



## Notice of meeting of

### Executive

<b>To:</b>	Councillors Waller (Chair), Ayre, Steve Galloway, Moore, Morley, Reid and Runciman
<b>Date:</b>	Tuesday, 21 September 2010
<b>Time:</b>	2.00 pm
<b>Venue:</b>	The Guildhall, York

### AGENDA

#### Notice to Members - Calling In:

Members are reminded that, should they wish to call in any item on this agenda, notice must be given to Democracy Support Group by:

**10:00 am on Monday 20 September 2010**, if an item is called in *before* a decision is taken, *or*

**4:00 pm on Thursday 23 September 2010**, if an item is called in *after* a decision has been taken.

Items called in will be considered by the Scrutiny Management Committee.

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

At this point, Members are asked to declare any personal or prejudicial interest they may have in the business on this agenda.

#### **2. Exclusion of Press and Public**

To consider the exclusion of the press and public from the meeting during consideration of the following:

- Annexes 2, 3, 4a and 4b to agenda item 6 (The Barbican Auditorium), on the grounds that they contain information relating to the financial or business affairs of particular persons, which is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).
- Agenda Item 14 (Equal Pay Update) on the grounds that it contains information relating to negotiations in connection with a labour relations matter arising between the authority and employees of the authority and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. This information is classed as exempt under paragraphs 4 and 5 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

### **3. Minutes (Pages 3 - 12)**

To approve and sign the minutes of the Executive meeting held on 7 September 2010.

### **4. Public Participation / Other Speakers**

At this point in the meeting, members of the public who have registered their wish to speak regarding an item on the agenda or a matter within the Executive's remit can do so. The deadline for registering is **5:00 pm on Monday 20 September 2010**.

### **5. Executive Forward Plan (Pages 13 - 16)**

To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

### **6. The Barbican Auditorium (Pages 17 - 48)**

This report provides an update on progress with the formal procurement competition designed to bring the Barbican Auditorium back into public use and seeks approval to arrange a lease with the preferred bidder, SMG Europe (Holdings) Limited.

**7. Cycling City Programme - Progress Report 4 (Pages 49 - 64)**

This report, the fourth update on the progress of the Cycling City York Programme, highlights works in the programme over the last 6 months and the number of successes achieved so far.

Note:

*Annex B to this report has not been included in the printed agenda pack and is available to view on-line only. Printed copies will be circulated separately to Executive Members and Group Leaders.*

*An additional annex (Annex C) to this report was published on-line with this agenda on 16 September 2010.*

**8. Public Reporting of Enquiries and Replies Made Under The Freedom of Information Act 2000 (Pages 65 - 70)**

This report proposes alternative solutions to publishing requests for information made under the Freedom of Information Act, with related replies, on the Council's public website.

**9. Target Hardening Funding Allocations 2010/2011 (Pages 71 - 80)**

This report seeks approval for the proposed allocation of the 2010/11 Target Hardening fund, which is held by the Neighbourhood Management Unit and used to improve performance at Ward level in relation to crime reduction.

Note:

*The above item was not on the Forward Plan and has been included on this agenda with the agreement of Group Leaders.*

**10. Changing Executive Arrangements (Pages 81 - 96)**

This report presents the results of the public consultation on changes to the Council's executive arrangements and seeks a recommendation from the Executive to Council in respect of the new arrangements, which the Council must adopt.

**11. Joint Strategic Needs Assessment for York (Pages 97 - 102)**

This paper introduces the Joint Strategic Needs Assessment for York and asks Members to accept the findings, make

recommendations for future inclusion and agree how those recommendations which relate to City of York Council should be taken forward, in the context of likely changes to the Council's health and wellbeing responsibilities.

*Note: The annex to this report has not been included in the printed agenda pack and is available to view on-line only. Printed copies will be circulated separately to Executive Members and Group Leaders.*

**12. Exit Provisions and Pension Discretions** (Pages 103 - 126)

This report asks the Executive to propose to Staffing Matters and Urgency Committee a number of amendments to the way in which the Council exercises its exit and pension discretions, to ensure they are fit for purpose and enable exit costs to be proactively managed.

**13. Weekly to Monthly Pay** (Pages 127 - 132)

This report provides an update on progress with the proposal to move from weekly to monthly pay and seeks approval to offer an inconvenience payment for moving from weekly to monthly pay.

**14. Equal Pay Update** (Pages 133 - 136)

This report seeks a mandate from Executive to deal with a small number of new equal pay issues that have arisen recently.

**15. Urgent Business**

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

Democracy Officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 551027
- E-mail – [fiona.young@york.gov.uk](mailto:fiona.young@york.gov.uk)

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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### Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

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### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

### Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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### **Holding the Executive to Account**

The majority of councillors are not appointed to the Executive (40 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

### **Who Gets Agenda and Reports for our Meetings?**

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.



City of York Council

Committee Minutes

MEETING

EXECUTIVE

DATE

7 SEPTEMBER 2010

PRESENT

COUNCILLORS WALLER (CHAIR), AYRE,  
STEVE GALLOWAY, MOORE, MORLEY, REID AND  
RUNCIMAN

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**PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS****49. 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.

Councillor Reid declared a personal prejudicial interest in relation to Agenda item 11 (Capital Programme – Monitor 1) as the Council's representative on Yorwaste and left the room during discussion and voting thereon.

**50. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the meeting during consideration of Annex 3 to agenda item 12 (Sale of Parkside Commercial Centre, Terry Avenue), on the grounds that it contains information relating to the financial or business affairs of particular persons, which is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

**51. MINUTES**

RESOLVED: That the minutes of the Executive meeting held on 20 July 2010 be approved and signed by the Chair as a correct record.

**52. PUBLIC PARTICIPATION/OTHER SPEAKERS**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

With the consent of the Chair, Heather McKenzie of UNISON, addressed the meeting in relation to agenda item 8 (More for York – Procurement Workstream Update). She welcomed the saving that had been identified

but raised concerns in relation to some of the costings reported and the utilisation of V4. She expressed appreciation for the consultation undertaken to date but concern that no discussion had been carried out in relation to the creation of a commercial hub. She requested the preparation of a procurement agreement between the union and CYC to set out the level of involvement at each stage as recommended by the governments code of practice. She referred to a tabled document in this respect, which provided a framework for discussion through the corporate Joint Consultative Committee and the Chief Executive.

### **53. EXECUTIVE FORWARD PLAN**

Members received and noted details of those items listed on the Forward Plan for the next two Executive meetings at the time the agenda was published.

Officers updated that the Waste PFI – Award of Contract report, scheduled for the meeting on 21 September, would now be slipped to the November meeting.

### **54. MINUTES OF WORKING GROUPS**

Members received a report which presented the minutes of the following meetings of Executive working groups:

- Social Inclusion Working Group (SIWG) – meeting on 30 June 2010
- Mansion House & Mayoralty Advisory Group – meeting on 7 July 2010
- Young People’s Working Group – meeting on 21 July 2010

It was noted that the minutes of the Local Development Framework Working Group held on 5 July 2010 would be included in a separate report on the Affordable Housing Viability Study, to be brought to Executive on 5 October.

Members were asked to note the minutes and consider the following specific recommendations:

- SIWG – to change the group’s name to the Equality Advisory Group (Minute 4) and to appoint two additional members from the York Independent Living Network
- YPWG – to amend the group’s remit and amend the Constitution to include a requirement to present an annual report to Council (Minute 4).

Having noted the comments of the Labour Group Spokespersons on this item, particularly in relation to the Young People’s Working Group recommendations, it was

RESOLVED: (i) That the minutes at Annexes A to C be noted.

(ii) That the specific recommendations made by the Social Inclusion Working Group and the Young People's Working Group, as set out in paragraphs 7 to 15 of the report, be approved. <sup>1</sup>.

REASON: In accordance with the Council's Constitution in relation to the role of working groups.

Action Required

1. Prepare report for Audit & Governance Committee on constitutional changes.

DS

**55. OPERATION OF THE CITY OF YORK CCTV SYSTEM**

Members considered a report which outlined opportunities for expanding the Closed Circuit Television (CCTV) system operating in the City and sought approval to finalise funding arrangements for new camera installations and to adopt a revised Code of Practice (CoP) for System Operation. The revised CoP was annexed to the report.

Details of the current system and expansion plans were set out in paragraphs 5 to 18 of the report. It was planned, as part of the Council Headquarters project, to relocate the CCTV control room to purpose-built accommodation in the new HQ building. This would offer the opportunity to undertake a 'technology refresh', replace expired components, improve the monitoring layout, provide more operator stations and allow dedicated space for the review of recorded footage and traffic monitoring. In addition, migration of the CCTV camera network to a private fibre optic network to be provided around the City was due to commence in 2011, subject to the successful completion of a trial project this summer.

Details of the funding and resources issues around expansion of the system were provided in paragraphs 23 to 27 of the report. Expansion of coverage of the highway network for traffic monitoring purposes would be achieved by inclusion of funding for CCTV provision in all major highway improvement schemes. The need to ensure that costs of additional cameras were fully funded by their promoters should be adopted as policy.

Having noted the comments of the Labour Group Spokespersons on this item, it was

RESOLVED: (i) That the draft Code of Practice for System Operation annexed to the report be adopted as the formal 'City of York Council CCTV System Code of Practice' for those using the system, and that agreement to abide by it be a prerequisite for all staff engaged in operation of the system. <sup>1</sup>.

REASON: To ensure that the operation of the CCTV system continues to conform to national guidance, and is compatible with the requirements of users (such as the police, for evidence purposes).

(ii) That the principle that promoting parties fund the installation and ongoing operation of the cameras they promote, as outlined in the report, be adopted as policy.<sup>2</sup>

REASON: To ensure a clear protocol covering procedures for requesting and funding new camera installations is in place that can be easily understood by third parties requesting new cameras.

Action Required

1/2. Implement use of Code of Practice and promoting partner funding of installations.

DC

**56. MORE FOR YORK - PROCUREMENT WORK STREAM UPDATE**

Members considered a report which provided an update on the progress of the More for York procurement work stream in delivering savings and identified the potential for increased savings in the future.

The procurement work stream had already made good progress, achieving far more than its target savings, as set out in Annex A to the report. It was suggested that additional efficiencies, with the potential to achieve annual net savings of up to £5m in the next two years, could be achieved by creating a Commercial Hub to control all procurement activity. The proposal was to establish a core internal team to undertake the regular procurement activities and to supplement this resource by bringing in specialist managers on a temporary basis to lead on certain categories of spend.

The idea of collaborating with other authorities in the autumn to create a shared commercial hub would be explored over the autumn. In the meantime, so as not to lose momentum, it was proposed to use V4, a top provider in this area, to bring in a team from September 2010 to review existing contacts, implement demand management programmes and deliver £1.25m savings before April 2011.

Members thanked the procurement team for their contribution to the success of the recent 'Meet the Buyer' event held in the Guildhall.

Having noted the comments of the Labour Group Spokespersons on this item, it was

RESOLVED: (i) That the proposal to establish a Commercial Hub be agreed.<sup>1</sup>

(ii) That the appointment of V4 to undertake procurement work between September 2010 and March 2011 be agreed.<sup>2</sup>

(iii) That this be funded through a variation to the investment fund already set aside for More for York.

REASON: To improve the long term effectiveness of the Procurement function and generate savings of £1.25m in 2010/11.

Action Required

- |                                                   |    |
|---------------------------------------------------|----|
| 1. Proceed with the creation of a commercial hub. | TC |
| 2. Appoint V4 to undertake procurement work.      | TC |

**57. QUARTER 1 FINANCE & PERFORMANCE MONITOR FOR 2010-11**

Members considered a report, which provided details of the headline and performance issues arising from the performance monitor for the first quarter of the 2010-11 financial year, covering the period 1 April to 30 June 2010.

In view of the Government's decision to abolish the Comprehensive Area Assessment (CAA) and remove some of the National Performance Indicators (NPIs), the Council had started to review its NPIs and performance management framework. The report therefore included only those NPIs, which provided useful context for local performance, plus other local data demonstrating progress in key service areas. Details of performance issues were set out in paragraphs 4 to 40. It was noted that good improvements had been made in relation to: waste recycling; street cleanliness; violent crime incidents; independent living through Adult Social Care; affordable homes; road accidents / injuries; and educational attainment in literacy and numeracy at key stage 2. Further work was needed to reduce cycle theft incidents and continue the improvement trends on staff sickness.

Details of finance issues were contained in paragraphs 41 to 65 of the report. Current projections indicated that the Council faced financial pressures amounting to £4,042k. Work was ongoing to identify actions to address this position. Members were asked to consider a request for £20k from contingency to fund a post in Economic Development supporting inward investment in the City, previously funded by Yorkshire Forward. Approval was also sought to include three new Key Corporate Risks in the Council's risk register, as recommended by Audit & Governance Committee – Government Spending Policy, Corporate Performance Management Framework and Climate Change.

Officers reported details of revised figures for Park and Ride passenger numbers as referred to in para. 29 of the report, which had been republished online. The paragraph and graphs had been amended to reflect revisions to the May 2009 figures for Park and Ride journeys in York and updated with the figures for July 2009/10. The amended figures had shown that the decline in passenger number had been much smaller, especially with the increased figures for July 2010.

Members also questioned details of the Adult Social Care figures and the pressures on mental health residential care and direct payments. Officers confirmed that full details would be provided in the second quarter monitor. In response to members requests Officers confirmed that they would provide a monthly report to the Executive Member of the demand pressures in this area.<sup>3</sup>

Having noted the comments of the Labour Group Spokespersons on this item, it was

RESOLVED: (i) That the performance issues identified in the report be noted.

REASON: So that corrective action on these issues can be taken by Members and directorates.

(ii) That the finance issues identified in the report, in particular the current forecasted pressures, be noted, and that it be acknowledged that work is ongoing to reduce these in time for the Monitor 2 report to the Executive on 16 November 2010.

REASON: So that the Council's expenditure can be contained within budget, where possible, by the end of the financial year.

(iii) That, in accordance with Financial Regulations, approval be given to release £20k from contingency to fund the inward investment post referred to in paragraph 54 of the report.<sup>1</sup>

REASON: To enable the continuation of the Council's role in promoting inward investment in the City.

(iv) That the three new Key Corporate Risks set out in paragraph 70 of the report be approved.<sup>2</sup>

REASON: So that the monitoring of these risks is presented to Members on a regular basis.

Action Required

- |                                                                                               |    |
|-----------------------------------------------------------------------------------------------|----|
| 1. Use contingency to fund post.                                                              | AC |
| 2. Include Key Corporate Risks in quarterly reporting.                                        | PL |
| 3. Provide Executive Member with monthly report on the demand pressures in Adult Social Care. | KC |

**58. TREASURY MANAGEMENT MONITOR 1 AND PRUDENTIAL INDICATORS 2010/11**

Members considered a report which provided an update on the Treasury Management performance for the period 1 April to 31 July 2010, as compared against the budget presented to Council on 25 February 2010.

The report highlighted the economic environment during the first quarter of the 2010/11 financial year. It reviewed performance in relation to short term investments, long term borrowing, the Venture Fund and the Treasury Management Budget, against this background. As detailed in paragraphs 27 to 29, the projected out-turn on the approved budget was £11,618k, an estimated underspend of £150k.

The Council's approved Prudential Indicators (affordability limits) were attached at Annex A to the report. It was noted that these had not been breached during the first four months of 2010/11.

Having noted the comments of the Labour Group Spokespersons on this item, it was

RESOLVED: (i) That the performance of the Treasury Management activity be noted.

(ii) That the projected underspend of £150k on the Treasury Management budget be noted.

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

## **59. CAPITAL PROGRAMME - MONITOR 1**

*[See also under Part B minutes]*

Members considered a report which presented the likely out-turn position of the Council's 2010/11 capital programme, based upon the spend profile and information up to June 2010.

An out-turn of £81.532m was predicted against the current approved budget of £81.979m; a net decrease of £447k resulting from adjustments to schemes in the programme, as outlined in paragraph 5 of the report. Capital spend to date amounted to £12.334m, or 15% of the total approved budget. Key exceptions and implications for the programme in each portfolio area were highlighted in paragraphs 9 to 40 of the report. The revised overall programme resulting from these changes was summarised in paragraph 41. It was noted that a temporary funding shortfall of £3.098m remained due to reduced asset valuations in the current economic climate; this continued to be managed by using discretionary prudential borrowing.

Approval was sought for:

- the net adjustments to the programme set out in the report and detailed in Annex A
- the use of contingency funding to cover an overspend on the Explore York Library Learning Centre and match fund the Travellers – James Street Wall flood initiative and
- the addition to the 2010/11 programme of a £1m loan to Yorwaste.

Having noted the comments of the Labour Group Spokespersons on this item, it was

RESOLVED: (i) That the 2010/11 revised budget of £81.532m, as set out in paragraph 5 of the report (Table 2), be noted.

(ii) That the re-stated capital programme for 2010/11 – 2014/15, as set out in paragraph 36 (Table 10) and detailed in Annex A, be noted.

(iii) That approval be given to use contingency to fund the £15k for the Travellers – James Street Wall flood initiative and the £30k for Explore York Library Learning Centre.<sup>1</sup>

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

Action Required

1. Use contingency to fund these schemes.

RB

**60. SALE OF PARKSIDE COMMERCIAL CENTRE, TERRY AVENUE**

Members considered a report which presented the bids received for the freehold of the Parkside Commercial Centre, following the recent marketing of the site, and sought approval to sell the premises to the preferred bidder.

Offers had been invited by informal tender for the existing use of the site for light industry and storage or for other uses such as office, leisure etc. Due to its location within the flood plain, the site was not considered suitable for residential development. In total five bids had been received and the three highest bidders had been invited to provide additional supporting information.

The bidders in question were:

- Bike Rescue, the current occupiers (Bid A)
- The Caravan Club (Bid B – 2 proposals submitted)
- HHB Investments Ltd (Bid C – 2 proposals submitted)

Details and an analysis of the bids were provided in exempt Annex 3 to the report. It was recommended that the site be sold to HHB Investments, subject to planning consent.

Having noted the comments of the Labour Group Spokespersons on this item, it was

RESOLVED: (i) That the offer from HHB Investments Ltd to purchase the property for the figure stated in exempt Annex 3 (Bid C, proposal 2) be accepted, subject to planning consent, to proceeding with the design and planning application quickly, and to a deduction for any abnormal construction costs associated with the site.<sup>1</sup>

(ii) That, if the above sale does not proceed due to refusal of planning permission or for any other reason, approval be given to accept bids in the following order: Bid C (proposal 1), Bid B and Bid A, subject to any planning consent being obtained.<sup>2</sup>



REASON: To maximise the receipt for the site, in order to support the approved capital programme.

Action Required

1/2. Proceed with sale of property subject to points as detailed.

PF

**PART B - MATTERS REFERRED TO COUNCIL**

**61. CAPITAL PROGRAMME - MONITOR 1**

*[See also under Part A minutes]*

Members considered a report which presented the likely out-turn position of the Council's 2010/11 capital programme, based upon the spend profile and information up to June 2010.

An out-turn of £81.532m was predicted against the current approved budget of £81.979m; a net decrease of £447k resulting from adjustments to schemes in the programme, as outlined in paragraph 5 of the report. Capital spend to date amounted to £12.334m, or 15% of the total approved budget. Key exceptions and implications for the programme in each portfolio area were highlighted in paragraphs 9 to 40 of the report. The revised overall programme resulting from these changes was summarised in paragraph 41. It was noted that a temporary funding shortfall of £3.098m remained due to reduced asset valuations in the current economic climate; this continued to be managed by using discretionary prudential borrowing.

Approval was sought for:

- the net adjustments to the programme set out in the report and detailed in Annex A
- the use of contingency funding to cover an overspend on the Explore York Library Learning Centre and match fund the Travellers – James Street Wall scheme and
- the addition to the 2010/11 programme of a £1m loan to Yorwaste.

Having noted the comments of the Labour Group Spokespersons on this item, it was

RECOMMENDED: (i) That Council approve the net adjustments of £447k in 2010/11 and £641k in 2011/12, as set out on a scheme by scheme basis in the report and contained in Annex A. <sup>1</sup>.

(ii) That Council approve an addition to the capital programme in 2010/11 of £1m, in the form of a loan to Yorwaste, in which the Council owns a 22.7% stake. <sup>2</sup>.

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

Action Required

1/2. Refer to Council.

FY

Cllr A Waller, Chair

[The meeting started at 2.10 pm and finished at 2.50 pm].

EXECUTIVE FORWARD PLAN (as at 14 August 2010)

<b>Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 5 October 2010</b>		
<b>Title &amp; Description</b>	<b>Author</b>	<b>Portfolio Holder</b>
<p><b>Reference Report - National Service Planning Requirements for Environmental Health and Trading Standards.</b></p> <p><i>Purpose of report: To present and seek approval from the Executive for National Service Plans for Environmental Health and Trading Standards.</i></p> <p><i>Members are asked to: Approve the recommendation.</i></p>	Laura Bootland	Executive Member for Neighbourhoods
<p><b>Affordable Housing Viability Study</b></p> <p><i>Purpose of report: To seek Executive Member approval of the recommendations of the 5 July meeting of the Local Development Framework Working Group (LDFWG). This includes: Approving the study as an LDF Evidence base. Endorsing the Dynamic Model and the Study conclusions for the formulation of the Core Strategy Policy. Adoption of the new affordable housing targets and thresholds, with immediate effect for Development Control purposes</i></p> <p><i>Members are asked to: To approve the recommendations of the 5 July LDFWG.</i></p>	Derek Gauld	Executive Member for City Strategy
<p><b>Liberating the NHS</b></p> <p><i>Purpose of report: To advise Executive of the proposals within the White Paper Liberating the NHS, consider any response to the consultations on the proposals, including any opportunity for York to be an Early Adopter. The proposals could impact on Local Authority responsibilities in respect of health and well being, and governance arrangements for overview and scrutiny of health issues. It could offer opportunities for new shared commissioning arrangements. Consultation deadline is 11 October 2010. Implementation of NHS changes is planned for 2012-13</i></p> <p><i>Members are asked to: Consider and agree any response to be made by the Council to the Government's Consultations</i></p>	Pete Dwyer	Executive Member for Health and Adult Social Services

<p><b>Attendance Management Update</b></p> <p><i>Purpose of report: To provide the Executive with an update on the Council's approach to attendance management.</i></p> <p><i>Members are asked to: Note the work undertaken and agree a number of revisions to HR policies to support attendance at work.</i></p>	Chris Tissiman	Executive Member for Corporate Services
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<b>Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 19 October 2010</b>		
<p><b>Income Policy</b></p> <p><i>Purpose of report: To present the revised Income Policy.</i></p> <p><i>Members are asked to: Approve the revised Policy.</i></p>	David Walker	Executive Member for Corporate Services
<p><b>Extended Redeployment Provisions</b></p> <p><i>Purpose of report: To ask the Executive to agree to the Council operating a Regional and City wide redeployment scheme with other Council's and partners for employees who are at risk of redundancy.</i></p> <p><i>Members are asked to: Agree the necessary revisions to HR policies to enable wider redeployment.</i></p>	Chris Tissiman	Executive Member for Corporate Services
<p><b>The Climate Change Framework and Climate Change Action Plan for York - finalised drafts and implementation plan</b></p> <p><i>Purpose of report: The report will outline the consultation responses, the revised drafts of the Climate Change Framework (2010-15) and climate Change Action Plan (2010-2013). Also outline the implementation plan and monitoring strategy as well as outlining the supporting communication strategy.</i></p> <p><i>Members are asked to: Approve for implementation the finalised versions of the Climate Change Framework and Climate Change Action Plan for York.</i></p>	David Warburton	Executive Member for City Strategy

<p><b>Flood and Water Management Act</b></p> <p><i>Purpose of report: To advise Members on the contents of the Flood and Water Management Act, and the Preliminary Flood Risk Assessment Guidance. The new legislation has created the term Lead Local Flood Authority and under the definition the Council has become one. This brings new duties with it. The first being the need to develop a Preliminary Flood Risk Assessment for York.</i></p> <p><i>Members are asked to: Understand the new duties these documents place upon the Council and give guidance on how to proceed.</i></p>	Ray Chaplin	Executive Member for City Strategy
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<b>Table 3: Items slipped on the Forward Plan with the agreement of the Group Leaders</b>					
<b>Title &amp; Description</b>	<b>Author</b>	<b>Portfolio Holder</b>	<b>Original Date</b>	<b>Revised Date</b>	<b>Reason for Slippage</b>
<p><b>Waste PFI – Award of Contract</b></p> <p><i>Purpose of report: The report will seek to consider the award of a PFI contract to provide a facility to treat the city's waste that currently gets disposed in landfill. Should the Members agree the Contractor will seek planning permission for the facility, build and operate for a period of 25 years.</i></p> <p><i>Members are asked to: The report will ask Members to recommend to full council that the City Council enter into a contract which will result in the future treatment of the councils waste that currently is sent to landfill be dealt with by Thermal treatment/Anaerobic digestion.</i></p>	Bill Woolley	Executive Leader	21 September 2010	30 November 2010	<p>The work involved in the negotiations with the potential providers is taking longer than expected.</p> <p>This date is also in line with NYCC reporting mechanism to their Executive Members.</p>

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**Executive**

21 September 2010

Report of the Director of Adults, Children and Education, and the Director of Communities and Neighbourhoods

**The Barbican Auditorium****Summary**

1. This report updates members on progress with the formal procurement competition designed to bring the Barbican Auditorium (the Barbican) back into public use. Following a thorough and detailed assessment of the final tenders the preferred bidder has been identified as SMG Europe (Holdings) Limited (SMG). Members are asked to delegate authority to the Director of Adults, Children and Education to conclude with them, in consultation with the Head of Legal Services, the necessary legal agreements for the lease of the Barbican.
2. This report has annexed to it confidential information, which should be maintained as confidential until the procurement procedure is concluded. Some of the information contained in the annexes will cease to be confidential in due course and will be made available more widely by the Council in accordance with its policy on making information available to the public.

**Background**

3. The Executive, at its meeting on 28 April 2009, agreed that the Barbican should provide:
  - Major conference and/or entertainment facilities for the city.
  - High quality facilities for the residents of York and for visitors, acting as a focus for important city events and a focus for civic pride.
  - Opportunities for community involvement and activities.
  - An operation that does not require long-term revenue subsidy from the Council.
4. The Executive agreed to undertake a formal market testing exercise, using a “competitive dialogue procedure” in line with European Union procurement regulations, to seek an operator who could deliver these objectives.

5. The award criteria to be used in the assessment of bids were agreed as follows:

CRITERIA	MARKS		
<p><b>Financial</b></p> <p>An evaluation of the financial impact of the bidder's proposals on the Council with particular reference to:</p> <ul style="list-style-type: none"> <li>• The premium and/or rent payable to the Council for the grant of the Lease;</li> <li>• The extent of investment in the Auditorium proposed by the bidder;</li> <li>• Any other financial benefits identified for the Council</li> </ul> <p>Any requirement on the bidder's part for subsidy or contribution from the Council would be set against the above benefits.</p>	40		
<p><b>Quality</b></p> <p>Quality is split into two sub-criteria:</p>	<table style="margin-left: auto; margin-right: auto;"> <tr> <td style="border-bottom: 1px solid black;">60</td> </tr> <tr> <td style="text-align: right;">100</td> </tr> </table>	60	100
60			
100			
<p>Civic pride:</p> <p>An evaluation of the extent to which the bidder's proposals will provide the City with prestige facilities which will:</p> <ul style="list-style-type: none"> <li>• Enable the bidder to provide the events/conference programme proposed;</li> <li>• Further the City's economic development priorities;</li> <li>• Further the City's sustainable community strategy;</li> <li>• Enable the City to host important city events and generally be a focus for civic pride;</li> <li>• Fit in with the planning statement for the Barbican site;</li> <li>• Otherwise bring economic and social benefits to the City</li> </ul>	35		
<p><b>A major conference and/or entertainment programme for the City:</b></p> <p>Bids will score best on this criterion that meet the Council's aspiration for an extensive and wide ranging programme of music, comedy, dance and entertainment of a quality likely to draw a sub-regional and regional audience and which provide opportunities for community activities and involvement. Marks will also be awarded for bids that involve the provision of a programme of quality conference events and an ancillary programme of entertainment events. The minimum standard will be a programme that contains at least some elements of entertainment. Proposals for entertainment of a primarily adult nature or for gambling will not be scored.</p>	25		



6. Particular activities were not specified in order to allow creative ideas and opportunities to be generated through open dialogue with bidders.
7. The Council advertised, in national publications, the opportunity to lease and operate the Barbican with or without acquiring the Kent Street coach park site. If none of the bidders was interested in Kent Street then it would be available for future separate disposal.
8. Members also agreed the following immediate actions:
  - a) £90k of essential works to be carried out, as a first stage of the total work required to re-open the building, in order to protect the integrity of the asset and prevent further deterioration. These have been completed.
  - b) Officers to support the community users who previously used the Barbican: the York Carol Concert and the Festival of Remembrance, in seeking alternative arrangements. Support was provided for the 2009 season and Budget Council allocated £2k in order to continue support in 2010.

### **Progress with the procurement**

9. The key elements undertaken to date are:
  - A Barbican open day was held in January for all potentially interested parties.
  - The pre-qualification stage closed in February. This assessed the track record and experience of bidders. Questionnaires were received from 6 organisations. Of these, 4 were deemed to be of appropriate economic and financial standing, as well as possessing the necessary technical and professional ability, and were selected to be invited to participate in dialogue.
  - Bidder dialogues days were held with the 4 shortlisted parties during March in order to identify and define solutions to meet the Council's requirements through discussion, giving equal opportunity to each of the bidders. All participants worked in a very positive and professional manner with the Council; however, two of the bidders subsequently withdrew because they did not feel that they would be in a position to meet the Council's requirements.
  - Outline solutions were received from the remaining two parties in April. Both were invited to submit detailed solutions.
  - Further dialogues days were held during May and June in order to guide the bidders in developing their bids.
  - Detailed solutions were received from the two remaining parties in June and formal tenders on 2 August.
  - Participants have been informed of the outcome of the competition and that the Council will now decide whether to award a contract.

10. The key elements still to be undertaken, if the Executive decides to proceed as advised in this report, are:
  - The bidders will be informed of the first date upon which the Council could, if it is so minded, enter into a contract with the winning bidder (procurement rules require what in practice amounts to a standstill period of 14 days before the award of a contract).
  - A notice of award will be placed in the OJEU.
11. The two tenders received can be summarised as follows:
  - A. A bid from a property developer with a proposal for a comprehensive redevelopment of the area including the adjoining hotel, housing sites and the Kent Street site. The Barbican would be refurbished or redeveloped to provide an entertainment and events programme in conjunction with a nominated operator, and the conference facilities would be managed by the hotel operator. The bid is conditional upon being able to purchase the hotel and housing sites from two third parties, obtain planning permission, and secure purchasers / operators for the proposed development. The bid includes the Kent Street site.
  - B. A bid from an entertainments operator to refurbish and lease the Barbican and provide a programme of entertainments and conferencing. The bid does not include Kent Street site.
12. The tenders were evaluated by the project steering group against the award criteria set out in paragraph 5 above. The marks are shown in the confidential Annex 2. The “Most Economically Advantageous Tender” has been identified as that of Bidder B – SMG, who are therefore the preferred bidder. The comparative advantages of the Most Economically Advantageous Tender are set out in the confidential Annex 2 attached to this report.
13. Key reasons for the success of the SMG tender include:
  - Financial savings due to early reopening.
  - Income potential.
  - A comprehensive programme of refurbishment.
  - An innovative programme of audience development backed up by use of a distinctive learning and participation programme.
  - A credible and innovative entertainment programme integrating with community, conference and council use.
  - 4 free concessionary days for the Council to host city events and a proposal for reduced tariffs for community groups.
  - Economic benefits from increased visitor numbers to the city.
  - Early and continuing employment opportunities.

### **The Preferred Bidder**

14. Non confidential information regarding SMG and their proposals is set out in Annex 1. Further relevant information is set out in confidential Annex 2.

### **The Development Agreement and Lease**

15. The main terms for the development agreement and lease that form part of the Most Economically Advantageous Tender bid are set out in confidential Annex 3.

### **Options**

16. The options that the Executive has are:
  - To proceed with the procurement competition with the Most Economically Advantageous Tender as the preferred bidder, or
  - To abandon the procurement exercise and instruct officers to develop an alternative strategy for the future of the Barbican site.

### **Analysis**

17. The bid from the proposed preferred bidder is consistent with the Executive's intentions for the Barbican and has the potential to deliver the Council's objectives. The work undertaken for the Council by external advisors, prior to the formal procurement exercise, (previously reported to the Executive) suggests that this is a good outcome for the Council and that any new approach to the market would not produce a better outcome. Furthermore, any alternative strategy that did not rely on experienced market operators would require significant time to develop and would delay the opening of the Barbican even further.
18. The preferred bidder's proposals deliver the reopening of the Barbican and a significant boost to the city's economy as it comes out of recession. The Executive is therefore advised to proceed with authorising the award of a contract to the preferred bidder.

### **Corporate Priorities**

19. The Council's Corporate Strategy describes the desire to "inspire residents and visitors to free their creative talents and make York the most active city in the country. We will achieve this by providing high quality sporting and cultural activities for all". Within the new strategy we commit to developing an "achievable plan for the Barbican Auditorium" to contribute to this priority.

### **Next Steps**

20. The next steps are:
  - The procurement steps outlined in paragraph 10 above.
  - Referral of the financial implications of the proposals for the Council's capital programme to Council on 7 October 2010.
  - Completion of a development agreement and the lease: The Executive is asked to delegate authority to the Director of Adults, Children and Education in consultation with Head of Legal Service to negotiate and conclude these legal agreements. The aim will be to complete these by the end of October.

## **Implications**

### **Finance**

21. The Director of Customer & Business Support Service's overview of the financial implications of the preferred bidder's proposals are contained in confidential Annex 4.
22. The current revenue budget for the Barbican is £120k pa. This provides for building costs, for example business rates, insurance, security and services. The budget is likely to be fully committed in this financial year. (See Annex 4).
23. Previous proposals for the Barbican (mirroring the arrangements in place when the Council operated the Auditorium) provided 4 free days and 2 concessionary days for community use. These benefited the Carol Concert, the Festival of Remembrance and the York Guildhall Orchestra. The preferred bid secures use of the Barbican for these and other community organisations and provides 4 concessionary days. It does not, however, provide free days. The Executive is therefore recommended to retain a fund of £5k from the existing revenue budget to provide financial support in lieu of any free days.

### **Legal**

24. Legal implications are as set out in the report.

### **Property**

25. On conclusion of the Barbican procurement exercise Kent Street Coach Park will remain available to be disposed of separately.

### **Highways: Kent Street Pedestrian Refuge**

26. Since the Barbican closed a pedestrian refuge has been constructed on Kent Street opposite the cycle way that runs between Kent Street and Paragon Street. If the preferred bidder's proposals are implemented, show vehicles servicing the Barbican will not be able to manoeuvre into the service yard without hitting this pedestrian refuge. The Council will need to resolve this in order that the Barbican can again be operated effectively as an auditorium.
27. There are no Human Resources, Crime and Disorder, or Information Technology implications.

### **Risk Management**

28. In compliance with the Council's risk management strategy the main risks that have been identified in this report are those which could lead to the inability to meet business objectives leading to financial loss, and damage to the Council's image and reputation and failure to meet stakeholders' expectations. Measured in terms of impact and likelihood, the risk score all risks has been assessed at less than 16. This means that at this point the risks need only to be monitored as they do not provide a real threat to the achievement of the objectives of this report.

## **Recommendations**

29. Members are asked to:

- i) Acknowledge the selection of SMG Europe (Holdings) Limited (or an appropriate nominated subsidiary) as the preferred bidder.
- ii) Delegate authority to the Director of Adults, Children and Education in consultation with Head of Legal Services to complete a conditional development agreement and lease (“Award of Contract”).
- iii) Recommend to the Council that the financial implications relating to the Council’s capital programme contained in confidential Annex 4 are approved.
- iv) Agree that any necessary works are undertaken to the Kent Street pedestrian refuge to ensure that show vehicles can service the Barbican.

Reason: To enable the Barbican Auditorium to be reopened for public use.

## **Annexes**

1. Information in respect of the preferred bidder

### **Confidential Annexes**

2. Summary of scoring and comparative advantages of the preferred bid
3. Summary of the main terms and conditions of the conditional development agreement and lease
4. Financial overview

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**Report Approved**  **Date**

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Wards Affected: All

For further information please contact the authors of the report

**Background Papers:**

*Barbican Auditorium* - Reports to the Executive 20 January, 3 March, 28 April, 22 September 2009 and 20 July 2010.

**The Preferred Bidder: SMG Europe (Holdings) Limited**

- 1 SMG Europe Holdings Limited (“SMG”) are part of one of the world’s leading venue operators and have long-standing relationships with those leading producers, agents and promoters who will be integral to re-establishing and sustaining the programme of events at the Barbican. SMG manages venues ranging from 600 to 20,000 in capacity. The key features of their intentions for the Barbican, as set out in their bid document, are as follows:
  - a) SMG propose to reopen the Barbican to the public as soon as is practically possible, which is estimated to be April 2011 (subject to “award of contract” by 31 October 2010), as an entertainment and conference venue, attracting an estimated 245,000 entertainment visitors and 34,600 conference visitors per annum.
  - b) A full programme of music and entertainment is proposed building to 350+ events per annum including music of all types, comedy, variety, dance, musical theatre and community events. Examples of SMG’s current programme in existing venues is set out in Annex 1. Particular aspects of their programming intentions are:
    - to re-establish the Barbican as part of the national touring circuit and to develop the market for stand up rock concerts.
    - whilst the presentation of large scale drama and musical theatre is constrained by the Barbican’s lack of full flying facilities and a proscenium arch stage, some musical theatre is now designed to tour more flexibly and SMG do anticipate some musical theatre as part of the programme mix.
    - SMG’s management of The Bridgewater Hall means that the company is particularly well connected in the classical music sector and will be well placed to develop this programming strand. Although not a dedicated classical concert hall, the relatively live acoustic of the Barbican means that it is able to present orchestral music and early discussions with partner orchestras have indicated an appetite to return to York.
    - SMG believe that the programme at the Barbican will be entirely complementary to the existing provision from the Theatre Royal, the Grand Opera House and will add welcome additional scale to the existing live music provision from venues such as Fibbers and the Duchess. SMG also envisage working with venues such as the Jack Lyons Concert Hall to develop the market for classical music in York.
    - SMG is part of Music Beyond Mainstream, the Arts Council supported world/roots/folk/unusual music touring consortium, which does not have a presenting venue in Yorkshire. SMG would hope to position the Barbican to become either a full MBM member or to work informally with the other presenters involved in this programming strand.

- SMG will also work to reposition the Barbican as a venue for sporting events such as snooker, boxing and darts.
- c) A conference programme is proposed with up to 50 days occupancy of the main auditorium for conference / meeting / exhibition activity. In order to serve the conference market better SMG propose to remodel some of the existing ancillary rooms into breakout spaces and meeting rooms. In this new configuration the Barbican will comfortably be able to accommodate conferences of 500+. All SMG venues are available for non performance use and regularly host events ranging from small training seminars to multi-day conferences and they work directly with clients, with conference organizers and on occasions as part of a city wide bidding team. SMG anticipates working closely with Visit York in delivering the conference programme at the Barbican.
- d) SMG will engage with the community and the Council to ensure a high degree of ownership from the community that it aims to serve. Likely auditorium events will include school speech days, graduations, charity concerts, schools music performances, local band concerts, Christmas concerts, dancing school shows and similar amateur productions. The meeting spaces will be used for local association meetings, social groups and other community meetings. The key elements of their approach will be:
- During the run in to the reopening of the Barbican, SMG will invite prospective community users to meet with their management team so that they can conduct building tours, gauge demand, explain booking procedures and give guidance on the likely cycles of activity and consequential availability of the Barbican for hire.
  - SMG will work with all relevant cultural agencies such as the Arts Council, Audiences Yorkshire and the Council's Arts Service to ensure the high profile of the Barbican amongst their respective networks, and to promote the venues role as a community resource.
  - In principle SMG will make the Barbican and all of the ancillary spaces available for community hire at all times and will support community users with a full range of box office, marketing, front of house and technical support. Most SMG venues offer a reduced hire tariff for community or charitable users and they will consider introducing this at the Barbican.
  - Considering the likely focus on standing rock gigs at the Barbican the SMG team will network extensively with other venues, music shops and rehearsal venues to ensure that the Barbican is enmeshed in the local music culture and able to offer a platform for emerging local talent.
  - SMG will develop a *Learning and Participation* programme which they see fitting with existing provision such as York Arts Academy.
  - SMG will provide the Council with four Concessionary Hire Days. This means that the Council will be able to hire the Auditorium free of charge, subject to a payment for technical and staff costs. One of these days will be the Sunday preceding Remembrance Day each year and a second day will be a date to be agreed in mid December for the



annual carol concert. The other two concessionary dates shall be agreed between the Council and SMG. They may also be able to offer a reduced tariff for community groups.

**The extent of investment in the Auditorium proposed by the bidder**

- e) Subject to the outcome of surveys being undertaken on the external fabric and the mechanical and electrical services of the Barbican, SMG propose substantial investment over the first five years to ensure that the building is suitable for the type of programming proposed. The proposals will generate an exciting and functional venue that increases the audience, the audience loyalty and the time spent by the audience at the venue. This will maximise commercial success and will develop a sinking fund which will provide not just for ongoing maintenance and renewal but also for capital improvement in future years. The initial investment will provide:
- high impact entrance and signage to create a fresh and vibrant face for the Barbican.
  - enhanced foyer and bars, with feature lighting and contemporary new furniture.
  - remodelled foyer, including revamped box office, larger kitchen to improve the food and beverage offer, and development of a merchandising outlet.
  - refurbished bar area behind the kitchen/ servery to become a 'Silver Lounge'.
  - aerobics rooms remodelled into good quality multi-function rooms, with ICT.
  - a high quality sponsors lounge capable of being rapidly converted into a large scale meeting room with dedicated ICT provision.
  - improved delivery access and show handling space.
  - investment in the fit out of the building.
  - subsequent equipment renewals over the first five years of operation.

### Additional Information

- 2 The venues in the SMG portfolio that are closest in scale to the Barbican are the Whitley Bay Playhouse, the Journal Tyne Theatre and the Bridgewater Hall. These three venues have presented the following genres/artists over recent years:

Genre	Artists/ acts recently presented in SMG venues
<b>Ballet, Dance and Opera</b>	Siberian National Ballet, Opera North, Armonico Consort, Anton and Erin.
<b>Classical Music</b>	The Bridgewater Hall is the most significant classical music hub in the north of England and has presented most of the world's most significant artists over its 14 year history. The Hall is the home to the Halle, BBC Philharmonic and Manchester Camerata and visitors have included the Chicago Symphony, Vienna Philharmonic, La Scala Philharmonic, Lang Lang, Alfred Brendel, Cecilia Bartoli, Bryn Terfel and Jessye Norman
<b>Comedy</b>	Paul Merton, Sean Lock, Eddie Izzard, Dave Gorman, Armstrong and Miller, Rhod Gilbert, Katy Brand, Chris Addison, Jackie Mason
<b>Folk, Jazz and Roots</b>	Kate Rusby, Transatlantic Sessions, Joanna Newsom, Paul Brady, Kathryn Tickell, Lincoln Center Jazz Orchestra, Wynton Marsalis, Mavis Staples, Acker Bilk, Billy Bragg
<b>Musical Theatre</b>	Joseph and the Amazing Technicolor Dreamcoat, Hut Flush, Never Forget, Blood Brothers
<b>Rock and Contemporary</b>	Lou Reed, Morrissey, Elvis Costello, Dave Gilmour, Richard Hawley, David Byrne, Elbow
<b>World</b>	Amadou and Mariam, Femi Kuti, Rokia Traore, Oumou Sangare, Baaba Maal, Ochos de Brujo, Kodo Drummers, Ladysmith Black Mambazo, Buena Vista Social Club

Listed below is an example of the type of genres and artists that SMG will aim to bring to the Barbican: This is an indicative programme based on artists and productions currently on tour:

Genre	Indicative programme for the Barbican	
Comedy	<ul style="list-style-type: none"> <li>• Jimmy Carr</li> <li>• Dara O'Briain</li> <li>• John Bishop</li> <li>• Russell Howard</li> <li>• Ross Noble</li> <li>• Ed Byrne</li> <li>• Frankie Boyle</li> </ul>	<ul style="list-style-type: none"> <li>• Stewart Lee</li> <li>• Rhod Gilbert</li> <li>• Armstrong and Miller</li> <li>• Pam Ann</li> <li>• Grumpy Old Women Live</li> <li>• Mark Watson</li> </ul>
Children and family	<ul style="list-style-type: none"> <li>• Fungus the Bogeyman</li> <li>• Shakespeare 4 Kidz</li> <li>• Horrible Histories</li> <li>• George's Marvellous Medicine</li> <li>• John Hegley</li> </ul>	<ul style="list-style-type: none"> <li>• Rupert Bear Live</li> <li>• Treasure Island</li> <li>• Hi-5 Live on Stage</li> <li>• The Wiggles</li> <li>• Thomas and Friends</li> </ul>

Contemporary Music: (Standing Concerts)	<ul style="list-style-type: none"> <li>• Tinchy Stryder</li> <li>• Klaxons</li> <li>• Jamie T</li> <li>• AFI</li> <li>• Trivium</li> <li>• The Enemy</li> <li>• Kate Nash</li> <li>• The Maccabees</li> <li>• Grizzly Bear</li> <li>• The Streets</li> <li>• Editors</li> <li>• Dizzee Rascal</li> </ul>	<ul style="list-style-type: none"> <li>• Lost Prophets</li> <li>• Manic Street Preachers</li> <li>• The Specials</li> <li>• Alkaline Trio</li> <li>• The Fray</li> <li>• The Courteeners</li> <li>• The Saturdays</li> <li>• Pigeon Detectives</li> <li>• Peter Andre</li> <li>• Plan B</li> <li>• Paul Weller</li> </ul>
Contemporary Music and entertainment: seated	<ul style="list-style-type: none"> <li>• Jane McDonald</li> <li>• Lesley Garrett</li> <li>• David Essex</li> <li>• Tony Bennett</li> <li>• Jamie Cullum</li> <li>• Chrsity Moore</li> <li>• Don Maclean</li> <li>• Liza Minelli</li> <li>• Jack Jones</li> <li>• Jools Holland and his Rhythm and Blues Orchestra</li> <li>• The Rat Pack Live</li> <li>• Bjorn Again</li> </ul>	<ul style="list-style-type: none"> <li>• The Bootleg Beatles</li> <li>• Buena Vista Social Club</li> <li>• Ladysmith Black Mambazo</li> <li>• Tango Fire</li> <li>• Brendon Cole</li> <li>• Anton and Erin</li> <li>• Joanna Newsome</li> <li>• Pink Martini</li> <li>• Syd Lawrence Orchestra</li> <li>• Glenn Miller Orchestra</li> <li>• Hairy Bikers Big Night Out</li> </ul>
Classical / Light Classical	<ul style="list-style-type: none"> <li>• Visiting orchestra season</li> <li>• Four Seasons by Candlelight</li> </ul>	<ul style="list-style-type: none"> <li>• Symphonic Rock</li> <li>• Strauss Gala</li> </ul>
Dance	<ul style="list-style-type: none"> <li>• English National Ballet: Angelina Ballerina</li> <li>• Moscow City Ballet</li> <li>• Northern Ballet Theatre</li> </ul>	
Musical Theatre	<ul style="list-style-type: none"> <li>• Joseph and the Amazing Technicolour Dreamcoat</li> <li>• Never Forget</li> </ul>	<ul style="list-style-type: none"> <li>• The Rocky Horror Show</li> <li>• Quadrophenia</li> </ul>
Community and local hires	<ul style="list-style-type: none"> <li>• Amateur Dramatic/Operatic societies</li> <li>• Local dancing and stage schools</li> <li>• School speech days</li> <li>• College graduations</li> <li>• Schools music events</li> </ul>	<ul style="list-style-type: none"> <li>• Charity fund raising events</li> <li>• Carol concerts</li> <li>• Local bands / battle of the band competitions</li> <li>• Dance events</li> </ul>
Sports Entertainment	<ul style="list-style-type: none"> <li>• Wrestling</li> <li>• An Evening with Ricky Hatton</li> <li>• An Evening with the 1966 World Cup Winners</li> </ul>	<ul style="list-style-type: none"> <li>• Darts</li> <li>• Snooker</li> <li>• Boxing</li> </ul>

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**Executive****21 September 2010**

Report of the Director of City Strategy

**CYCLING CITY PROGRAMME - PROGRESS REPORT 4****Summary**

1. This is the fourth report to update Members on the progress of the Cycling City York (CCY) Programme, highlighting works in the programme over the last 6 months and the number of successes so far.

**Background**

2. The overall aim of the programme is to encourage more people to cycle. The funding of £3.68m from Cycling England (CE) is match-funded by City of York Council (CYC) and this is broken down into two main streams of work, capital and revenue. Further information on this project can be seen in the reports attached as Annex A (Monitoring and Evaluation of the Cycling City and Towns Programme Update note – June 2009) and Annex B (Cycling City and Towns Programme Overview March 2010).
3. We continue to be considered positively by CE who has been recommending other Local Authorities and Cycling Towns to contact York for advice. As a result a number of presentations and interviews have been given at various events and conferences including lately the national PTRC Transport Practitioners conference in July and through the local media.

**Strategy**

4. The programme is now in its final stage with a lot of delivery continuing to be implemented both around infrastructure including the orbital route, and the implementation of the cycle audit findings and other revenue schemes all with the aim to encourage more people to cycle and to help eliminate the barriers that may be stopping them.
5. The monitoring project continues to gather cycling data which towards the end of this year will give us a clearer picture of cycling levels, however it is worth reiterating that there needs to be a few years worth of data to show a continuous level/growth in cycling.
6. CE continues with their Towns and Cities monitoring and evaluation work including a recent audit of our schools and workplace projects and the rail

station access scheme. Please see attached Annex A background note on this work and Annex B for initial summary results from last year of all the cycling city and towns from CE for information.

## **Update on the programme**

### **The previous 6 months**

#### ***Programme structure and updates***

7. A second cycle forum meeting will have been held in September, chaired by the York Cycle Campaign (YCC), which as well as gauging public views (complimented by the emails and many feedback forms we get in) will hopefully develop an ongoing forum lead by another organisation outside of the Council.
8. A brief section of questions have been added into the June/July Talk About Council questionnaire via the Press Office to help gauge views of cycling. This is always valuable and will help make sure this programme continues to be as effective as possible. Results will be available shortly and a brief verbal summary should be provided at the meeting.

#### ***Revenue***

#### ***Events***

9. As well as a number of smaller events, Bike Week went well and provided us with over a thousand feedback forms. These are still being analysed but initial reviews showed these to be positive for the work we are doing and the results being produced.
10. The York Cycling City Races were also a success overall and while there were a number of lessons to be learnt, as expected in any event of this nature, most of the feedback was very positive. Further to this we are awaiting the results of a Visit York survey including footfall counts but initial indications showed a very high number of people in the city centre that day compared to previous times.
11. The second Festival of Cycling will also have been delivered (September 11<sup>th</sup> and 12<sup>th</sup>) prior to this report coming before Executive Members helping to introduce or reintroduce people in a fun and entertaining way to cycling and its many benefits.

#### ***Marketing and Communications***

12. At least one media release is produced a week to promote all the activities taking place and to keep the message fresh and in peoples minds. The cycle to work campaign 'Home to work in about 15 minutes' on the back of buses, bus stops and in other media took place during the Spring attracting a lot of attention.

13. The CCY website has been launched providing a one-stop-shop to all things cycling in York ([www.cyclingcityyork.org.uk](http://www.cyclingcityyork.org.uk)) complimented by our Facebook page (<http://www.facebook.com/group.php?gid=168751003949&ref=ts>) where we continue to see an increase in its viewers as well as finding us on Twitter.
14. The latest leisure ride maps (5 to 8) covering other off-road routes around York have been developed and distributed following the keen interest we had from the public to develop more of these.

### ***Schools Group***

15. The scooter awareness training aimed at school years 3 to 5 (to be called Scooting Stars from the previous Scootability name), has recently started in this Autumn term, which is being delivered through the schools. While it is too early to tell how successful this is, the requests we have had for something aimed at younger children and the number of scooters parked at schools, means we are confident this is a good and much needed service (partly taken from some of the learning lessons from Derby's experiences in taking this forward).
16. Earlier this year we saw the successful conclusion to a two-week virtual cycle race from about a third of York primary schools where pupils had to cycle (*virtually*) from Lands End to John O'Groats. This led to cycling levels rise well over 90% for nearly all participating schools. Elvington won the competition where previously their cycling levels were very low. There continues to remain high levels of cycling in these schools following this race. So with that in mind, we are planning another virtual cycle race called Roaming Romans. More information below.

### ***Participation Initiatives***

17. As mentioned in the last report the participation project is a key area to provide people with opportunities to cycle.
18. A new initiative within this period of the report is the cycle try-out sessions. These have started to be run all over the city, making sure that as many areas as possible are covered. There will be two projects in place covering disabled and non-disabled, which will have Dr Bike sessions incorporated within them. These will be replacing the Ward Specific Schemes we trialed last year, which we felt weren't as effective as they could be for various reasons so building upon the success of the tryout sessions we had at last years first Festival of Cycling. It is hoped these will be effective in introducing people to cycling for all ages and abilities and allow them to try a bike before buying one, including trying cycles with child adaptations, adapted bikes for disabled riders and so on.
19. The CCY programme is also in partnership with an organisation called Forward Ladies where we'll be working together to develop female only initiatives for the working woman the first of which was at the Festival of

Cycling. We'll also be looking again at initiatives with teenage girls, helping to address the male/female imbalance in cycling nationally.

***Work place initiatives***

20. Liaison with previous employers we have been working with is ongoing continuing developing further the successful relations we have with them.
21. A cycle to work challenge is now in place with various organisations at York's Science Park, addressing a major employment area, and building on the Council and Highways Agency work with the park to help increase their modal shift and reduction in car trips.
22. Looking nearer home the same package is being rolled out within the Council recruiting non-cyclists to take up this challenge and working to get even more Council staff cycling in August and September.
23. Working with the Leeds, York & North Yorkshire Chamber of Commerce will help us better engage with other employers on sustainable travel behaviour and working to show this is not just a Council led initiative but one bought into by the Chamber and many other organisations already. Two articles have gone via the Chamber media promoting the work place engagement we have and the benefits to businesses of cycling.

***Other initiatives***

24. Our partnership working with the Police and Safer Partnerships continues to be very strong with the ongoing Police Operation Spoke bike tagging where more and more bikes have been registered (approximately 5500 so far) and with some success stories of owners being reunited with their bikes. However we have seen a surge in cycle theft from the city centre in June and July so the Police and Safer York Partnership (which CCY is a partner of) are increasing efforts to target hotspots. We are also asking residents, through the partnership, to remain vigilant and to continue to use good quality locks to try and curb this surge and possible relocation of effected cycle parking racks from these areas to agreed locations within the city.
25. The low interest loan guarantee scheme between CCY/CYC and the York Credit Union (CU) is now in place and launched the beginning of August. This scheme, in partnership with local cycle retailers, has been developed to especially help those that normally could not afford a new bike and even prior to the scheme being launched we already had some interest from the public in this. This has been advertised in the local Youth Survival Guide, which will be in publication for a year helping to target this initiative more directly.

***Capital***

26. A key programme of work is the improvements to the existing cycle infrastructure. The priority for delivery is refreshing the cycle lanes and on-surface signs and potholes. Signage improvements (including reduction)



will come later as refreshing of the lanes has a higher impact in that they are more visible improvements to the public.

27. Work has also been continuing with ParkThatBike, which successfully won further work through this programme to engage with small businesses and community organisations to install cycle parking at their locations. This work is done on a submission basis by these and in turn they pay for the installation but importantly promote cycling within their community. Over 35 organisations have been engaged with so far. For further information visit [www.parkthatbike.com](http://www.parkthatbike.com)

### **The next 6 months**

28. Further to the above, this section highlights other main projects that will be starting shortly for the rest of this final part of the programme.

#### ***Revenue***

#### ***Events***

29. Following on from the End to End virtual school cycle race a 'Roaming Romans' initiative will take place at the end of September/October, tying in with the Jack Archer awards and walk to school week. This will be a multi-modal virtual race, in partnership with Sustrans, tying into the history and geography curriculum and lasting for about 3 weeks. This will build upon the success of similar initiatives and help introduce more families to cycling and other ways of getting to and from school, helping reduce their car trips.
30. We will also be running another Christmas cycle ride in early December visiting Santa's grotto at Merton Park Farm, meeting at York Minister.

#### ***Marketing and Communications***

31. Following on from the campaign 'Home to Work in about 15 minutes...' the next campaign being developed we will be asking 'What is your day?' with a fun and fresh look within this campaign to encourage people to rethink their travel behaviour and give cycling a try.

#### ***Work place initiatives***

32. Aviva will be starting their cycle to work challenge with us later this financial year to help increase staff cycling levels and working with their estate managers to improve their cycle storage and other related facilities. Also another cycle to work challenge will be run later this month (September) with York Hospital.
33. Work will also be starting with the University of York St. John on a staff cycle to work challenge and infrastructure review although timescales have yet to be agreed.

***Participation initiatives***

34. The programme will also be covering further guided rides, cycle maintenance workshops and a focus on female only initiatives following the very successful Beauty and the Bike initiative which was aimed at teenage girls. Timescales have yet to be developed but likely in the early spring.

***Other initiatives***

35. Later this year Operation Image will be run again. This is designed to target cyclists not using cycle lights, running red lights and cycling on pavements. This operation proved highly effective last winter and will serve as a further reminder that cycle users have to follow the highway code.
36. A GP referral scheme in partnership with the York Health Group is currently being finalised. This will be a GP supported scheme that will allow patients to self-refer onto cycle training as well as sign posting them to the cycle try out sessions and overall promoting the benefits for cycling including dealing with health issues such as: -
- Mental Health
  - Respiratory
  - Joints
  - Heart disease

***Capital***

37. Outside of the CCY programme, the Bike Rescue Secure Cycle Hub is in development and on track for completion by Christmas.
38. Designs have now been agreed for the Railway Station Access and are on schedule to be completed before the end of this financial year.
39. Phase 1 of the Blossom Street works should be concluded by the end of November comprising the main improvements, a pedestrian crossing, advanced green light for cyclists and cycle feeder lanes, which are being successfully trialled at the moment on Gillygate. CCTV and onsite observations also have shown these to be working well with traffic keeping the feeder lane clear.
40. The Orbital Cycle Route work is in its final stages with delivery of the last three schemes by the end of this financial year. Tied into this is a signage project that will have bespoke directional signs for key parts of the route, which will be highlighted on the next cycle route map.
41. Officers are working in partnership with Sustrans to identify and remove/alter barriers on cycle paths that are making it difficult for cycles with

trailers or other larger cycles, such as hand-cranked cycles, to access these routes. Risk assessment work has been underway to identify what needs removing or changing so as not to undermine the reasons these were installed for in the first place.

### **Consultation Process**

42. Cycle infrastructure scheme proposals follow a consultation process with local councillors and residents in the locality of the individual schemes. As part of this process consultation with stakeholders and partners is ongoing throughout the delivery of the programme both on individual capital schemes and revenue initiatives. A key part of this is to seek feedback from the relevant cycling city implementation teams (which include officers and stakeholders), which will make sure their views and recommendations are carried forward as a consultee.
43. An Equality Impact Assessment (EIA) on the whole Cycling City programme has been completed and is awaiting formal approval.

### **Evaluation and Monitoring**

44. This work will be ongoing throughout the year with both the programme's monitoring work and CE's. This will help to inform the programme and the Council on how well we are doing and provide a valuable steer on how to better achieve the project objectives.

### **Corporate Objectives**

45. The programme contributes to a number of Corporate Priorities:
  - Sustainable city - There is considerable scope for encouraging a shift from car use to cycle use for people throughout the city,*
  - Inclusive city - These proposals would help cater for all types of cycles and cyclists as they focus on children and a number of hard to reach groups as well as providing general improvements in cycling facilities, and*
  - Healthy city - The scheme will encourage more people to cycle with the added benefits of improved health. Cycling is also an ideal mode of transport for people on low incomes whose health may be poorer.*
46. Local Transport Plan (LTP): The programme has already contributed to several of the aims of the LTP and continues to work the LTP, LDF and City Centre Area Action Plan (CCAAP) teams to influence this strategies and documents, including the inclusion of a trialling of city centre cycling. This work as also been looking into the future of the CCY programme with a view to consulting on the development of a sustainable travel team. Aims in discussion include:

- To reduce the need to travel, especially by car, and to encourage essential journeys by more sustainable modes;
- To improve economic performance in a sustainable manner;
- To reduce the level of actual and perceived safety problems;
- To enhance opportunities for all community Members, including disadvantaged groups, to play an active part in society;
- To improve the health of those who live, work in, or visit, York;
- To reduce the impact of traffic and travel on the environment, including air quality, noise and the use of non-renewable resources.

## Implications

47. **Financial** – The CE grant has to be match funded by contributions from the Council, developers and stakeholders. The grant cannot be carried forward beyond the life of this programme, any under spend would be reallocated to another cycling town programme and will be lost from the Cycling City York programme.
48. **Human Resources (HR)** - The additional posts of Programme Manager, Transport Planner and Events and Marketing Officer have been created and funded from within the Cycling City budget.
49. **Equalities** – The programme will deliver a range of improvements to facilities and training. These will provide residents and visitors to York with travel options to reach key services around the city as a result of improved infrastructure improvements and marketing materials. Other initiatives will reduce social exclusion by improving access to cycles for those who can't afford them. The EIA has also highlighted areas of the programme that require further consideration such as the impact of shared use facilities may have on older or partially sighted pedestrians. Officers are continuing to work with stakeholders and the Equalities Team to fully understand the issues and impacts and complete the EIA.
50. **Legal** – The grant from the DfT is made under Section 31 of the Local Government Act 2003 and the Council has entered into a funding arrangement with the DfT in order to be able to access the grant.
51. **Property** – The conversion of the Lendal Hub Station, which is owned by the CYC will enhance the usefulness of the building and increase the overall value of the property portfolio. The Council's property team is managing the hub station project. The building remains the property of the council although Bike Rescue is delivering the project.
52. **Crime and Disorder** – The provision of better cycle parking, together with the secure manned Hub station facility should reduce the level of cycle theft in York. The ongoing partnership working with the Safer York Partnership has seen a reduction in cycle thefts over the last 2-3 years of approximately

50%. The Safer York Partnership has installed signs on all city centre cycle parking stands to better inform the public how to lock up their cycle. It is hoped this will better inform cyclists and deter thieves.

## **Risk Management**

53. The main risks associated with the programme are connected with non-delivery of future levels of cycling (strategic). This is a high profile programme both locally and nationally and it is aimed at not only increasing the size of the dedicated cycle network, but also altering the provision of road space in favour of cyclists at a number of locations. Failure to achieve targets will mean that CE may be guarded in future about further investment, and the funding body behind CE, the Department for Transport, could lose confidence in the ability of the authority to deliver the objectives and targets.
54. The risk of this programme failing is growing increasingly less likely, and measured in terms of impact and likelihood, the risk score for the recommendation remains less than 16. At this point, therefore, the risks need only to be monitored, as they do not provide a real threat to the achievement of the objectives of this programme.

## **Recommendations**

55. The Executive is asked to:
  - a. Note the progress made on the Cycling City York programme and continue supporting the programme aims and achievements of the programme.
  - b. Receive a further and final update report in March 2011.

**Contact Details**

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**Report Approved**

**Date** 9<sup>th</sup> September 2010

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**Financial**

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**Wards Affected: all**

**All**

**For further information please contact the author of the report**  
**Annexes included: -**

**Annex A - Monitoring and Evaluation of the Cycling City and Towns Programme**  
**Update note – June 2009**

**Annex B - Cycling City and Towns - Programme Overview March 2010**

## Monitoring and Evaluation of the Cycling City and Towns Programme Update note – June 2009

### 1. Monitoring and evaluation in the 12 new city/towns

The evaluation project team have recently completed an initial design and scoping phase. As you know, consultants AECOM (formerly Faber Maunsell), University of the West of England and the Tavistock Institute are developing a programme of work to evaluate Cycling England's investment in the 12 new Cycling City and Towns, and also the Schools and Young People programme. Since the cluster meetings in March, they have had several meetings with the steering group (made up of representatives from Cycling England, the Department for Transport, and the Department of Health), and met with 6 of the 12 new city/towns. Many thanks to everyone who has taken part in initial meetings with the research team so far. The remaining towns not yet visited will be contacted shortly.

The evaluation project is taking place alongside work by Sustrans, University of Bolton and Cavill Associates, who are responsible for monitoring the changes in cycling in all 18 cities and towns. A draft monitoring plan has been agreed with all of the 12 new city/ towns, and these are being finalised currently, in negotiation between yourselves and Sustrans. Cycling England hopes that this process can be completed by the end of July for all 12 city/towns.

The main elements of the recommended work programme for the evaluation are as follows:

#### 1.1 Gathering additional data on changes in cycling activity

A baseline household survey and 7-day travel diary will take place over summer 2009 in the 12 new city/towns, starting in July. The 'after' survey and travel diary is currently planned for summer 2012<sup>1</sup>.

The *household survey* will comprise of short face-to-face interviews with all household members (including children) for a random sample of 1,250 households in each city/town. The interview will cover household demographics and car ownership, cycling behaviour, overall physical activity, and attitudes to cycling. It will give information which is statistically significant at the level of each city/town on:

- changes in the number of people cycling
- changes in the number of people of different 'cyclist status' (e.g. new to cycling / occasional cyclist / regular cyclist etc)
- changes in the number of people with different levels of physical activity
- changes in attitudes to cycling.

This will be broadly similar to the information that we gathered for the six Cycling Demonstration Towns via a telephone survey, which was conducted by ICM in 2006 and again in 2009 (see below), with the addition of some attitudinal information.

It is important to Cycling England that this information should be available for each individual city or town (as opposed to being averaged across all 12 city/towns), as this will enable us to understand which places have been most successful, and then to examine the characteristics of the programmes in those places. For obvious reasons, this part of the evaluation is also of particular interest to the Departments of Health and Transport.

The *7-day travel diary* will involve a sub-sample of households (425 per town) - all members of the household will be asked to complete the 7-day travel diary. This will be distributed and collected by the interviewer. This will help us to answer the question:

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<sup>1</sup> However, Cycling England has expressed concern that summer 2012 may be too soon to detect statistically significant changes in cycling levels across the whole programme using the 7-day household travel diary. It has been agreed by the steering group that the timing of the 'after' survey and travel diary will be reviewed in late 2011.

- 'Given that there has been an increase in cycling, *how* has this affected trip-making, in terms of switches of mode and, potentially, destination?'

This question will also provide information on household dynamics, and is of particular interest to the Department for Transport, because it will provide robust data to help ensure investment in cycling is considered alongside other transport measures in funding decisions (considering particularly the Department for Transport's goals of reducing emissions, bringing benefits for health, reducing congestion, and improving local air quality).

The number of travel diaries that are required to yield statistically significant results is such that it is not feasible to answer this question for each city or town. This means that the 7-day travel diary will only yield information on the average modal shift across all 12 city/towns.

### **1.2 Evaluation of measures implemented**

The evaluation team will also look at packages of measures implemented in the 12 new city/towns, to understand *what* has changed and *why* these changes have occurred, using a 'Theory of Change' framework. This will include carrying out case study research, to understand the effects of specific packages of interventions. This work will be carried out in consultation with Programme Managers. A final decision has yet to be made on which packages of measures will be evaluated in this way. Process evaluation will also form part of this work. Key learning lessons from the ongoing process evaluation of the 12 new city/towns will be shared regularly at future cluster meetings.

### **1.3 Evaluation of investment in the Schools and Young People programme**

There will be a particular focus on packages of measures aimed at schools and young people, because this forms a major part of Cycling England's investment programme (larger, in fact, than the amount of money being invested in the Cycling City and Towns programme). Final decisions are yet to be made on this strand of the project.

## **2. Monitoring and evaluation in the original 6 towns**

As you will already know, Sustrans, University of Bolton and Cavill Associates are responsible for monitoring the changes in cycling in all 18 cities and towns. They are currently re-negotiating monitoring work programmes with the original 6 towns. Cycling England hopes that this process can be completed by the end of July for all 6 towns. In addition, the following evaluation will also be conducted:

### **2.1 Telephone survey**

An interim telephone survey with 1,500 individuals in each of the 6 towns, covering cycling behaviour and physical activity, was carried out in Spring 2009 by ICM. Results, showing changes since the baseline survey conducted in Spring 2006, will be available in September 2009. A third round of telephone surveys will be carried out, using the same methodology, in Spring 2011.

### **2.2 Process evaluation from the first phase (2005-08)**

Beth Hiblin from the Professional Support Team has been leading a process evaluation – many thanks for your participation in this work over the past few weeks. This process evaluation, looking at what has worked well in your programmes during the first phase of the Cycling Towns Programme, will be published in September 2009.

### **2.3 Process evaluation for the second phase (2008-11)**

A decision has yet to be made whether any new work needs to be commissioned to carry out further evaluation during this second phase of the programme for the 6 original towns. This decision will be made in September 2009.

### **Further information**

If you have any questions about evaluation and monitoring for the Cycling City and Towns Programme, please contact Tricia Allen, Programme Manager, on 0117 372 8605, or [tricia.allen@cyclingleland.gsi.gov.uk](mailto:tricia.allen@cyclingleland.gsi.gov.uk).



**Update – September 2010 – cycling figures**

**Figure 1** displays cycling levels taken from 3 off-road cycle counters. These have been validated and were operating before Cycling City began in 2008.

Grouped into quarters (the method which Sustrans use) the figure displays flows from January 2007 to June 2010. The next update (July to September 2010) will be available in late October. Although not yet available in full, flows for the current quarter are showing signs of an increase in numbers.

The figures are weekday averages with the top and bottom 10% of values having been 'trimmed' in order to discard of any extremities that are present in the raw data.

The results from the first quarter show that 2008 and 2009 saw significant increases in flow, where as 2010 has seen a slight decrease since 2008 thought to be due to very poor weather conditions at the start of 2010. The second quarter appears to be on the increase. The third quarter shows a significant increase since 2007 and the fourth quarter shows an even greater increase. Note that these figures are taken from 3 off-road cycle counters only. These figures suggest that from these sites, 2007 to 2009 saw an 8.6% rise. First half year results from 2010 compared to first half-year results from 2007 suggest a 9.2% increase in flow.

As mentioned in previous reports and meetings, data taken from specific Cycling City sites will not be available until later in 2010; the first batch of counters having been installed in August 2009. A minimum of 13 months is required in order to start drawing comparisons. The more data gathered in terms of time and number of counter sites, the more accurate a picture can be drawn from results, providing greater confidence in analysis.

Looking at data used in figure 1, statistics have been produced to investigate the variability. During the 2 quarters (January to March and October to December), it appears that the counts produced are more variable than the other 2 quarters. This will be for a number of reasons, including the increase in poor weather days, deterring potential users from cycling, resulting in less consistent day-to-day flows. For example, in the first quarter, the variability is +/- 5% when looking at a 95% confidence level. On the other hand, in the third quarter, it is +/- 1.5% at a 95% confidence level.

**Figure 2** displays data from the same 3 sites as figure 1, but by using different methodology. Only neutral months of April, May, June, September and October are included and school holidays are excluded. As all 3 sites were installed in 1999 (pre-Millennium Bridge), long-term trends in cycling can be detected. Base lined to 2006, it indicates that cycling levels have risen by 8% during the AM peak (8 to 9am), 10% during the PM peak (5 to 6pm) and by 11% over the standard 12-hour period (7am to 7pm). What is clear is that for all 3 periods of monitoring (8 to 9am, 5 to 6pm and 12-hour), the 2009 figures are the highest for 10 years.

Although complete 2010 data will not be available until late November 2010, the overall trend for data received so far during the year looks very promising.

**Figure 3** has been included here to provide an insight into how ‘noisy’ cycling data actually is. This figure (taken from data downloaded from Cinder Lane / Jubilee Terrace, linking the west side of the River Ouse to Salisbury Road / Water End) demonstrates the importance of stripping out data extremities and selecting neutral months only. The figure displays raw data from all days throughout each year from its installation in 1999 through to mid-2010.

**Figures 4 and 5** demonstrate examples of what is happening at individual Automatic Cycle Counter sites. Both of these counting sites highlight the decrease in cycling experienced during poor weather months during the winter and decreases in flow during the summer months, when schools, colleges and the university are not in operation for students.

**Figure 1**

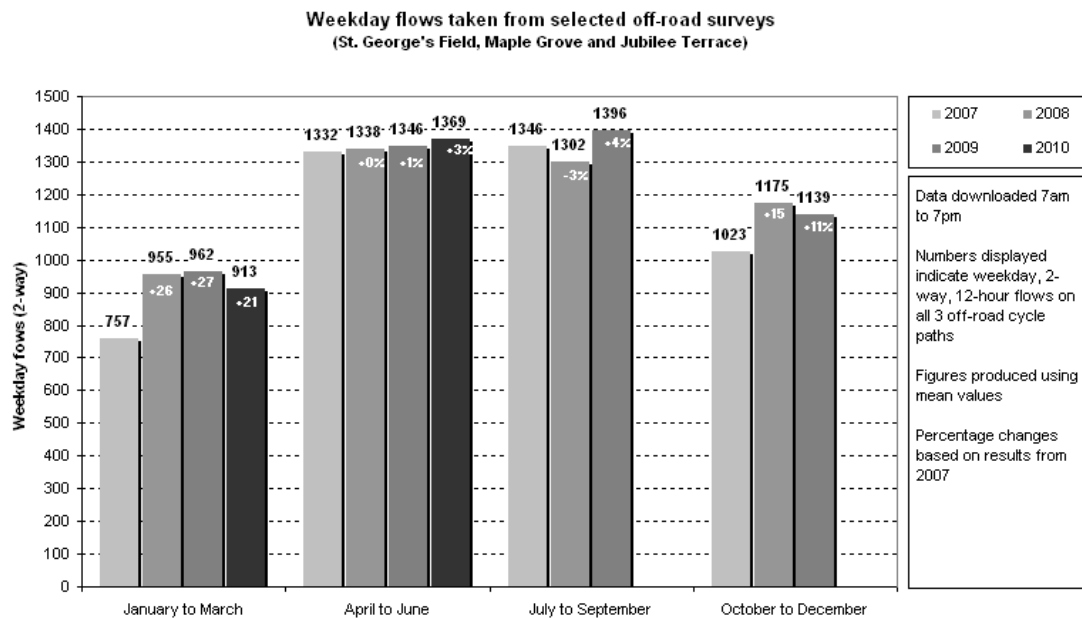


Figure 2

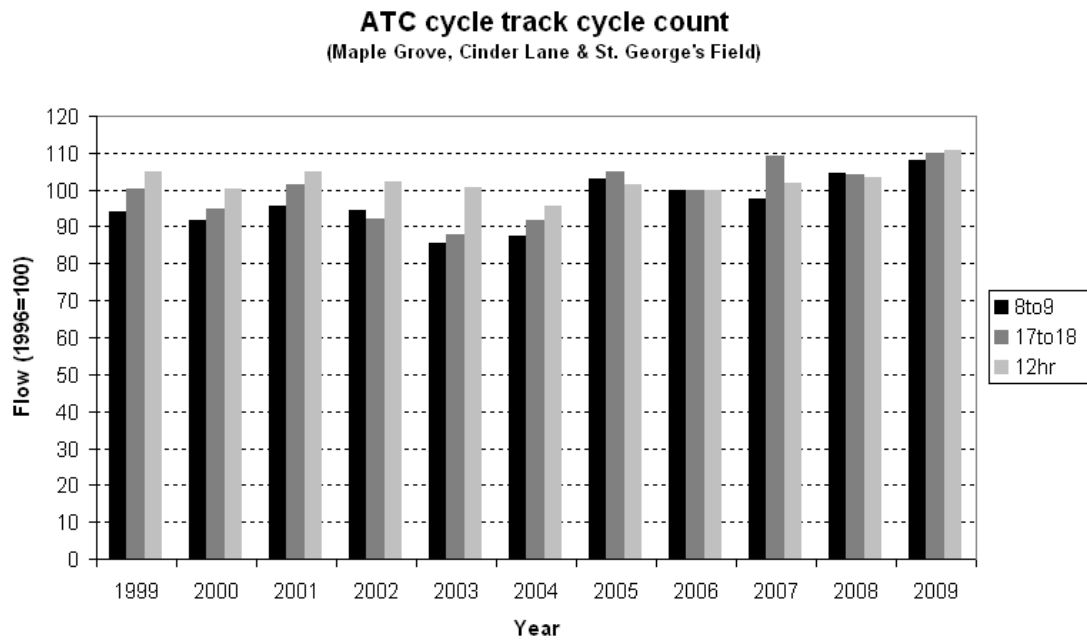


Figure 3

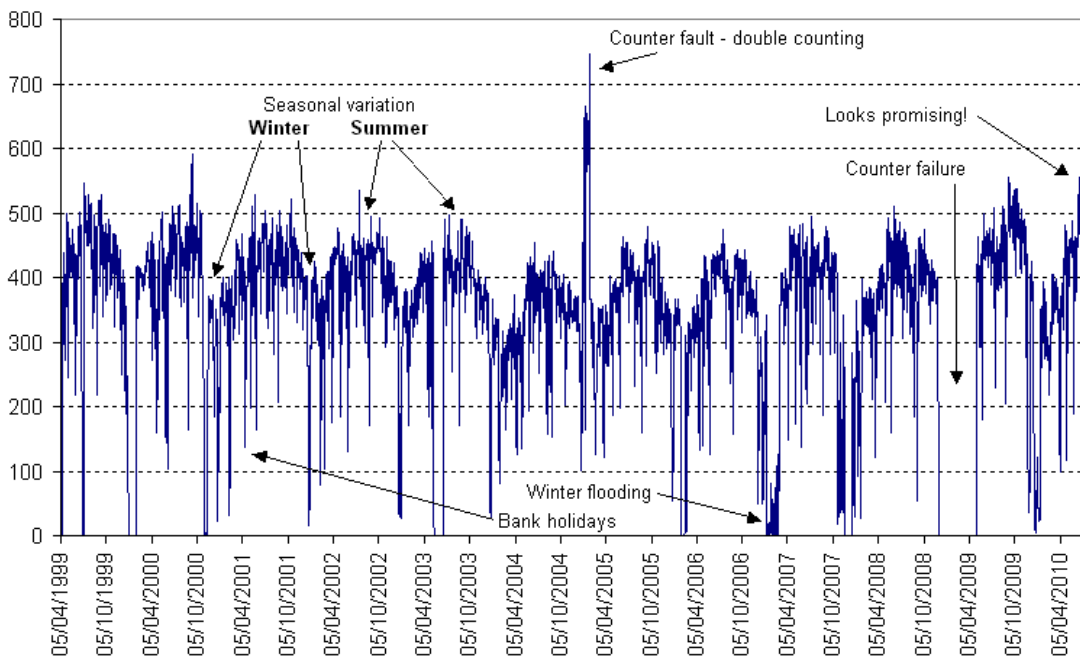


Figure 4

Millennium Bridge - NCN / Orbital / Screenline  
 Weekday 12-hour (7am - 7pm) 4-way pedal cycle flow  
 (not including bank holidays)

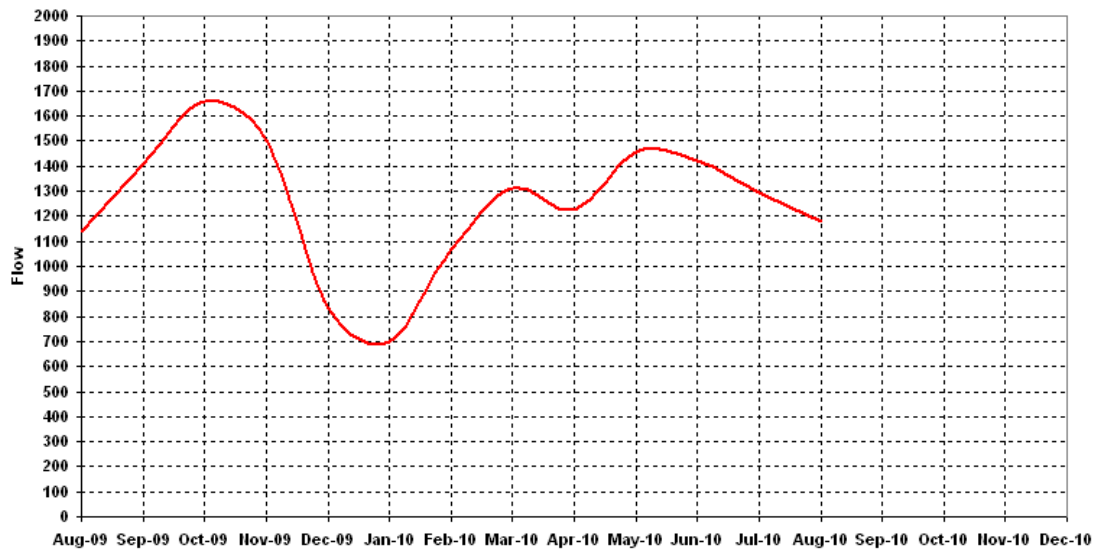
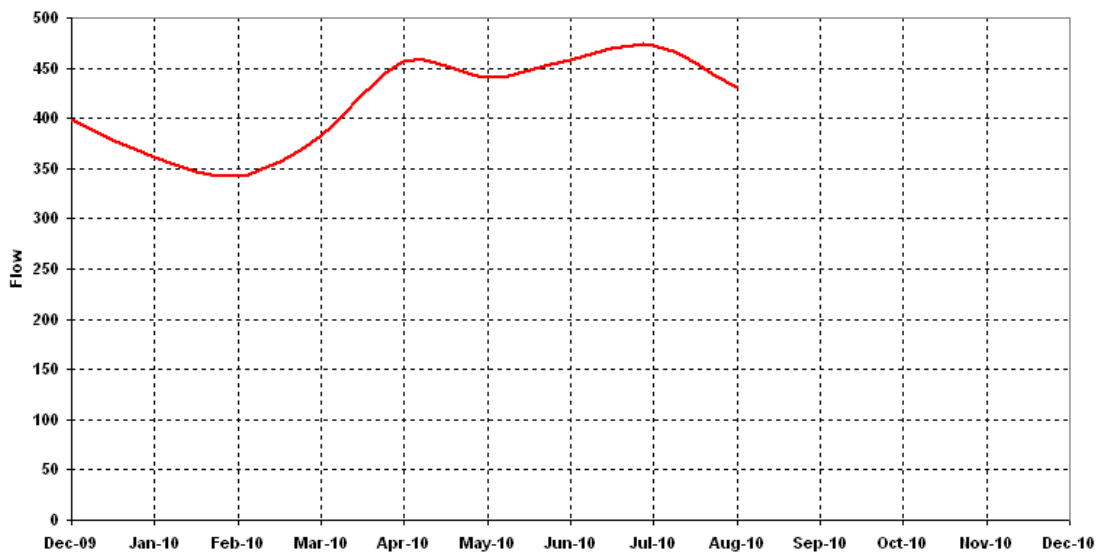


Figure 5

Clifton Bridge - Screenline & Orbital  
 Weekday 12-hour (7am - 7pm) off-road eastbound pedal cycle flow  
 (not including bank holidays)





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## Executive

21 September 2010

Report of the Assistant Director of Customer and Business Support Services  
(Customer Service & Governance)

## Public reporting of enquiries and replies made under the Freedom of Information Act 2000

### Summary

1. This report proposes alternative solutions to publishing requests for information made under the Freedom of Information Act with related replies, on the council's public website.
2. The Leader of the Council, Cllr Waller, in reply to a member question at Council on 4 February 2010, responded:

*"I agree that openness and transparency would be improved by the council publishing details of Freedom of Information requests and answers on the council website. I have asked officers to draw up a report to investigate how this can happen, and it is my hope that it will not only improve the operation of the Act but also save officer time in answering questions that have already been asked, and show to the public the nature of the questions that the council is answering on their behalf."*

### Background

3. The Freedom of Information Act (FOI) obliges the council, in response to a written request, to disclose any information it holds, unless it is exempt. The council must also provide a "Publication Scheme", a guide to information routinely published, the purpose of which is to deflect requests towards the published source and so save officer time.
4. In March 2010 options for publishing requests and replies were considered in detail by officers, but more time was requested and agreed to explore options more fully to assess cost and effectiveness. Broadly, the work has demonstrated that greater effort and resources would permit better openness and transparency. The crucial factor is the ease with which an enquirer can find out whether the information he or she wants has already been provided. Unless it is very easy and well promoted, an enquirer will simply make his or her request without checking the web-site first, and allow council officers to do

the searching. If this happens, no efficiencies or savings will have been realised by publishing.

### Consultation

5. The council's Web Manager and the Project Manager dealing with the council's document imaging and management project have offered advice about the practical implications and costs of the options set out below.

### Options

6. Option 1. Use Documentum (the council's records storage and management system) as a publicly accessible information resource, in line with proposals to standardise FOI processes across the council, and the strategy of making Documentum the Council's default records store.
7. Option 2. Publish a monthly web page listing of all FOI questions answered in that month, each linked to a pdf with the response. Key words are listed below the question so that the browser can locate them.
8. Option 3. Publish only FOI questions, with an offer to provide the actual reply on request. A copy of all correspondence to be kept centrally so that any such requests can be answered without reference back to the service concerned.
9. Option 4. Do nothing

### Analysis

10. **Option 1:** The Documentum facility, currently being implemented by the More for York Programme, is capable of storing all correspondence on each enquiry, including the initial request and the eventual disclosure. It is possible to configure the public website to provide access to it, so that the search facility within Documentum can be used by a public enquirer to search for key words related to the information he or she wants. Access controls can be so configured that the enquirer only gets the questions and answers (and not, for instance, any exempt material discussed in internal correspondence).
11. This would be an elegant solution. It would be consistent with the council's overall strategy of using Documentum as its principal store of electronic records. However the special configuration would require development time and would have to be added to the More for York Programme plan. This has been discussed with officers within the Programme and is considered to be achievable.
12. There would be an ongoing cost in making separate the public and exempt material, especially if the name of each enquirer is to be withheld, and documents are to be edited to council publishing and security standards. This would require up to 4 hours of officer time per week to prepare the documents, amounting to approximately £5,000 per year. The additional cost could be funded only by making efficiencies in other work areas, yet to be identified.

13. Any alternative searchable catalogue or index of enquiries would require special development, also at significant cost.
14. **Option 2** lies in between the options 1 and 3 in terms of functionality and the time needed to establish and test the system. "Searchability" would be limited and likely to locate many irrelevant entries, and therefore could fail to deflect enquiries from officers. The on-going cost would be comparable to that of Option 1.
15. **Option 3**, by contrast, could be carried out within existing resources. The answer would be readily available through contact with officers (saving the searcher time in searching for the answer on-line), although responding to the enquiry could consume extra officer time. No additional time would be needed to ensure material to be published (i.e. meets the council's accessibility standards and so on). This tends to be the option currently offered by other councils, including North Yorkshire County Council.
16. Option 3 can be introduced quickly within imminent timescales for other transparency initiatives, including publishing payments of over £500 and new information about large contracts.
17. **Option 4** is not considered to be sustainable as this would be working against the council's desire for greater transparency and efficiency relating to the publication of its information.
18. With regard to Options 1 to 3, the intention would be to at least categorise, if not name organisations making FOI requests. Requests by individual persons would be categorised as such, as their identity is protected under the Data Protection Act.

### **Corporate Priorities**

19. This report contributes to the overall effectiveness of the council's governance and assurance arrangements contributing to an 'Effective Organisation'.

### **Implications**

20.

- (a) **Financial** – the additional administrative work which would arise as a result of adopting Options 1 and 2 would need to be absorbed within existing staff resources (i.e. through efficiency savings). There would also be no other cost implications arising from the use of the council's public website for this purpose.
- (b) **Human Resources (HR)** - There are no implications.
- (c) **Equalities** - There are no implications.
- (d) **Legal** –The outcomes from this report will improve public access to information held on the council's website and improve transparency of its

operations in accordance with the spirit of the Freedom of Information Act.

- (e) **Crime and Disorder** - There are no implications.
- (f) **Information Technology (IT)** - There are no implications other than the need to maintain additional material on the council's website.
- (g) **Property** - There are no implications.

### **Risk Management**

- 21. The options presented in this report are intended to reduce the amount of officer time used in responding to FOI requests, and introduce no new risk. It is anticipated that the publication of FOI requests will ultimately result in the reduction of the number of requests that are made and reduce the risk of criticism or intervention from the Information Commissioner.

### **Recommendation**

- 22. Members are asked to approve a combination of Options 1 and 2 at paragraph 6 and 7 above as part of the improvements to transparency, and to FOI processes contained within the MoreforYork Programme. Option 1, will provide the longer term solution and should be available in 2011. In the interim as per Option 2, a web page can be published periodically carrying links to PDF versions of the enquiry and response. This will have less functionality, but allow, for a faster move to transparency.

#### *Reason*

*To ensure the council acts with maximum openness and transparency and provides as much information as possible within the resources available to it.*



**Contact Details**

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**Chief Officer Responsible for the report:**

Ian Floyd

Director of Customer & Business Support Services

Telephone: 01904 551100

**Report Approved**

**Date** 7/9/10

**Specialist Implications Officers**

Assistant Director of Customer & Business Support Services (Finance)

Head of Civic, Legal & Democratic services

**Wards Affected:**

All

**For further information please contact the author of the report**

**Background papers**

None

**Annexes**

None

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**Executive**

21st September 2010

Report of the Director of Communities and Neighbourhoods

**Target Hardening Funding allocations 2010/2011****Summary**

1. The purpose of this report is to seek approval for the proposed allocation of the 2010/11 Target Hardening fund.

**Background**

2. The Target Hardening fund is a pool of funding (£40k per annum) held within the Neighbourhood Management Unit which is used to improve performance at Ward level in relation to crime reduction. The process for allocation of the Target Hardening funds and the criteria to be met was determined at a meeting of the Executive Member for City strategy on 26<sup>th</sup> March 2007 – “Target Hardening Budget Allocation”. Essentially, the Target Hardening budget is used to support physical improvements to reduce crime and not revenue based activities, and it is expected that the application is supported by match funding. There are two ways to access the Target Hardening fund.
  - Ward committees which require financial assistance in developing and implementing target hardening schemes in their area can submit an application.
  - Safer York Partnership task groups are also eligible to apply for Target Hardening funding. If a particular project is local or ward based, then the proposed scheme is first discussed with ward members.

**Target Hardening Applications**

3. The 2010/11 Target Hardening fund has attracted applications for funding which totals more than the £40k funds available. In previous years there has been sufficient budget to take forward all eligible bids meeting the criteria albeit that on occasion the funding allocated may have been slightly reduced and alternative funding sources identified in order to progress all eligible schemes. Similarly in the current financial year alternative funding sources have been sought in order to try and implement all eligible schemes in order to gain the maximum impact in terms of targeting hardening/crime reduction. This year however, even with match funding from Trading Standards Proceeds of Crime

Awards, Ward Committees, SYP Burglery Task Group and other sources, it has not been possible to balance all the schemes which meet the criteria with the funding available. As such, it is recommended that some schemes are approved, but put on a 'reserve' list should additional funding become available. All Target Hardening fund applications 2010/2011 and corresponding funding recommendations are detailed in Annex One, Two and Three.

- Annex One shows schemes that do not meet the Target Hardening criteria and therefore should be rejected.
- Annex Two shows schemes that do meet the criteria and for which approval is recommended.
- Annex Three shows schemes that meet the criteria but for which it is recommended they are placed on a 'reserve' list following further investigation and should funding become available.

### **Consultation**

4. All potential 2010/11 Target Hardening schemes which meet the criteria have approval from the relevant ward committee.

### **Options**

5. **Option 1** - To agree the allocation of the 2010/11 Target Hardening fund 2010/2011 as detailed in Annexes One, Two and Three including schemes indicated as reserves, to be taken forward following further investigation and should funding become available.
6. **Option 2** - To amend the allocation of the 2010/11 Target Hardening funds.

### **Analysis**

7. Option 1 – The allocation of the 2010/11 Target Hardening fund as detailed at Annex One would facilitate immediate commissioning and as the schemes require external installation, would offer the opportunity to take advantage favourable weather conditions before the onset of Winter. This would also allow maximum benefit to be achieved from the Target Hardening schemes in the current financial year.

Option 2 – Any amendments in allocation would require further investigation, which may cause delays in implementation.

### **Corporate Priorities**

8. The Target Hardening fund contributes to the 'Safe City' element of the corporate strategy. The allocation of Target Hardening funds also contributes to meeting the individual ward committee ambitions of the Ward Neighbourhood Action Plans as 17 out of the 18 ward committees have chosen community safety as a ward priority.

## Implications

- (a) **Financial:** There are no financial implications beyond the allocation of the 2010/11 Target Hardening fund.
- (b) **Human Resources:** There are no human resources implications.
- (c) **Equalities:** There are no equalities implications.
- (d) **Legal:** There are no legal implications.
- (e) **Crime and Disorder:** There are no crime and disorder implications beyond the contribution that the Target Hardening makes to the crime reduction agenda.
- (f) **Information Technology (IT):** There are no IT implications.
- (g) **Property:** There are no property implications.
- (h) **Other:** There are no other implications.

## Risk Management

- 9. There are no risks associated with the recommendations of this report.

## Recommendations

- 10. That the Executive agree the recommendations for allocation of the 2010/11 Target Hardening fund as detailed in Annexes One, Two and Three.

Reason: To ensure that the budget is effectively utilised to fund community safety projects in the wards, with a view to reducing or minimising the risk of crime or tackling the fear of crime.

## Contact Details

### Author:

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Tel no. 551834

### Chief Officer responsible for the report:

Andy Hudson  
Assistant Director  
(Neighbourhoods and Community Safety)

Report Approved

Date 9<sup>th</sup> September 2010

### Specialist Implications Officer(s)

None

### Wards Affected:

All



For further information please contact the author of the report

**Background Papers:**

Meeting of the Executive member for City Strategy – Target Hardening Budget Allocation Report 26<sup>th</sup> March 2007

**Annexes:**

Annex One: Target Hardening schemes that do not meet the Target Hardening criteria and therefore should be rejected.

Annex Two: Target Hardening schemes that do meet the criteria and for which approval is recommended.

Annex Three: Target Hardening schemes that meet the criteria but for which it is recommended they are placed on a 'reserve' list.

Not Approved

Annex One

Ref no	Projects approved	Amounts bid for	Ward	Project Details	Source of request	Notes	Amount Awarded	Match Funding
TH-10-02	Not approved	£3,000.00	Acomb	<b>Bollards Outside Carr Junior School</b> - to install bollards to prevent vehicles from parking on the grass verge which presents a hard in terms of vehicular and pedestrian safety particularly to school children on their way to and from Carr Primary School. No Match Funding	Acomb Ward Team via Julie Hood	This scheme to be referred to Safer Routes to School/TPU as a safety scheme.	£0.00	£0.00
TH-10-06	Not approved	Full costs unknown without street lighting designs being undertaken	Strensall	<b>Improved street lighting Strensall</b> - improved street lighting in the following areas: 1) the railway bridge area at the end of Durlston Drive and Melcombe Avenue. 2) The wooded area between Middlecroft Drive and Westpit Lane and reinforced doors lighting and CCTV for the Village Hall. No Match Funding	PC Dobson Strensall Safer Neighbourhoods Team	Does not meet Target Hardening Fund Criteria as proposal not approved at Ward Team.	£0.00	£0.00
TH-10-10	Not approved	£3,650.00	Dringhouses & Woodthorpe	<b>Leeside Park Gate Closing</b> - To provide a gate locking service to Leeside Park	Matthew Ward for Dringhouses & Woodthorpe Ward Team	Does not meet Target hardening Fund criteria as request is for revenue funding.	£0.00	£0.00
TH-10-13	Not approved	£3,805.00	All	<b>Cold Calling Controlled Zones/Neighbourhood Watch Partnership</b> - A sign incorporating the cold calling controlled zones and the neighbourhood watch sign will be created to fix to the lamppost identifying the area as being involved in both schemes, amalgamating these two schemes will become cost effective, save on the length of time required to set up the schemes and reduce street furniture. Cold calling controlled zones/ neighbourhood watch scheme partnership. match funding in kind in the form of the administration of the project.	Dawn Clarkson In conjunction with Safer York partnership	This scheme rather than direct target hardening, rather rationalises signage.	£0.00	£0.00
TH-10-19	Not approved	£400.00	Fishergate	The Retreat graffiti prevention project. To plant 35 pyracantha/hawthorn bushes to prevent access to an exposed wall and thereby deter further graffiti damage. This would be supported by York Pride for the removal of the existing graffiti and to improve the condition of the wall.	Toby Knight for Fishergate Ward Committee	Does not meet Target hardening Fund criteria as request is for revenue funding.	£0.00	£0.00

Approved for Funding

Annex Two

£39,970=base budget

Ref no	Projects approved	Amounts bid for	Ward	Project Details	Source of request	Notes	Amount Awarded	Match Funding
TH-10-01	Recommend Approval - subject to budget availability	£12,750.00	Acomb	<b>Fencing Alleyway between Jute Road and Beckfield Lane</b> - Closure of 1 arm of the alleyway between Jute Road and Beckfield Lane. Provide a galvanised steel fence to both sides of the alleyway to provide improve cleaning and improved security to properties adjoining the alleyway. £10,000 Proceeds of Crime funding identified to match fund. Resident consultation work has already taken place.	Acomb Ward Team via Julie Hood	This scheme could not be split as whole thing needs to be undertaken in order to address residents concerns about antisocial behaviour and security of properties immediately adjacent to the alleyway. Consultation has been undertaken with residents so scheme could start immediately following consultation.	£2,750	£10,000
TH-10-04	Recommend Approval - Priority	£4,500.00	Dringhouses & Woodthorpe	<b>CCTV at Wains Grove Shops</b> - to address antisocial behaviour from groups of young people and others. Local Shopkeepers are supportive of the scheme proposal. £3,000 match funding from the ward committee.	Matthew Ward for Dringhouses & Woodthorpe Ward Team	Recommend Approval as scheme meets all target Hardening Criteria, offers match funding and previously not an area heavily supported through the fund.	4,500	£3,000
TH-10-05	Recommend Approval - Priority	£5,750.00	Heslington & Fulford	<b>Improvements to street lighting at Eastward Avenue in Fulford.</b> This cul- de- sac is predominately occupied by the older generation and the current street lighting is out of date and not as efficient as modern lighting. £500 match funding from ward committee.	Heslington & Fuford Ward Team via Toby Knight	Recommend Approval as scheme meets all target Hardening Criteria, offers match funding and previously not an area heavily supported through the fund. With the caveat that opportunities to tie in with other street lighting schemes in the area or improvements to street lighting efficiency measures should be explored.	£5,750.00	£500
TH-10-08	Recommend Approval - Priority	£5,313.74	Westfield	<b>Acomb Green Street Lighting</b> -To improve the streetlighting outside the former Knavesmire Nursing Home. Match funding from ward committee in that the street lighting design was commissioned and paid for in 09/10	Julie Hood for Westfield Ward Team	Street lighting design already in place so scheme could be ordered immediately following approval. With the caveat that opportunities to tie in with other street lighting schemes in the area or improvements to street lighting efficiency measures should be explored.	£5,313.74	£0.00
TH-10-09	Recommend Approval - Priority	£15,312.00	Westfield	<b>Bachelor Hill Security Measures</b> - To continue the fencing previously funded by Target Hardening in order to enclose the area of Bachelor Hill to reduce antisocial behaviour and fly tipping. No match funding other than this is part of a larger scheme which has been done in part year on year.	Julie Hood for Westfield Ward Team	This scheme is to complete another section of the incremental fencing of the area. As this is to contribute to an existing ongoing scheme work could be ordered immediately following approval and therefore could be progressed quickly. Recoomend approval to progress this incremental scheme and to meet resident expectations.	£15,312	£0.00
TH-10-14	Recommend Approval - Priority	£1,500.00	Clifton	<b>Hambleton Terrace Alleygating Schemes</b> - To contibute towards the alleygating schemeplanned for the Hambleton Terrace area during 2010. Through analysis of the areas and previous burglary projects a number of streets have been identified where rear access burglary is a problem. These streets have been assessed as suitable for alleygating. Total cost of scheme £7,000 Match funding agreed from the SYP Burglary Task Group (£3,500) and Clifton Ward Committee (£2,000)	Ian Cunningham/Tanya Lyon on behalf of The Burglary Task Group	Recommend Approval as scheme meets all target hardening criteria and offers significant match funding.	£1,500	£5,500
TH-10-16	Recommend approval - priority	£1,050.00	Guildhall	<b>Union Terrace Wall.</b> Residents have raised the issue of antisocial behaviour coming from people sitting on this wall.The SEO, SNPT and Syp have been looking at ways to adress resident concents and design out the identified issue recommendation has been made to reduce the height of the wall, make reparis to the pillar and to create a new top course of bricks which would be laid at angles in order to make the the wall awakward and uncomfortable to sit on.	Suzanne Prance on behalf of SYP/Guildhall SNPT	Recommend Approval as priority as scheme meets all target hardening criteria and attracts match funding.	£1,050.00	£300
TH-10-17	Recommend approval as reserve scheme to be reviewed subject to budget availability	£180.00	Fishergate	<b>Fenby Field Cycle Barrier.</b> To make modifications to the existing barrier by adjusting the width of the barrier plates as residents have reported that the barrier is not effective in preventing discouraging motorcycle/scooter users from bringing their vehicles onto the field.	Toby Knight for Fishergate Ward Committee	Small scheme no match funding	£180.00	£0.00
							<b>£36,356</b>	<b>£19,300</b>






Approved as a Reserved Scheme

Annex Three

Ref no	Projects approved	Amounts bid for	Ward	Project Details	Source of request	Notes	Amount Awarded	Match Funding
TH-10-03	Recommend approval as reserve scheme to be reviewed subject to budget availability	Full costs unknown without street lighting designs being undertaken	Haxby & Wigginton	<b>Haxby &amp; Wigginton Street Lighting</b> - For provision of improved street lighting and where appropriate tree/bush pruning/trimming to allow more light into 3 specific footpath areas: 1) Footpaths around Headlands Primary School. Little Meadows, Ryemoor Road end with path coming out onto Sandy Gap 2) Footpath from Wheatland Lane down the side of Jubilee Court and Little Meadows. 3) Buttstees footpath that leads from the rear of Belfrey Court, Wigginton and runs alongside the Haxby & Wigginton Health Centre and ends on The Village next to the Cottage Pub. No Match Funding	PC Dobson Haxby & Wigginton Safer Neighbourhoods Team	This scheme to be held in reserve to be reviewed should funds become available and in the meantime any potential tie in with planned street lighting schemes in the area should be investigated.	£0.00	£0.00
TH-10-07	Recommend approval as reserve scheme to be reviewed subject to budget availability	£925.00	Westfield	<b>Security measures to Car Park behind The Gallops</b> - To build a fence in the position of the previous wall in the Carpark which serves 14 -32 BellHouse Way and 2 - 12 The Gallops to prevent the area being used as a cut through for both vehicles and pedestrians. The proposal also includes signage to deter vehicle access and security measures to deter people from running through gardens from the car park area. No match funding.	Julie Hood for Westfield Ward Team	Small scheme recommend reserve scheme whilst any efficiencies with larger priority schemes assessed and position reviewed subject to budget availability.	£0.00	£0.00
TH-10-11	Meets criteria for funding however alternative funding may negate need for 2010/2011 funding	£14,700 at reduced amount of £11,050	Heworth	<b>Monkton Road Playbuilder Fencing</b> -To install lockable fencing to the newly installed Playbuilder Play Area on Monkton Road to restricting access at certain times (after dark) to deter incidents of antisocial behaviour. No match funding.	Matthew Ward for Heworth Ward Team	Application includes a revenue element which if removed would not prevent the scheme from going ahead. So revised application should read £11,050 No opportunity to undertake the scheme in sections as whole play area needs to be contained. Scheme to be considered as part of issues to address antisocial behaviour/crime in the area including the consideration of CCTV cameras and the implementation of community capacity building/cohesion work which is being externally funded and therefore a reserve target hardening scheme 2010/11.	£0.00	£0.00
TH-10-12	Recommend approval as reserve scheme to be reviewed subject to budget availability	£2,300.00	Fishergate	<b>Alma Grove/Fulford Road bus shelter alterations</b> - To move the current bus shelter on the junction away from its location by a wall which is used by young people to climb onto the roof of the shelter and cause damage, use it a vantage point from which to display intimidating behaviour.	Toby Knight for Fishergate Ward Committee	Reserve scheme as currently neither option of either moving the bus shelter or the service box will provide a comprehensive solution so needs further investigation	£0.00	£0.00
TH-10-15	Recommend approval subject to budget availability	£3,000.00	Acomb Hull Road	<b>Olympian Court/Sovereign Park Bike Sheds.</b> During 2009/10 Safer York Partnership in conjunction with NYP, CYC and Trinity Estates have been attempting to improve security of Cycle Sheds on Olympian Court Hull Road. This funding would facilitate work to include to further CYC bin stores not included in the previous project but on the same site. Work would also include signage, fitting of gates and securing cycle racks.Should any monies remain after this work is complete then the project would focus attention on Sovereign Park in Acomb which has the same style of bin and bike stores. Match funding in that rest of project already undertaken.	Ian Cunningham/Tanya Lyon on behalf of The Cycle Theft Group	Further investigations into land ownership for confirmation that CYC responsibility. Initially Sovereign Park element discounted as not CYC responsibility. Reserve sche to investigate potential availability of secure cycle parking from other sources and to check costs without Sovereign Park element of the scheme.	£0.00	£0.00

TH-10-18	Recommend approval as reserve scheme to be reviewed subject to budget availability	Scheme not costed	Fishergate	<p><b>Fenby Field Fence.</b> To repair or replace the boundary fencing. Several wooden slats have been removed, likely by people cutting through gardens to reach the field rather than having to walk around to the official entrance. Residents are concerned about the vulnerability of property and damage is being caused to flowers and the fence.</p>	Toby Knight for Fishergate Ward Committee	Reserve scheme to be reviewed subject to budget availability to allow opportunity for scheme to be priced up and alternative funding sources to be investigated.	£0.00	£0.00
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<b>Executive</b>	21 <sup>st</sup> September 2010
Report of the Head of Civic, Democratic and Legal Services	

## Changing Executive Arrangements

### Summary

- 1.1 This report advises Members of the results of the public consultation on changes to the Council's executive arrangements. The report seeks a recommendation from the Executive to Council in respect of the new arrangements which the Council must adopt.

### Background

- 2.1 At its meeting on 6<sup>th</sup> July 2010 the Executive received a report on the new executive arrangements introduced by the Local Government and Public Involvement in Health Act 2007. The report advised that the Act required the Council to resolve by 31 December 2010 to change to one of two model forms of executive, namely:

- an elected mayor and cabinet
- a "new-style" leader and cabinet

Under the new style of Leader and Cabinet:

- The leader is appointed for his current term of office as a Councillor rather than appointed annually. It is though possible to make provision in the Constitution for the Council to be able to remove the leader earlier;
- The leader rather than the Council determines the size of the executive;
- The leader rather than the Council appoints the members of the executive and can remove them at any time;
- The leader must appoint one member of the executive to be deputy Leader who will act as leader if the Leader is unable to act. The deputy leader's term of office will be co-terminus with that of the leader (provided that the deputy leader remains a councillor). However, the leader can remove the deputy leader from office;
- The leader and not the Council will determine the arrangements for the delegation of executive functions.

With one important difference the powers of the leader and those of an elected mayor are the same.

- 2.2 The key difference in terms of powers is that under the leader and cabinet model, the executive recommends the budget and strategic policies to the Council which may approve, amend or overturn them by a simple majority. Under the mayor and cabinet model, the executive submits the budget and strategic policies to the Council. Council can only amend or overturn the proposals by a two-thirds majority.
- 2.3 The other significant difference is that an elected mayor (unlike the leader) is not a councillor and would be directly elected by the whole city electorate rather than having his/her own ward.
- 2.4 Shortly before the Executive considered the July report it became apparent that the Government intended to change the law to enable Councils to return to a Committee system if they so wished. The Government has also indicated an intention to abolish the requirement to elect a Leader for four years.
- 2.5 Unfortunately the requirement to adopt new arrangements is set out in primary legislation and without those provisions being repealed the process must be followed through even though within a year or so alternative arrangements may be available.

### **The Consultation Exercise**

- 3.1 By law “**Before** drawing up its proposals” for change to the form of the Executive, the Council “must take reasonable steps to consult the local government electors for, and other interested persons in” the Council’s area.
- 3.2 There is though no specific form or period of public consultation prescribed by law. In addition the Department for Communities and Local Government had previously decided not to issue any Guidance on the subject.
- 3.3 Following the Government’s announcement of their legislative intentions though the Minister for Housing and Local Government wrote to Councils indicating that the Government’s expectation, in light of the circumstances, was for consultation at minimal cost. Specifically the Minister suggested that: “no more than a small newspaper article/advert or press release on your website may be proportionate and right in these circumstances”.
- 3.4 In fact the Council’s consultation has gone further than the minimal level suggested by the Minister (although still at minimal cost). It has included:

- An online consultation which ran from 16<sup>th</sup> July to 1st September 2010
- An informative at Ward Committee meetings
- A notice in the Central Library
- Detailed articles in the York Press on the 31<sup>st</sup> July and 28<sup>th</sup> August
- An article in the staff newsletter – News and Jobs
- Consultation with WOW Board Members
- Briefings to Councillors

3.5 The consultation resulted in 52 online responses and one letter. To put that in context when North Yorkshire County Council undertook their consultation exercise (counties having implemented the new arrangements in 2009) they received sixteen responses. Low response levels to these consultations (in some cases in single figures) have been the pattern in most areas where new arrangements have already been implemented.

3.6 In summary the results of the consultation were that 33 respondents supported a Leader and Cabinet Executive, 18 an elected Mayor and Cabinet and two made comment but did not formally express a preference (although in case the comments may be interpreted as support for the elected Mayor option). Where comments were made these have been included in Annex one to the report which also includes an extract from the one letter received.

### **Time-table and transitional arrangements**

4.1 There is a two stage decision making process. The Council must first agree and publish draft proposals. These must include:

- A time-table with respect to implementation of the proposals and
- Details of any transitional arrangements that are necessary for the implementation of the proposals.

4.2 The Council must then formally resolve at a special meeting to change its governance arrangements. It is proposed that the Council meets make this decision on the 9th December 2010, the date of the scheduled Council meeting.

4.3 The Council must stop operating its current form of Executive and start operating the new form of Executive 3 days after the elections due to be held in May 2011.

4.4 There will therefore be a change-over period before a Leader is formally elected at the annual meeting. In terms of transitional

provisions the proposals could replicate the position which would otherwise have existed and provide for the Leader in office at the time of the elections (if still a Councillor) to remain in place until the annual meeting in 2011.

- 4.5 If the Council were to decide to move to an elected Mayor and Cabinet form of Executive, the Mayor would take office immediately. Given the more significant change in form, further consideration would need to be given to transitional arrangements if the Council were minded to move to this form of Executive.
- 4.6 The draft proposals at appendix 2 provide a suggested time-table and includes the transitional arrangements described above for a Leader and Cabinet form of Executive.

### **Referendum**

- 5.1 The Council may decide that its proposals should provide for the change in form of the Executive to be submitted to approval in a referendum. The results of any referendum would be binding on the Council.

### **Arrangements to remove the Leader**

- 6.1 If the Council is minded to adopt the Leader and Cabinet form of Executive, the Council may also include provisions in its Constitution whereby the Council may remove the Leader from office at any time.

### **Options**

- 7.1 The Executive may recommend to Council that the Council adopt proposals for either of the two forms of Executive described in the report. The Executive may also make recommendations as to whether there ought to be a referendum and whether or not to make constitutional provision for early removal of the Leader.

### **Analysis**

- 8.1 In reaching a decision as to which form of Executive the Council should adopt the Council will be required to consider the results of the consultation exercise. The small sample indicates a preference for a Leader and Cabinet Executive. Perhaps the strongest message though to be gained from the consultations is that the Council's form of governance is not something which particularly troubles York Residents.
- 8.2 The Council is also legally required to:



*...consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the local authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.*

- 8.3 The leadership of the Council is of crucial importance in securing continuous improvement in the exercise of the Council's functions. The City of York is an area with high levels of citizen satisfaction. There is no clear evidence that one model or the other results in better levels of service.
- 8.4 In considering whether or not to have a referendum the Council should have regard to the following:
- The results of the public consultation carried out by the Council.
  - If the Council decides to adopt the Leader and Cabinet form of Executive, this does not prejudice the ability of York residents to make a petition calling for a referendum on whether or not to have an elected Mayor.
  - Significant additional costs would arise if the Council chose to hold a referendum. Although difficult to assess accurately, it seems reasonable to assume that the costs for a stand alone referendum would be equivalent to a General election so in the region of £225,000 to £250,000.
- 8.5 It is unfortunate that the Council is bound to make this change despite knowing that the law is about to change. Preserving the status quo pending that change in the law is not an option but the "new style" Leader and Cabinet Executive comes closest to it.
- 8.6 It would seem appropriate for the Council to reserve the option of removing a Leader during his or her term of office.

### **Corporate Priorities**

- 9.1 The Council's leadership and governance arrangements are central to achieving the objectives within the corporate strategy.

### **Implications**

- 10.1
- **Financial** – reference is made to the report of the significant financial implications if a referendum were held. No budgetary provision currently exists.
  - **(Human Resources (HR))** – no implications.
  - **Equalities** – no specific implications.

- **Legal** – implications are set out in the report .
- **Crime and Disorder** – no implications.
- **Information Technology (IT)** - no implications).
- **Property** - no implications.
- **Other** – none.

### Risk Management

11.1 No specific issues arise.

### Recommendations

The Executive is recommended:

- To make a proposal to Council as to the form of Executive which the Council should adopt.
- To propose that the timetable should be as set out in annex two.
- To propose that the Council should not instigate a referendum.
- That if the Executive is minded to support the Leader and Cabinet form of Executive to recommend that Council make provision in the Constitution for removal of the Leader during his or her term of office and adopt the transitional arrangements set out in annex 2.

Reason: The Council is obliged by law to prepare a proposal as described within this report.

### Contact Details

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		<b>Report Approved</b>	✓	<b>Date</b> 3/9/2010								
<b>Specialist Implications Officer(s)</b> <i>List information for all</i> <table border="0" style="width:100%"> <tr> <td style="width:50%"><i>Implication ie Financial</i></td> <td style="width:50%"><i>Implication ie Legal</i></td> </tr> <tr> <td><i>Name</i></td> <td><i>Name</i></td> </tr> <tr> <td><i>Title</i></td> <td><i>Title</i></td> </tr> <tr> <td><i>Tel No.</i></td> <td><i>Tel No.</i></td> </tr> </table>					<i>Implication ie Financial</i>	<i>Implication ie Legal</i>	<i>Name</i>	<i>Name</i>	<i>Title</i>	<i>Title</i>	<i>Tel No.</i>	<i>Tel No.</i>
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<b>Wards Affected:</b> <i>List wards or tick box to indicate all</i>				<b>All</b>								
<b>For further information please contact the author of the report</b>												

**Background Papers**

None

**Annexes**

Annex One – Consultations responses

Annex Two – Draft proposals for change to Executive Arrangements

## Annex One

### Consultations responses

**Which of the following options do you support? Please explain the reasons for your chosen option.**

A leader and Cabinet Executive	To limit the power of an elected mayor
An elected Mayor and Cabinet Executive	<p>Currently we have no idea at election time who is likely to be leader or who the cabinet will be and what their policies might be. This way we can vote directly for the Mayor and his/her policies.</p> <p>I do not like either suggestions as both diminish the individual powers and responsibilities of the elected representatives. What is needed are City Councillors who are elected because of their knowledge, intelligence and wisdom; not their party political allegiance.</p>
A leader and Cabinet Executive	I do not believe that a single individual can successfully represent the diversity of views and interests in the city and a period of four years is too long if things do not go well. Leaders are primus inter pares and tend to operate in a different way to those who are directly elected whether or not in a silly costume.
An elected Mayor and Cabinet Executive	I think there is no real connection between voters and the "management" side of the city council under present arrangements, and relatively few people bother to vote for councillors in any case. If a mayor stood on a manifesto for direct election, he would then be directly answerable as to how he delivered (or not) and there would be a much greater incentive to turn out and vote in an election for such a mayor.
A leader and Cabinet Executive	The Council is already a body chosen by election. Let them get on with what they are elected to do.

A leader and Cabinet Executive	I elect my members of the council to represent my interests but work with others who understand the subtleties of policy and details of budget to work on my behalf - which includes the ability to decide leader and cabinet and replace them if they choose. A directly elected mayor may not be replaced by the councillors and is more likely in my opinion to be populist than competent at policy.
A leader and Cabinet Executive	I worry about populist and possibly incompetent mayor being elected. As was the case with Doncaster and Hartlepool
An elected Mayor and Cabinet Executive	This is the more democratic option and it gives more power to the citizens of York as we will have a choice of who are council leader is. By having a Mayoral election, like the one they have in London the council will have to answer to the people more and we will have a choice on how our city is run and who is running it.
An elected Mayor and Cabinet Executive	We can remove an elected mayor from office
An elected Mayor and Cabinet Executive	Direct election is better than the behind closed doors dodgy dealing we see now
An elected Mayor and Cabinet Executive	Power should always be in the hand of the people at elections
A leader and Cabinet Executive	The leader of the council must be answerable to the electorate. An elected mayor who cannot be removed for four years does not satisfy this fundamental requirement. A leader who can be removed (albeit by full council vote) provides a flexible scenario and satisfies the above requirement. An elected mayor will confuse the public of York. We already have a mayor in the Lord Mayor who performs an entirely different role. An elected mayor system provides for cumbersome budget review if ever needed - with 2/3 vote required to overturn. This is not what we need - we need to be as nimble as we can be in these uncertain times.

An elected Mayor and Cabinet Executive	I have a strong preference for an elected Mayor, based on my desire for greater accountability for local government decisions and a more transparent decision making process. The present situation is unsatisfactory, as key decision makers such as [a Councillor ] are accountable to the Ward of the City which elected them, and then only for decisions affecting voters of that Ward. For example, Councilor [ ] is not held to account by voters in other Wards of the City who were adversely affected by his decisions and their implementation (and there have been several of these).
A leader and Cabinet Executive	this option seems to have more flexibility, but I don't want the Lord Mayor status to be lost in York as this is so good for the tourist population, and once lost it will be gone for ever.
A leader and Cabinet Executive	Avoids any clashes between the mayor and the Council
An elected Mayor and Cabinet Executive	so people of York can have a say in who leads the Council
A leader and Cabinet Executive	The Lord Mayor of York is an honorary position given to a deserving Councillor. It should not depend on politics.
A leader and Cabinet Executive	I feel that the current system works well and holding additional elections would be an unnecessary expense.
A leader and Cabinet Executive	I don't like the idea of an elected mayor being unaccountable to elected members for 4 years and I don't like the idea of a mayor being separately voted on.
An elected Mayor and Cabinet Executive	We need a CEO who is not affiliated to any party or subject to the ruling group's whims.
A leader and Cabinet Executive	Neither is particularly democratic but leader and cabinet is more accountable
A leader and Cabinet Executive	To maintain the Status Quo which works very well. A figure head of a lord mayor elected from the councillors, with an executive leader and an executive committee

A leader and Cabinet Executive	All members should be elected and not handpicked - it would just be one more layer of government at a time we are trying to cut back public spending
A leader and Cabinet Executive	Option 2 is essentially what we have now. A Mayor would have to be a populist possibly without the support of any Councillors
An elected Mayor and Cabinet Executive An elected Mayor and Cabinet Executive	The opportunity to bring someone in from outside party politics Having lived in London, I can see the value and opportunity an elected executive can bring. This should help make decision-making more democratic and accountable. The general trend is towards elected Mayors as citizens generally demand a say in the way their city is run.
A leader and Cabinet Executive	Saves money and costs of yet one more badly supported election
A leader and Cabinet Executive	The idea of a directly-elected mayor is an outrage. What is the point of having 47 representative Councillors if there is a separate Mayor with extensive powers, especially over the budget ? And what happens if some maverick wins on the basis of a populist campaign ? One particular danger would be an attack on sensible Council projects coupled with cuts in Council Tax, leading to the sort of mess that California is now experiencing.
An elected Mayor and Cabinet Executive	Too much bureaucracy at present and an elected Mayor would have the power to approve things a lot quicker, as well as being accountable for his/her actions.
An elected Mayor and Cabinet Executive	I think a mayor should be voted by local people
A leader and Cabinet Executive	I am not very happy with either choice, but a leader and cabinet executive seems the least of the evils, and nearest to the present reasonable arrangements. A mayor elected by the whole community presupposes that the electorate knows the candidates well enough, and an election campaign that could easily not reveal the best person for the job. I am very concerned that most people in York have no idea about this consultation, and it seems those without computers are disenfranchised

An elected Mayor and Cabinet Executive

An elected Mayor is more democratic than having a leader 'selected' by councillors. Would also present opportunity to scrap current ceremonial post which is waste of taxpayers money.

A leader and Cabinet Executive

Having an election will only mean another expense

A leader and Cabinet Executive

Neither appear very democratic. Preferable of the two.

An elected Mayor and Cabinet Executive

worked fine for years

The present system with a leader elected by a majority of councilors has a democratic deficit. The policies and decisions of the leader and executive can be decided without consultation with the elected councilors. Such consultation may or may not take place since it depends on whether the political parties have a protocol and enforce it. The requirement for the leader to consult elected councilors on policy and decisions should be written into the empowering act, not left to the whim of the political parties. The current system where the leader can act behind a political caucus deprives the electorate of the power to influence policy through the councilors which they have elected. An elected mayor is directly responsible to his electorate, for any departure from or doubtful interpretation of the policies which he presented as the platform for his election

A leader and Cabinet Executive

I am concerned about the possible additional costs of holding an election for a Mayor and think the current approach is adequate. I prefer that the position of Mayor continues to be an honorary role, with benefits for the city in terms of tourism and raising the profile of the city's charities. Some elected mayors have not served their communities well and I wouldn't want York's image to be tarnished in a similar way

A leader and Cabinet Executive

I do not want to lose the current status that York has with a Lord Mayor who performs his/her role admirably. An elected mayor is bound to have a negative effect on this post.

A leader and Cabinet Executive

Important that leader is elected annually. Leader should have clear understanding of all York's policies - not be some single-issue obsessive!



A leader and Cabinet Executive

Putting a large amount of executive power into the hands of an elected mayor, who is not held in check by an elected council of which (s)he is a member, leads to arbitrary and irresponsible decision-making which can adversely affect the lives of residents without providing them with any early opportunity to seek redress via their local councillor. The personal qualities of the sort of people who seek this relatively unaccountable position of power can also be very questionable. Locally, here in York we have a historic post of Lord Mayor which would be sidelined and probably jeopardised by the appointment of an elected mayor.

An elected Mayor and Cabinet Executive

The introduction of a directly elected mayor would (if coupled with the necessary executive powers to enable the mayor to drive forward their manifesto commitments) potentially lead to greater accountability of the executive to the people of York. Unlike the present arrangements, there would have to be a clear election platform on which a successful candidate could then be judged and subsequently voted out if found wanting. A successful candidate would need to appeal to the wider York electorate and therefore have a vision for the city as a whole rather than simply be returned for a particular ward. There is also a general apathy towards local government, which is reflected in low turnout at local elections. The introduction of direct democracy has the potential to change this and invigorate local authorities. The expenditure of the council already covers payment for executive functions and a cabinet. Accordingly, whilst there would inevitably be additional costs associated with holding a mayoral election (which themselves could be minimised if held simultaneously with council ward elections) in assessing the overall net increase in costs of having a directly elected mayor it would be necessary to deduct the substantial amount of money that is already being spend under the current system on executive functions (which should either be transferred across to the mayor's office or abolished to avoid unnecessary duplication). In addition, it is likely that with the increased accountability of a directly elected mayor there would be increased political pressure to reduce council tax/business rates bill and therefore there would be an added impetus to further reduce administrative costs and find new efficiency savings. The existence of a directly elected mayor need not be mutually exclusive to the continuance of the traditional ceremonial role of the Lord Mayor.

A leader and Cabinet Executive

Personally I prefer our present system with a separation between the ceremonial and host aspects of the city's life, a person chosen as now, on a party rotation system, and the very responsible and demanding task of the Chief Executive, selected after careful advertising and interviewing as the person most likely to be able to fulfil this role. In other words please do not risk York being represented by a Borsari Johnson! Or even his predecessor.

**Annex2****Draft Proposals for change to Executive Arrangements**

1. The Executive form of the City of York Council should be “new style” Leader and Cabinet Executive (England)
2. The Council should have the power to remove the Leader by way of resolution by a simple majority.
3. No referendum should be held.

**Transitional Arrangements**

4. The Leader of the City of York Council who is in office at the time of the local elections on 5th May 2011, should remain in office until the Annual Meeting of the Council following the election.
5. The Scheme of responsibility for the Council’s Executive and local choice functions in the Council’s Constitution at the time of the Local Elections on the 5th May 2011 should remain in force until such time as they are amended by the Council’s new administration.

**Time-table**

6. The time-table for the implementation of the City of York Council’s proposals is set out below:-

Report on outcome of public consultation to Executive	21 <sup>st</sup> September 2010
Report on outcome of public consultation to Audit and Governance Committee	29 <sup>th</sup> September 2010
Report to Council and approval of draft proposals	7 <sup>th</sup> October 2010
Publication of Draft proposals	October/November 2010
Special Council meeting to agree new governance arrangements	9 <sup>th</sup> December 2010
Publicise new arrangements	Mid December 2009
New form of Executive comes into operation (and constitutional amendments implemented).	3 days after local elections 6 May 2010
Leader elected (if Council decides to accept Leader and Cabinet form).	First Annual meeting of Council after elections

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**Executive****21 September 2010**

Report of the Interim Director of Public Health and the Director of Adults, Children and Education

**JOINT STRATEGIC NEEDS ASSESSMENT FOR YORK****Summary**

1. This paper introduces the Joint Strategic Needs Assessment (JSNA) for York and asks members to accept the report, make recommendations for how those recommendations which relate to City of York Council should be taken forward, in the context of likely changes to the council's health and wellbeing responsibilities.

**Background**

2. Joint Strategic Needs Assessment is a process that identifies current and future health and wellbeing needs of a local population, informing the priorities and targets and leading to shared commissioning priorities that will improve outcomes and reduce health inequalities.
3. The Local Government and Public Involvement in Health Act (2007) places a duty on upper tier authorities and PCTs to undertake Joint Strategic Needs Assessment (JSNA). Specifically the expectation is that the Directors of Adult Services, Children's Services and Public Health should jointly lead the process, in collaboration with Directors of Commissioning and should be responsible for presenting the findings and recommendations.
4. This JSNA is produced at a time of considerable changes in policy and organisational roles/arrangements. A growing number of councils and PCTs are becoming interested in the potential for greater integration between their organisations. Mounting pressure on resources, increased demand on public services and the need to improve outcomes are all key drivers towards integration. Working more closely with partners will be an attractive and potentially vital part of achieving outcomes more effectively and using resources more efficiently. Integration also opens up the potential for efficiency savings to be realised in a variety of ways; through better joint commissioning and more joined up delivery of services as well as through organisational and structural changes. The White Paper "Equity and Excellence: Liberating the NHS" published on 12 July is described by many as the most important redirection of the NHS in more than a generation. New roles for GP consortiums in commissioning services and with the abolition of

PCTs an expanded role for local authorities taking on responsibility for aspects of public health and health improvement. More details on the implications of these changes will follow in a report to Executive at an October 2010 meeting but for York the changes are consistent with the existing drive across existing partners for more localised and integrated commissioning arrangements. Integrated commissioning which has to respond to a strong evidence base and clear understanding of need. The JSNA is a key document for existing and developing partnership arrangements.

## **Consultation**

5. The JSNA has been developed under the remit of the Healthy City Board which includes key City of York Council members and staff and partners including NHS North Yorkshire & York, York Hospitals NHS Foundation Trust, York Health Group (Practice Based Commissioning Group), York Council for Voluntary Services, local patient and voluntary sector representatives and York St John University. Its development has built on the 2008 process and involved many interested parties from across the city.

## **Options**

6. The Executive is asked to accept the findings of the Joint Strategic Needs Assessment and to support implementation through:
  - ensuring that the data and analysis contained within it are used to influence the next Corporate Strategy and relevant Directorate Plans
  - asking the Healthy City Board, as a sub-board of the Without Walls Local Strategic Partnership to ensure that partnership recommendations are implemented

## **Analysis**

7. Generally the health and wellbeing of residents of York remains very good in relation to the rest of the country. However, we still see inequalities in the determinants and outcomes of health for vulnerable groups and unhealthy lifestyles still impact on a proportion of the population.

The key messages from the JSNA are:

- We need to understand and adapt to changing ethnic populations.
- Community cohesion is strong for many groups including older people and those with disabilities.
- Low proportions are concerned about drunkenness or drug use.
- Deprivation is low overall and getting lower and there are low levels of children in poverty.
- Levels of homelessness are reducing
- A minority of areas experience deprivation, lower levels of cohesion and fuel poverty

- Although the recession has had an impact in York, it is less than elsewhere.
- We see very positive education results at all ages and the gap in attainment is closing
- Fewer people smoke than elsewhere in the region. Deaths due to smoking are lower than the national average and reducing.
- York compares well on healthy eating but there is still more to be done.
- The picture on alcohol is mixed with local levels, although good in comparison to national rates, higher than we would like.
- Recent figures suggest improvements in physical activity levels for adults.
- Teenage pregnancy rates are improving
- Although childhood obesity levels are improving at reception age, we have seen a slight increase at Year 6.
- Overall death rates are low but there remain differences in life expectancy for those in the most deprived areas, particularly men.
- Death rates from coronary heart disease, stroke and cancer are all better than national averages and have fallen substantially over the last 13 years.
- Respiratory disease appears to be reducing in men, but rates for women remain around the national average.
- Dental health is relatively good for adults and children, but there remain concerns around access.
- We have a better collective understanding of the numbers and needs of people with physical and sensory impairment and those with learning disabilities in York.
- It is estimated that around 36,000 people in York have mental health problems. There are predicted to be large increases in the number of people with dementia.
- More older people are helped to live at home in York than the national average, but access to intermediate care remains a priority.
- More carers are involved in planning services.

### **Corporate Objectives**

8. This supports the City of York Council priority to 'improve the health and lifestyles of people who live in York, in particular among groups whose levels of health are the poorest'.

### **Implications**

- **Financial** - There are no direct financial implications. Implementation of the recommendations would be considered within the usual service planning and budget process.

- **Human Resources (HR)** – There are no HR implications.
- **Equalities** - The report considers equalities from a health perspective.
- **Legal** – There are no legal implications.
- **Crime and Disorder** – The report covers alcohol and substance misuse which can have an impact on crime and disorder.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – All other implications have been included within the report.

## **Risk Management**

9. Whilst the production and approval of a document called a JSNA may not in itself present considerable risks, the use of the document to inform directorate/partnership and commissioning priorities carries with it powerful opportunities and as a result considerable risks. Those risks are mitigated by the consultation process around the document and the strength of the evidence base contained within it.

## **Recommendations**

10. Members are asked to accept the findings of the 2010 Joint Strategic Needs Assessment and to support implementation by:
  - ensuring that the data and analysis contained within it are used to influence the next Corporate Strategy and relevant Directorate Plans
  - asking the Healthy City Board, as a sub-board of the Without Walls Local Strategic Partnership to ensure that partnership recommendations are fully implemented.



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**Report**  **Date** 9 September 2010  
**Approved**

Pete Dwyer  
Director of Adults, Children and Education

**Specialist Implications Officer(s)** None

**Wards Affected:**

All

For further information please contact the author of the report

**Background Papers:**

**Annexes**

Annex 1 – Joint Strategic Needs Assessment City of York 2010

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**Executive****21<sup>st</sup> September 2010**

Report of the Director of Customer &amp; Business Support Services

**Exit and Pension Discretions****Summary**

1. This report asks the Executive to propose to Staffing Matters and Urgency Committee that a number of amendments are made to the way the Council exercises its exit and pension discretions in order to ensure they are fit for purpose for use in a rapidly changing organisation and enable exit costs to be proactively managed.

**Background**

2. Redundancy pay entitlements are dictated by statute, although it is possible for employers to enhance the statutory provisions. In respect of Local Authorities this can be done in two ways either by increasing redundancy payments directly or through the use of local discretions provided by the Local Government Pension Scheme (LGPS) and Teachers' Pension Scheme (TPS) regulations.
3. Under LGPS rules the employer must have a statement detailing how it will use each of its local discretions and the Council currently operates a redundancy and early retirement policy that enshrines this statement, which was adopted in 2002 and amended in 2006. The purpose of the current policy is to treat all staff fairly, ensure consistency and control costs and the policy does this by adopting a rigid policy provision. The policy also seeks to treat local government and teaching staff equally, subject to their specific pension scheme rules.
4. Given the More for York programme and the need to transform the organisation in the face of increased cost pressures and the likelihood of reduced funding in future, a review of the current policy approach has been undertaken to determine if it is meeting its objectives and is fit for use in a rapidly changing organisation.

**Discretions Available and Current Local Provisions**

5. A summary of the Council's current policy provisions can be found in annex 1 and the statutory ready reckoner used to calculate redundancy pay can be found in annex 2.

6. As can be seen, effectively the Council's position is that it will not normally use any of its discretions. However, the use of the phrase "not normally awarded" recognises that there may be instances where it is in the best interests of both the employee and the Council to make use of any of the available discretions and such requests are considered against the following criteria:
  - i. exceptional or unusual circumstances;
  - ii. the impact on the business unit in question;
  - iii. the health of the employee, such as the individual suffers from a serious medical condition but which is insufficient to meet the definition of ill-health retirement under pension scheme regulations;
  - iv. the cost, if any, of the early/flexible retirement or award of additional benefits;
  - v. personal circumstances or compassionate grounds, for example, the need of the employee to care for a seriously ill relative. Such access will only be granted in the most exceptional of cases;
  - vi. demonstrable benefits to the Authority, for example, efficiency reasons and the payback period of any costs;
  - vii. any other circumstances which may be relevant to the decision and which may contribute to the more efficient exercise of the Authority's functions.

### **Current Process**

7. In order to ensure that any exceptions to the policy to not normally exercise any discretions are appropriately exercised, properly managed and controlled, a process is in place where a panel consider all requests for the award of discretionary benefits. The panel consists of a minimum of 3 of the following:
  - Director of Customer and Business Support Services (or delegate);
  - Head of HR and Organisational Development (or delegate);
  - HR Corporate Development Manager (or delegate);
  - Pensions Officer.
8. In addition, the current process for agreeing a voluntary redundancy provides for the submission and agreement of a full business case, including details of HR and financial implications, to the relevant service Director and subject to the agreement of the Director of CBSS.

### **Analysis of Current Position**

9. As can be seen the emphasis of the current discretions is very much that they will not be exercised unless there is an unusual and exceptional reason to do

so. This has in effect created a rigid system where there are relatively few requests to the aforementioned Panel and even fewer successful applications.

10. The result of the current emphasis and process is that applications are considered purely on the merits of the individual circumstances, rather than in the wider context of the business and the discretions can not be actively used to manage workforce change, only individual cases.

## Options

Option 1 – Continue with the existing approach and provisions

Option 2 – Amend the existing approach and amend the existing provisions, allowing flexible application within an overarching governance framework

## Analysis

Option 1 – Continue with the existing approach and provisions

11. The statutory and pension scheme provisions detailed above give the Council a large degree of scope to decide locally what severance packages to offer employees. They also provide mechanisms that can be used to flex the workforce, avoid redundancy situations arising and allow for workforce planning to take place over an extended timescale.
12. The current way the Council exercises these discretions is however inflexible and can be counter productive as it does not allow managers to actively manage change, or consider the range of options that should be open to them to do so.

Option 2 – Amend the existing approach and amend the existing provisions, allowing flexible application within an overarching governance framework

13. The Council needs to use its pension discretions in a way that enables and facilitates active workforce decisions that shape the organisation and services, supporting its long term, strategic goals and linking to workforce planning objectives.
14. Taking into account the above, it is proposed that the emphasis on the way the Council exercises its discretions is amended to allow discretions to be used should an overall business case demonstrate they can help the Council achieve its overall financial and workforce objectives.
15. Affordability is clearly a critical factor in any change programme, particularly with the Council necessarily operating within an environment of financial restraint. However a more flexible approach to pension discretions, operating with a framework of actively managed decision making could result in an overall reduction in costs. For example, the current discretions only incentivise those with long service to exit the organisation on the grounds of voluntary

redundancy. A policy framework that allows the Council to exercise its discretions on a business case basis, allowing for the award of additional week's pay or augmentation could encourage other employees to volunteer for redundancy. Such employees are likely to be less costly to exit, saving money, whilst also enabling managers to achieve their workforce planning objectives.

16. Modelled examples of how this may work in practice can be found in the sample business case in annex 5.
17. Notwithstanding, not all are suitable to be exercised in such a way as some will always be prohibitively expensive. The Council will retain the option to exercise these discretions, as at present but with the current emphasis i.e. they will not normally be awarded unless unusual and exceptional circumstances prevail.
18. The following approach to the specific discretions is therefore proposed:
  - i. **Redundancy Payments** - Continue to use Actual Weekly Pay to calculate redundancy pay but revert to using continuous local government service, rather than total (aggregate) service, in the calculation. This is in line with the majority of local authorities.
  - ii. **Discretionary Compensation (104 weeks pay)** – The default number of weeks will remain as the statutory redundancy payment, i.e. a maximum of 30 weeks pay. However, consideration of an additional discretionary element in order to facilitate change will be introduced, which would be considered on a case by case basis. Additional weeks will only be awarded where there is a clearly demonstrated financial benefit.
  - iii. **Augmentation / Award of Additional Pension** – It is recommended that there is no change to current policy, i.e. the Council will not award additional pension benefits unless there are prevailing exceptional circumstances.
  - iv. **Early Retirements in the efficiency of the service** - The Council will make more use of efficiency retirements in order to facilitate change. Such retirements would be considered on a case by case basis.
  - v. **Flexible Retirement** – The Council will use flexible retirement as a change management mechanism. Such retirements would be considered on a case by case basis.
  - vi. **Early retirement** – The Council will use early retirement as a change management mechanism, considering applications on a case by case basis. Each application will also consider the waiving of the actuarial reduction, or otherwise on a case by case basis.
19. It is equally important that all such decisions are subject to proper scrutiny and are only agreed where the relevant business case is made. It is therefore proposed to introduce a standard business case template that must be

completed prior to the submission of a revised corporate panel. A proposed template can be found in annex 4 with a completed sample in annex 5.

20. It is proposed that all business cases are initially considered by the relevant Departmental Management Team (DMT) prior to submission to a reconstituted appeals panel, at which the submitting manager would be required to attend to present their case.
21. It is further proposed that the appeals panel is revised to be made up of the following:
  - i. Chief Executive (Chair);
  - ii. Director of CBSS;
  - iii. Head of HR & OD;
  - iv. Pensions Officer;
  - v. One Assistant Director from each of the Council's four directorates;
  - vi. Two trade union representatives in an observational capacity.
22. In order that this new process does not hinder the speed of organisational change it is proposed that monthly meetings are diarised, which can be cancelled should there be no business for consideration.
23. Clearly this is a technical and potentially complicated issue and a revised approach will need to be supported by comprehensive and clear managerial and employee guidelines. In addition a comprehensive training and communication programme will be developed and rolled out, in order that managers and employees are fully informed of the process and associated considerations. It is anticipated that the new process and provisions will come into force on the 1<sup>st</sup> December 2010.
24. It is important to note that the above process, if adopted will not apply to Chief Officers and the use of exit and pension discretions for this group of staff will continue to be reserved to Staffing Matters and Urgency Committee.

### **Regional Comparisons**

25. Work has taken place through the Regional Employer's Productive Workforce Group to benchmark the Council's current provisions against other Local Authority's in the region.
26. The results of the benchmarking exercise shows that all of the 10 Councils which responded operate their discretions on a business case basis, taking into account the needs of the business and the individual's circumstances.
27. In addition, all of those Council's who responded to the survey do allow flexible retirement, albeit with requests being considered against set criteria such as associated costs and impact on the business.

## Consultation

28. This matter has been the subject of consultation at the Corporate Joint Consultation Committee (CJCC) and individual meetings with UNISON and GMB Regional Officers.

29. The views of UNISON and the GMB are as follows:

### Approach

30. UNISON have stated that they would welcome changes to the current approach to exit provisions and redundancy discretions. UNISON is opposed to discretions being exercised on a case by case basis as, in their view, such an approach lacks transparency and also leave employees unsure of their entitlements and position. They assert that exercising discretions for one could look like discrimination if not applied consistently for all.

31. UNISON would prefer a set, standard way the Council operates its discretions. However if this is not going to be the approach and decisions are to be made on a business case basis, UNISON consider it to be essential to have a basic minimum standard package with additional discretions above that minimum being considered on a case by case basis. Additionally, UNISON consider that a case by case approach must encompass all decisions to exercise discretion, including those around school based staff which are currently made and funded locally by individual schools. UNISON have expresses a strong view that they will not support a process whereby school based staff and non-school based staff are treated differently.

32. The GMB take the view that discretion within the application of any redundancy payment is not reasonable. A straight forward uniformed approach that is open and transparent would be preferable as this would take away any suspicion of favouritism.

33. The GMB is fully aware that Councils across the Country will be subject to tight budget limits in the future and therefore any spending to increase the exit provisions will have to be justified. The Council should also take into account the view of employees on how they are to be treated. The GMB will strongly support the view that all alternative proposals to avoid compulsory redundancies be considered.

34. The GMB consider that if the council decides to operate a system of discretions which will possibly enhance payment to employees then this should be welcomed in the context that it may reduce the need for compulsory redundancy. These discretions should be applied equally to school based staff and non school based staff. The GMB believe that the Trades Unions should have early involvement in the consultation process and fully involved in the business case before it is put forward to the panel. Two Trades Union observers should be present in the final decision making process.

35. The GMB would welcome any increase in the pension provision as another method of avoiding compulsory redundancies. The GMB understands the



council position concerning spending limits and believe that any increases should be focused on enhanced redundancy payments.

Response: The benefits of moving to a case by case approach are detailed in the main body of the report. If the revised approach is adopted, it is still the intention to operate a standard redundancy pay calculation without any discretions being applied, rather the case by case considerations would apply to any enhancements to that standard package.

#### Discretions

36. UNISON recognise the financial constraints currently being experienced by all Councils and the subsequent challenges. UNISON are not therefore proposing that the Council makes any changes to how it exercises its pension discretions and that the Council continues to operate the policy that they will not normally be awarded. UNISON are however seeking that the Council operates a fair and reasonable Voluntary Severance scheme as a means of avoiding compulsory redundancies.
37. In this regard UNISON are supportive of the Council retaining the statutory ready reckoner, which calculates the number of weeks pay an employee will receive as redundancy pay as a function of their age and length of service, because payments calculated in this way do not need to be objectively justified under age discrimination legislation. UNISON propose that the Council should consider making enhancements to redundancy pay using the Discretionary Compensation Regulations, which allow for the award of an additional 104 weeks redundancy pay. In this regard UNISON have suggested they would like to see these weeks awarded using a 2.2 times multiplier based on the statutory ready reckoner. This would result in the resulting number of weeks being enhanced by 2.2 times as standard for all employees, subject to a maximum number of 66 weeks for someone with 30 years' plus continuous service.
38. UNISON recognise that the 2.2 multiplier may look generous, but are of the view that by enhancing redundancy payments in this way, the Council would be able to enact redundancies quicker, thus making the related savings earlier. As a result UNISON state that this approach would be cost neutral, as a minimum, when compared to the current approach of not applying any enhancements to encourage volunteers for redundancy and having to make compulsory redundancies due to the time associated with the associated proceedings i.e. statutory consultation, hearing, appeal, seeking redeployment and notice periods.
39. The experience of the GMB suggests the way to limit Compulsory redundancy is to increase the package that is available to employees to encourage volunteers. The GMB believes that the current system will not deliver the number of volunteers that will avoid the need for Compulsory redundancies in the future. The current system is based on statutory redundancy payments inclusive of total pay and should be used as the basic calculator. The system has been objectively justified in accordance with the Age Discrimination Act.

40. The GMB propose that the Council should adopt a system of 2 x the current statutory level with the current arrangements to use total pay. The GMB also propose a payment to enhance this in accordance with the Discretionary Compensation scheme of 104 weeks. The GMB believes that this proposal would increase the number of employees who would consider voluntary redundancy and therefore increase the pool of volunteers for the Council to choose from. This would result in a more efficient streamline system which will enable employees to leave the employment of the City of York Council earlier than going through the full consultation process, it would also take the pressure off large groups of employees going through the consultation and selection criteria process.
41. The GMB also proposes that before any compulsory redundancies are enforced the Council should ask all council employees to indicate if they are interested in voluntary redundancy. This would also further increase the pool of volunteers for the Council to choose from.

Response: The practical operation of operating a multiplier to all redundancy calculations has been modelled as worked examples shown in annex 3. As can be seen, such an approach would increase the costs of redundancy payments in every case regardless of business need or case. It is agreed that the use of discretions can expedite the resolution of redundancy situations, thus enabling savings to be achieved more quickly than if a compulsory redundancy was necessary. Such an approach also has significant benefits in terms of management time and avoiding disruption to services. This is one of the aims of the new approach, although it is proposed to do so on a case by case basis depending on the associated business case. It is current policy for the Council to consider volunteers for redundancy in order to avoid compulsory redundancies where possible and each such volunteer is already looked at on its merits and relative costs.

#### Review

42. UNISON are requesting that whatever approach is chosen, it is subject to formal, joint review after 6 months of operation.

Response: Any revised process should be subject to regular review so this is supported.

#### Process

43. In terms of the process itself, UNISON consider that the technical complexities of the pension discretions dictate that staff will need support and assistance and would request that trade union representatives are engaged early in the process where business cases are being considered. This engagement should take place as part of the discussions between employees and their manager and as an absolute minimum before any business case is presented to a DMT. In addition UNISON have stressed the importance of clearly established protocols for the consideration of each application.

Response: Trade union representatives will have already been consulted on any proposals that might lead to a redundancy situation and it is agreed that the early involvement of representatives in subsequent severance discussions would be beneficial and this will be included in the management guidelines.

#### Approval

44. UNISON have also proposed that if a business case approach is adopted, there should be a limit on the decisions that can be taken by Officers with cases incurring costs of £50k or more, or with a payback time of more than 2 years should be referred to the relevant Executive Member for approval.

Response: All expenditure associated with redundancy and exit arrangements will be reported in the MoreForYork updates and through the associated programme governance and as a result this proposal isn't considered to be necessary. A record of all of the decisions taken by the Panel will however be made and supplied to the Leader of the Council and relevant Executive Members at regular intervals. In addition, all matters relating to Chief Officers will continue to be reserved to Staffing Matters and Urgency Committee.

### **Corporate Priorities**

45. The actions being proposed in this report are designed to support the Council's corporate priority "Effective Organisation" and are consistent with the required outcomes of the More 4 York programme.

### **Implications**

46. This report has the following implications:
- **Financial** - Contained within the body of the report.
  - **Human Resources (HR)** – Contained within the body of the report.
  - **Equalities** – An Equality Impact Assessment (EIA) has been undertaken on this proposed policy change, the outcome of which has been subject to consultation with the Staff Equalities Reference Group. The outcome of the EIA shows a number of measures that can be taken to enable the new process to be fully understood and the equality implications monitored, which will be actioned. These include comprehensive guidance for managers and staff and also the undertaking an annual EIA of the outcomes with an analysis by equality strand to ensure no adverse impact.
  - **Legal** – The Council will need to be able to demonstrate that any revised policy is justifiable, fair and free from age discrimination. This has been considered as part of the EIA work described above. In terms of implementing any changes, changes to discretions which fall under the LGPS regulations must be communicated with Scheme members at least one month before coming into operation.
  - **Crime and Disorder** – no implications.

- **Information Technology (IT)** - no implications.
- **Property** - no implications.
- **Other** - no implications.

## Risk Management

47. The specific risks associated with this issue and how they can be mitigated are covered in the main body of the paper. In summary, the risks associated with the recommended option are financial, legal, operational and reputational.

## Recommendations

48. It is recommended that the Executive:
- propose to Staffing Matters and Urgency Committee option 2, to amend the existing approach to exit provisions and pension discretions, allowing flexible application within an overarching governance framework.

Reason: In order that the Council's redundancy policy and pension discretions can be exercised in a flexible way to achieve its organisational change objectives.

## Contact Details

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### Chief Officer Responsible for the report:

Ian Floyd  
Director of C&BSS

**Report Approved**



**Date** 6<sup>th</sup> September  
2010

Ian Floyd  
Director of C&BSS

**Report Approved**



**Date** 6<sup>th</sup> September  
2010

### Specialist Implications Officer(s):

**Wards Affected:** *List wards or tick box to indicate all*

**All**



**For further information please contact the author of the report**

### Background Papers:

### Annexes

- Annex 1 – Summary of the Council's existing policy provisions
- Annex 2 – Statutory Redundancy Ready Reckoner
- Annex 3 – Worked examples of UNISON's proposal
- Annex 4 – Business case template
- Annex 5 – Sample business case example

Annex 1 – Summary of the Council’s existing policy provisions

Redundancy Pay – applicable to all staff

Less than 2 years service: No redundancy pay

More than 2 years service: Redundancy pay is based on **total** local government service, the statutory number of weeks and **actual** weekly pay.

Statutory ready reckoner used.

Maximum payment is 30 weeks pay after 20 years of service at age 61+.

Early Retirement due to Redundancy – applicable to all staff

LGPS: Automatic access to unreduced pension benefits earned to date for those aged 55+ who are made redundant. This is a provision of the scheme, not a local discretion and the cost of the early retirement must be paid into the Scheme over 1, 3 or 5 years.

Those under 55 do not receive access to their pension and as such there are no pension costs associated with their redundancy.

TPS: Employer discretion is used to allow all teachers over age 55 to access unreduced pension benefits on redundancy. The cost of this early retirement is paid by the council over the remaining life-time of the employee.

Flexible Retirement – **not normally awarded**

LGPS - Allows employees of age 55+ to access some or all of their pension benefits whilst remaining in employment. It is triggered by a reduction in hours or grade but requires employer permission. Benefits will be paid on an actuarially reduced basis, although the employer has the discretion to waive the reduction. Because of protections awarded upon the removal of the 85-year rule, there is the potential for the employer to be liable for the cost because benefits brought into payment under the 85-year rule cannot be paid on a reduced basis.

TPS - An employee aged 55+ can take up to 75% of their total benefits provided that their pensionable salary reduces by at least 25% for at least 12 months. Benefits are paid on an actuarially reduced basis.

**Voluntary Early Retirement – not normally awarded (excl. teachers)**

LGPS - Employees can request access to their pension benefits between age 55 and 59, but require their employer's permission to do so. These benefits will be paid on an actuarially reduced basis unless the employer waives the reduction (and pays the cost into the Scheme).

Pension benefits of employees protected under the 85-year rule cannot be actuarially reduced and the employer must pay the cost of this into the Scheme.

Employees age 60+ can elect to retire at any time without their employer's permission. Pension benefits will be paid on an actuarially reduced basis unless the 85-year rule is met. There is not normally a cost to this unless the employer elects to waive the actuarial reduction.

TPS - An employee aged 55+ may elect to retire on actuarially reduced benefits, with their employer's consent. The employer cannot withhold consent for more than 6 months.

These benefits will be paid on an actuarially reduced basis unless the employer waives the reduction (and pays the cost into the Scheme).

**Early retirement in the efficiency of the service – not normally awarded**

Early retirement in the efficiency of the service is where an employee is granted early retirement and is awarded the same pension benefits as on redundancy, but without being in a redundancy situation i.e. their post would not be deleted after they left.

**Enhancements to Payments – not normally awarded**

There are a number of different ways in which an employee's leaving settlement can be enhanced. The Council's policy is that enhancements are not normally awarded.

## Annex 2 – Statutory Redundancy Ready Reckoner

Age	Completed Years of Service																		
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
18	1.0																		
19	1.0	1.5																	
20	1.0	1.5	2.0																
21	1.0	1.5	2.0	2.5															
22	1.0	1.5	2.0	2.5	3.0														
23	1.5	2.0	2.5	3.0	3.5	4.0													
24	2.0	2.5	3.0	3.5	4.0	4.5	5.0												
25	2.0	3.0	3.5	4.0	4.5	5.0	5.5	6.0											
26	2.0	3.0	4.0	4.5	5.0	5.5	6.0	6.5	7.0										
27	2.0	3.0	4.0	5.0	5.5	6.0	6.5	7.0	7.5	8.0									
28	2.0	3.0	4.0	5.0	6.0	6.5	7.0	7.5	8.0	8.5	9.0								
29	2.0	3.0	4.0	5.0	6.0	7.0	7.5	8.0	8.5	9.0	9.5	10.0							
30	2.0	3.0	4.0	5.0	6.0	7.0	8.0	8.5	9.0	9.5	10.0	10.5	11.0						
31	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	9.5	10.0	10.5	11.0	11.5	12.0					
32	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	10.5	11.0	11.5	12.0	12.5	13.0				
33	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	11.5	12.0	12.5	13.0	13.5	14.0			
34	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	12.5	13.0	13.5	14.0	14.5	15.0		
35	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	13.5	14.0	14.5	15.0	15.5	16.0	
36	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	14.5	15.0	15.5	16.0	16.5	17.0
37	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	15.5	16.0	16.5	17.0	17.5
38	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	16.5	17.0	17.5	18.0
39	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	17.5	18.0	18.5
40	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0	18.5	19.0
41	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0	19.5
42	2.5	3.5	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5
43	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0	20.0	21.0
44	3.0	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5
45	3.0	4.5	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0	20.0	21.0	22.0
46	3.0	4.5	6.0	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5
47	3.0	4.5	6.0	7.5	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0	20.0	21.0	22.0	23.0
48	3.0	4.5	6.0	7.5	9.0	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5
49	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0	20.0	21.0	22.0	23.0	24.0
50	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5
51	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.0	17.0	18.0	19.0	20.0	21.0	22.0	23.0	24.0	25.0
52	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	25.5
53	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.0	20.0	21.0	22.0	23.0	24.0	25.0	26.0
54	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	20.5	21.5	22.5	23.5	24.5	25.5	26.5
55	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.0	23.0	24.0	25.0	26.0	27.0
56	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	23.5	24.5	25.5	26.5	27.5
57	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.0	26.0	27.0	28.0
58	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.5	26.5	27.5	28.5
59	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.5	27.0	28.0	29.0
60	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.5	27.0	28.5	29.5
61	3.0	4.5	6.0	7.5	9.0	10.5	12.0	13.5	15.0	16.5	18.0	19.5	21.0	22.5	24.0	25.5	27.0	28.5	30.0

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## Annex 3 – Worked examples of UNISON’s proposal

**Grade 2, 4 : Annual Salary £14,378**

		<b>Service (Years)</b>			
		<b>5</b>	<b>10</b>	<b>15</b>	<b>20</b>
Age					
45	Statutory	1,930	3,309	4,688	6,066
	Statutory x 2.2	4,246	7,280	10,314	13,345

**Grade 6, 4 : Annual Salary £21,719**

		<b>Service (Years)</b>			
		<b>5</b>	<b>10</b>	<b>15</b>	<b>20</b>
Age					
45	Statutory	2,916	4,998	7,081	9,164
	Statutory x 2.2	6,415	10,996	15,578	20,161

**Grade 12, 4 : Annual Salary £50,829**

		<b>Service (Years)</b>			
		<b>5</b>	<b>10</b>	<b>15</b>	<b>20</b>
Age					
45	Statutory	6,824	11,698	16,572	21,446
	Statutory x 2.2	15,013	25,736	36,458	47,181

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<b>Business case</b>
<i>Briefly outline the circumstances of the request</i>
<i>Please provide full details of the request, including the discretion being requested</i>
<i>How will the proposal meet or contribute to the Directorate workforce planning objectives? Please state the objective.</i>
<i>How will the proposal meet or contribute to the Council's efficiency objectives?</i>
<i>Overall total cost of the request</i>
<i>Please provide details of alternative courses of action with advantages and disadvantages of each</i>

*Comparative cost information*

*Return on Investment (RoI) of both the overall costs and the comparative cost (RoI is calculated using by dividing the cost of making saving by the annual saving made)*

*If containing pension costs, proposal for payment to the scheme, i.e. lump sum or over 3 or 5 years with associated costs.*

*HR Comments*

*Name..... Date.....*

*Finance Comments (to include source of funding and associated budget code)*

*Name..... Date.....*

*Date considered by DMT:*

*DMT's comments*

*Date of corporate panel:*

*Outcome of corporate panel*

*Name*..... *Date*.....

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## Annex 5 – Sample business case example

### Sample completed business case

#### *Briefly outline the circumstances of the request*

The XXX team has undertaken a service review and is introducing new ways of working and new technology. This will reduce the size of the team by 2.5 FTEs, which is being achieved through a restructure. The restructure is due to implement on the 31<sup>st</sup> March 2011.

#### *Please provide full details of the request, including the discretion being requested*

The current XXX team contains 6.5 FTE posts, 5.5 FTEs of which are currently occupied by 7 employees (4 FTEs, 0.5 FTE part time and two 0.5 FTE job share), all of whom fall within the area of change and who are now all 'at risk' of redundancy. All of these posts are grade 6.

Measures have been implemented to try to avoid a redundancy situation arising, including a recruitment freeze, which has allowed one FTE to become vacant and be deleted. This has however left 4 FTEs, one 0.5 FTE part time and two 0.5 FTE job share, a total of 5.5 FTEs and a new Establishment of 4 FTEs, an excess of 1.5 FTE.

In order to manage this situation in the most cost effective way possible the following discretions are requested:

- 1 FTE employee wishes to reduce their working hours by 0.5 FTE using flexible retirement;
- 1 FTE employee has volunteered for redundancy if an award of 5 additional weeks redundancy pay can be made.

#### *How will the proposal meet or contribute to the Directorate workforce planning objectives? Please state the objective.*

The above would reduce the team size by 1.5 FTE, as required.

All of the remaining employees have the necessary skills to continue to provide the reconfigured service in the future.

Agreeing to the request for flexible retirement would allow the retention of the necessary skills within the team.

#### *How will the proposal meet or contribute to the Council's efficiency objectives?*

The implementation of new technology will allow the XXX team to reduce in size by 2.5 FTEs, 38%, without a reduction in service level. This will save £67,870 per annum (£27,148 each), including on-costs.

*Overall total cost of the request*

There is no cost to the flexible retirement request as the employee has no residual protection under the 85 year rule and will therefore incur an actuarial reduction in their pension.

The volunteer for redundancy is 35 years old and has 10 years reckonable service, meaning they qualify for 10 weeks redundancy pay at £416.53 per week, a total of £4,165.30.

The additional award of 5 weeks redundancy pay would cost £2,082.65, contributing to an overall cost of the voluntary redundancy of £6,247.95.

*Please provide details of alternative courses of action with advantages and disadvantages of each*

There is one additional volunteer for redundancy who is 57 years old with 29 years of service. If the request for an award of an additional 5 weeks redundancy pay is not granted, the employee concerned will withdraw their interest, leaving the aforementioned employee as the only other volunteer. This volunteer would receive a redundancy payment of £11,662.84 and their pension access costs would be £24,118.09, a total cost of £35,780.93.

Should that volunteer not be accepted, the only available course of action would be to select from the team for compulsory redundancy. A desk top exercise has been undertaken in this regard and the team member to be selected is as follows:

Age: 23

Length of service: 18 months

Redundancy pay: Zero

Whilst this option would be the cheapest, it would run directly contrary to the workforce plan objective to increase the number of young people employed at the Council and be detrimental to the demographic profile of the team and Council.

The same applies to the request for flexible retirement. The second member of the team who would be selected for compulsory redundancy would be as follows:

Age: 46

Length of service: 15 years

Redundancy pay: £7,289.28 (17.5 weeks at £416.53 per week)



*Comparative cost information*

The comparative costs of the alternative courses of action are as follows:

**Alternative voluntary redundancy**

Redundancy pay = £11,662.84 (28 weeks at £416.53 per week)

Pension costs = £24,118.09

Total cost = £35,780.93

**Compulsory redundancy 1**

Redundancy pay = Zero

**Compulsory redundancy 2**

Redundancy pay = £7,289.28

*Return on Investment (RoI) of both the overall costs and the comparative cost (RoI is calculated using by dividing the cost of making saving by the annual saving made)*

There are no additional costs of the proposed courses of action as it is overall more cost effective than the alternatives. However the RoI of the award of additional weeks redundancy pay of £2,082.65 against the overall savings of 1 FTE at £27,148 is 0.08. The RoI taking into account total costs is 0.23.

*If containing pension costs, proposal for payment to the scheme, i.e. lump sum or over 3 or 5 years with associated costs.*

Not applicable.

*HR Comments*

Name..... Date.....

*Finance Comments (to include source of funding and associated budget code)*

Name..... Date.....

*Date considered by DMT:*

*DMT's comments*

*Date of corporate panel:*

*Outcome of corporate panel*

*Name*..... *Date*.....



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**Executive****21<sup>st</sup> September 2010**

Report of the Head of HR &amp; OD

**WEEKLY TO MONTHLY PAY****Summary**

1. This paper provides an update on progress with the proposal to move from weekly to monthly pay. It also asks the Executive to approve the making of an offer of £100 per person by way of an inconvenience payment for moving from weekly to monthly pay.

**Background**

2. The HR Blueprint, agreed by Executive on the 20<sup>th</sup> October 2009 contains a business case for moving all employees who are currently paid on a weekly basis on to monthly pay. In summary, the Council currently pays approximately 960 people on a weekly basis. Everyone else is paid monthly. This is inefficient as it means employees have to fill in more timesheets, managers need to authorise more timesheets and the Council needs to process pay on a weekly basis.
3. Moving to monthly pay will mean there will be 75,000 fewer payslips and timesheets per year. It will also reduce the number of line manager timesheet authorisations from 100,000 to 23,000. Moving everyone to being monthly paid will directly save the Council £60,000 a year as well as freeing up time in front line services currently spent completing, signing and inputting timesheets.
4. An analysis of the make up of the workforce currently being paid on a weekly basis shows the staff are ex-manual workers and undertake a wide range of roles, both in terms of location and nature. Most are from the lower paid groups of staff at the Council and occupy some of the Council's highest profile roles and provide highly valuable and visible front line services

**Consultation**

5. The proposal to move to monthly pay has been the subject of extensive and exhaustive consultation at the Corporate Joint Consultative Committee (CJCC) and also at the Joint Pay Board. The consultation was undertaken with a view to reaching a collective agreement with the trade unions that would collectively vary the express contractual term that this cohort of employees will be paid on a weekly basis.
6. The consultation was very comprehensive and involved joint communications to staff and workplace meetings. A range of options were jointly developed with

the Trade Unions and staff, designed to move to monthly pay over a period of time and to put support in place for weekly paid staff during the move so they didn't suffer hardship and could get used to being paid monthly without any detriment.

7. The three trade unions involved in the Joint Pay Board, UNISON, GMB and Unite, subsequently undertook an indicative ballot, seeking views on the three transition options but also asking their members if they agreed in principle with a move to monthly pay.
8. At the Joint Pay Board on the 4<sup>th</sup> March 2010 the trade unions reported back that 227 staff had taken part in the ballot and 211 had voted against the move. Taking into account potential trade Union membership density, this equates to an approximate 47% turnout with 3% for and 44% against.
9. In order to put the ballot results into context, UNISON helpfully supplied a consolidated list of comments received from their members during the ballot. Sixty six comments were received. An analysis shows that the vast majority of the comments either related to the transition itself or that people had weekly outgoings (bills, rent Council Tax, Standing Orders and Direct Debits etc).
10. The trade unions confirmed that the ballot results were such that they would not sign a collective agreement to enable the variations to contracts necessary to introduce monthly pay but they were willing to continue to discuss how it might be possible to amend the initial proposal and enable them to achieve a positive ballot outcome.
11. Further negotiations enabled the Joint Pay Board to arrive at a position where the trade unions agreed they would be willing to make a joint recommendation to their members to move to monthly pay in return for a hardship payment of £100 per person. Subject to this recommendation being accepted in another ballot, the trade unions would then sign a collective agreement and the necessary variation to contracts required to move to monthly pay would be undertaken on a consensual basis.
12. Subject to the achievement of a collective agreement, the trade unions have indicated that they would support all staff moving on to monthly pay in November 2010. A scheme would then be put in place which would phase a final move to monthly pay by March 2011. This process would be administratively simple for the Council to operate and has the support of the Joint Pay Board.

## **Options**

Option 1 – Continue to pay staff on a weekly basis

Option 2 – Proceed with a move to monthly pay for all staff by implementing the necessary amendments to terms and conditions without a collective agreement

Option 3 – Proceed with a move to monthly pay for all staff via a collective agreement, facilitated by making an inconvenience payment of £100 per person

## **Analysis**

Option 1 – Continue to pay staff on a weekly basis

13. The above option would retain the existing inefficiencies and would leave £60k of unachieved savings in the HR blueprint, which would need to be found from elsewhere in the MoreforYork programme.

Option 2 - Proceed with a move to monthly pay for all staff by implementing the necessary amendments to terms and conditions

14. Legal position - It is not legally possible to unilaterally vary an express contractual term, such variations can only be consensual. Variations can be in the form of a collective agreement or an individual variation to contract. If employers and employees cannot agree a variation of contract, and the employer still believes it is necessary for the organisation to enact a change, the employer can, if no other route proves successful, terminate the whole contract and offer employment on the revised terms. However, this is always a 'last resort' approach and one the Council is strongly against due to the potential impact upon the workforce.
15. This option also carries with it some risk against the Council in the form of claims of unfair dismissal in the Employment Tribunal. This includes employees who accept reengagement. Dismissing employees in these circumstances is fair and lawful providing that the Council has followed due process, that it has undertaken proper and reasonable consultation and providing that there is a sound business reason for proposing the change.
16. Whilst the above actions as described above may be perfectly legal and defensible, the trade unions may decide to resist this option by taking industrial action, either in the form of a strike or action short of a strike, such as working to rule, overtime bans etc.

Option 3 – Proceed with a move to monthly pay for all staff via a collective agreement, facilitated by making an inconvenience payment of £100 per person

17. An alternative implementation approach to that outlined in option 2 would be to agree to make a joint recommendation with the trade unions to their members to move to monthly pay in return for a £100 per person flat rate hardship payment. This would assist with any financial hardship during transition and assist staff to make banking and budgeting arrangements.
18. The total cost of this proposal would be £110,000 (£100 per person plus on-costs) against an annual saving of £60,000.
19. It is expected that a joint positive recommendation of this nature would achieve a positive ballot outcome and enable the trade unions to sign a collective

agreement on this matter and the move to monthly pay would be consensual, being undertaken in November 2010, with the support of the scheme detailed in paragraph 12.

20. Whilst this option would have cost implications, it has the significant advantage of assisting with an easier transition for front line, lower paid staff. For the Council, as it is a consensual approach it could avoid the possibility of industrial action, which would be costly, time consuming and disruptive to front line services. The option also has the advantage of avoiding the need to dismiss and offer reengagement to staff, thus negating the possibility of services being disrupted by staff not accepting reengagement. Equally, a consensual variation by way of a collective agreement avoids any potential unfair dismissal claims, which are time consuming and expensive to fight, even if the Council is ultimately successful in defending its position.

### **Implementation process and timescales**

21. In the event that a decision is made to implement options 2 or 3, a full implementation plan will be developed which will include dates, activity and communications with staff and managers/Headteachers.
22. Communication and employee support will be the key to the successful implementation of monthly pay and to this end the Council will be providing members of staff with the necessary support to carry them over into a monthly payment system. Drop in sessions and roadshows will be held for staff throughout the transition period and the 'Learn and Thrive' budgeting courses that are run jointly by the Council and Avivia will be made available to staff alongside help and support from the Credit Union. In addition further written briefings will be provided and this matter will continue to be the subject of discussion at the Joint Pay Board. In short, everything practical will be done to assist with this change.
23. The timescales for options 2 and 3 are different by virtue of the different processes concerned. The precise timing of both options would be subject to consultation with the trade unions but option 2 would likely result in implementation around March 2011 whereas option 3 could be implemented much earlier, likely October or November of this year.

### **Corporate Priorities**

24. The action being proposed in option 2 is designed to support the Council's corporate priority "Effective Organisation" and is consistent with the required outcomes of the More 4 York programme and the HR Blueprint.

### **Implications**

25. This report has the following implications:
  - a. Financial – The financial implications of awarding the inconvenience payment of £100 plus on costs per weekly paid employee would result in an additional one off cost to the Council in 2010/11 of c£110k. This

investment would allow the savings identified in the More for York programme of £60k per annum to be achieved. The investment will be funded from the Venture Fund and repaid over a 5 year period with an annual repayment cost of £25k. This investment will require additional savings to be made and initially efforts will focus on identifying additional HR savings opportunities, thereafter savings will need to be considered in a broader context.

- b. Human Resources (HR) – included the body of the report.
- c. Equalities – A full equality impact assessment (EIA) of the proposal to move from weekly to monthly pay has been undertaken and subject to consultation with the Council's staff equality reference group. The EIA identified some specific issues to be addressed regarding the understanding of the proposal and the transition relating to the disability and race equality strands. The actions identified to address these issues have been included in the overall implementation plan.
- d. Legal – included the body of the report.
- e. Crime and Disorder – no implications.
- f. Information Technology (IT&T) – no implications.
- g. Property - no implications.
- h. Other - no implications.

### **Risk Management**

- 26. The specific risks associated with this issue and how they can be mitigated are covered in the main body of the paper. In summary, the risks associated with option 1 are financial. The risks associated with option 2 are financial, legal, operational and reputational. The risks associated with option 3 are financial and reputational.

### **Recommendations**

- 27. It is recommended that Executive:
  - 1) Agree option 3, proceed with a move to monthly pay for all staff via a collective agreement, facilitated by making an bridging payment of £100 per person.

Reason: In order to achieve the associated efficiency savings in the least disruptive manner possible.

**Contact Details**

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**Report Approved**

**Date** 9<sup>th</sup> September  
2010

Angela Wilkinson  
Head of HR & OD

**Report Approved**

**Date** 9<sup>th</sup> September  
2010

**Specialist Implications Officer(s):**

*Legal – Peter Cairns*

*Finance – Ross Brown*

**Wards Affected:** *List wards or tick box to indicate all*

All

**For further information please contact the author of the report**

**Background Papers:**

HR Blueprint – Executive 20<sup>th</sup> October 2009

**Annexes**

None



By virtue of paragraph(s) 4, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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