Resolutions and proceedings of the Meeting of the City of York Council held in the Guildhall, York on Thursday, 21st July, 2016, starting at 6.30 pm

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

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Apologies for absence were received from Councillor Shepherd
14. **Declarations of Interest**

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests they might have in the business on the agenda.

The following *personal* interests were declared:

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<td>Doughty</td>
<td>8.(i) Motions on notice – Audio Visual Displays</td>
<td>Employee of a train operating company</td>
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<td>Kramm</td>
<td>8.Motions on notice which relate to the outcome of the EU referendum</td>
<td>Non UK citizen from the European Union</td>
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The following *prejudicial or disclosable pecuniary* interests were declared:

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15. **Minutes**

Resolved: That the minutes of the Ordinary Council meeting held on 24 March 2016 and the Annual Council meeting held on 26 May 2016 be approved and then signed by the Chair as correct records.
16. **Civic Announcements**

The Lord Mayor reported receipt, by the Deputy Lord Mayor, of a silver plaque which depicted the cap badge of the Yorkshire Regiment. This had been presented on 24 June, on the 10th anniversary of the Regiment’s formation when they visited the city for their Freedom of Entry parade. The gift was on display at the meeting.

The Lord Mayor reminded Members that this would be the last Full Council meeting that Sally Burns would be attending as the Council’s Director of Communities and Neighbourhoods. Members joined the Lord Mayor in expressing their thanks to Sally for her work for the authority over the last seven years and in wishing her well for the future.

17. **Public Participation**

Saf Din spoke in relation to the recommendation of the Gambling, Licensing and Regulatory Committee regarding the delegation of enforcement powers relating to Hackney Carriage and Private Hire vehicles. Mr Din drew Members’ attention to the following issues:

- Enforcement of breaches of the regulations when cross-authority taxi journeys were taking place, particularly on race days.
- The removal of the option for the crest on the side of vehicles to be magnetic, as it was costly to remove an adhesive sticker when vehicles were sold.
- The Council was urged to be proactive in addressing issues, including antisocial behaviour, in respect of the St Saviourgate rank.

Dr Gareth Morgan spoke in relation to Councillor Aspden’s motion on the impact of Brexit on York and Councillor Warters’ motion on the Local Plan. He urged the Council to make representation to the Government to remain in the European area for trade. He also stated that there should be a major initiative from those cities who voted remain, to form a pro-European lobby. Dr Morgan also paid tribute to the late Jo Cox MP, and expressed his thanks for the work carried out by MPs and Councillors.

Hon Alderman Brian Watson spoke in relation to Bootham Crescent and the Community Stadium, a matter directly related to
the city. He questioned the Council’s commitment to having a rugby club in the city and requested that the public be made aware of the arrangements that would be in place for both the football and rugby clubs.

18. **Petitions**

Under Standing Order 15, petitions were presented by the following Members for reference to the Corporate and Scrutiny Management Policy and Scrutiny Committee, in accordance with the Council's petition arrangements:

- Cllr Hunter, on behalf of 822 local residents, calling on the Council to work to improve the condition of footpaths in the Front Street shopping area of Acomb.¹
- Cllr Ayre, on behalf of 34 local residents in the Ashley Park Road area, calling on the Council to have the lamp post outside 19 Ashley Park Road moved from its current position due to safety concerns.²
- Cllr Jackson, on behalf of 80 local residents, calling on the Council to work with the landowners to find ways to improve the pavements around Foxwood shops and make the area safer and more attractive.³

**Action Required**

1-3. Add to petitions schedule for reporting to CSMC and relevant Executive Member. SS

19. **Report of Executive Leader and Executive Recommendations and Questions**

**A. Executive Leader’s Report**

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

Members were then invited to question Cllr Carr on his report and questions were received from the floor from the following Members in relation to the subjects listed:
- Cllr Galvin – comparisons between the new draft Local Plan and the previous version in respect of the percentage of housing development on greenbelt land.
- Cllr Kramm – the reduction in the number of houses in the new draft Local Plan and the shift in planned developments in York outer and York Central wards.
- Cllr Reid – whether 800 houses a year could be delivered.
- Cllr Doughty – the implications of the outcome of the referendum, including any concerns raised by York businesses regarding their trading position or concerns about inward investment.
- Cllr S Barnes – the Executive Leader’s views on access to the single market and freedom of movement.
- Cllr Gunnell – the Hate Crime Strategy.
- Cllr Cuthbertson – concerns identified during the consultation regarding York Central.

Cllr Carr responded directly to the questions put to him but agreed to respond in more detail in writing to Councillor Kramm’s question.

B Executive Recommendations

Delivery of Community Facilities at the Burnholme Health and Wellbeing Campus

Cllr Carr moved, and Cllr Aspden seconded the following recommendation contained in Minute 153 of the Executive meeting held on 19 May 2016:

Recommended: That Executive recommend that the estimated £981,000 of costs for the enabling works and the access road needed to facilitate the development of the Care Home are added to the Capital Programme with the costs initially being funded from capital held for the use of the Older Persons’ Accommodation Programme and subsequently being paid back from the capital receipt received from the disposal of development land on the Site.¹

Reason: To progress to delivering the Burnholme Health & Wellbeing Campus including the delivery of a Care Home as part of the Older Persons’ Accommodation Programme.
On being put to the vote, the recommendation was declared CARRIED and it was

Resolved: That the above recommendation in respect of the delivery of community facilities at the Burnholme Health and Wellbeing Campus be approved.

**Capital Programme Outturn 2015/16 and Revisions to the 2016/17 – 2020/21 Programme**

Cllr Carr moved, and Cllr Aspden seconded the following recommendation contained in Minute 16 of the Executive meeting held on 30 June 2016:

Recommended: That Council agree the restated 2016/17 to 2020/21 programme of £221.594m as summarised in Table 3 and detailed in Annex A of the report. ².

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

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

Resolved: That the above recommendation in respect of the Capital Programme Outturn 2015/16 and revisions to the 2016/17 – 2020/21 programme be approved.

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

Cllr Carr moved, and Cllr Aspden seconded the following recommendation contained in Minute 17 of the Executive meeting held on 30 June 2016:

Recommended: That Council agree the adoption of the Efficiency Plan 2016/17 to 2019/20 as set out in Annex 1 of the report. ³.

Reason: In order to achieve the proposed savings and efficiencies set out in the Council’s Financial Strategy and Efficiency Plan and protect priority areas and key statutory safeguarding services.
On being put to the vote, the recommendation was declared CARRIED and it was

Resolved: That the above recommendation in respect of the Efficiency Plan 2016/17 to 2019/20 be approved.

**Demonstrating Progress on the Older Persons’ Accommodation Programme**

Cllr Carr moved, and Cllr Aspden seconded the following recommendation contained in Minute 29 of the Executive meeting held on 14 July 2016:

Recommended: That, in respect of Haxby Hall, provision of up to £600,000 be made within the Capital Programme to meet the acquisition and legal costs as well as to fund demolition, enabling and related works, drawing upon capital held for the use of the Older Persons’ Accommodation Programme. 4.

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

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

Resolved: That the above recommendation in respect of Haxby Hall be approved.

**Children and Young People in Care: York’s New Strategy 2016-2020**

Cllr Carr moved, and Cllr Aspden seconded the following recommendation contained in Minute 28 of the Executive meeting held on 14 July 2016:

Recommended: (i) That Council endorse the Children in Care Strategy 2016-2020 (Annex 1 of the report).

(ii) That Council note the introduction of new strategic partnership arrangements and strengthened leadership to ensure the progress and delivery of the strategy be noted. 5.
Reason: To endorse the new children in care strategy.

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

Resolved: That the above recommendation in respect of the endorsement of the Children in Care Strategy be approved.

Action Required

1&2. Revise Capital Programme accordingly. DM
3. Implement the new CYC 4 year Efficiency Plan. DM
4. Make appropriate provision in the Capital Programme. DM
5. Proceed with implementation of Strategy. JK

20. Report of Deputy Leader and Questions

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

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

- Cllr Levene – in respect of the “approach” taken regarding the Local Plan and the legal advice in respect of a 10-year safeguarding period and windfalls.
- Cllr Craghill – in respect of the 2015-16 budget underspend and the impact on service delivery of unfilled staff vacancies.
- Cllr N Barnes – the year end surplus in respect of treasury management.
- Cllr Levene – representations from businesses following the EU referendum.
- Cllr Cullwick – the Armed Services Covenant, Parish Charter and support for refugees.
- Councillor N Barnes – the policy supporting the City Vision.

Councillor Aspden responded directly to all the questions put to him.
21. **Motions on Notice**

**Motions submitted for consideration directly by Council, in accordance with Standing Order 23.1**

Councillor Douglas and Council agreed to accept Cllr N Barnes amendment to the first motion related to Audio Visual Displays on Buses.

(i) **Audio Visual Displays on Buses**  
(proposed by Councillor Douglas, seconded by Councillor N Barnes)

"Council notes and is aware that:

i) Bus operators nationally are moving towards fitting all buses in their fleets with audio-visual next stop displays in order to ensure services are accessible to all users, including deaf and blind passengers or those who are visually or hearing impaired and

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

Council therefore calls for:

i) All bus operators providing services in York to work towards a similar timetable to provide comparable real-time audio-visual information on all of their routes. ¹

ii) The Chief Executive to write to all York-based train companies expressing council’s desire to see the same progress made on their managed rail services. ²

On being put to the vote the motion was CARRIED.

Resolved: That the motion be approved.

(ii) **York and the impact of Brexit**  
(proposed by Councillor Aspden, seconded by Councillor Runciman)

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

Council believes:

- Many questions vital to the local interest now need answering, including the likely impact on York’s economy, the future of EU funding programmes that benefit York, and the future of the EU citizens who have made York their home
- With the Brexit proposition of 'taking control' so ill-defined, it is vital that elected members at all levels and other interested parties make clear their demands for a Brexit negotiating position that promotes and protects the interests of the people they represent.

Council resolves to write to the Government saying that:

- The Government should ensure that York and Yorkshire receives investment at least equal to that planned to be provided by EU programmes
- In future negotiations, the UK’s vital trading relationship with the EU should be protected as far as possible alongside environmental standards and legislation supporting workers’ rights
- The Government should work with regional LEPs and other partners to put in place a support package to help
businesses deal with the short-term economic shock and the transition to the UK’s new relationship with the EU

- The Government should re-affirm its commitment to funding key projects in the region including York Central, HS2 and Transpennine electrification
- The rights of EU citizens currently working and living in the city should be protected.”

On being put to the vote the motion was CARRIED.

Resolved: That the motion be approved. 3.

(iii) Hate Crime
(proposed by Councillor Boyce, seconded by Councillor Gunnell)

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

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

Furthermore, Council notes:

- That an upsurge in such incidents is likely to be damaging to a city that depends on its tourist economy;
- That recorded reports only represent part of the problem, as only victims themselves can report incidents to the Police;
- That available evidence indicates many people will not report racist and xenophobic abuse to the Police.

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

- To agree a central point of contact within the council to record all instances of racial and xenophobic abuse where people wish to record an incident, anonymously or otherwise, but who do not wish to pursue a formal investigation;
• That individual councillors widely publicise their ability to record reports of such abuse which can be passed on to that central contact;

• To ensure anonymised reports recorded by the council are shared with North Yorkshire Police to ensure a full understanding of the problem and appropriate joint responses where hotspots are identified.”

On being put to the vote the motion was CARRIED.

Resolved: That the motion be approved. 4.

(iv) **Local Plan**
(proposed by Councillor Warters, seconded by Councillor Kramm)

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

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

Council notes the emerging York Local Plan housing provision has been drawn up to take account of 65% of demand for housing and job growth being generated by 'International Inward Migration' and Council therefore considers in the light of the referendum that the Local Plan housing and job growth predictions for York should be subject to review by Government.

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

(i) that the Minister looks at York, in planning terms, as a special case and in particular considers the role of Green Belt in York, namely for the purpose of 'preserving the historic setting of the City of York' and

(ii) allows a greater degree of flexibility with the progression of the Local Plan in York, to allow Local Plan housing allocations and therefore Green Belt land take in the emerging Local Plan to fully take into account the implications of the EU referendum on
revised population growth statistics that Council expects Government to revise with due haste.”

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

Resolved: That the above motion be not approved.

**Action Required**

1. Contact local bus operators on the lines stated. NF, SS
2. Write to all York based train companies regarding the provision of audio visual information. SB
3. Write to the Government on the lines stated following the results of the EU referendum. SB
4. Undertake any changes necessary to implement the motion. SW

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

In accordance with Standing Order 20. Members were then invited to question Cllr Carr and/or the Executive Members in respect of any matters within their portfolio responsibility. Questions were received from the floor from the following Members in relation to the subjects listed:

(i) To Cllr Ayre, Executive Member for Culture, Leisure and Tourism:

- Cllr Gunnell – the future of York Knights Rugby Club
- Cllr Crisp – CYC’s contract with York Knights Rugby Club
- Cllr Warters – the position in respect of York Knights Rugby Club match on 24 July 2016

(ii) To Cllr Carr, Executive Leader including Housing and Safer Neighbourhoods:

- Cllr Williams – the impact of the EU referendum vote on investment in York Central and any alternative plans that were in place.
- Cllr Kramm – concerns of residents in the Holgate ward regarding the location of the bridge into the York Central site and the impact on the local playground, including consideration of alternative options for access to the site.
• Cllr Derbyshire – sought assurance that decisions in respect of access to the York Central site would take into account social factors.
• Cllr Warters – engagement with residents on the Local Plan

(iii) To Cllr Aspden, Deputy Leader, including Economic Development and Community Engagement:

• Cllr Flinders – whether landowners were content to proceed with the strategic housing sites identified in the Local Plan.

(iv) To Cllr Rawlings, Executive Member for Education, Children and Young People:

• Cllr S Barnes – the proposed relocation of the Castlegate Centre and concerns that this was not in the city centre.
• Cllr Craghill – consultation on the proposed relocation of the Castlegate Centre and its proposed location.
• Cllr Lisle – the benefits of linking adult and youth services.

Members responded directly to the questions put to them.

23. **Report of Executive Member**

Council received a written report from Cllr Runciman, Executive Member for Adult Social Care and Health as set out in the agenda papers at pages 41 to 46.

Cllr Runciman moved, and Cllr Aspden seconded receipt of the report.

Resolved: That the report of the Executive Member for Adult Social Care and Health be received and noted.

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

• Cllr Cannon – issues in respect of the Vale of York CCG being placed in special measures and the implications in
respect of partnership working and the integration of services.

Cllr Runciman responded directly to the question put to her.

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:

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

Council received the report of the Chair of the Corporate and Scrutiny Management Policy and Scrutiny Committee, at pages 47 to 50 of the agenda papers, on the work of the Committee since the last report to Council in March 2016.

Resolved: That the scrutiny report be received and noted.

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

Cllr N Barnes, as Chair of the Audit and Governance Committee, moved the following recommendation from the Audit and Governance Committee meeting held on 10 May 2016.

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

Recommended: (i) That the proposed amendment to Council Procedure Rule 14.7 be adopted. ¹

(ii) That paragraph 7 of the existing “Protocol for Webcasting, Filming and Recording of Council Meetings” be revised to read “The Chief Executive will, in consultation with Group Leaders, make the final decision on editing any webcast or filmed material to be broadcast or published in connection with any Council meeting. The reason for any decision to edit a webcast or filmed material will be published”. ²
Reason: In order to address the recommendations highlighted in the Public Interest Report.

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

Resolved: That the above recommendations of the Audit and Governance Committee meeting held on 10 May 2016 be approved.

Cllr N Barnes, as Chair of the Audit and Governance Committee, moved the following recommendation from the Audit and Governance Committee meeting held on 10 May 2016.

77. Officer Scheme of Delegations

(a) Recommended: That the scheme of delegations, as detailed in Annex A of the report, be adopted. 3.

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

(b) Recommended: Further to the recommendation of the Audit and Governance Committee, Members are asked to:

(i) approve the scheme of delegations annexed to the Audit and Governance Committee minutes in so far as it relates to non-executive functions;

(ii) agree to the substitution of the wording set out in paragraph 7, in the report, relating to planning call in arrangement for the wording which appears in paragraph 9.5 of the draft scheme of delegations attached to the Audit and Governance Committee minutes.

(iii) ask the Monitoring Officer to make the necessary constitutional changes. 3.

Reason: To ensure the Council maintains and updates its Scheme of Delegation appropriately.
On being put to the vote the recommendations were declared CARRIED and it was

Resolved: That the above recommendations be approved.

Cllr N Barnes, as Chair of the Audit and Governance Committee, moved the following recommendation from the Audit and Governance Committee meeting held on 22 June 2016.

10. Annual Report of the Audit and Governance Committee

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

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

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

Resolved: That the above recommendation of the Audit and Governance Committee meeting held on 22 June 2016 be approved.

Councillor N Barnes, as Chair of the Audit and Governance Committee, moved the following recommendation from the Audit and Governance Committee meeting held on 22 June 2016.

11. Contract Procedure Rules Update

Recommended: That the revised Contract Procedure Rules be approved. 4

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

On being put to the vote the recommendation was declared CARRIED and it was
Resolved: That the above recommendation of the Audit and Governance Committee meeting held on 22 June 2016 be approved.

Action Required

1,3&4. Make necessary amendments to the Council's Constitution. JC, AD
2. Arrange for necessary changes to be made to CYC Webcasting Protocol. JC

26. Recommendations of the Corporate and Scrutiny Management Policy and Scrutiny Committee

Cllr Levene, as Chair of the Corporate and Scrutiny Management Policy and Scrutiny Committee, moved the following recommendation from the Corporate and Scrutiny Management Policy and Scrutiny Committee meeting held on 13 June 2016.


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

Reason: To ensure the Council receives an Annual Scrutiny Report in accordance 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 meeting held on 13 June 2016 be approved.

Action Required

1. Amend final report prior to publication. MC
27. **Recommendations of the Gambling, Licensing & Regulatory Committee**

Cllr Douglas, as Chair of the Gambling, Licensing and Regulatory Committee moved the following recommendations from the Gambling, Licensing and Regulatory Committee meeting held on 11 July 2016.

### 5. Hackney Carriage and Private Hire – Delegation of Enforcement Powers

**Recommended:** That the amendments to the scheme of delegation in relation to hackney carriage and private hire enforcement powers be approved. ¹

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

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

**Resolved:** That the above recommendation of the Gambling, Licensing and Regulatory Committee meeting held on 11 July 2016 be approved.

Cllr Douglas, as Chair of the Gambling, Licensing and Regulatory Committee moved the following recommendation from the Gambling, Licensing and Regulatory Committee meeting held on 11 July 2016.


**Recommended:** That the Special Policy relating to Saturation and Cumulative Impact, as detailed in the report, be approved. ²

**Reason:** To assist with the effective implementation of the Licensing Act 2003 in the city and contribute to the reduction of alcohol related crime and disorder in the city centre.
On being put to the vote the recommendation was declared CARRIED and it was

Resolved: That the above recommendation of the Gambling, Licensing and Regulatory Committee meeting held on 11 July 2016 be approved.

Action Required
1. Amend delegation scheme and implement revised delegations. LC
2. Implement amended policy. LC

28. Recommendations of the Joint Standards Committee

Cllr Runciman, as Chair of the Joint Standards Committee, moved the following recommendation from the Joint Standards Committee meeting held on 24 February 2016.

22. Review of the Code of Conduct

Recommended: That the revised Code of Conduct for City Council Members be approved. ¹

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

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

Resolved: That the above recommendation of the Joint Standards Committee meeting held on 24 February 2016 be approved.

Thanks were expressed to the contribution made by the Independent Persons in supporting the maintenance of high standards of conduct.

Action Required
1. Revise the Constitution accordingly and implement the new Code of Conduct. AD, JC
Cllr Dave Taylor
LORD MAYOR OF YORK
[The meeting started at 6.30 pm and concluded at 10.00 pm]