

Meeting	Executive
Date	27 June 2019
Present	Councillors Aspden (Chair), Ayre, Craghill, Cuthbertson, D'Agorne, Runciman, Smalley, Waller and Widdowson
In Attendance	Councillor Myers

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

1. Declarations of Interest

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

Cllr Runciman declared a personal interest in Agenda Item 5 (Earswick Neighbourhood Plan), as a member of New Earswick Parish Council and the owner of a property in Earswick. Cllr Cuthbertson declared a personal interest in the same item, as the husband of a New Earswick parish councillor and the owner of a property in Earswick.

2. Minutes

Resolved: That the minutes of the Executive meeting held on 18 March 2019 be approved and then signed by the Chair as a correct record.

3. Public Participation

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

Wendy Loveday, Chair of the York Private Hire Association (YPHA), spoke on the council's taxi licensing policy as an item within the Executive's remit. She expressed the view that Uber taxi drivers were operating unlawfully in York and that the council was not doing enough to address this and to bring about prosecutions under Section 46 of the 1976 Act.

Barry Hamer, Vice Chair of YPHA, spoke on the same subject, questioning why the matter was not on the Executive agenda or Forward Plan given the recommendation made by the Gambling, Licensing & Regulatory Committee on 18 March 2019.

John Cossham, of the Extinction Rebellion group, spoke on matters within the Executive's remit. He thanked Members for voting for a 'zero carbon' policy at Council in March and outlined the content and purpose of the 'Mandate for Change' document handed to Executive Members before the meeting.

Hon. Ald Brian Watson spoke on Agenda Item 7 (Capital Programme Outturn 2018/19 and Revisions to the 2019/20-2023/24 Programme), in relation to the Community Stadium. He voiced concerns over the continuing delay in completing the project and whether promises made to the York City Knights team (YCK) would be kept.

In response to the comments of the YPHA, the Chair confirmed that a report on taxi licensing matters had been requested for consideration in August or September 2019.

4. Forward Plan

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

5. Earswick Neighbourhood Plan

The Development Officer, Strategic Planning, presented a report which set out the results of the referendum on the Earswick Neighbourhood Plan (the Plan) and recommended that the Plan be 'made' and brought into full legal force as part of the Development Plan for York.

On 7 March 2019, Executive had accepted the Examiner's Report and agreed that the Plan proceed to a referendum, which had been duly held on 2 May. The Declaration of Result was attached as Annex A to the report. Of the 347 valid votes cast (a 50.4% turnout), 327 (94.2%) were in favour of accepting the Plan and 20 (5.8%) were against. It was confirmed that there were no legal or other reasons why the Plan should not be formally

'made' in accordance with these results, under the Neighbourhood Planning Regulations.

The Plan had been considered by the Local Plan Working Group (LPWG) on 20 June 2019. As requested by the LPWG, officers clarified the reason for the difference between the numbers of ballot papers issued and received, explaining that two voters had left the polling station without putting their votes in the ballot box.

Resolved: (i) That the results of the referendum be noted and that the Earswick Neighbourhood Plan be formally 'made'.

Reason: To allow the Neighbourhood Plan to progress in line with the Neighbourhood Planning Regulations.

(ii) That the Decision Statement attached as Annex B be approved for publication in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Reason: To allow the Neighbourhood Plan to progress in line with neighbourhood planning legislation.

6. Finance and Performance Outturn 2018/19

The Director of Customer & Corporate Services presented a report which provided an analysis of the council's overall finance and performance position at the end of the 2018/19 financial year, including progress on delivering savings.

A provisional net underspend of £153k was reported on the net General Fund budget of £121.9m for 2018/19. This maintained the council's overall financial health and provided a strong platform from which to meet the challenges ahead. Good progress had also been made on achieving savings during the year, with delays in some areas generally being mitigated by savings in others. Table 1, in paragraph 5 of the report, gave an overview of the out-turn; key variations within directorates, the Housing Revenue Account (HRA) and corporate budgets were detailed in paragraphs 8 to 47. Since the unallocated contingency of £648k was no longer needed to support general budget pressures as reported in Monitor 3, it was proposed that this be added to the 2019/20 contingency.

The performance update, in paragraphs 52 to 134 of the report, was based on the core indicators built around the priorities in the 2015-19 Council Plan. Of the strategic indicators reporting new annual data, 6 had shown improvements while 2 showed a poor direction of travel. The next quarterly update would be based on a new Council Plan for 2019-23.

Resolved: (i) That the year end underspend of £153k and the unused contingency of £648k be noted.

(ii) That approval be given to transfer the overall underspend of £801k to the 2019/20 contingency, pending consideration by the new Executive of budget amendment proposals to Council in July 2019.

(iii) That the proposals for the Housing Revenue Account balance outlined in paragraphs 42 and 43 of the report be approved.

(iv) That the financial risks outlined in the report, and the need to continue to maintain a prudent contingency and reserves that are reflective of these risks, be noted.

(v) That the continued effective financial management across the Council, and the ongoing delivery of savings, be noted.

(vi) That the performance information set out in paragraph 52 of the report onwards be noted.

Reason: To ensure that significant financial issues can be appropriately dealt with.

7. Capital Programme Outturn 2018/19 and Revisions to the 2019/20 - 2023/24 Programme

[See also under Part B]

The Director of Customer & Corporate Services presented a report which set out the capital out-turn position for the 2018/19 financial year and asked Executive to approve requests for re-

profiling and to recommend the re-stated 2019/20-2023/24 programme to Council.

An out-turn of £77.402m was reported on the approved 2018/19 budget of £106.291m; a net variation of £28.889m. This comprised requests to re-profile £29.546m of schemes to future years and adjustments to schemes increasing expenditure by £0.627m. However, the overall programme continued to operate within budget. Variances and re-profiling requests within each portfolio area were outlined in Table 1 at paragraph 10 of the report, with details of variances above £100k in paragraphs 12 to 85. The capital programme for 2019/20 to 2023/24, re-stated as a result of the re-profiling, was shown in Table 3 at paragraph 89 and detailed in Annex 1.

Officers provided an update to the position on the Community Stadium set out in paragraphs 77-85 of the report, stating that construction would not now be completed in September. The council was working to determine the reasons for the delay and a full report would be provided once this work had concluded. With reference to comments made under public participation, it was proposed to extend the financial support provided to YCK.

- Resolved:
- (i) That the 2018/19 capital outturn position of £77.402m be noted and the requests for re-profiling from the 2018/19 programme to future years, totalling £29.516m, be approved.
 - (ii) That the adjustments to schemes increasing expenditure in 2018/19 by a net £0.627m be noted.
 - (iii) That the adjustments to schemes increasing expenditure in future years by a total of £2.285m be noted.
 - (iv) That approval be given to increase the Lowfields Housing Site budget by £4.1m, funded from market sales receipts, as set out in paragraph 35 of the report.
 - (v) That approval be given to appropriate HRA land to the General Fund for the development of Ashfield football pitches at a market value of £25,285, as set out in paragraph 38.

(vi) That approval be given to draw down £213k from the 2019/20 capital contingency budget of £765km towards the additional cost of the two replacement cremators, as detailed in paragraph 68.

(vii) That the proposed additional YCK financial support towards continued first team playing arrangements at Bootham Crescent during the 2019 Rugby League season, amounting to a net cost of £15,000 funded from the existing Project budget, be approved.

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

8. Treasury Management Annual Report and Review of Prudential Indicators 2018/19

The Director of Customer & Corporate Services presented a report which provided a review of treasury management activities, and the actual prudential and treasury indicators, for the 2018/19 financial year.

The report had been reviewed and scrutinised by the Audit & Governance Committee at their meeting on 19 June 2019, in accordance with the CIPFA Code of Practice on Treasury Management. Details of the out-turn against prudential indicators were attached at Annex A.

Resolved: That the 2018/19 performance of treasury management activity and prudential indicators outlined in Annex A to the report be noted.

Reason: To ensure that the continued performance of the treasury management function can be monitored and to comply with statutory requirements.

PART B - MATTERS REFERRED TO COUNCIL

9. Capital Programme Outturn 2018/19 and Revisions to the 2019/20-2023/24 Programme

[See also under Part A]

The Director of Customer & Corporate Services presented a report which set out the capital out-turn position for the 2018/19 financial year and asked Executive to approve requests for re-profiling and to recommend the re-stated 2019/20-2023/24 programme to Council.

An out-turn of £77.402m was reported on the approved 2018/19 budget of £106.291m; a net variation of £28.889m. This comprised requests to re-profile £29.546m of schemes to future years and adjustments to schemes increasing expenditure by £0.627m. However, the overall programme continued to operate within budget. Variances and re-profiling requests within each portfolio area were outlined in Table 1 at paragraph 10 of the report, with details of variances above £100k in paragraphs 12 to 85. The capital programme for 2019/20 to 2023/24, re-stated as a result of the re-profiling, was shown in Table 3 at paragraph 89 and detailed in Annex 1.

Officers provided an update to the position on the Community Stadium set out in paragraphs 77-85 of the report, stating that construction would not now be completed in September. The council was working to determine the reasons for the delay and a full report would be provided once this work had concluded. With reference to comments made under public participation, it was proposed to extend the financial support provided to YCK.

Recommended: That Council approve the re-stated 2019/20 to 2023/24 programme of £617.810m, as summarised in Table 3 at paragraph 89 of the report and detailed in Annex A.

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

Cllr K Aspden, Chair

[The meeting started at 5.30 pm and finished at 6.15 pm].