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MEETING	EXECUTIVE
DATE	8 SEPTEMBER 2009
PRESENT	COUNCILLORS WALLER (CHAIR), AYRE, STEVE GALLOWAY, MOORE, MORLEY, REID AND RUNCIMAN

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**PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS****57. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

**58. MINUTES**

RESOLVED: That the minutes of the Executive meeting held on 21 July 2009 be approved and signed by the Chair as a correct record.

**59. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

**60. EXECUTIVE FORWARD PLAN**

Members received and noted details of those items that were currently listed on the Forward Plan for the next two Executive meetings.

RESOLVED: The Executive agreed to defer the following two items until the 17 November 2009 at the request of the Executive Member for Corporate Services:

- Debt Policy
- Contract Procedure Rules

REASON: To enable a consultation with the Council's efficiency partners on the documents.

## **61. MINUTES OF WORKING GROUPS**

*[See also under Part B Minutes]*

Members considered a report which presented the draft minutes of the meetings of the Social Inclusion Working Group and the Young People's Working Group held on 2 July 2009 and 22 July 2009 respectively. These were attached as Annexes A and B to the report.

Members were asked to decide whether they wished to respond to any of the advice offered by the Groups. In particular, they were asked to consider the recommendations of the Young People's Working Group contained in Minute 4 of Annex B, namely that the Young People's Champion be appointed to the Group as a non-voting, co-opted member and that the Group's membership be increased to include the Interim and Deputy members of the Youth Parliament as non-voting, co-opted members.

Having noted the comments of the Shadow Executive on this item, it was

**RESOLVED:** That the Executive accepts the suggestion that the Young Peoples Champion be appointed to the young people's Working Group as a non-voting co-opted Member.

**REASON** To fulfil the requirements of the Council's Constitution in relation to the role of Working Groups.

## **62. FINAL REPORT OF THE PLANNING ENFORCEMENT AD HOC SCRUTINY COMMITTEE**

Members considered a report which presented the conclusions of the Planning Enforcement Ad Hoc Scrutiny Committee following their review of the Council's approach to planning enforcement and court action.

The final report of the Scrutiny Committee was attached as Annex 1. Their nine recommendations were summarised in paragraph 7 of the covering report, paragraph 10 of which provided details of some additional financial implications highlighted by the Assistant Director of Resources (Finance). Should Members wish to endorse these additional implications, they would be added as an addendum to the final report.

The Chair of the Planning Enforcement Ad Hoc Scrutiny Committee asked for his thanks to Officers for all they're hard work during the review, to be recorded.

Having noted the comments of the Shadow Executive on this item, it was

**RESOLVED:** That the Executive agrees that the recommendations arising from the Planning Enforcement Ad Hoc Scrutiny be dealt with as follows:<sup>1</sup>

<b>Scrutiny Recommendation</b>	<b>Executive Decision</b>
<b>1. That the Head of Development Control:</b>	
(i) Prioritises new cases/complaints	Agreed
(ii) Shortens the response time to letters sent in relation to breaches of planning regulations, where there is discretion to do so.	Agreed
(iii) Introduces a weekly list detailing new planning enforcement cases, split by Ward.	Agreed
<b>2. That, once trigger points are reached and payment has not been received, Section 106 Agreements are promptly passed to Legal for action.</b>	Agreed
<b>3. That Section 106 Agreements, including the schedule of obligations, be placed on the planning portal under the planning applications to which they relate</b>	Agreed
<b>4. (i) That the expenditure of Section 106 monies be made entirely in accordance with the Councils Financial Regulations</b>	Agreed
(ii) That a regular report be presented to the relevant Planning Committees detailing where Section 106 monies have been spent by the receiving Directorates.	Agreed
<b>5. That Planning Enforcement Officers be issued with:</b>	
(i) Necessary mobile communications technology (eg; laptop, mobile phone, PDA, laser rule) subject to the outcome of the pilot scheme to be undertaken by Building Control and to funding being available.	Agreed
(ii) A First Response Kit and any appropriate training to use this.	Agreed
<b>6. That Planning Enforcement Officers be issued with high visibility jackets marked with 'CYC Planning Enforcement Officer' and these should be worn at appropriate times.</b>	Agreed
<b>7. That the Head of Development Control make planning staff available to help with planning enforcement when possible</b>	Agreed
<b>8. That the results of the Development Control Internal review be fully communicated to all departmental staff.</b>	Agreed
<b>9. That a copy of the final report of the Planning Enforcement Ad Hoc Scrutiny Committee be circulated to all Members involved with Planning Committees</b>	Agreed

REASON: To enable the introduction of appropriate measures in response to the Scrutiny Committee's findings and recommendations.

Action Required

1. Officers to implement recommendations of Scrutiny review as agreed by Executive. SS

**63. CAR PARKING IN YORK**

Members considered a report which provided options for changes to car parking in York and sought guidance on these and any further options for development.

The report had been produced in response to issues raised at a meeting of the Retail Forum and a request made by Members at the Executive (Calling In) meeting on 14 July 2009. Details of the request, as set out in the minutes of that meeting, were reproduced in paragraph 4 of the report. Details of current capacity and usage levels of the City's car park were provided in paragraphs 5 and 6. It was noted that usage levels had fallen by about 3% in the current year and an under-recovery of income was predicted.

Potential options for changes to car parking, to address the concerns raised at the Retail Forum and help encourage more shoppers to York, were outlined in paragraphs 13 to 21. They included: promotional activity to highlight the benefits and availability of York's car parks, provision of discounted car parking in city centre car parks during the mid-day period, by means of a 'Half Price Tuesday' offer for mobile 'phone users or conversion of the Kent Street Coach Park into a shoppers' car park, and a trial introduction of new ticket machines, with increased functionality, at one of the less popular car parks. Clearly, approval of any of these options would have cost implications for the Council and would increase the under-recovery of income. Consultation with political groups had resulted in one response, from Cllr D'Agorne, whose comments were attached as Annex 1 to the report. Officers' response to those comments were set out in paragraph 22.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: That the Executive agrees to:

- (i) The payment by mobile phone promotion as described in paragraph 18.(i) of the officer report.<sup>1</sup>
- (ii) The purchase and installation of machines in the Piccadilly multi-storey car park with a view to introducing off peak reductions in charges, and payment by debit card later in the year. The new

equipment to be funded from the Local Transport Plan budget.<sup>2</sup>

(iii) Officers to give consideration to the re-designation of The Esplanade as a short stay car park as a way of offsetting the ongoing costs of (ii) above.<sup>3</sup>

(iv) Charge any reduction in income resulting from 1 and 2 above, on the remaining Local Government Business Growth Incentive economic development fund monies.<sup>4</sup>

(v) No action to be taken at present to convert the Kent Street coach park into a temporary car park, but that the matter be kept under review should it be necessary to identify overspill parking arrangements for particularly busy times of the year.

REASON: To progress support for the retail sector of the city centre at a time of economic downturn.

Action Required

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|---|----|
| 1. Make arrangements to implement payment by mobile phone.  | SS |
| 2. Make arrangements to purchase/implement ticket machines. | SS |
| 3. Officers to consider re-designation of Esplanade.        | SS |
| 4. Charge LABGI accordingly                                 | SS |

**64. CARBON AND ENERGY MANAGEMENT PROGRAMME - UPDATE**

Members considered a report which provided an update on the Carbon Management programme and current Energy initiatives, following the previous update to Executive in March 2009.

The report focused upon the receipt of Display Energy Certificates (DECs) for Council buildings, progress on the agreed programme and new projects identified across directorates. In particular, it was reported that:

- DECs were now displayed in 82% of the Council's major buildings, comparing favourably with national compliance rates of around 60%
- Completed projects had contributed a saving of 477 tonnes of carbon and the Yearsley Pool refurbishment had saving 230 tonnes
- Ongoing projects, including York High, Oaklands and Joseph Rowntree schools, had the potential to save around 3,100 tonnes per year
- New projects from ICT would generate savings of around 256 tonnes

- The appointment of a Data Analyst and a Sustainability Projects Officer, plus planned investment in smart metering, would contribute to improved information and progress with these important initiatives
- An action plan for behavioural change within the Council had been produced. This included a new staff awareness campaign, 'Save Us'.

Having noted the comments of the Shadow Executive on this item, it was

**RESOLVED:** That the progress to date of the Carbon management Programme be noted.

**REASON:** To be fully aware of the coordinated approach City of York Council is taking in order to manage carbon emissions from council activities.

## **65. LOCALITY HOME CARE CONTRACTS**

Members considered a report which sought approval to extend three of the Council's four Locality Home Care contracts by an additional year, to December 2010.

All four contracts were due to expire in December 2009, but with a variation option to extend for a further year. If the contracts were re-tendered, the timetable for the procurement process would extend beyond the existing expiry dates, meaning that interim extensions would need to be agreed. To avoid this, and to allow time for the More for York team to be fully involved in the procurement process, it was recommended that three of the contracts be extended. The fourth contract, by mutual agreement with the provider Carewatch, would not be extended.

Members considered the following options:

**Option 1** – re-tender the contracts, in line with the original plan, with new services starting in early 2010, having agreed interim contract extensions.

**Option 2** – utilise the variation option, as recommended, to extend the contracts with Goldsborough, Riccall Carers and York Helpers for a further year.

Whichever option was chosen, alternative care provision would need to be put in place for customers of Carewatch. Plans were being developed for this.

Having noted the comments of the Shadow Executive on this item, it was

**RESOLVED:** That Option 2 be approved.<sup>1</sup>

**REASON:** To reduce the risks identified and to allow for better planning to ensure services are commissioned that better meet customers needs and which can offer more choice and control to customers.

Action Required

1. Extend three locality contracts and care provision to be put in place for Carewatch customers. SB

**66. TREASURY MANAGEMENT MONITOR 1**

Members considered a report which provided an update on the Treasury Management performance for the period 1 April 2009 to 31 July 2009, as compared against the budget presented to Council on 21 February 2009.

The report highlighted the economic environment during the first quarter of the current financial year and reviewed performance in relation to short term investments, long term borrowing, the Venture Fund and the Treasury Management Budget, against this background.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: That the Executive:

- (i) Notes the performance of the Treasury Management Activity.
- (ii) Notes the projected overspend of £529k

REASON: To ensure the continued performance of the Council's Treasury Management function.

**67. CAPITAL PROGRAMME MONITOR 1**

*[See also under Part B Minutes]*

Members considered a report which presented the likely out-turn position of the 2009/10 Capital Programme, based upon the spend profile and information to June 2009, and sought approval for changes to the programme and slippage of funding where required.

At this stage, an out-turn of £67.034m was predicted, representing a net decrease of £1.940m on the current approved budget of £68.974. The variances leading to this decrease were outlined in paragraph 5 (Table 2). By the end of June, £11.797 (17.1%) of the approved budget had been spent. Details of the revised position in respect of each department in the Council were set out in paragraphs 9 to 32 of the report and in Annex A. Details of adjustments to the Administrative Accommodation scheme were set out in paragraphs 33-34. Approval was sought to slip a total of £5.759m into the 2010/11 financial year.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: That the 2009/10 revised budget of 68.974m as set out in Table 2 in the officers report be noted

REASON: To enable the effective management and monitoring of the Council's Capital Programme.

## **PART B - MATTERS REFERRED TO COUNCIL**

### **68. MINUTES OF WORKING GROUPS**

*[See also under Part A Minutes]*

Members considered a report which presented the draft minutes of the meetings of the Social Inclusion Working Group and the Young People's Working Group held on 2 July 2009 and 22 July 2009 respectively. These were attached as Annexes A and B to the report.

Members were asked to decide whether they wished to respond to any of the advice offered by the Groups. In particular, they were asked to consider the recommendations of the Young People's Working Group contained in Minute 4 of Annex B, namely that the Young People's Champion be appointed to the Group as a non-voting, co-opted member and that the Group's membership be increased to include the Interim and Deputy members of the Youth Parliament as non-voting, co-opted members.

Having noted the comments of the Shadow Executive on this item, it was

RECOMMENDED: That Council approve an increase in the membership of the Young People's Working Group to include the Interim Member of the Youth Parliament (MYP) and the Deputy Interim Member of the Youth Parliament as non-voting co-opted members.

REASON: To ensure that young people are properly represented on the Group.

### **69. CAPITAL PROGRAMME MONITOR 1**

*[See also under Part A Minutes]*

Members considered a report which presented the likely out-turn position of the 2009/10 Capital Programme, based upon the spend profile and information to June 2009, and sought approval for changes to the programme and slippage of funding where required.

At this stage, an out-turn of £67.034m was predicted, representing a net decrease of £1.940m on the current approved budget of £68.974. The



variances leading to this decrease were outlined in paragraph 5 (Table 2). By the end of June, £11.797 (17.1%) of the approved budget had been spent. Details of the revised position in respect of each department in the Council were set out in paragraphs 9 to 32 of the report and in Annex A. Details of adjustments to the Administrative Accommodation scheme were set out in paragraphs 33-34. Approval was sought to slip a total of £5.759m into the 2010/11 financial year.

Having noted the comments of the Shadow Executive on this item, it was

**RECOMMENDED:** That the net adjustments of £3.819m in 2009/10 and £3.333m in 2010/11, which are set out on a scheme by scheme basis in Annex A to the Officer's report, be approved.

**REASON:** To enable the effective management and monitoring of the Council's Capital Programme.

A Waller, Chair

[The meeting started at 2.00 pm and finished at 2.25 pm].