

CITY OF YORK COUNCIL

Resolutions and proceedings of the Special Meeting of the City of York Council held in the Guildhall, York on 27 April 2006, starting at 5.30 pm, to consider a review of the Council's Constitution.

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

ACOMB WARD

David Horton
Tracey Simpson-Laing

BISHOPTHORPE WARD

CLIFTON WARD

Alan Jones
Kenneth King
David Scott

DERWENT WARD

DRINGHOUSES & WOODTHORPE WARD

Thomas Holvey
Ann Reid
Susan Sunderland

FISHERGATE WARD

Andrew D'Agorne
Mark Hill

FULFORD WARD

Keith Aspden

GUILDHALL WARD

Janet Looker
Brian Watson

HAXBY & WIGGINTON WARD

Charles Hall
Christopher Hogg
Richard Watson

HESLINGTON WARD

Ceredig Jamieson-Ball

HEWORTH WARD

Vivienne Kind
Ruth Potter

HEWORTH WITHOUT WARD

Martin Lancelott

HOLGATE WARD

Martin Bartlett
Charles Fairclough
Gilbert Nimmo

HULL ROAD WARD

Derek Smallwood

**HUNTINGTON & NEW EARSWICK
WARD**

Keith Hyman
Keith Orrell
Carol Runciman

MICKLEGATE WARD

David Evans
Sandy Fraser
David Merrett

OSBALDWICK WARD

Jonathan Morley

RURAL WEST YORK WARD

Glen Bradley
Janet Hopton
Quentin Macdonald

**SKELTON, RAWCLIFFE & CLIFTON
WITHOUT WARD**

Irene Waudby
Mark Waudby

STRENSALL WARD

Ian Cuthbertson
Madeleine Kirk

WESTFIELD WARD

Stephen Galloway
Andrew Waller

WHELDRAKE WARD

Christian Vassie

Apologies for absence were received from Councillors Blanchard, Susan Galloway, Livesley, Moore and Wilde.

DECLARATIONS OF INTEREST

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

PUBLIC PARTICIPATION

76. The Lord Mayor reported that no registrations to speak had been received under the Council's Public Participation scheme.

REVIEW OF THE COUNCIL'S CONSTITUTION

77. Members considered a report which presented a revised Constitution document for City of York Council, following completion of a review of the existing constitutional arrangements.

Councillor Steve Galloway moved and Councillor Waller seconded the following motion in respect of the revised Constitution and arrangements for its implementation:

- “(a) The approval and adoption of the new Constitution for City of York Council, as circulated to all Members on 19 April 2006 with the agenda for this meeting, with a view to implementation of the new constitutional arrangements commencing on 26 May 2006, the start of the new Municipal Year for 2006/7, subject to authority being given to the main Planning Committee to determine any application or proposal which raises significant strategic or policy issues for the city with Officers being asked to redraft relevant parts of the Constitution to make the necessary changes
and;
- (b) The approval of arrangements for the Head of Civic, Democratic & Legal Services to review implementation of the new Constitution and report back to Council in due course.”

Councillor Reid then moved, and Councillor Jamieson-Ball seconded an amendment to the above motion, as follows:

“At the end of paragraph (a) in the Leader's motion add the words ‘and subject also to questions on the written report of the Leader and Executive member which are under consideration under Standing Order 4 (c) (9) being submitted on the day prior to the Council meeting . All other questions to Executive Members under Standing Order 10 must be submitted at least 6 working days before the Council Meeting Officers to be asked to redraft the document to reflect this amendment and correct the existing incorrect paragraph reference.’”

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

The motion, as amended, now read as follows:

- “(a) The approval and adoption of the new Constitution for City of York Council, as circulated to all Members on 19 April 2006 with the agenda for this meeting, with a view to implementation of the new constitutional arrangements commencing on 26 May 2006, the start of the new Municipal Year for 2006/7, subject to;

authority being given to the main Planning Committee to determine any application or proposal which raises significant strategic or policy issues for the city with Officers being asked to redraft relevant parts of the Constitution to make the necessary changes; subject also to:

questions on the written report of the Leader and Executive member which are under consideration under Standing Order 4 (c) (9) being submitted on the day prior to the Council meeting . All other questions to Executive Members under Standing Order

10 must be submitted at least 6 working days before the Council Meeting.’ Officers to be asked to redraft the document to reflect this amendment and correct the existing incorrect paragraph reference.

and;

- (b) The approval of arrangements for the Head of Civic, Democratic & Legal Services to review implementation of the new Constitution and report back to Council in due course.”

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

“At the end of paragraph (a) in the Leader’s motion add the words ‘*subject also to the Executive portfolios be altered to become the following*

Leader

City Strategy

Corporate Services

Neighbourhoods and Social Inclusion

Adult Social Services

Housing

Children’s and Young People’s Services (to include Education, Children’s Services and the Youth Service)

Leisure and Heritage’.

Officers to be asked to redraft the document to reflect this amendment.”

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

Councillor Merrett then moved, and Councillor Fraser seconded a second amendment to the above amended motion, as follows:

“At the end of paragraph (a) in the Leader’s motion add the words ‘*subject also to the abolition of EMAPs and establishment of the following Scrutiny Committees in place of those proposed in the Constitution:*

City Strategy

Corporate Services

Neighbourhoods and Social Inclusion

Adult Social Services and Housing

Children’s and Young People’s Services (to include Education, Children’s Services and the Youth Service)

Health

Leisure and Heritage’.

Officers to be asked to redraft the document to reflect this amendment.”

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

Councillor Fraser then moved, and Councillor Looker seconded a third amendment to the above amended motion, as follows:

“At the end of paragraph (a) in the Leader’s motion add the words ‘*subject also to provision being made for the Chairs of the Scrutiny Management Committee and the Audit and Governance Committee to be Members of the main opposition party.*’
Officers to be asked to redraft the document to reflect this amendment.”

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

Councillor Potter then moved, and Councillor Evans seconded a fourth amendment to the above amended motion, as follows:

“At the end of paragraph (a) in the Leader’s motion add the words ‘*subject to the time period for call in being extended from 2 to 5 days and provisions for urgent items to be subject also to call in and to ensure that all members apart from the Executive can sit on a Committee scrutinising a call in.*’
Officers to be asked to redraft the document to reflect this amendment.”

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

Councillor Simpson-Laing then moved, and Councillor Brian Watson seconded a fifth amendment to the above amended motion, as follows:

“At the end of paragraph (a) in the Leader’s motion, add the words ‘*subject also to re-establishing both the West Area and City Centre Area Planning Sub-Committees in place of the proposed joint West and City Centre Area Planning Sub-Committee and responsibility for dealing with highways schemes remaining with the Area Planning Committees.*’
Officers to be asked to redraft the document to reflect this amendment.”

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

Councillor Horton then moved, and Councillor Scott seconded a sixth amendment to the above motion from the Labour Group, as follows:

At the end of paragraph (a) in the Leader’s motion add the words ‘*subject also to the proposed Standing Order 11, Notices of motions, being **replaced** with that in the current Constitution and ensuring that provision for amendments to minutes or motions to be tabled at meetings is still retained.*’
Officers to be asked to redraft the document to reflect this amendment.”

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

Councillor King then moved, and Councillor Horton seconded a seventh amendment to the above motion from the Labour Group, as follows:

“At the end of paragraph (a) in the Leader’s motion add the words ‘*subject also to provision being made to ensure that if meetings are to be in the evening with a 10pm guillotine outstanding business should be*

deferred to the appropriate section of the next meeting rather than voted on without debate as currently proposed.'

Officers to be asked to redraft the document to reflect this amendment.”

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

Councillor Kind then formally WITHDREW the following amendment in view of the amendment agreed earlier in the meeting in relation to deadlines for questions on the written reports of the Leader and Executive Member:

“At the end of paragraph (a) in the Leader’s motion add the words ‘subject to all questions to Executive Members whether on the written report or on other areas being received on the day prior to the Council meeting rather than the proposed 3 or 5 clear working days before Council.’

Councillor Simpson-Laing then moved, and Councillor Evans seconded a ninth amendment to the above amended motion, as follows:

“At the end of paragraph (a) in the Leader’s motion add the words, ‘subject also to no restriction being imposed on the number of named votes taken at a meeting.’

Officers to be asked to redraft the document to reflect this amendment.”

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

The motion, as amended, now read as follows:

“(a) The approval and adoption of the new Constitution for City of York Council, as circulated to all Members on 19 April 2006 with the agenda for this meeting, with a view to implementation of the new constitutional arrangements commencing on 26 May 2006, the start of the new Municipal Year for 2006/7, subject to authority being given to the main Planning Committee to determine any application or proposal which raises significant strategic or policy issues for the city with Officers being asked to redraft relevant parts of the Constitution to make the necessary changes, subject to questions on the written report of the Leader and Executive member which are under consideration under Standing Order 4 (c) (9) being submitted on the day prior to the Council meeting. All other questions to Executive Members under Standing Order 10 must be submitted at least 6 working days before the Council Meeting, [and] subject also to no restriction being imposed on the number of named votes taken at a meeting.”

Officers to be asked to redraft the document to reflect this amendment and correct the existing incorrect paragraph reference.

and;

- (b) The approval of arrangements for the Head of Civic, Democratic & Legal Services to review implementation of the new Constitution and report back to Council in due course.”

Councillor Horton then moved, and Councillor Jones seconded a tenth amendment to the above amended motion, as follows:

“At the end of paragraph (a) in the Leader’s motion add the words ‘*subject also to Standing Orders 21 being further amended to enable the ruling of the Chair of Council to be challenged if supported by a two-thirds majority of those present.*’
Officers to be asked to redraft the document to reflect this amendment.”

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

Councillor Scott then moved, and Councillor Fraser seconded an eleventh amendment to the above motion from the Labour Group, as follows:

“At the end of paragraph (a) in the Leader’s motion add the words, ‘*subject also to Chairs of all Scrutiny Committees being members of the main opposition party.*’
Officers to be asked to redraft the document to reflect this amendment.”

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

Councillor Brian Watson then moved, and Councillor Fraser seconded a twelfth amendment to the above amended motion, as follows:

“At the end of paragraph (a) in the Leader’s motion add the words ‘*subject also to any changes to the Constitution not being made unless there is a two-thirds majority of those present.*’
Officers to be asked to redraft the document to reflect this amendment.”

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

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

“At the end of paragraph (a) in the Leader’s motion add the words ‘*subject also to the right of a ward councillor to request that any specific Traffic Regulation Order, group of orders or major transport scheme be determined by the appropriate planning sub committee or planning committee rather than City Strategy EMAP (on the same basis as for planning applications).*’”

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

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

“At the end of paragraph (a) in the Leader’s motion add the words ‘subject also to changing, in paragraph 8(1)a) at page 134 of the Constitution, the reference to ‘Leader of the Opposition’ to read ‘Leader of the Opposition and of any other group within the Council.’”

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

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

“At the end of paragraph (a) in the Leader’s motion add the words ‘subject also to making reference to engaging with the education /public service and voluntary sector as well as the business community in paragraph 2b of the Economic Development Partnership Board delegations at page 100 of the Constitution.’”

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

The motion, as amended by the Liberal Democrat Group amendment and the ninth Labour Group amendment, was then put to the vote and was declared CARRIED and it was

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

Councillor Janet Greenwood
LORD MAYOR OF YORK

[The meeting started at 5.30pm and concluded at 8.07 pm]