

Council Meeting – 15 July 2021

Recommendations, Motions and Amendments

Agenda Item 6 – Report of Executive Leader and Executive Recommendations

Executive, 24 June 2021

13. Capital Programme Outturn 2020/21 and Revisions to the 2021/22-2025/26 Programme

“Recommended: That the re-stated 2021/22 to 2025/26 programme of £600.778m, as summarised in Table 3 at paragraph 104 of the report and detailed in Annex A, be approved.

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

[The link to the Executive agenda online is below]

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=12876&Ver=4>

Agenda Item 8 – Motions on Notice

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

(i) From Cllr Daubeney

A Planning System that Works for Residents

“Proposed changes to existing planning legislation risk further reducing the democratic oversight and deregulating the planning process, failing to address the need for a balance in the planning system to maintain heritage and accountability.

Council notes:

- The significant concerns expressed by residents, Housing, Communities and Local Government Select Committee, CPRE and many professional planning bodies and local government representatives over the Conservative Government’s Planning Reforms.

- Local resident concerns about their reduced ability to object to building works under Permitted Development Rights which have been extended under this Government.
- Widespread concerns and condemnation of the Planning White Paper proposals across Local Government, The Planning and Architecture Sector, and organisations concerned with protecting green open spaces and heritage.
- Government proposals to deregulate planning will remove the rights of residents to influence or object to inappropriate development where they live.
- Local councils, in consultation with their businesses and residents are best placed to understand the issues in their area and respond with a spatial strategy tailored to that area.

Consequently, Council resolves to call on the Government to scrap its Planning White Paper and instead:

- Undertake a wholesale review of Permitted Development Rights.
- Make the Planning Inspectorate more accountable to local people.
- Ensure that local resident engagement is at the heart of planning and any reforms do not threaten the accountability and engagement process and Councillors are able to play their democratic role.
- Implement reforms that would help local authorities build more social housing, including cheaper loans, access to low-priced public land and the right to keep 100 per cent of the sale price of council homes sold off under Right to Buy scheme to reinvest in new homes.”

Amendment from Cllr Galvin:

“In the third paragraph (under ‘*Consequently, Council resolves*’), delete the first 3 bullet points.”

For information the effect on the original motion of this amendment:

“Proposed changes to existing planning legislation risk further reducing the democratic oversight and deregulating the planning process, failing to address the need for a balance in the planning system to maintain heritage and accountability.

Council notes:

- The significant concerns expressed by residents, Housing, Communities and Local Government Select Committee, CPRE and many professional planning bodies and local government representatives over the Conservative Government’s Planning Reforms.

- Local resident concerns about their reduced ability to object to building works under Permitted Development Rights which have been extended under this Government.
- Widespread concerns and condemnation of the Planning White Paper proposals across Local Government, The Planning and Architecture Sector, and organisations concerned with protecting green open spaces and heritage.
- Government proposals to deregulate planning will remove the rights of residents to influence or object to inappropriate development where they live.
- Local councils, in consultation with their businesses and residents are best placed to understand the issues in their area and respond with a spatial strategy tailored to that area.

Consequently, Council resolves to call on the Government to scrap its Planning White Paper and instead:

- Implement reforms that would help local authorities build more social housing, including cheaper loans, access to low-priced public land and the right to keep 100 per cent of the sale price of council homes sold off under Right to Buy scheme to reinvest in new homes.”

Amendment from Cllr D’Agorne

“In the second paragraph, under ‘Council notes’, add a 6th bullet point:

- *‘The further weakening of the ability of local councils to secure and enforce necessary planning conditions and compliance with environmental and building regulations.’*

In the third paragraph, under ‘Consequently, Council resolves’, insert an additional bullet point after the existing 2nd bullet point, as follows:

- *‘Ensure a simpler system with adequate funding to enable planning authorities such as York to ensure that planning conditions (including construction management plans) are complied with, protecting the quality of life of nearby residents or businesses both during and after the construction period.’*

For information the effect on the original motion of this amendment:

“Proposed changes to existing planning legislation risk further reducing the democratic oversight and deregulating the planning process, failing to address the need for a balance in the planning system to maintain heritage and accountability.

Council notes:

- The significant concerns expressed by residents, Housing, Communities and Local Government Select Committee, CPRE and

many professional planning bodies and local government representatives over the Conservative Government's Planning Reforms.

- Local resident concerns about their reduced ability to object to building works under Permitted Development Rights which have been extended under this Government.
- Widespread concerns and condemnation of the Planning White Paper proposals across Local Government, The Planning and Architecture Sector, and organisations concerned with protecting green open spaces and heritage.
- Government proposals to deregulate planning will remove the rights of residents to influence or object to inappropriate development where they live.
- Local councils, in consultation with their businesses and residents are best placed to understand the issues in their area and respond with a spatial strategy tailored to that area.
- *The further weakening of the ability of local councils to secure and enforce necessary planning conditions and compliance with environmental and building regulations.*

Consequently, Council resolves to call on the Government to scrap its Planning White Paper and instead:

- Undertake a wholesale review of Permitted Development Rights.
- Make the Planning Inspectorate more accountable to local people.
- *Ensure a simpler system with adequate funding to enable planning authorities such as York to ensure that planning conditions (including construction management plans) are complied with, protecting the quality of life of nearby residents or businesses both during and after the construction period.*
- Ensure that local resident engagement is at the heart of planning and any reforms do not threaten the accountability and engagement process and Councillors are able to play their democratic role.
- Implement reforms that would help local authorities build more social housing, including cheaper loans, access to low-priced public land and the right to keep 100 per cent of the sale price of council homes sold off under Right to Buy scheme to reinvest in new homes.”

(ii) From Cllr Doughty

Working Towards Improving Democracy and Services

“Council acknowledges the challenges Covid-19 has brought to everyday life of our citizens. Many millions have worked tirelessly and shown resilience without complaint in order to help keep the city and country running. This applies to within the Council organisation and we give grateful thanks to them.

Council is pleased the UK vaccination programme has been amongst the most advanced, with a sizeable majority of adults having received their first vaccination and a majority (almost two thirds at time of print) of adults now having had their second jabs.

Data shows that despite further new Covid cases, the vaccination programme is breaking the link between cases and the levels of serious hospital admissions previously seen.

Now, Council believes more ambition is needed by the Council leadership in restoring basic democracy which has been

sidelined and improving basic services our residents expect. The administration has shown no urgency to properly restore the Committee Calendar so elected Councillors (not just the Executive) can have oversight and scrutinise decisions being taken. It remains unacceptable for many meetings taking place 'informally' with no minutes publicly available for accountability.

Concerning for residents is the continued deterioration in basic services, recently including repeatedly late and in many cases completely uncollected green waste, overgrown vegetation which is once again becoming a problem and deteriorating roads and paths throughout the city.

Therefore, Council asks that the current administration commits to:

- Return to work at West Offices of all Directors and Senior management. While working at home might be possible for some tasks sometimes, after 16+ months, a focus on leadership is needed to address some of the service issues experienced here in York.
- A report to Customer and Corporate Services Scrutiny Management Committee on actions and mitigations taken to save taxpayer money in York. This in light of claims of a £6M funding shortfall in York due to Covid despite record national spending by Government. The report should detail how savings have, are and will be made and also indicate how the Council ensures the upto 20 likely redundancies indicated in local media recently are not amongst frontline key workers directly providing the services that residents value.
- A commitment to review the Council Committee Calendar in the coming weeks to enable a return to as normal as possible a Calendar.
- A commitment that Council meetings are held at West Offices where possible, or similar prominent city buildings (ensuring sensible cost) if they have a greater capacity. It would be hoped

that educational establishments such as the universities and Community stadium management etc. would be cognisant that their institutions have already received huge financial assistance (and otherwise) from the taxpayer, directly or via the Council.

- Risk assessments for possible meeting venues to be shared with all Councillors especially in light of concern that a large City venue, which despite being open to the general public (in large numbers at times) appeared to be discounted for meetings by CYC, on health grounds for CYC staff and Councillors.”

(iii) From Cllr Runciman

Fixing Social Care

“The past year has further underlined the vital role that our social care services play in supporting our communities. The pandemic has exposed the fragility of those services and amplified the workforce, funding and sustainability challenges.

Council notes:

- Our thanks to all those who work in social care systems, from carers to cleaners and caterers, to those working in care homes and domiciliary care, and those who provide so much care for friends and family, expecting nothing in return.
- Despite years of promises, the Government has failed to outline a feasible plan which would fix the long term funding issues in social care.
- Social care must be a full and equal partner with the NHS in enabling more people to remain independent, living in their own home or in their community.
- Using adult social care precept to fund social care is unsustainable; depending on unfair council tax is not the solution.
- Social care costs for over-65s have increased in recent years in York as well as the rest of the UK.

Consequently, Council resolves:

- To have all Group leaders jointly call on the new Health and Social Care Secretary to urgently begin cross-party discussions to enable Ministers to bring forward comprehensive plans that would address short and long term funding needs of the care sector.
- Such proposals should set out:
 - Funding for short-term stabilisation, addressing short-term funding challenges, which have been worsened by Covid, to prevent further deterioration in the access to and quality of care.

- A long-term plan for social care that sets the priorities for investment and transformation of services and systematically addresses the workforce challenges;
- A funding settlement that provides local government with the necessary finance to implement the long-term plan over the next five years; and
- Arrangements to protect people from incurring catastrophic care costs by pooling the risk and making the current means-test more comprehensive.”

(iv) From Cllr Melly

Ensuring Access for All

Council notes:

- that York is a Human Rights City;
- that every local authority has a duty under the Equalities Act to enable people to get as close as reasonably possible to where they need to get to;
- that disabled people are not a single homogenous group and therefore a raft of measures may be required in order to make the city centre fully accessible and to appropriately mitigate any reduced vehicular access;
- that having alternative provision of services - eg online services - is not a substitute for access;
- the significant numbers of complaints made by Blue Badge holders who feel excluded from the city centre following recent extensions to the pedestrianised footstreets area;
- that even before the Covid19 access changes, accessibility to York city centre was poor for many residents;
- the “Healthier, Greener York” motion passed by Council in December 2019 calling for a city-wide approach to reducing car-dependency, which drew a clear distinction between essential and non-essential journeys and which specifically requested that the Executive Member for Transport “works closely with disability advocacy groups and Blue Badge Holders to ensure that access to the city centre is maintained and improved for people with mobility difficulties or who are otherwise unable to use public transport”.

Council believes:

- that there are many benefits to extending the pedestrianised footstreets area for residents, businesses and visitors, including disabled and non-disabled people;

- that increasing city centre access for some should not come at the cost of creating barriers for others;
- that accessibility is about meeting the needs of all residents visiting the city centre as opposed to merely ensuring access to the edge of the city's historic core;
- that ensuring accessibility includes ensuring sufficient provision of appropriately located seating, toilets, changing places, baby change facilities, cycle racks and Blue Badge parking;
- that whilst at times the different needs of different disability groups may conflict with one another, City of York Council must not privilege one group over another, nor pit the needs of one group against another;
- that City of York Council has not yet done enough to ensure the city centre is accessible to all residents.

Council resolves to request that the Executive and relevant Executive Member:

- undertake a review of city centre seating, working closely with older adult and disability advocacy groups, to ensure sufficient 'rest-stops' are available throughout the pedestrianised footstreets area;
- ensure that all new benches installed across York are age and disability friendly, with appropriate backs and arm rests;
- ensure sufficient provision of fully accessible toilets, baby-changing facilities and changing places that are open at appropriate times and that are well-signposted;
- undertake a review of cycle rack provision to ensure secure parking is available for the full range of cycles, including mobility aids and trailers;
- explore options for a frequent shuttle 'train'/bus that is fully accessible, not limited to Blue Badge Holders, not stigmatising and that enables people to get to and from a range of places within the pedestrianised footstreets area that they need access to;
- review the provision of charging points for mobility aids such that those who wish to access the city centre via this method can be confident that they will not get stuck and be forced into embarrassing or stressful situations;
- direct council officers to work with partners, through the Quality Bus Partnership, to work collaboratively with local disability representative groups to review how drivers prioritise wheelchair users' access and makes Class 3 access training available in York;

- in conjunction with Age Friendly York, local disability representative groups and Quality Bus Partnership, develop agreed criteria for accessible bus stops;
- review the policy around choice of road and pavement surfaces city-wide, to ensure that aesthetic and financial considerations are not prioritised over ergonomics or accessibility, and that a consistent approach is taken to tactile paving city-wide;
- ensure that an easily accessible, up-to-date map of Blue Badge parking is available to residents online and in hard copy upon request;
- review and consider national best practice examples for pedestrian core accessibility such as Chester and Leicester, and implement measures that improve pre-existing access such that City of York Council meets its obligation to ensure equality of city centre access for all York residents.”

Amendment from Cllr Rowley

“To the end of the motion, add:

- Build on the promotion of flags like the Armed Forces flag, the LGBT flag and Trans flag by committing to fly the Disabled Pride flag at least once a year (for example a day in July, Disabled Pride month) from the Mansion House and other appropriate flag poles.
- To further the aim of raising awareness of Disabled Pride and the issues faced by disabled people, that the logo of the Disabled Pride flag be used by CYC where possible – for example on notices, posters and email signatures if people wish.”

For information the effect on the original motion of this amendment:

“Council notes:

- that York is a Human Rights City;
- that every local authority has a duty under the Equalities Act to enable people to get as close as reasonably possible to where they need to get to;
- that disabled people are not a single homogenous group and therefore a raft of measures may be required in order to make the city centre fully accessible and to appropriately mitigate any reduced vehicular access;
- that having alternative provision of services - eg online services - is not a substitute for access;
- the significant numbers of complaints made by Blue Badge holders who feel excluded from the city centre following recent extensions to the pedestrianised footstreets area;

- that even before the Covid19 access changes, accessibility to York city centre was poor for many residents;
- the “Healthier, Greener York” motion passed by Council in December 2019 calling for a city-wide approach to reducing car-dependency, which drew a clear distinction between essential and non-essential journeys and which specifically requested that the Executive Member for Transport “works closely with disability advocacy groups and Blue Badge Holders to ensure that access to the city centre is maintained and improved for people with mobility difficulties or who are otherwise unable to use public transport”.

Council believes:

- that there are many benefits to extending the pedestrianised footstreets area for residents, businesses and visitors, including disabled and non-disabled people;
- that increasing city centre access for some should not come at the cost of creating barriers for others;
- that accessibility is about meeting the needs of all residents visiting the city centre as opposed to merely ensuring access to the edge of the city’s historic core;
- that ensuring accessibility includes ensuring sufficient provision of appropriately located seating, toilets, changing places, baby change facilities, cycle racks and Blue Badge parking;
- that whilst at times the different needs of different disability groups may conflict with one another, City of York Council must not privilege one group over another, nor pit the needs of one group against another;
- that City of York Council has not yet done enough to ensure the city centre is accessible to all residents.

Council resolves to request that the Executive and relevant Executive Member:

- undertake a review of city centre seating, working closely with older adult and disability advocacy groups, to ensure sufficient ‘rest-stops’ are available throughout the pedestrianised footstreets area;
- ensure that all new benches installed across York are age and disability friendly, with appropriate backs and arm rests;
- ensure sufficient provision of fully accessible toilets, baby-changing facilities and changing places that are open at appropriate times and that are well-signposted;
- undertake a review of cycle rack provision to ensure secure parking is available for the full range of cycles, including mobility aids and trailers;
- explore options for a frequent shuttle ‘train’/bus that is fully accessible, not limited to Blue Badge Holders, not stigmatising and that enables people to get to and from a range of places within the pedestrianised footstreets area that they need access to;
- review the provision of charging points for mobility aids such that those who wish to access the city centre via this method can be confident that

they will not get stuck and be forced into embarrassing or stressful situations;

- direct council officers to work with partners, through the Quality Bus Partnership, to work collaboratively with local disability representative groups to review how drivers prioritise wheelchair users' access and makes Class 3 access training available in York;
- in conjunction with Age Friendly York, local disability representative groups and Quality Bus Partnership, develop agreed criteria for accessible bus stops;
- review the policy around choice of road and pavement surfaces city-wide, to ensure that aesthetic and financial considerations are not prioritised over ergonomics or accessibility, and that a consistent approach is taken to tactile paving city-wide;
- ensure that an easily accessible, up-to-date map of Blue Badge parking is available to residents online and in hard copy upon request;
- review and consider national best practice examples for pedestrian core accessibility such as Chester and Leicester, and implement measures that improve pre-existing access such that City of York Council meets its obligation to ensure equality of city centre access for all York residents;
- *build on the promotion of flags like the Armed Forces flag, the LGBT flag and Trans flag by committing to fly the Disabled Pride flag at least once a year (for example a day in July, Disabled Pride month) from the Mansion House and other appropriate flag poles;*
- *to further the aim of raising awareness of Disabled Pride and the issues faced by disabled people, that the logo of the Disabled Pride flag be used by CYC where possible – for example on notices, posters and email signatures if people wish.”*

Amendment from Cllr D'Agorne

In the first paragraph, after 'Council notes':

- In the 2nd bullet point, delete all after 'Equalities Act to' and insert *'consider the impact of any changes they make and make reasonable adjustments to ensure that the impacts on those with protected characteristics are minimised'*.
- In the 4th bullet point, delete all after 'online services -' and insert *'is being improved as a part of Council's digital inclusion work'*.
- In the 5th bullet point, delete all before 'extensions' and insert *'Through an ongoing consultation of disability group representatives, some residents who are blue badge holders have voiced their objections to'*.
- Delete the 6th bullet point and substitute:

- *Recognising that York is a compact city with street patterns that go back to medieval times, full accessibility is a concern that is currently being addressed*
- In the 7th bullet point, insert *'following'* at the start, delete all up to 'Executive Member for Transport', delete all after 'Executive Member for Transport and insert *'has authorised an unprecedented level of engagement with disability advocacy groups to address their concerns and improve access for people with mobility difficulties.'*

In the second paragraph, after 'Council believes':

- In the 3rd bullet point, delete all after 'city centre'.
- In the 5th bullet point, insert at the start *'Through the ongoing consultation officers and members are acknowledging that'*, delete *'whilst'*, delete all after 'one another', and insert *'and the Council needs to mediate between these'*.
- In the 6th bullet point, delete *'has not yet done enough'* and insert *'is facilitating an extensive engagement with local disability groups and residents with restricted mobility as it works'*.

In the third paragraph:

- To the end of the first sentence, beginning 'Council resolves', add *'continue addressing the following suggestions through the ongoing accessibility arrangement review'*.
- In the 9th bullet point, after 'review the policy' insert *'as a part of the Council's review of parking and routes to and through the city centre'*, after 'ensure that' delete *'aesthetic and financial considerations are not prioritised over'*, after 'ergonomics' delete 'or' and insert *'and'*, and after 'accessibility' insert *'are taken into account'*.
- In the final bullet point, after 'review' delete 'and consider', and after 'Leicester and', delete 'implements' and insert *'whilst recognising that every city has different issues and challenges, consider'.*

For information the effect on the original motion of this amendment

"Council notes:

- that York is a Human Rights City;
- that every local authority has a duty under the Equalities Act to *consider the impact of any changes they make and make reasonable adjustments to ensure that the impacts on those with protected characteristics are minimised*

- that disabled people are not a single homogenous group and therefore a raft of measures may be required in order to make the city centre fully accessible and to appropriately mitigate any reduced vehicular access;
- that alternative provision of services - eg online services - *is being improved as a part of Council's digital inclusion work.*
- *through an ongoing consultation of disability group representatives, some residents who are blue badge holders have voiced their objections to extensions to the pedestrianised footstreets area;*
- *recognising that York is a compact city with street patterns that go back to medieval times, full accessibility is a concern that is currently being addressed;*
- *following the "Healthier, Greener York" motion passed by Council in December 2019 calling for a city-wide approach to reducing car-dependency, the Executive Member for Transport has authorised an unprecedented level of engagement with disability advocacy groups to address their concerns and improve access for people with mobility difficulties.*

Council believes:

- that there are many benefits to extending the pedestrianised footstreets area for residents, businesses and visitors, including disabled and non-disabled people;
- that increasing city centre access for some should not come at the cost of creating barriers for others;
- that accessibility is about meeting the needs of all residents visiting the city centre;
- that ensuring accessibility includes ensuring sufficient provision of appropriately located seating, toilets, changing places, baby change facilities, cycle racks and Blue Badge parking;
- *through the ongoing consultation officers and members are acknowledging that at times the different needs of different disability groups may conflict with one another and the Council needs to mediate between these;*
- that City of York Council *is facilitating an extensive engagement with local disability groups and residents with restricted mobility as it works to ensure the city centre is accessible to all residents.*

Council resolves to request that the Executive and relevant Executive Member *continue addressing the following suggestions through the ongoing accessibility arrangement review:*

- undertake a review of city centre seating, working closely with older adult and disability advocacy groups, to ensure sufficient 'rest-stops' are available throughout the pedestrianised footstreets area;

- ensure that all new benches installed across York are age and disability friendly, with appropriate backs and arm rests;
- ensure sufficient provision of fully accessible toilets, baby-changing facilities and changing places that are open at appropriate times and that are well-signposted;
- undertake a review of cycle rack provision to ensure secure parking is available for the full range of cycles, including mobility aids and trailers;
- explore options for a frequent shuttle ‘train’/bus that is fully accessible, not limited to Blue Badge Holders, not stigmatising and that enables people to get to and from a range of places within the pedestrianised footstreets area that they need access to;
- review the provision of charging points for mobility aids such that those who wish to access the city centre via this method can be confident that they will not get stuck and be forced into embarrassing or stressful situations;
- direct council officers to work with partners, through the Quality Bus Partnership, to work collaboratively with local disability representative groups to review how drivers prioritise wheelchair users’ access and makes Class 3 access training available in York;
- in conjunction with Age Friendly York, local disability representative groups and Quality Bus Partnership, develop agreed criteria for accessible bus stops;
- review the policy, *as a part of the Council’s review of parking and routes to and through the city centre*, around choice of road and pavement surfaces city-wide, to ensure that ergonomics *and accessibility are taken into account* and that a consistent approach is taken to tactile paving city-wide;
- ensure that an easily accessible, up-to-date map of Blue Badge parking is available to residents online and in hard copy upon request;
- review national best practice examples for pedestrian core accessibility such as Chester and Leicester, and, *whilst recognising that every city has different issues and challenges*, consider measures that improve pre-existing access such that City of York Council meets its obligation to ensure equality of city centre access for all York residents.”

Agenda Item 12 – Pay Policy 2021/2022 Update

Recommendation:

“That Council approves the updated Pay Policy Statement for 2019/20 relating to the pay of the Council’s senior staff.

Reason: In order to fulfil the requirements of Section 38 – 43 of the Localism Act 2011 for the council to produce and publish an annual policy statement that covers a number of matters concerning the pay of the council’s senior staff, principally

Chief Officers and relationships with the pay of the rest of the workforce.”

Agenda Item 13 – Adoption of the LGA Model Code of Conduct for Elected Members 2020

Recommendations:

“Full Council is requested to:

- Adopt the LGA Model Code of Conduct as recommended by the Joint Standards Committee for immediate implementation;
- The Model Code of Conduct will be incorporated into the Council’s Constitution and will replace the existing Code;
- The Joint Standards Committee will, in consultation with the Monitoring Officer, develop and promote a Member and Officer Development programme to support the implementation of the Model Code;
- Support the adoption of the Model Code of Conduct as adopted by City of York Council by Parish Councils and ensure recognition of the same is included within the Parish Charter.”

Agenda Item 14: Update on Allocation of Seats and Appointments to the Council Structure for 2021/22

Recommendations:

“Full Council is asked to:

- (i) Decide whether to make an appointment on Audit and Governance Committee.
- (ii) Approve or not approve the allocation of the seat to Councillor D Taylor on Economy and Place Policy and Scrutiny Committee.
- (iii) Make any other appointments which may arise from the vote relating to the seat on Audit and Governance Committee.

Reason: To fulfil the Council’s statutory and constitutional requirements.”