within the construction industry through its procurement policies. It further notes some sub-standard practices historically within the industry that are likely to continue unless those procuring
large contracts insist on basic minimum standards for every worker, whether directly or indirectly employed.

Council resolves:
- To request the Executive to review the council’s procurement policies around construction contracts, with particular regard to health and safety, pay and benefits, employment rights and skills, (modelled on Construction Standards Charters adopted by fellow Yorkshire councils Barnsley, Bradford, Doncaster, Sheffield and Wakefield) in order that workers enjoy a reasonable level of protection and are safe and properly paid for the work they do.”

[Note: Cllrs Flinders, Gates, Rawlings and Richardson left the room during consideration of the above motion and took no part in the debate or decision thereon].

(iv) **Arts, Culture and Creative Industries**

(Proposed by Cllr Hayes, seconded by Cllr Crawshaw)

Council notes:

- The importance of Arts, Culture and the Creative Industries for the City’s future, both from a social wellbeing and economic development perspective.

- This is illustrated with a strong section in the Draft Local Plan on Arts and Culture, which recognises the importance of this to York’s future development.

- The pending Scrutiny report on the work of the various Arts, Culture and Heritage organisations in the city is keenly anticipated with forward looking recommendations of this cross party committee which is due to be presented to Executive.

- We recognise the importance of the “Cultural Leaders Group” and other key decision makers. A cross party grouping of Councillors with a keen interest in Arts and
Culture along with key advisors could help to lead the debate forward, and also help to ensure that residents from all sections of society are included in any decisions about the future of Arts and Culture in York.

Council therefore resolves to make a long-term commitment to maintaining cross party involvement in supporting and developing York’s Arts and Cultural offer."

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

Resolved: That the motion, as set out above, be approved.

Action Required
1. Corporate Director of Economy and Place to take forward actions requested in motion (i) Non Recyclable Materials
2. Corporate Director of Children, Education and Communities to take forward actions requested in motion (ii) Funding for Children and Young People in York
3. Corporate Director of Economy and Place to take forward actions requested in motion (iii) Construction Standards
4. Corporate Director of Children, Education and Communities to take forward actions requested in motion (iv) Arts, Culture and Creative Industries

50. Questions to the Leader or Executive Members

In accordance with Standing Order 20, Members were invited to question the Leader and/or the other Executive Members in respect of any matters within their portfolio responsibility.

Questions were received from the floor from the following Members in relation to the subjects listed:

(i) To Cllr Carr, Leader:
   • From Cllr Warters – need to address highways defects caused by work to install 21st century communications infrastructure in the city.
• From Cllr Cullwick – request to stand up for York’s care services by writing to Secretary of State highlighting serious financial challenges in York.

(ii) To Cllr Runciman, Executive Member for Adult Social Care & Health:
• From Cllr N Barnes – progress on work with Citizens Advice York on their new service level agreement and funding from April 2018.

(iii) To Cllr Lisle, Executive Member for Housing & Safer Neighbourhoods:
• From Cllr Flinders – increase in people sleeping rough on streets in last year, the effect on people who are homeless, impact on local businesses and on residents – reason for this and what action is to be taken to address it.

The Leader and Executive Members responded directly to all the questions, including supplementary questions, put to them.

51. **Report of Executive Member**

Council received a written report from Cllr Reid, Interim Executive Member for Culture, Leisure and Tourism.

Resolved: That the report of the Interim Executive Member for Culture, Leisure and Tourism be received and noted.

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

• Cllr Galvin – commented that he was delighted to learn about the agreement for new football pitches at the Askham site to be used by White Rose Football Club.
• Cllr Wells – plans for the Library Service.
• Cllr Taylor – queries whether any library closures were foreseen following the consultation and request for update on Haxby library.
- Cllr Shepherd – request commitment to undertake review of open spaces in the city – need to encourage physical activity.

Cllr Reid responded directly to the questions put to her.

52. **Scrutiny - Report of the Chair of the Customer and Corporate Services Scrutiny Management Committee**

Council received the report of the Chair of the Corporate and Scrutiny Management Policy and Scrutiny Committee on the work of the Committee since the last report to Council, in October 2017.

Resolved: That the scrutiny report be noted.

53. **Recommendations of the Audit and Governance Committee**

The Chair of the Audit and Governance Committee, Cllr Derbyshire moved, and Cllr Kramm seconded, the following recommendation contained in Minute 45 of the Audit and Governance Committee meeting on 6 December 2017:

**Contract Procedure Rules Update**

“Recommended: That Council approve the revised Contract Procedure Rules, with the following amendments:

- A change from “should” to “must” throughout the document to emphasis the importance of the specified actions and procedures.
- The addition of the following sentence to section 7.9 on page 9: “An updated register of routine procurement must be presented regularly to the Executive Member for Finance and Performance.”
- Removal of the word “regularly” from the final sentence of page 29 (section 26) relating to the report of breaches.
- Removal of delegated authority to the Chief Finance Officer to vary the spending limit of £5000 specified on page 8 (section 4.3 and
4.4)  
- A change to section 2.1.3 (page 6), from “may be brought” to “must be brought and from “or” to “and”
- The addition of a requirement in section 4.4 (page 8) to maintain an ongoing schedule of contracts not using Yortender.

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

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

Resolved: That the above recommendation, in relation to the Contract Procedure Rules, be approved.¹

Action Required
1. Deputy Chief Exec/Director of Customer and Corporate Services to note council approval of the revised Contract Procedure Rules, with the amendments previously agreed.

54. Appointments and Changes to Membership

Resolved: That the appointment of additional school admission / exclusion appeals panellists, as set out at page 51 of the agenda papers, be approved.

Cllr Barbara Boyce
LORD MAYOR OF YORK

[The meeting started at 6.30 pm and concluded at 9.55 pm]