

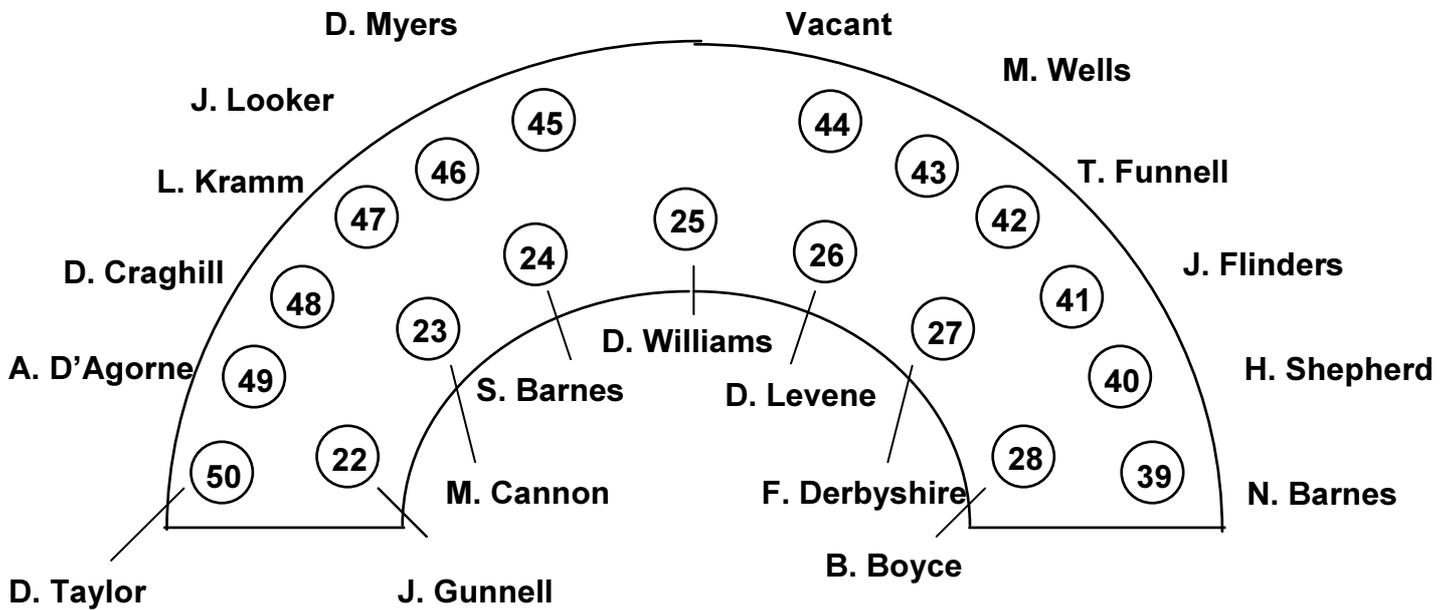
**CITY OF YORK COUNCIL  
SUMMONS**

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

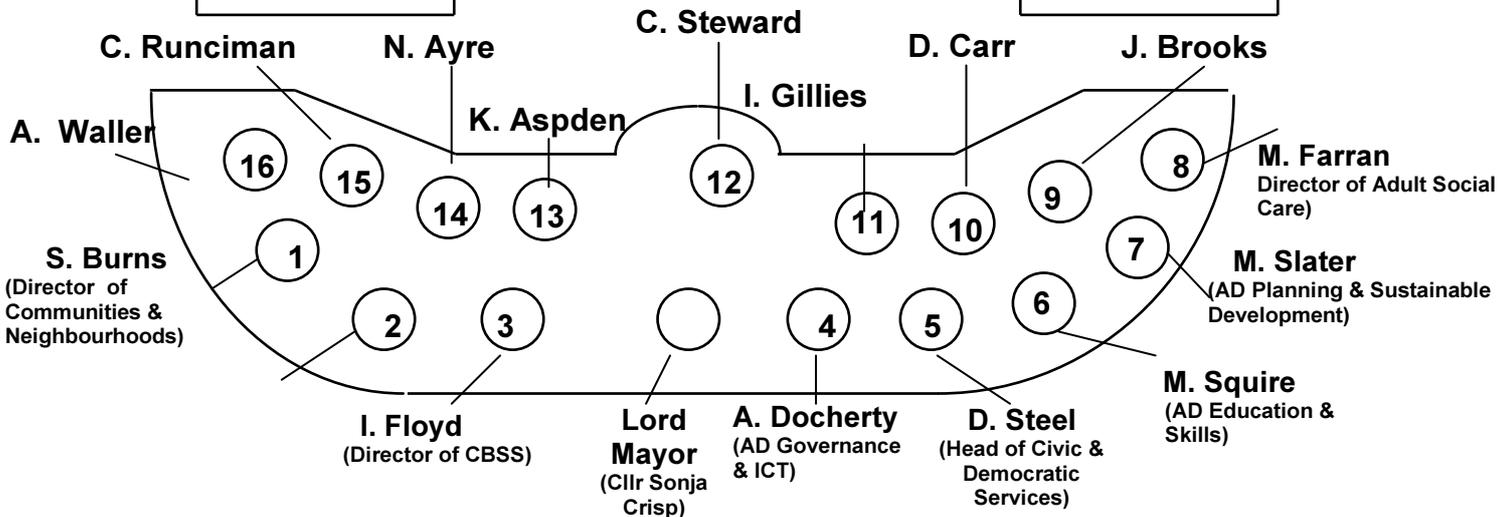
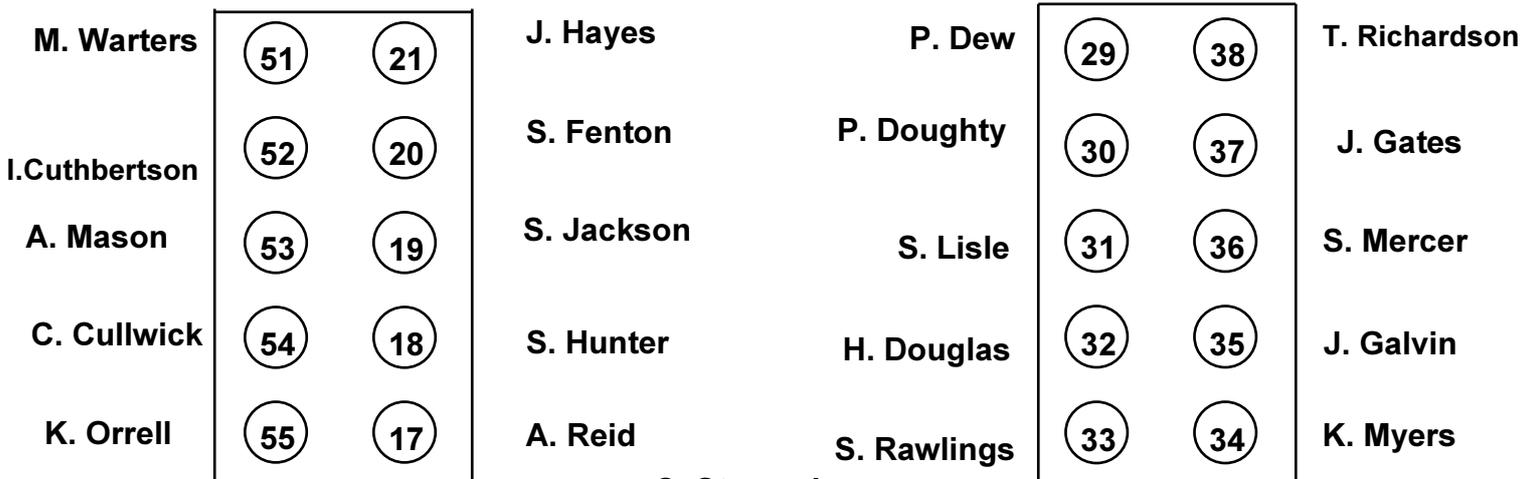
**Thursday, 8 October 2015 at 6.35 pm**



# COUNCIL CHAMBER



*Palantypist*



## **A G E N D A**

### **1. Declarations of Interest**

At this point, Members are asked to declare:

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

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

### **2. Minutes (Pages 1 - 18)**

To approve and sign the minutes of the last Council meeting held on 16 July 2015.

### **3. Civic Announcements**

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

### **4. Public Participation**

At this point in the meeting, any member of the public who has registered to address the Council, or to ask a Member of the Council a question, on a matter directly relevant to the business of the Council or the City, may do so. The deadline for registering is **5:00pm on Wednesday 7 October 2015**.

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

## **WEBCASTING NOTICE**

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

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

**Public seating areas will not be filmed by the Council.**

## 5. Petitions

To consider any petitions received from Members in accordance with Standing Order No.15. To date, notice has been received of two petitions to be presented by:

- (i) Cllr Hunter on behalf of local residents requesting the Council to gate the snickets between the backs of 30-38 Gale Lane, 1-9 Bachelor Hill and behind 11-15 Bachelor Hill backed by the green metal fencing.
- (ii) Cllr Ayre on behalf of 49 residents in the Langdale Avenue and Rydal Avenue area regarding the state of nearby roads and calling on the Council to work with residents to improve the roads.

## 6. Report of Executive Leader and Executive Recommendations

(Pages 19 - 32)

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

Meeting	Date	Recommendations
Executive	30 July 2015	Minute 34 : Older Persons' Accommodation Programme: The Business Case (page 23)  Minute 35 : Capital Programme Outturn 2014/15 and Revisions to the 2015/16-2019/20 Programme (page 24)  Minute 36 : Treasury Management Annual Report & Review of Prudential Indicators 2014/15 (page 24 & 25 )  <a href="http://democracy.york.gov.uk/ie/ListDocuments.aspx?CId=733&amp;MId=8840&amp;Ver=4">http://democracy.york.gov.uk/ie/ListDocuments.aspx?CId=733&amp;MId=8840&amp;Ver=4</a>

Executive                      27 August 2015                      Minute 48 : Capital Programme  
- Monitor 1 2015/16 (page 27 )

[http://democracy.york.gov.uk/ie  
ListDocuments.aspx?CId=733&  
MId=9018&Ver=4](http://democracy.york.gov.uk/ie/ListDocuments.aspx?CId=733&MId=9018&Ver=4)

Executive                      24 September  
2015                      Minute 60 : Draft Council Plan  
2015-19: Report on the  
Consultation Exercise (copy of  
Plan attached – page 29-32 )

[http://democracy.york.gov.uk/ie  
ListDocuments.aspx?CId=733&  
MId=8841&Ver](http://democracy.york.gov.uk/ie/ListDocuments.aspx?CId=733&MId=8841&Ver)

## 7. **Motions on Notice**

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

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

(i) From Cllr N Barnes

#### Council tax support scheme

“Council notes the inclusion of a review of York’s Council Tax Support scheme on the Executive Forward Plan, due for consideration on 26<sup>th</sup> November.

Council also notes the requirement to have any changes set by 31<sup>st</sup> January 2016, following a 12 week statutory consultation. Scheduling this review with only 9 weeks before the deadline for agreed changes provides insufficient time for the Executive to make changes to the current scheme.

Council believes that the impact of the current scheme has resulted in hardship to some individuals beyond that envisaged when implemented, resulting in council tax arrears in York rising year on year.

Council also believes that some York residents have been

unfairly impacted by the current scheme and that more should be done to alleviate the tax burden on the most vulnerable in our city.

Council requests that the Executive:

- Brings forward the Council Tax Support Scheme review paper to the October meeting of the Executive, to include a range of options, including one to consult on changes to the current scheme;

- requests that an option for consultation is prepared with the principle of reducing the council tax burden for those eligible for council tax support in mind;

- agrees a timetable that meets the 31st January deadline, should it agree to make changes to the scheme, in advance of the 2016-17 budget setting meeting in February."

(ii) From Cllr Steward

Business Improvement District

"Council notes that:

- the process of creating a Business Improvement District ("BID") is currently progressing well in York. This is a city-wide partnership initiative led primarily by local businesses, with the council as the accountable body, designed to enable coordinated investment in the management and marketing area of a defined commercial area within the City Centre.
- the many benefits of a BID district are that: it creates a single source of funding to be spent in the area; it provides a business plan that focuses on improving the area, addressing anti social behaviour and other problems; it improves the resilience of the city centre to changes in the retail market and it will work towards improving a city centre that increases resident well being and presents an improved business offer.
- the BID will be funded by contributions from businesses within the defined area with a rateable value above a

threshold of £12,500, and it will be supported through the ballot process and the collection of the levy by the Council, the accountable body, with £25,000 paid to us from the BID in administration costs each year.

- smaller businesses beneath the rateable value threshold will not be required to pay the levy, but will nevertheless benefit from the additional funding and still have a voice on spending decisions made within the BID area.
- a ballot will get underway in October for businesses within the proposed BID area to vote on the establishment of the district.
- if approved by local businesses, it is expected to generate over £800,000 per annum for the next five years, all to be reinvested into the city and in addition to any services provided by the local authority, the base line for which the Council will determine in the near future.

Council therefore expresses its support for the establishment of the BID and encourages businesses within the proposed BID to make their vote 'yes'."

(iii) From Cllr Waller

#### Tackling Climate Change

"Council notes:

- The need for local, national and international action to tackle Climate Change.
- The forthcoming 2015 United Nations Climate Change Conference in Paris which has as its objective a binding and universal agreement on steps to reduce greenhouse emissions.
- The Intended Nationally Determined Contributions (INDC) to reduce greenhouse gas emissions from the European Union to the Conference is 40% by 2030.
- Energy company Drax has abandoned a £1 billion project to introduce 'carbon capture' technology at its plant in North

Yorkshire after the government's decision to reduce subsidies for renewable energy.

- Initial steps taken by the Joint Executive to make York the 'Greenest City in the North' including:
  - The stated aim to increase the waste sent to recycling by 5,000 tonnes and increase recycling rates to over 50%.
  - The reversal of plans to charge residents for their first Green Bin collection.
  - The commitment in the Draft Council Plan to cut the council's carbon emissions, re-establish a Green Jobs Task Group, and work towards plans for 'One Planet Living'.

Council Resolves to:

Write to the Secretary of State for Energy and Climate Change, Amber Rudd MP, expressing concern over the developments at Drax and asking for a reversal of the decision to cut support for renewable energy, including the removal of the tax exemption for renewable power that is sold to industrial companies.

Work on a cross-party basis to ensure that policies are adopted which increase recycling, reduce carbon emissions, expand the use of renewable power generation, and support community energy projects.

Ensure that all decision papers produced include as standard an Environmental Sustainability Impact Assessment in order to make certain that environmental sustainability underpins everything we do as an authority."

(iv) From Cllr Myers

Trade Union Bill

"This Council notes that in February 2015 the United Nations agency the International Labour Organisation reaffirmed its belief that 'without protecting a right to strike, Freedom of Association, in particular the right to organise activities for the purpose of

promoting and protecting workers' interests, cannot be fully realised'.

Council notes the Government's Trade Union Bill, which would require that in order to vote for industrial action:

- there is a turnout of over 50% of eligible members, in addition to a simple majority voting in favour;
- for 'important public services' 40% of eligible members vote in favour (80% of those voting if turnout were 50%).

This Council further notes that the Trade Union Bill has been criticised by the International Labour Organisation and human rights organisations including Liberty, Amnesty International and the British Institute of Human Rights who argue it "would hamper people's basic rights to protest and shift even more power from the employee to the employer".

This Council believes that, when negotiation and mediation have failed, the right to strike and to protest are fundamental rights which should be respected in a free and democratic society.

Council continues to support engagement with its workforce through trade unions, where employees have democratically decided to be represented by a trade union.

This Council resolves to instruct the Chief Executive to write to the Secretary of State for Business, Innovation and Skills, expressing its opposition to the Trade Union Bill."

## **8. Questions to the Leader or Executive Members**

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

## **9. Report of Executive Member (Pages 33 - 38)**

To receive a written report from the Executive Member for Culture, Leisure and Tourism, and to question the Executive Member thereon, in accordance with Standing Order 19.

**10. Scrutiny - Report of the Chair of the Corporate and Scrutiny Management Policy and Scrutiny Committee** (Pages 39 - 42)

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

**11. Recommendations of the Staffing Matters and Urgency Committee** (Pages 43 - 44)

Meeting	Date	Recommendations
Staffing Matters & Urgency Committee	20 July 2015	Minute 25: Appointment of the Acting Director of Public Health (page 43)  <a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=120&amp;MId=8776&amp;Ver=4">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=120&amp;MId=8776&amp;Ver=4</a>

**12. Recommendations of the Gambling, Licensing and Regulatory Committee** (Pages 45 - 60)

Meeting	Date	Recommendations
Gambling, Licensing & Regulatory Committee	7 September 2015	Minute 11: Explosives Policy (copy attached – page 45-60)  <a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=606&amp;MId=8632&amp;Ver=4">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=606&amp;MId=8632&amp;Ver=4</a>

**13. Recommendations of the Audit and Governance Committee** (Pages 61 - 62)

Meeting	Date	Recommendations
Audit & Governance Committee	23 September 2015	Minute 33: Deputy Leader's Report to Council (pages 61 & 62)  <a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=437&amp;MId=8605&amp;Ver=4">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=437&amp;MId=8605&amp;Ver=4</a>

**14. Joint Standards Committee (Pages 63 - 66)**

Council is asked to;

- (i) establish a new Joint Standards Committee in place of the former Joint Committee set up 1 July 2012 and
- (ii) confirm the terms of reference for the new Joint Committee, as set out at pages 63-66.

**15. Appointment of Honorary Recorder**

To appoint as Honorary Recorder His Honour Judge Batty in place of His Honour Judge Ashurst with effect from the date that he takes up his appointment as Resident Judge for York and to record Council's thanks to HHJ Ashurst for his contribution to the civic life of the City.

**16. Appointments and Changes to Membership (Pages 67 - 68)**

To consider the appointments and changes to membership of committees and outside bodies set out on the list attached to this summons.

**17. Urgent Business**

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

Democracy Officer for this meeting:

Name: Jill Pickering

Contact details:

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

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

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

Contact details are set out above.

**This information can be provided in your own language.**

**我們也用您們的語言提供這個信息 (Cantonese)**

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

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

**Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)**

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

** (01904) 551550**

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City of York Council

Resolutions and proceedings of the Meeting of the City of York Council held in The Guildhall, York on Thursday, 16th July, 2015, starting at 6.30 pm

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

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

Hull Road Ward

N Barnes  
Shepherd

Huntington and New Earswick  
Ward

Cullwick  
Orrell  
Runciman

Micklegate Ward

Gunnell  
Hayes  
Kramm

Osbalwick and Derwent Ward

Brooks  
Warters

Rawcliffe and Clifton Without Ward

Lisle  
Rawlings

Rural West York Ward

Gillies  
Steward

Strensall Ward

Doughty  
Douglas

Westfield Ward

Hunter  
Jackson  
Waller

Wheldrake Ward

Mercer

Apologies for absence were received from Councillors Levene and Dew

### 13. 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 **prejudicial** interests were declared and the Members took no part in the discussion or voting on these items:

Councillor	Agenda Item	Description of Interest
Doughty	7. (iii) Motions on Notice – Rail Investment for York	As an employee of the rail industry
Flinders	5. Executive Recommendations 9. Report of the Executive Member  7. (iii) Motions on Notice – Rail Investment in York	As his employer provided advice to the authority on the Local Plan  In respect of his previous employment in the UK rail industry

The following **personal** interests were declared:

Councillor	Agenda Item	Description of Interest
Ayre	7. (i) Motions on Notice – Academy Status	As his daughter attended Hempland Primary School which was considering academy status and his son would be joining the school in September
Barnes	7. (i) Motions on Notice – Academy Status	As Governor of Scarcroft Primary School which was considering academy status
Gunnell	6. Budget Amendment	As a member of a Union

Taylor	7.(ii) Motions on Notice – Early Night Time Economy	As a life member of York Civic Trust and as a member of the Friends of York Walls
Williams	7. (i) Motions on Notice – Academy Status	As his daughters attended Hempland Primary School which was considering academy status

#### 14. Minutes

Resolved: That the minutes of the Special Council meeting and the Ordinary meeting held on 26 March 2015 and the Annual Council meeting held on 21 May 2015 be approved and signed by the Chair as correct records.

#### 15. Civic Announcements

The Lord Mayor reported the recent death of Signaller Stephen Fry, a young soldier from 2 Signal Regiment, based at Imphal Barracks in York, who sadly lost his life in the River Ouse. She confirmed that condolences had been sent on behalf of the civic party and the Council to Lt Col Hargreaves, Commanding Officer of the Regiment.

Members stood for a moments silence in memory of Signaller Fry.

The Lord Mayor reminded Members that Kersten England, the Chief Executive was shortly due to leave the authority to take up her new appointment as Chief Executive of Bradford Metropolitan Council and that Sarah Tanburn, Interim Director of City and Environmental Services had recently left the authority. Members joined the Lord Mayor in expressing their thanks to Kersten and Sarah for their work for the authority and wishing them well for the future.

#### 16. Public Participation

Andrew Walker, a Woodthorpe resident, spoke to raise concerns at any proposals to increase the existing 20mph speed limit in residential areas in the city. He confirmed that a slightly longer

journey time was a price worth paying to minimise the accident risks.

Richard Bridge spoke in respect of his change.org petition, containing 5,400 signatures, of which 3,660 were York residents requesting the Council to remove the anti homeless bars in the Rougier Street bus stop. He asked Members to support removal of the bars to ensure that rough sleepers were able to stay safe in the public eye.

Rebecca Jeffrey, from Advice York spoke in relation to the budget amendment proposals and, in particular, Council Tax Support and recent changes which meant clients were now required to pay their Council Tax direct and she highlighted the difficulties many residents faced. She asked Council to review their Council Tax Support Scheme to assist residents with their payments.

Mark Havercroft spoke in his capacity as a self employed builder, to raise concerns at the proposed revenue savings to halt the further rollout of 20mph zones. He felt that not continuing the rollout would undermine the Council's city wide transport strategy.

Anna Semlyen spoke as Campaign Manager for 20's Plenty for both York and nationally. She also raised concern at the proposal to halt further 20mph zones which she felt would undermine the safety of cyclists and vulnerable people in the city. She highlighted the possible illegality of removing existing 20mph zones under the Equalities Act.

Mandy Swithenbank spoke to represent the GMB in relation to the budget amendment and proposed reduction in Trade Union budget as a lead Union convenor. She highlighted the affect this would have on the Union's ability to represent their members in an effective and timely manner.

Ghada Khattab, spoke as the parent of child at Scarcroft School and as a University Lecturer with an expertise in children, in support of Cllr Gunnell's motion proposing a community ballot for schools considering a change to Academy Status. She raised concerns at the pressures put on school to move to academy status with no evidence to show this provided any improvements. She felt that, whilst a ballot would not be legally binding, it would provide clear guidance for school governors.

Rhydian Beynon-Davies, also spoke, as a regular cyclist, in respect of proposed changes to the 20mph speed limit in the city. He referred to a number of transport and congestion issues and to the affects on resident's health and wellbeing. He requested the Council set up a Congestion Commission or undertake wider consultation.

Louise Diver a Fulford resident spoke of consultation undertaken in relation to proposals for limiting the speed limit in residential streets which had received overwhelming support. She highlighted her concerns at confusion if the 20mph limit was removed in some areas.

Brian Watson spoke as a York resident in support of Cllr Keith Myer's motion on the night time economy. He referred to the need to address issues around both the night time economy and for residents who lived in the city centre. In particular he requested partnership working between planning and licensing.

Heather McKenzie, representing Unison, also spoke in relation to the proposed cuts to the trade union budget. She referred to the affect this would have on the ability of the Unions to represent staff. She highlighted the variety of issues dealt with pointing out that their work often avoided stress and distress for staff and employment appeals. In particular she referred to the recent increase in Union work relating to the transformation project and the affect cuts would have on industrial relations.

The Lord Mayor confirmed that the speakers comments had been noted and would be taken into account when Members were debating items, later in the meeting, and that Mr Bridge's petition would be referred to the Corporate & Scrutiny Management Policy & Scrutiny Committee on 14 September.

## **17. Report of Executive Leader and Executive Recommendations**

### **A Executive Leaders Report**

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

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

- Cllr Craghill – progress on agreement to work with Yorspace

- Cllr N Barnes – reduction in Council budget reliant on underspend and New Homes Bonus
- Cllr Cuthbertson – to look back at 2014/15 performance
- Cllr S Barnes – reference to £688k under spend and previous administration
- Cllr Galvin – with decisions required on a range of issues over the forthcoming months who would the city be linking up with in relation to devolution
- Cllr Boyce – would the new administration be taking residents with them in relation to the Local Plan
- Cllr Doughty – affect on finance of the delays in the sale of Oliver House
- Cllr Williams – how different was the delay to consult residents in respect of the Newbury Avenue housing development
- Cllr Gunnell – in respect of the length and content of the Leaders report
- Cllr Cannon- whether Council would formally receive and consider the administrations 12 point plan
- Cllr Orrell – in respect of correspondence with neighbouring authorities either prior to or following the local government election in relation to the Local Plan

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

## **B Executive Recommendation**

### **New Council Housing and approval for development at Ordnance Lane**

Cllr Steward moved, and Cllr Aspden seconded the following recommendation contained in Minute 16 of the Executive meeting held on 25 June 2015:

Recommended: That Council approve a budget of up to £3,600,887m to build up to 24 new homes on this site with 30% of this is to be funded from Right to Buy receipts with the remaining funds to come from the Housing Revenue Account Investment Fund and Section 106 commuted sums where available.

Reason: To allow the construction of new homes within an agreed budget whilst minimising the budget draw from the investment fund.

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

Resolved: That the above recommendation in respect of approval of the budget to build 24 new homes on the Ordnance Lane site be approved.<sup>1</sup>

Action Required

1. Proceed with development with the approved funding.

MJ, AK

**18. Budget Amendment**

Council considered the motion relating to the joint administrations amendment to the Council's budget agreed in February 2015, as set out below and in the spreadsheet at Annex A, page 67 of the agenda papers:

Recommended: That, in light of the results of the local election and the formation of a Conservative and Liberal Democrat joint administration, Council is asked to make the amendments, as set out in the spreadsheet attached at Annex A, to the Council's budget agreed in February 2015.

Reason: In light of the results of the local election and the formation of a Conservative and Liberal Democrat joint administration.

Resolved: That the motion in respect of the budget amendment be approved.<sup>1</sup>

Action Required

1. Make the necessary amendments to the Council's budget.

IF

**19. Motions on Notice**

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

(i) Academy Status

(proposed by Cllr Gunnell and seconded by Cllr Looker)

“This Council understands the difficult choice being faced by schools following considerable pressure from the Government to change from local authority maintained to academy status. However, we fully believe that the choice is one that should be made by the whole community and not just the leadership of a school.

This Council resolves to make it official City of York Council policy that all schools in York considering a change to academy status will be encouraged as strongly as the law allows to hold a community ballot of every household in the affected catchment areas to take full account of the views of local residents on the proposed change.”

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

Resolved: That the above motion be approved. <sup>1</sup>.

(ii) Early Night-Time Economy

(proposed by Cllr K Myers and seconded by Cllr Doughty)

“Council notes a recent trend of negative media reports concerning problems with drunkenness in York and believes that whilst there is always more that can and should be done to ensure York’s continued broad appeal the council does not feel these reports give a fair impression of York.

Regarding tourism council notes:

77% of all visitors return to York;

York’s approval score for the “would your recommend friends and family visit York” is an outstanding 97%;

VisitYork4Meetings; Make it York’s arm promoting York as a conference venue has seen inquiries up 1/3<sup>rd</sup> in the past year.

On the problems of drunkenness council notes:

The clear willingness of the new administration to deal with the issue;  
The creation of the cross service committee on Saturday afternoon behaviour; and  
The ongoing excellent work of the Police and organisations such as Street Angels.

Council recognises however that York's visitor economy can be improved and therefore commits to the following:

Ensuring that, to the extent legally possible, planning and licensing are used as a positive influence on the city centre by limiting the excessive increase in the number of pubs;

Endeavouring to implement the findings of the 2014 early night-time economy scrutiny review as soon as possible;

Encouraging Make it York to focus its efforts on the early night-time economy, including considering an evening market for some days in the week;

Looking proactively at European cities and what they have done in broadening the evening appeal, including, for example, Holland, where it is common for shops to stay open one night a week in cities;

Supporting to the extent the budget allows the projects highlighted in the York Civic Trust's 'Sustaining the City Beautiful' report;

Instructing officers to report back to the Executive on how to maximise the unique asset of the City Walls in order to broaden their appeal.

The Council gives its full backing to working jointly with all organisations in York to renew and refresh York's unique role as a visitor destination."

An **amendment** was proposed by Councillor Kramm as follows:

"In the penultimate paragraph, following the words 'broaden their appeal,' the **Addition** of '*and considering ways of offsetting some costs to businesses which profit from the Night-Time Economy, rather than relying on other council taxpayers in York to bear the full costs*'."

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

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

Resolved: That the original motion be approved. <sup>2</sup>.

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

(iii) Rail Investment for York

(proposed by Cllr Cuthbertson and seconded by Cllr Waller)

“Council Notes:

- Plans for a fully electrified route between Manchester, Leeds and York were originally announced in December 2011 with work due to be completed by 2019.
- Before the General Election the Secretary of State for Transport Patrick McLoughlin said the "electrification programme is central to our ambitious plans to transform the rail network across the country".
- On 25th June, Patrick McLoughlin told the House of Commons that the planned electrification of Trans-Pennine routes will be “paused”.

Council Believes:

- Electrification brings significant economic and environmental benefits along with improvement in capacity and faster journey times.
- If the rhetoric of the Government’s “Northern Powerhouse” ambition is to be realised then there is a need for significant infrastructure investment across the north of England and improved transport connectivity.

Council Resolves:

- To write to the Secretary of State for Transport Patrick McLoughlin MP calling on him to commit to the electrification of the Manchester-York route and outline an amended timetable.”

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

Resolved: That the above motion be approved. <sup>3.</sup>

(iv) Tackling Congestion in York  
(proposed by Cllr D'Agorne and seconded by Cllr Craghill)

**“Council notes:**

The need for a revised traffic strategy to limit traffic growth following the demise of the Lendal Bridge trial.

The health impact of poor air quality and the legal and moral requirements to limit NO2 and PM10 pollution especially in York city centre which is largely from traffic.

The importance of work on developing our low emission strategy alongside tackling congestion

The success of itravelyork initiative working with businesses and individual residents to promote alternatives to the private car.

The importance of maintaining and improving bus networks across the city with the minimum level of public subsidy

The desire of all political groups to tackle traffic congestion and pollution in ways which have broad public support.

**Council therefore calls on the Executive to adopt a transport strategy to replace the ‘Congestion Commission’ following a citywide consultation”**

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

Resolved: That the above motion be approved. <sup>4.</sup>

Action Required

1. Note policy to encourage all schools considering a change to academy status to be encouraged to hold a community ballot.

JS

2. Note Council's commitment to improve the visitor economy and report back to the Executive in relation to possible ways to broaden the appeal of the city walls.

MS, NF, JO,  
PW

3. Write to the SofS for Transport to commit to the electrification of the Manchester/York route. SB
4. Note request to the Executive to adopt a transport strategy to replace the Congestion Commission. NF

**20. Questions to the Leader or Executive Members**

As the guillotine had fallen, at this point in the meeting, no questions were put to the Leader and/or Executive Members in respect of any matter within their portfolio responsibility in accordance with Standing Order 20.

**21. Report of Executive Member**

Council received a written report from Councillor Aspden, Deputy Leader and Executive Member for Economic Development and Community Engagement, as set out in the agenda papers at pages 69 to 78.

Resolved: That the report of the Deputy Leader and Executive Member for Economic Development and Community Engagement be received and noted.

**22. Scrutiny - Report of the Chair of the Corporate and Scrutiny Management Policy and Scrutiny Committee and Scrutiny Recommendations**

Council received the report of the Chair of the Corporate and Scrutiny Management Policy and Scrutiny Committee, at pages 79 to 82 of the agenda papers, on the work of the Committee, since the last report to Council in March.

Resolved: That the scrutiny report be received and noted.

Consideration was also given to the following recommendation of the Corporate and Scrutiny Management Policy and Scrutiny Committee from their meeting held on 13 June 2015, Minute 18 circulated at the meeting, in relation to the Annual Report:

18. **Annual Scrutiny Report**

Recommended: That Council approve the Annual Scrutiny Report, covering the period between June 2014 and May 2015.

Reason: To enable its presentation to Full Council in July 2015, in line with Constitutional requirements.

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

Resolved: That the above recommendation of the Corporate and Scrutiny Management Policy and Scrutiny Committee from their meeting held on 13 June 2015 be approved.

23. **Recommendations of the Staffing Matters & Urgency Committee**

Councillor Steward as Chair of the Staffing Matters and Urgency Committee, moved the following recommendations, firstly from the Staffing Matters and Urgency Committee meeting on 8 June 2015, as set out at Minute 6, relating to the appointment of the Acting Chief Executive, including the recommended salary package.

Secondly Minute 14, regarding a change in the proportionality of two scrutiny committees and Minute 15 to approve the salary package for the post of Acting Director of City & Environmental Services both from the Staffing Matters and Urgency Committee meeting held on 22 June 2015:

6. **Appointment of Acting Chief Executive**

Recommended: That Full Council approve the salary package which is in excess of £100,000.<sup>1</sup>

Reason: To allow the appointment to an Acting Chief Executive and Head of Paid Service to be made.

Addendum: In light of the decision made by the Appointments Sub-Committee, Council is asked to formally confirm the appointment of Steve Stewart as the new Acting Chief Executive of the City of York Council.

14. **Appointments to Committees and Outside Bodies**

Recommended: That Council agree the change in proportionality of the Economic Development & Transport Policy & Scrutiny Committee and the Health & Adult Social Care Policy & Scrutiny Committee, as detailed in paragraph 3 of the report. <sup>2</sup>

Reason: In order to make appropriate appointments to the Council's Committees for the current municipal year.

15. **Appointment of Acting Director of City and Environmental Services**

Recommended: That Council approve a salary package which is in excess of £100,000 for the post of Acting Director of City and Environmental Services, should it be necessary. <sup>3</sup>

Reason: To allow the appointment to an Acting Director of City and Environmental Services to be made.

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

Resolved: That the above recommendations of the Staffing Matters and Urgency Committee meetings held on 8 and 22 June 2015 be approved.

Action Required

1 & 3. To note agreement to salary packages for these posts.

MB

2. To implement changes in the proportionality and membership of these scrutiny committees.

DS, JP

**24. Annual Report of the Audit and Governance Committee**

Council received the Annual Report of the Audit and Governance Committee at pages 99 to 113, on the work of the Committee for the year ending 25 March 2015.

Resolved: That the Annual Report of the Audit and Governance Committee for the year ending 25 March 2015 be received and noted.

**25. New Procedure for Dismissal of Statutory Chief Officers**

Council received a written report detailing amendments required to the Officer Employment Procedure Rules and changes required to the Council's Constitution arising from new arrangements for the dismissal of statutory officers contained in the Local Authorities (Standing Orders) (England) Amendment Regulations 2015, as set out in the report to Council.

Councillor Steward moved and Councillor Aspden seconded the changes to the Procedure Rules and the Council's Constitution.

Resolved: That the motion in respect of changes to the Council's Procedure Rules and Constitution be approved.<sup>1</sup>

Reason: To ensure that the Council has complied with the law and that the Constitution is clear

Action Required

1. To update the Constitution accordingly and add review of documents to the Audit & Governance work plan.

JC, AD

**26. Appointments and Changes to Membership**

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

Action Required

1. Arrange to update memberships and confirm changes with outside bodies.

JP

Cllr Sonja Crisp

LORD MAYOR OF YORK

*[The meeting started at 6.30 pm and concluded at 9.50 pm]*

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## Report of the Leader of the Council

### Devolution

Devolution has continued to be one of the biggest issues on the council agenda and unlike the previous administration we have been determined to keep our options open, which will enable us to get the best deal for York. We are currently involved in bids focusing on the Leeds City Region footprint, York/North Yorkshire and East Yorkshire and also the so called Greater Yorkshire. I would like to thank all those, whether individuals or bodies, who have fed their views into our devolution consultation and urge anyone who still wishes to, to do so. Conversations are continuing with other authorities and also with government and a small team of our officers are working superbly in this complex and fast moving area. The conversations about working together which stem from devolution have highlighted just how poor the previous administration's work was with our neighbours and is something we are addressing in improving relations and opportunities.

### Enterprise Zone

It was great news that in September York Council, in association with the York, North Yorkshire and East Riding Local Enterprise Partnership submitted a bid to government for the York Central site to be made an Enterprise Zone. If this was to be successful it could help unlock over £100 million to deliver this critical brownfield site and be a huge boost to jobs and economic growth in the city. It is also a key brownfield site which is vital to develop as this administration ensures our city can grow but we ensure strong protection for our Greenbelt along the way.

### Syrian Refugees

Council officers have been involved in investigating where we as a city can help with the current refugee crisis. This has included a meeting of voluntary and faith groups to see where they can help. York has a strong history of helping those most in need and it has been pleasing to see people offer their help. Officers are talking with government about how exactly we will assist. However the greatest suffering continues to be people still in Syria or around under the evil Islamic State regime.

## Jeremy Corbyn

The focus of this report is about local issues and what we as a council can control. However it would be wrong to think the election of the new Labour leader does not have an impact on our area. Not only are many of Jeremy Corbyn's views from decades ago but there are a number that have simply never been acceptable. There is perhaps little unusual in his supporting people not sharing platforms with the likes of the BNP as he, rightly, finds their views offensive. However this by definition throws into a worrying light his views on other extremists that he will share a platform and terrorists that he calls 'friends'. I hope all Labour councillors in York will disassociate themselves from Jeremy Corybyn's views, as well as those of John McDonnell his new Shadow Chancellor who for example shockingly credits 'the bombs and bullets and sacrifice' of the Provisional IRA for the Irish peace process and believes it a shame Margaret Thatcher wasn't assassinated.

## Ward Funding

Recent weeks have seen us bring forward additional funding for wards which will give residents a greater say in how money is spent in their areas. This is a great opportunity for residents but equally the new system must be explained to people and I hope and believe officers and ward councillors will ably do this.

## Community Stadium

With this council having the Executive Report from Cllr Ayre I am sure there will be more detail on the project however I am pleased we are continuing to take the project forward. We would not have started from where we are and the previous administration's appalling failure which meant there was not a brick in the ground for all their time in office, but we have managed to get the project back on track and are committed to the delivery of the stadium and to safeguarding Yearsley Pool.

## Art Gallery

This is another issue I am sure Cllr Ayre will provide fuller detail on but it is pleasing we as an Executive have found a middle ground of not charging some for admission to the Art Gallery but

understanding admission has not been free for years and there is a need for a further charge for the long-term viability of looking after our museums. As a council we have to find ways of doing things different to ensure we can provide services and in the case of York Museum's Trust visitor numbers have done under their time.

### Bootham Park

Recently we have had the unfortunate news of the Care Quality Commission's withdrawal of registration from Bootham Park Hospital, essentially closing York's central psychiatric hospital, at least for the time being. Although the fate of Bootham Park is in the hands of the NHS, the council has kept in close touch with all of the major NHS providers and commissioning groups connected with the running of Bootham and we have made our concerns for the well-being of the patients and their families and our insistence that safe, high quality mental health care be restored in full to the people of York loud and clear.

As of the time of writing I understand that the new NHS mental health provider for York and Selby is still on track to take over the service on October 1st and that it is in negotiations with the Care Quality Commission regarding the registration issues at Bootham. The council is in contact with the new provider and we look forward to working with Tees, Esk and Wear Valleys NHS Foundation Trust to provide high-quality mental health services to our city.

### Tang Hall going strong

Twice in the last month I have had the pleasure to attend events in Tang Hall. The first was the relaunch of Your Café where volunteers cook meals from donated food, often that would otherwise have been thrown away, with people then paying what they wish to. The second was the launch of the Tang Hall Big Local which was an amazing demonstration of what can be achieved when the community comes together to help each other. If I wore a hat I would take it off to the excellent work of all those associated with both projects.

## Jobs Fair

It was pleasing recently to attend the latest council organised, kindly sponsored by Hiscox, Jobs Fair. The event continues to be a big success with increasing numbers of stallholders and an extensive range of good jobs available. It is important we as a council do whatever we can in terms of the jobs market to work alongside the success of the government's long-term economic plan.

## Meet the Teams

I continue to spend time with different colleagues, whether in West Offices, at Hazel Court or on site. I am grateful to all members of staff for the insight they have given me into the jobs they do and the challenges they face. I will continue to do these in the weeks ahead and remain open to all those who want to raise queries or concerns with me. We have committed to listen to and engage with all, whether residents, staff or in many cases both.

Councillor Chris Steward  
29 September 2015

City of York Council

*Extract from Committee Minutes*


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Meeting	Executive
Date	30 July 2015
Present	Councillors Steward (Chair), Aspden (Vice-Chair), Ayre, Brooks, Gillies, Runciman and Waller
In attendance	Councillors N Barnes, Cuthbertson, D'Agorne, Galvin, Levene, Warters and Williams
Apologies	Councillor Carr

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## **Part B - Matters Referred to Council**

### **34. Older Persons' Accommodation Programme: The Business Case**

*[See also Part A minute]*

Consideration was given to a report which provided the Business Case for investment in Older Persons' Accommodation to equip the city for the changing needs of its older population. The Programme sought to address these needs by replacing council run Older Persons' Homes (OPH's) with a range of provision including Extra Care housing and independent sector provided registered residential and nursing accommodation.

Members noted that the programme management costs were included in the financial model and detailed at paragraphs 105 and 106 of the report.

Recommended: That Council agree that the £1.156m Programme management costs be funded from existing Adult Social Care Capital Grant and are added to the Capital Programme and incurred over four years; these costs would be chargeable to revenue should the capital schemes fail to progress and that revenue budgets would be needed to address this. <sup>1</sup>

Reason: So that the project can progress.

Action Required

1. Refer to Council.

JP

**35. Capital Programme Outturn 2014/15 and Revisions to the 2015/16-2019/20 Programme**

*[See also Part A minute]*

Members considered a report which set out the capital programme outturn position, including any under or over spends, the overall funding of the programme and an update on future years.

It was noted that amendments had been made to future year's capital programmes as a result of re-profiling of schemes from 2014/15.

Recommended: That Full Council agree the restated 2014/15 to 2018/19 programme of £206.231m as summarised in Table 3 and detailed in Annex A of the report. <sup>1</sup>.

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

Action Required

1. Refer to Council.

JP

**36. Treasury Management Annual Report & Review of Prudential Indicators 2014/15**

*[See also Part A minute]*

The Executive considered the annual treasury management review of activities and the prudential and treasury indicators for 2014/15, as required by regulations issued under the Local Government Act 2003.

Consideration was also given to an amendment requested to the Treasury Management Annual Investment Strategy, as outlined at Annex B of the report in relation to the Creditworthiness Policy.

Recommended: That Full Council agree amendment to the Treasury Management Annual Investment Strategy per Annex B of the report and the Creditworthiness Policy wording to:

“Typically the minimum credit ratings criteria the Council use will be a short term rating (Fitch or equivalents) of Short Term rating F1 and Long Term rating A-. There may be occasions when the counterparty ratings from one rating agency are marginally lower than these ratings but may still be used. In these instances consideration will be given to the whole range of ratings available, or other topical market information, to support their use.”<sup>1</sup>

Reason: To ensure the continued performance of the Council’s Treasury Management function can be monitored.

Action Required

1. Refer to Council.

JP

Cllr C Steward, Chair

[The meeting started at 5.30 pm and finished at 9.10 pm].

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City of York Council

*Extract from Committee Minutes*


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Meeting	Executive
Date	27 August 2015
Present	Councillors Steward (Chair), Aspden (Vice-Chair), Ayre, Brooks, Carr, Gillies, Runciman and Waller
Other Members participating in the meeting	Councillors S Barnes (as substitute for Cllr Williams) and D'Agorne
In attendance	Councillors Cuthbertson and Warters

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## **Part B - Matters Referred to Council**

### **48. Capital Programme - Monitor 1 2015/16**

*[See also Part A minute]*

Members considered a report which set out details of the Council's projected capital programme outturn position for 2015/16, including any under/over spends and adjustments, together with requests to re-profile budgets to/from current and future years.

It was noted that the current 2015/16 capital programme, as approved by Council and updated in July was £100.381m, with current monitor showing a decrease of £5.091m resulting in a revised capital programme of £95.290m, the majority of which was attributable to the re-profiling to future years budgets. A net increase of £209k was attributable to an increase in government grants and use of S106 funds.

Recommended: That Full Council agree the adjustments in the programme of a decrease of £5.091m in 2015/16 as detailed in the report and contained in Annex A. <sup>1</sup>

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

Action Required

1. Refer to Council

JP

Cllr C Steward, Chair

[The meeting started at 5.30 pm and finished at 7.05 pm].

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Meeting	Executive
Date	24 September 2015
Present	Councillors Steward (Chair), Aspden (Vice-Chair), Ayre, Brooks, Carr, Gillies, Runciman and Waller
Other Members participating in the meeting	Councillors D'Agorne and Williams
In attendance	Councillors Craghill, Cuthbertson, Gunnell, Kramm, Levene, Rawlings and Taylor

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## **Part B - Matters Referred to Council**

### **60. Draft Council Plan 2015-19: Report on the Consultation Exercise**

*[See also Part A minute]*

Consideration was given to a report which summarised the findings of the recent consultation on the Council Plan which would set out the Council's priorities during the 2015 to 2019 period.

It was noted that the consultation had identified two areas of under representation and the need for York to take more of a leading role both regionally and nationally. These points had been incorporated into the Plan at Annex B of the report.

Officers confirmed that, following Council approval, the Plan would be made available to residents, businesses and stakeholders and the priorities embedded in Services Plans.

Recommended: That Council adopt the draft Council Plan for 2015-19.

Reason: To ensure that the Council Plan is adopted by Council to inform service delivery of the priorities set out in the Plan.

Cllr C Steward, Chair

[The meeting started at 5.30 pm and finished at 7.15 pm].

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York is a great place to live. We want all residents in the city and its surrounding villages to share in the benefits of York’s success, enjoying healthy, active and independent lives, whatever their ages. We face a challenging time, with expected reductions in local Government funding and increasing demand for services. City of York Council will make the tough decisions required on finances so that we continue to support key frontline services and work with residents, partners and businesses to ensure that everyone in the city can achieve their full potential. Our key priorities are:

A PROSPEROUS CITY FOR ALL	A FOCUS ON FRONTLINE SERVICES
<p><b>Aim:</b> A city where:</p> <ul style="list-style-type: none"> <li>• Local businesses can thrive</li> <li>• Residents have the opportunity to get good quality and well paid jobs</li> <li>• Residents can access affordable homes while the greenbelt and unique character of the city is protected</li> <li>• Everyone is supported to achieve their full potential</li> <li>• Efficient and affordable transport links enable residents and businesses to access key services and opportunities</li> <li>• Environmental Sustainability underpins everything we do</li> <li>• Everyone who lives in the city can enjoy its unique heritage and range of activities.</li> <li>• Visitors, businesses and residents are impressed with the quality of our city.</li> </ul>	<p><b>Aim:</b> A city where:</p> <ul style="list-style-type: none"> <li>• All York’s residents live and thrive in a city which allows them to contribute fully to their communities and neighbourhoods</li> <li>• Delivering frontline services for residents is the priority</li> <li>• All children and adults are listened to, and their opinions considered</li> <li>• Everyone has access to opportunities regardless of their background</li> <li>• Support services are available to those who need them</li> <li>• Every child has the opportunity to get the best possible start in life</li> <li>• Residents are encouraged and supported to live healthily</li> <li>• Residents are protected from harm, with a low risk of crime</li> </ul>
<p><b>What you will see:</b></p> <ul style="list-style-type: none"> <li>• Dedicated support for local small businesses</li> <li>• Continued support for high value sectors, including the green economy</li> <li>• York continues to have high employment and the Living Wage is promoted</li> <li>• A local plan that delivers housing and development while protecting the Green Belt.</li> <li>• An increase in the percentage of waste recycled</li> <li>• Steps taken to improve air quality</li> <li>• Continued inward investment in transport</li> </ul>	<p><b>What you will see:</b></p> <ul style="list-style-type: none"> <li>• Residents feel that their views have been listened to.</li> <li>• Residents are happy with the frontline services that they receive.</li> <li>• A smaller gap in the attainment levels between the highest achievers and the most vulnerable groups</li> <li>• Residents controlling their own care, and enjoying integrated care from the council and NHS.</li> <li>• Vulnerable people are safe and feel safe</li> </ul>
<p><b>In the next four years we will:</b></p> <ul style="list-style-type: none"> <li>• Prepare an evidence-based Local Plan that will meet housing need and commercial need, focusing on brownfield land and taking all practical steps to protect the Green Belt and York's character.</li> <li>• Ensure business cases for all projects are assessed in a robust and evidence-based way.</li> <li>• Help local businesses to achieve their potential including through Make it York.</li> <li>• Work to ensure York gets the best deal from all regional partners, including in relation to investment in transport infrastructure.</li> <li>• Promote financial inclusion by supporting the Living Wage, supporting voluntary organisations and developing financial inclusion work with measurable outcomes.</li> <li>• Increase employers’ involvement with education and communities so that all children and young people can achieve good outcomes and make the most of their talents and skills</li> <li>• Develop a long term plan to increase recycling rates and cut the city’s carbon emissions.</li> <li>• Re-establish a Green Jobs Task Group.</li> <li>• Work towards plans for ‘One Planet Living’</li> <li>• Support rural bus services and others where there is most need.</li> </ul>	<p><b>In the next four years we will:</b></p> <ul style="list-style-type: none"> <li>• Put children at the heart of everything we do.</li> <li>• Work with local partners, such as schools, to ensure that pupils from disadvantaged backgrounds get extra support.</li> <li>• Work with schools and partners to make sure everyone can achieve a healthy and prosperous life, no matter what their background is.</li> <li>• Use all our services to protect children and adults from abuse and exploitation.</li> <li>• Reintroduce Ward Committees with increased funding, so that communities can make more decisions about local services.</li> <li>• Complete a ‘bottom-up’ review of health and adult social care to ensure a joined-up approach is taken across services and that the service is firmly people focused.</li> <li>• Work with the NHS to provide support for people to avoid or deal with mental health issues.</li> <li>• Help everyone to understand how they can live healthier lives and avoid problems from things like alcohol, smoking and being over-weight.</li> <li>• Ensure valued community facilities are protected.</li> <li>• Improve the council’s Customer Centre to ensure residents’ queries are responded to quickly and effectively.</li> <li>• Ensure the city centre, villages and neighbourhoods are clean and safe environments</li> </ul>

A COUNCIL THAT LISTENS TO RESIDENTS	Our purpose is to be a more responsive and flexible council that puts residents first and meets its statutory obligations
<b>Internally</b>	<p><b>Aim:</b></p> <ul style="list-style-type: none"> <li>• Focus on the delivery of frontline services for residents and the protection of community facilities.</li> <li>• Focus on cost and efficiency to make the right decisions in a challenging financial environment.</li> </ul> <p><b>What you will see:</b></p> <ul style="list-style-type: none"> <li>• That we always consider the impact of our decisions, including in relation to health, communities and equalities.</li> <li>• Use of evidence-based decision making.</li> <li>• Improved efficiency, streamlined council management, and we will always look to take government grants on offer to freeze Council Tax.</li> </ul> <p><b>In the next four years we will:</b></p> <ul style="list-style-type: none"> <li>• Promote a new model of governance, with the Executive to replace the cabinet and a new cross-party scrutiny and policy committee approach.</li> <li>• Implement the outcomes of our review on governance, transparency and public engagement</li> <li>• Promote mutual respect between officers and members with clearly defined roles for each.</li> <li>• Be entrepreneurial, making the most of commercial opportunities.</li> <li>• Cut red tape and make it easier for small businesses to bid for council contracts</li> <li>• Build the culture we need and attract, retain and develop colleagues.</li> </ul>
<b>With Communities &amp; Partners -we will</b>	<p><b>Aim:</b></p> <ul style="list-style-type: none"> <li>• Celebrate and champion the diversity of our population and encourage everyone to play an active role in the city.</li> </ul> <p><b>What you will see:</b></p> <ul style="list-style-type: none"> <li>• Work with all public sector bodies in the city and the region to make sure we get the most from collective public expenditure in York</li> <li>• We will be transparent in all we do, including being clear with communities and partners about the scale of the financial challenges we face.</li> </ul> <p><b>In the next four years we will:</b></p> <ul style="list-style-type: none"> <li>• Work with parish councils, resident associations and other organisations to deliver the best services for residents.</li> <li>• Provide excellent customer service.</li> <li>• Engage with our communities, listening to their views and taking them into account.</li> </ul>
<b>In the region and nationally – we will</b>	<p><b>Aim:</b></p> <ul style="list-style-type: none"> <li>• Take the lead on working with partners to make the case for more local power over our finances and future so we have greater control.</li> </ul> <p><b>In the next four years we will:</b></p> <ul style="list-style-type: none"> <li>• Invest in external partnerships that support the local economy and lead to direct outcomes for residents.</li> </ul>

**Council 8 October, 2015**

**Report of the Executive Member for Culture, Leisure and Tourism**

**The Community Stadium Project:**

Now that planning permission has been achieved work is underway to conclude the legal agreements across all aspects of the stadium development. Good progress is being made. This is a complex project involving a significant number of commercial agreements which must be put in place before construction can start. An update report was taken to the Executive in August.

Preparations are now complete at Bootham Crescent for the Knights to use this ground as their base during the build programme, and the team is already training at the York St John facilities.

A contract is being finalised for the demolition of the existing buildings, extension of the park and ride and advancement of detailed design, which is soon to be executed. The land appropriation has now been approved and all pre-demolition surveys are complete.

Due to the commercial nature of the project leveraging £5 of external funds for every £1 of CYC funds, the overall contract cannot be completed until the commercial terms are in place, which involves a large number of organisations.

The project is progressing well and remains on track with the timetable set at the August Executive.

**Learning Services:**

I have put in place a strengthened governance structure for York Learning Services. In agreeing a first annual plan for the service I have ensured that progress reports on the priorities set out in the plan will be made to Learning and Culture Scrutiny Committee twice a year. To support this process the service will also make public its annual self-assessment through my decision session and will create a planning cycle that will include an opportunity for public comment on the development of the annual plan before it is finalised. These arrangements will strengthen the service's pursuit of its objectives under its key priority areas:

- Full time 16-18 programmes, including personalised learning programmes for some of the city's most vulnerable young people
- 16-18 and 19+ apprenticeships, supporting national priorities
- Developing and improving skills in English, maths and ICT
- Programmes designed to support and improve peoples mental health and well being
- Programmes to support people's personal development and leisure learning

### **Volunteering and Equalities:**

A key priority in this area is working with the city's Fairness and Equalities Board to develop and launch a new equalities plan for the city. I am anxious that we have a plan that is relevant to everyone in the city and which is strongly shaped by the voices of our various communities. I will be looking for clear outcomes which challenge all organisations to get involved and to pledge improvements.

I intend to get some momentum behind the Council's involvement in volunteering, both in terms of staff as volunteers and as a source of volunteer placements. I have asked officers to bring forward a strategy that will give this agenda a much higher profile and boost the number of people getting involved.

### **Sport & Active Leisure:**

Following years of planning and successful funding applications to Sport England, the Football Foundation and the Football Stadium Improvement Fund, work has now started on the demolition and rebuilding of the sports pavilion on the Little Knavesmire. Building work is scheduled to be completed in Spring 2016. The building will be used by Hamilton Panthers Football club, Knavesmire Harriers running club and community sports and leisure groups.

On September 13<sup>th</sup> the city held its third annual city *skyride* event in partnership with British Cycling and Sky. This year 8,000 people cycled round the route, which allowed cyclists access to the city centre on traffic free roads. This year the route was extended, to take in a short section of Bishopthorpe Rd and an extended section of the riverside, to accommodate the high number of people who attend York's event. Feedback from British Cycling, Sky and participants has been very positive and planning for the 2016 event will begin in November.

Since May the disability sports team have developed a wide range of disability sports opportunities including making all of the summer Health Walks fully accessible, training deaf runners as run leaders and running three accessible cycling sessions at the University bike track, which is now a regional Paralympic cycling centre.

The fourth Celebrating Ability Week will be from the 26<sup>th</sup> Oct to the 1<sup>st</sup> Nov and will see many of the inclusive sports clubs open their doors for the week. The Sport & Active Leisure team will also be running a specific sports day at Energise Sport Centre on Tuesday the 27<sup>th</sup> showcasing sports opportunities.

Swimming attendances in the last year have increased to 500,000 from 477,000 in 2013/14. This has gone against the national trend of decreasing participation in swimming. However total facility attendances of 865,000 shows a decrease of 40,000 on the 2013/14 figures.

### **York Museums Trust:**

I brokered an agreement with York Museums Trust (YMT) following the impasse that had arisen over their plans to charge residents for entry to the museums and art gallery.

Their initial proposals were not acceptable and would potentially have excluded many vulnerable people from using the museums.

I took account of the views of Learning and Culture scrutiny committee as well as the resident groups that also held meetings and expressed concern about various aspects of the charges and their impact on York residents particularly young people and people from lower socio-economic groups. I raised further concerns about the ability of those on particular benefits, vulnerable and hard to reach groups to make use of the museums and gallery.

I facilitated a series of discussions between YMT, including members of the Learning and Culture Scrutiny Committee in order to seek to address the various issues. In these discussions YMT clarified their expectation that the Council's core funding will, in future, represent only around 4.5% YMT's turnover, a level that will provide for only one third of the £950k maintenance costs of the public spaces and 18 buildings, including two scheduled monuments, in YMT's care. In these circumstances, where YMT was already having to plan further cuts of £700k in staff and non-staff costs, it was clear that the introduction of charges for residents is vital to the future of the service.

Whilst this financial reality constrains the scope for changes to the charging proposals I was able to gain agreement from YMT to address the important issues raised through a new charging scheme with the following revised features:

- The YMT Card will cost just £10 for YorkCard holders (compared to £20 for a non-resident). Children up to 16 will be free
- Continued free access will be provided for York residents during the Residents' Festival and for other special occasions and events determined by YMT
- Those YorkCard holders who would have qualified for a discounted YMT card, i.e. 17-24 year olds and those on particular benefits, will now be entitled to a free YMT card. In return for this provision, the Council will reimburse YMT £5 for each free YMT card issued with a target of 4,000 cards p.a. (Customers who have already bought an Access Card will be reimbursed by YMT)

In addition, YMT also offered to make available free tickets to YMT's venues to vulnerable and hard to reach groups who would not otherwise make use of the museums and gallery. Examples of the groups include:

- People with mental health issues and their befrienders
- Young carers
- Residents of older person's homes and their carers

The Council will work with YMT to finalise the criteria for use and will direct YMT to key contacts. The aim will be to see as many as 20,000 new visits facilitated. For YMT this is part of its participation in the Arts Council's Creative Case, a new strategic approach to diversity and equality.

### **Explore York Libraries and Archives Mutual:**

I am working closely with Explore on a number of plans being developed for improved library facilities across the city. These include a potential Health and Wellbeing Hub at Huntington Library in partnership with the local GP surgery. The purpose of this would be:

- To provide access to services in local communities which are accessible, and flexible to people's needs.
- To offer universal Wellbeing conversations for people in the community

- To reduce loneliness and isolation through the development of a wider range of activities both in the buildings and in the local community.
- To ensure that individuals can remain active and retain their independence sometimes with community or volunteer support and live independently for as long as it is safe for them to do so.
- To ensure that vulnerable people and their families have access to the information and advice they need, when they need it.
- To enable services users to access specialist services more locally

Explore will shortly be conducting a joint public consultation in the area to identify local need.

I am pleased to note that Explore now has over 150 volunteers who are making a real difference to the quality of service offered.

### **Parks and Open Spaces:**

Clarence Gardens has successfully retained its Green Flag Award. Managed in partnership with Clarence Gardens Bowling Association, it joins Rowntree Park, West Bank Park, Rawcliffe Country Park and Glen Gardens which have Green Flag status. The Award recognises the best parks and open spaces across the country and celebrates spaces which boasts the highest possible standards, are beautifully maintained and have excellent facilities.

The team continues to be involved with and support a wide range of community projects. Some highlights include:

- **Glen Gardens:** The new friends group ran a summer fair in June to celebrate the 100<sup>th</sup> year of the Gardens. They continue to lock and unlock the Gardens every day.
- **York Cares Challenge events:** 10 events have taken place this financial year including at Chapman's Pond, St George's Churchyard, and at Scarcroft Green. Activities include laying a footpath, painting railings, cutting back vegetation, etc. more are programmed in.
- **Employment Training opportunities:** 2 placements have been provided in this period: Pulse at Hull Road Park, Blueberry Academy at Glen Gardens.

- **West Bank Park:** The bowlers have taken now taken on the daily locking / unlocking of the toilets.
- **Green Works:** Work with our Youth justice team at West Bank Park coppicing trees weekly / fortnightly.
- **Training volunteers:** 21 gardeners and 29 litter pickers have been trained in this period.
- **Community Management of Sites:** 4 more sites are currently being tested for community management including: Rowntree Park tennis courts – seasonal trial with Rowntree Park Tennis Club, and Rowntree Park tennis pavilion where there is a proposal to extend the lease to Canoe Club.
- **Improvement Projects** include:
  - o Clarence Gardens play area - £35k refresh scheme funded by Section 106 will be on site in October in partnership Haxby Rd Primary School.
  - o Rawcliffe County Park Bike Track - phase 2 improvements are now finished and a phase 3 trail has been marked out.

I will be ensuring that residents are supported to have greater decision-making on parks and open spaces. The Pride in York Fund that we have established will help wards to create community projects. The transfer of our 3 Environment Officers to the Communities and Equalities Team will enable them to support wards more closely with community projects.

## **Scrutiny Report to Council**

**October 2015**

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

1. This report is submitted by the Chair of Corporate & Scrutiny Management Policy & Scrutiny Committee, in accordance with the constitutional requirements set out in Standing Order 8.3(l) to update Council on scrutiny work and to set out any recommendations such as may be made to Council in relation to that work.

#### **Finance and Performance**

2. Since the last report to Council on 16 July 2015 the Corporate & Scrutiny Management Policy & Scrutiny Committee and the four standing Policy & Scrutiny Committees have all received the Year End Finance & Performance Monitoring Report and the 1<sup>st</sup> Quarter Finance and Performance Monitoring Report.

#### **Attendance of Executive Members**

3. The majority of Executive Members attended the July or September rounds of Policy & Scrutiny Committee meetings to outline their priorities and challenges within their portfolio areas for the municipal year. The Deputy Leader – Executive Member for Economic Development & Community Engagement is scheduled to attend the next meeting of Economic Development & Transport Policy & Scrutiny Committee in November 2015.

#### **New Working Arrangements for Scrutiny**

4. Following agreement of the new pre-decision scrutiny arrangements by the Executive in August the Corporate & Scrutiny Management Policy and Scrutiny Committee (CSMC) considered the working arrangements for Scrutiny at its meeting in September 2015.
5. The new arrangements relate mainly to engaging and involving scrutiny Members prior to decisions being formally taken by the Executive or Executive Member, and will be operational as from early October 2015. To support this new process the Forward Plan will be published on a weekly basis, items requiring a decision will be added to the Forward

Plan at least 12 weeks in advance of the decision date, and Scrutiny Members may call in a Forward Plan item for pre-decision scrutiny.

6. To coincide with the new arrangements, CSMC have agreed to carry out a piece of work to redraft the scrutiny committee remits, with the intention of having these in place for the start of the new municipal year.

## **Corporate & Scrutiny Management Policy & Scrutiny Committee**

### Call-ins

7. At the time of writing the last report to Council, CSM&PSC (Calling-In) were due to meet to consider a number of called-in decisions:

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

8. In each case the CSMC (Calling –In) decided there were no grounds on which to refer back any of the decisions for further consideration. The decisions were therefore upheld.

### Petitions

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

### Overview & Scrutiny Review Work

10. Since the full Council meeting in July 2015 CSMC has met twice. In July 2015 the Committee considered an update on the Yearsley Pool Scrutiny Review, carried out by an Ad-hoc Scrutiny Committee it had previously set up. Having considered the findings to date, the Committee concluded there was no further work to be done and agreed to conclude the review. The Committee also agreed to proceed with a scrutiny review on 'Expansion of Local Democracy using Digital Means' and set up a Task Group to carry out the review on its behalf. The Task Group has subsequently met twice to progress the review.
11. In September 2015 the Committee met again to consider a report on Future Ways of Scrutiny Working, in light of the Executive's decision to implement a system for pre-decision scrutiny of forthcoming Executive/Executive Member decisions. CSMC considered how best to

involve the other scrutiny committees in the process and agreed it would be timely to review the remits of the standing scrutiny committees. Finally they received an introductory report on the development proposals for the Guildhall.

12. This was followed up with a further informal consultation meeting held in September, for CSMC to consider and comment on the detailed options for the future of the Guildhall.

### **Communities and Environment Policy & Scrutiny Committee**

13. This committee has met twice since the last report to Council. In July 2015 it received a bi-annual report from Safer York Partnership together with a briefing paper on Domestic Violence in the city. Officers also sought their views on the proposals for a new community engagement model, ahead of a report to the Executive.
14. In September 2015 the Committee received an update on the work of AVANTE (Alcohol, Violence & Night Time Economy) – a sub group of Safer York Partnership. They also considered feasibility reports on two possible scrutiny reviews – ‘Geese’ and ‘Stag and Hen Parties’. The Committee formed two Task Groups; one to meet with the Friends of Rowntree Park to consider their recent study on Geese, and one to undertake the review on Stag and Hen Parties.

### **Economic development & Transport Policy & Scrutiny Committee**

15. This Committee has met twice since the last report to Council. In July Members considered an Executive report on plans for a Business Improvement District in York city centre and a briefing report on economic strategy. As a result of the latter report the Committee agreed to appoint two Task Groups to review two topics within the draft priorities: ‘Unlocking brown field sites for jobs and housing’, and ‘A creative city uniquely utilising its distinct heritage’.
16. In September Members received an update report on iTravel, and an update report on the implementation of recommendations arising from their previously completed scrutiny review on ‘Higher Value Jobs’.

## **Health & Adult Social Care Policy & Scrutiny Committee**

17. This Committee has met three times since the last report to Council. In July the Committee received the Safeguarding Vulnerable Adults Annual Assurance report, and a Healthwatch report on wheelchair services in the city. They also received a progress report on changes to direct payments and a scoping report for a possible scrutiny review on public health grant spending. The Committee agreed to proceed with the scrutiny review and appointed a Task Group to carry out the review on its behalf.
18. Due to the amount of business, the Committee needed to hold two meetings in September. At the first of those meetings the Committee considered Be Independent's year end position and the group's 1<sup>st</sup> quarter monitoring report, together with an update report on changes to direct payments and a Clinical Commissioning Group report on health systems resilience.
19. At its second meeting in September, Members received the annual report from the Chief Executive of York Teaching Hospital and the annual report from the Chief Executive of Yorkshire Ambulance Service. They also discussed and questioned the Quality Summit report following a Care Quality Commission inspection of Yorkshire Ambulance Service. Finally, they received a presentation from Tees, Esk and Wear Valleys Foundation Trust on the transition of mental health and learning disabilities services from the Leeds and York Partnership Foundation Trust.

## **Learning & Culture Policy & Scrutiny Committee**

20. This Committee has also met twice since the last report to Council. In July 2015 Officers sought the Committee's views on an Executive Member report proposing changes to charging for York residents at the city's museums and gallery. They also received a bi-annual report on Safeguarding & Looked After Children and an update on the implementation of the Children & Families Bill.
21. In September 2015 the Committee received a bi-annual Service Level Agreement Performance Update report from York Theatre Royal, and met with the Managing Director from Make it York (MiY) to receive a report detailing its role in scrutinising the new organisation.

City of York Council

*Extract from Committee Minutes*

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Meeting	Staffing Matters & Urgency Committee
Date	20 July 2015
Present	Councillors Steward (Chair), Aspden (Vice-Chair) and Williams

**Part B- Matters Referred to Full Council****25. Appointment of the Acting Director of Public Health**

Members received a report which sought their approval to establish an Advisory Appointments Committee and to delegate sufficient powers to that Committee to enable them to conduct the recruitment process, select and appoint an Acting Director of Public Health, subject to the requirements of the standing orders on appointments and the statutory instrument NHS (Appointment of Consultants) Regulations 1996 as amended (S.I. 1996/701 as amended by S.I. 2002/2469, S.I. 2003/1250, S.I. 2004/696 and S.I. 2004/3365).

Recommended: That Council approve a salary package which is in excess of £100,000 for the post of Acting Director of Public Health, should it be necessary.

Reason: To allow the appointment to an Acting Director of Public Health to be made.

Councillor C Steward, Chair

[The meeting started at 5.30 pm and finished at 5.35 pm].

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City of York Council

*Extract from Committee Minutes*

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Meeting	Gambling, Licensing & Regulatory Committee
Date	7 September 2015
Present	Councillors Douglas (Chair), Boyce (Vice-Chair), Aspden, Flinders, Gillies, Hunter, Looker, Mason, D Myers, Orrell and Taylor
Apologies	Councillors Hayes, Mercer, Richardson and Shepherd

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## **Part B – Matters Referred to Full Council**

### **11. Explosives Policy**

Members considered a report which outlined and sought support for a proposed Explosives Policy and advised of recent changes to legislation and the consultation undertaken by the Council. The policy was attached at annex 1 of the report.

**Recommend:** That Full Council approve the Explosives Policy and adopt the delegation scheme.

**Reason:** To provide the Council with an explosives policy that will aid applicants, licence holders and officers and provide a delegation scheme for dealing with applications.

Councillor H Douglas, Chair

[The meeting started at 4.00 pm and finished at 4.35 pm].

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# Explosives Regulations 2014

## Policy



This policy was approved by City of York Council on ????????? 2015.

Should you have any comments as regards this policy please send them via e-mail or letter to the following address:

e-mail: [licensing.unit@york.gov.uk](mailto:licensing.unit@york.gov.uk)

Licensing Section  
City of York Council  
Eco Depot  
Hazel Court  
York  
YO10 3DS

1. City of York Council is a unitary authority covering an area of 105 square miles and a population of 198,000. It comprises the urban area of York that is surrounded by many small rural and semi-rural settlements covered by parish councils.
2. There are currently 35 premises licensed to store explosives in the City of York area, a majority of these are supermarkets and convenience stores.
3. This authority consulted the following parties in relation to this policy:
  - North Yorkshire Fire & Rescue Service
  - North Yorkshire Police
  - Health & Safety Executive
  - City of York Council Public Protection Section
  - Premises currently licensed (as of May 2015)
  - Councillors
4. Our consultation took place between 14 May 2015 to 30 June 2015.
5. The policy was approved at a meeting of the Full Council on ??????? 2015 and was published via our website on ?????????? 2015.
6. The Explosives Regulations 2014 (2014 Regs) defines explosives to mean –
  - (a) any explosive article or explosive substance which would –
    - i) if packaged for transport, be classified in accordance with the United Nations Recommendations as falling within Class 1; or
    - ii) be classified in accordance with the United Nations Recommendations as –
      - 1) being unduly sensitive or so reactive as to be subject to spontaneous reaction and accordingly too dangerous to transport, and
      - 2) falling within Class 1; or
  - (b) a desensitised explosive,but it does not include an explosive substance produced as part of a manufacturing process which thereafter reprocesses it in order to produce a substance or preparation which is not an explosive substance.
7. City of York Council (the Council) is the licensing authority under Schedule 1, Section 1(a)(ii) of the 2014 Regs, in relation to an application for a licence for the storage within one site of no more than 2000 kilograms of explosives to which paragraph (a)(i) or (b) of the definition of explosives applies.

8. The council issues licences which authorise the storage of explosives.
9. The permitted sale periods as a dutyholder for fireworks are –
  - during the period beginning on the 15<sup>th</sup> October and ending on the 10<sup>th</sup> November;
  - during the period beginning on the 26<sup>th</sup> December and ending on the 31<sup>st</sup> December;
  - on the first day of the Chinese New year and the three days immediately proceeding;
  - on the day of Diwali and the three days immediately proceeding.
10. All application will be processed in accordance with the 2014 Regs.
11. Application forms and licences are specified by the Health and Safety Executive (HSE).

### **Grant & Renewal**

12. Applicants can be an individual, company or partnership. They must be a fit person.
13. Licences can be granted or renewed for a period of up to five years.
14. The Council will take a proportionate, risk-based approach when dealing with licence applications and the duration of the licence requested. This approach will recognise the nature of the business and the likely lifetime of the licensed site, for example pop up shops and freehold retails.
15. Licences will only be issued to new retailers with no inspection or enforcement history for a maximum period of one year. In the case of pop up shops this period may be limited to the sales period for fireworks as detailed in paragraph nine.
16. If requested as part of the application, licences will be issued to new site where the dutyholder can demonstrate robust safety management systems and has a good history of compliance at another licensed site for a maximum period of one year.  
This will enable the dutyholder to demonstrate robust safety management systems at the newly licensed site.

17. Licences will only be issued to existing licensed sites with a mixed or poor history of compliance for a maximum period of one year.
18. Licences will only be issued to existing licensed sites:
  - that have a history of regularly requiring advice;
  - where minor breaches have been identified at inspections: or
  - that has for example high (relevant) staff turnover for a maximum period of one year.

## Conditions

19. Any conditions can be imposed on a licence. Every licence must include conditions that specify:
  - the site and, within it, the places where the explosives may be stored, or, in the case of the licence to manufacture explosives, where they may be manufactured;
  - the hazard type, if any, the description and maximum amount of explosives which may be stored or otherwise present, at any one time at any place so specified.

For licences which relate to the storage of pyrotechnic articles at any site where those articles are to be offered for sale, conditions may be attached considered appropriate which relate to:

- the storage and display of those article in areas where they can be purchased;
  - the prevention of risk of fire arising in respect of those articles; and
  - the safe use of fire escapes in that area.
20. The council expects licence holders to comply with the legal requirements of the 2014 Regs and any relevant guidance issued by the HSE.

## Variations

21. The Licensing Authority may vary the licence –
  - a) where there has been a change in circumstances such that the separation distances can no longer be maintained and the consequent reduction in the maximum amount of explosive that may be stored is required; or
  - b) in relation to any of the matters it relates to, by agreement with the licensee.
22. A licence may be varied without the agreement of the licensee. The licensee must be given written reasons to afford the licensee the opportunity

of making representations to the licensing authority about it, within a period of 28 days from the date of the notification. Representation can be made in writing, or both in writing and orally.

23. If the licence is varied without the agreement of the licensee, the variation takes effect from a date to be determined by the licensing authority which must be a date after the 28 day period for representations.

### **Transfer**

24. The licensing authority must grant the application for the transfer of a licence unless it is of the opinion that the applicant is not a fit person to store explosives.

### **Notifications**

25. The licensing authority will notify North Yorkshire Fire and Rescue Service, North Yorkshire Police and the Environmental Health Services of all applications granted.

### **Fees**

26. Fees are set by the Health and Safety (Fees) Regulations and are variable dependant on the amount of explosives to be stored and safety distances, a full list of fees can be found at Annex 1.

### **Death, Bankruptcy or Incapacity of a Licensee**

27. If a licensee dies or becomes incapacitated, the licence will remain in force until either –
- (a) the expiration of a period of 60 days starting with the date of such death or incapacity;
  - (b) the grant or refusal of a new licence; or
  - (c) the transfer of, or refusal to transfer, a licence
- whichever is the earlier.
28. If a licensee becomes bankrupt or, in the case of a company, goes into liquidation, administration or receivership or has a receiving order made against it, any liquidator, administration, receiver or trustee in bankruptcy is to be treated as being the licensee.

### **Refusal of Grant, Renewal or Transfer of Licence**

29. The licensing authority must refuse an application for a licence where they are of the opinion that –
  - (a) the applicant is not a fit person-
    - i) to store explosives, in the case of an application for a licence to store explosives.
30. Where the licensing authority proposes to refuse an application it must, before taking such action, notify the applicant of its proposed course of action and afford that applicant the opportunity of making representations to the licensing authority about it, within a period of 28 days from the date of the notification.
31. Representation may be made to the licensing authority in writing, or both in writing or orally.
32. Where the licensing authority decides to refuse an application it must provide the applicant with written reasons for its decision.

### **Revocation**

33. The licensing authority may revoke the licence –
  - (a) where there has been a change in circumstances such as that the site or, within it, any place in which explosives are manufactured or stored which the licence relates to is no longer suitable for the manufacture or storage;
  - (b) where it appears to the licensing authority on information obtained by it after the grant of the licence that the licensee is not a fit person-
    - i) to store explosives, in the case of a person licensed to store explosives; or
    - ii) to manufacture explosives, in the case of a person licensed to manufacture explosives; or
  - (c) by agreement with the licensee.
34. A person whose licence is revoked must ensure that –
  - (a) all explosives are removed from site as soon as practicable after revocation of a licence in respect of that site;
  - (b) those explosives are deposited at a licensed site, or suitable arrangements are made for those explosives to be disposed of; and
  - (c) the licence is returned to the licensing authority within 28 days of the date that the revocation takes effect.

35. Where the licensing authority proposes to revoke the licence, it must, before taking such action, notify the licensee of its proposed course of action and afford that person the opportunity of making representations to the licensing authority about it, within a period of 28 days from the date of the notification.
36. Representation may be made in writing, or both in writing or orally.
37. Where the licensing authority decides to revoke a licence, it must provide in writing to the licensee the reason for its decision.
38. Where the licensing authority revokes the licence, that revocation takes effect from a date to be determined by the licensing authority which must be a date after the 28 day representation period.

### **Site Inspections and Enforcement Visits**

39. Site inspection will be undertaken:
  - (a) prior to the grant of a licence;
  - (b) if required, following the grant of a licence;
  - (c) prior to or following the renewal of a licence: and
  - (d) if information is received that the licence holder is operating outside the requirements of the licence.
40. Enforcement visits will be undertaken to unlicensed premises.

### **Local Authority Assent Procedure**

41. Where the relevant licensing authority is the Health and Safety Executive or the Office for Nuclear Regulation, that authority must issue the applicant with a draft licence containing conditions which the licensing authority proposes to attach to the licence. The applicant must as soon as reasonably practicable send a copy of the application and draft licence to the local authority (the council) in whose area the manufacture or storage is proposed to take place.
42. Within 28 days of sending to the council the applicant must –
  - (a) publish in a newspaper circulating in the locality a notice which must –
    - i) give details of the applications;
    - ii) invite representations on matters affecting the health and safety of persons other than the applicant's employees to be made in writing to the council within 28 days of the date that the notice is first published; and

- iii) give an address within the area of the council at which a copy of the application and draft licence may be inspected, and the address of the council to which any representations must be sent; and
- (b) take other reasonable steps to give that information to every person who resides or carries on a business or other undertaking within the public consultation zone<sup>1</sup>.

43. The council must send a copy of any representations to the applicant as soon as reasonably practicable after receiving them.
44. In considering whether to assent, the council must have regard only to health and safety matters.
45. If relevant representations are received, and before deciding whether to assent to the application, the council will hold a public hearing within 4 months of the date of its receipt of the copy of the application and draft licence. The hearing panel will be made of 3 Members of the Gambling, Licensing and Regulatory Committee.
46. If after the 28 day period has elapsed and if no representation have been received, or the only representations received are classed frivolous or immaterial, it may assent to the application without holding a hearing.
47. Not less than 28 days before the hearing the council must publish notice of the date, time and place for the hearing in a newspaper circulating in the locality and send a copy of the notice to –
  - (a) the applicant;
  - (b) the person who made representation;
  - (c) the relevant licensing authority.within 7 days from its publication.
48. The council must notify the applicant and the relevant licensing authority of its decision within 7 days of making it.
49. Failure to –
  - (a) send a copy of the notice to the relevant licensing authority within 3 months from the date that a copy of the application and draft licence was sent to it; or

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<sup>1</sup> “public consultation zone” means the area around the store or proposed store, or the building where the manufacture of explosives takes place or is proposed to take place, which, from the centre point of the store or building, has a radius equivalent to double the greatest separation distance required by virtue of these Regulations to apply in the case of that store or building.

(b) notify the relevant licensing authority of its decision within 2 months from the date of publication of the notice, that licensing authority may make a written request to the local authority for it to state in writing whether it assents to the application. If the council does not respond to the written request within 28 days from the date of the request, the local authority is deemed to have assented to the application.

50. A fee is payable to the council, which must not exceed the sum of the costs reasonably incurred by the authority in performing those functions.

### **Registers and Retention of Documents**

51. The council must –

(a) maintain a register containing the following information –

- i) the name of the licensee;
- ii) the licensee's permanent address, unless the licensee's home address is the licensee's only permanent address;
- iii) the address of the site where the explosives are manufactured or stored;
- iv) the hazard type if any, the description and maximum amount of explosive which may be stored or otherwise present to any one time in any place which is specified in the licence;
- v) the nature of the business of the licensee and the intended use of the explosives;
- vi) the kind of explosives manufactured or stored;
- vii) where separation distances are required to be maintained around the store or the building where explosives are manufactured, a plan in a suitable scale sufficient to show those separation distances;
- viii) a map in a suitable scale sufficient to show the location of any store; and
- ix) the kind of store concerned, including the material out of which it is constructed.

the council will be keep this information electronically.

- (b) keep a copy of any licence granted, together with a copy of the application for the licence, for as long as the licence remains valid; and
- (c) send to the HSE on request a copy of any part of the register or other document specified above within such time as the HSE may direct.

**ANNEX 1  
FEES FOR LICENCES GRANTED BY LOCAL LICENSING AUTHORITIES**

Type of application	Duration	Fee
Licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, a minimum separation distance of greater than 0 metres is prescribed	1 year	£178
	2 years	£234
	3 years	£292
	4 years	£360
	5 years	£407
Renewal of licence to store explosives where a minimum separation distance of greater than 0 metres is prescribed	1 year	£83
	2 years	£141
	3 years	£198
	4 years	£256
	5 years	£313
Licence to store explosives where no minimum separation distance or a 0 metres minimum separation distance is prescribed	1 year	£105
	2 years	£136
	3 years	£166
	4 years	£198
	5 years	£229
Renewal of licence to store explosives where no minimum separation distance or a 0 metres minimum separation distance is prescribed	1 year	£52
	2 years	£83
	3 years	£115
	4 years	£146
	5 years	£178

In the case of application for a licence period of more than one year, the fee payable with the application will be the fee set above for a one year licence. Additional fees will be requested once the licence application is determined.

**Licence variations**

Varying the name of licensee or address of site	£35
Any other kind of variation	Reasonable cost to the licensing authority of having the work carried out
Transfer of licence	£35
Replacement of licence if lost	£35

Please note that the time-limited fees given above are for whole years. Fees for parts of a year would be on a pro-rata basis.

## **ANNEX 2**

### **Useful links:**

Explosives Regulations 2014: <http://www.legislation.gov.uk/uksi/2014/1638/made>

HSE: <http://www.hse.gov.uk/explosives/index.htm>

Guidance on Regulations – Safety provisions:  
<http://www.hse.gov.uk/pubns/books/l150.htm>

Guidance on Regulations – Security provisions:  
<http://www.hse.gov.uk/pubns/books/l151.htm>

Advice for anyone selling fireworks: <http://www.hse.gov.uk/pubns/indg407.htm>

Managing for health and safety (HSG65):  
<http://www.hse.gov.uk/pubns/books/hsg65.htm>

Fire and explosion: <http://www.hse.gov.uk/fireandexplosion/index.htm>

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City of York Council

*Extract from Committee Minutes*


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Meeting	Audit & Governance Committee
Date	23 September 2015
Present	Councillors N Barnes (Chair), Dew (Vice-Chair), Fenton, Gunnell, Kramm, Lisle, and Cuthbertson (Substitute for Councillor Cullwick) and Mr Bateman and Mr Mendus
Apologies	Councillor Cullwick

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## **Part B - Matters Referred to Council**

### **33. Deputy Leader's Report to Council**

Members considered a report which asked the committee to give further consideration to the introduction of a Deputy Leader's report to Council. At the previous meeting, Members had considered the principle of introducing such a report and Members were now asked to consider a specific proposal for consideration.

Differing views were put forward as to whether a Deputy Leader's report should be presented to Council. Whilst some Members commented that such an arrangement would not improve governance and may reduce the opportunity to hold the Leader to account, the majority of Members stated that they were reassured that the proposed new arrangement addressed the issues that had previously been raised regarding the time pressures at Council meetings. The proposal also recognised the way in which power was shared within the Executive and would improve transparency.

It was noted that the proposal to include a Deputy Leader's report had arisen because of the joint administration arrangement that was now in place, but the implementation of such a report would need to be reviewed in future if there were changes to governance arrangements.

Recommend: (a) That Council consider a proposal that:

- (i) The Council procedure rules include provision for a report from the Deputy Leader.
- (ii) The existing rules for Cabinet Members' reports be applied to the report of the Deputy Leader.
- (iii) The Deputy Leader's right to respond to the Leader's report be removed from the Constitution.
- (iv) The time for questions on the Leader's report be reduced from fifteen to ten minutes.

(b) That Council note the comments of the committee on the proposals.

- Reasons:
- (i) To allow Full Council to consider the introduction of a Deputy Leader's report.
  - (ii) To enable Council to have the benefit of the Committee's advice when debating the proposal.

Councillor N Barnes, Chair  
[The meeting started at 5.30 pm and finished at 7.50 pm].

## **Joint Standards Committee**

8.1 The Standards Committee shall be a joint committee established pursuant to section 102 of the Local Government Act 1972 consisting of the City of York Council, Rawcliffe Parish Council, Dunnington Parish Council and Heworth Without Parish Council (“the Councils”)

### **8.2 Functions**

8.2.1 The Joint Standards Committee may exercise the following functions of the Councils:

8.2.2 The promotion and maintenance of high standards of conduct by members and co-opted members of the Councils and other Parish Councils for which the City Council is the principal authority.

8.2.3 Establishing arrangements for investigating and making decisions in respect of allegations that the code of conduct of either the City Council or a parish council for which the City Council is the principal authority has been breached.

8.2.4 Where the power to do has been delegated to it by a Council, granting dispensations relieving members from the duty to register or declare interests.

### **8.3 Membership of the Joint Standards Committee**

8.3.1 The Joint Standards Committee shall consist of:

- a) Four voting members of the City Council;
- b) One voting member of each of the three Parish Councils
- c) Up to three non-voting community members co-opted by the Committee

8.3.2 A person who is disqualified from being a member of a relevant authority shall be disqualified from membership of the Joint Standards Committee.

### **8.4 Term of office and casual vacancies**

8.4.1 A member of the Joint Standards Committee will hold office until one of the following occurs:

- a) He or she resigns by giving written notice to the proper officer of the Council that appointed him or her;
- b) He or she is removed or replaced by the Council that appointed him or her;
- c) He or she is disqualified for membership of the Joint Standards Committee;
- d) He or she ceases to be eligible for appointment to the Joint Standards Committee in the capacity in which he or she was appointed;
- e) The Constituent Authority which appointed him or her ceases to participate in the Joint Standards Committee.

8.4.2 A casual vacancy shall be filled as soon as practicable by the relevant Council. A casual vacancy in the case of a Parish Councillor shall be reported to the York Association of Local Councils for information.

## **8.5 Sub Committees**

8.5.1 The Joint Standards Committee may appoint sub committees for purposes in the exercise of its functions.

8.5.2 Each person appointed as a member of a sub committee must be a voting member of the Joint Standards Committee.

8.5.3 The Joint Standards Committee will determine the membership and terms of reference of the sub committee and the quorum for its meetings.

8.5.4 If the Joint Standards Committee appoints more than one sub committee to exercise one or more of its functions then it shall ensure that the Proper Officer allocates particular matters to a sub committee first on the basis of the availability of members required to constitute the sub committee, and thereafter by rotation, and summonses meetings accordingly.

## **8.6 Meetings and Proceedings**

8.6.1 The meetings and proceedings of the Joint Standards Committee shall be conducted in accordance with the standing orders or rules of procedure of the City of York Council.

8.6.2 The Joint Standards Committee may determine procedure rules for its sub committees.

## **8.7 Withdrawal from the Joint Standards Committee**

8.7.1 A constituent authority may cease to participate in the Joint Standards Committee by resolution to that effect communicated in writing to the Monitoring Officer.

## **8.8 Expenses of the Joint Committee**

8.8.1 The expenses of the Joint Committee shall be met by the City Council.

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**Membership of Committees, Working Groups and  
Outside Bodies**

**Outside Bodies**

**Ainsty 2008 Internal Drainage Board**

To appoint Councillor Carr to replace Cllr Gillies on the Drainage Board.

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