
MEETING	Executive
DATE	7 November 2006
PRESENT	Councillors Steve Galloway (Chair), Jamieson-Ball, Macdonald, Orrell, Reid, Runciman, Sunderland and Waller
APOLOGIES	Councillor Sue Galloway
IN ATTENDANCE	Councillors Livesley and Vassie

101. Declarations of Interest

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

102. Exclusion of Press and Public

RESOLVED: That the press and public be excluded from the meeting during consideration of Annex B to agenda item 9 (Lendal Bridge Sub-Station Secure Cycle Park Feasibility Study Outcome) and Annex A to agenda item 10 (Proposals for Staff Compensation), 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 amended by the Local Government (Access to Information) (Variation) Order 2006.

103. Minutes

RESOLVED: That the minutes of the Executive meeting held on 24 October 2006 be approved and signed by the Chair as a correct record.

104. Public Participation

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

105. Executive Forward Plan

Members received and noted an updated list of items included on the Executive Forward Plan at the time the agenda for this meeting was published.

106. Extending Cardboard Recycling Collections and Changes to Winter Refuse Collection Arrangements

Members considered a report which presented proposals for the extension of cardboard recycling services to the remaining 40,000 City of York residents able to use these services if provided. This information had been requested by the Executive at its last meeting, on 24 October. The report also recommended changes to current waste collection arrangements between 1 December 2006 and 31 March 2007. Additional information on the use of the Waste Performance and Efficiency Grant for 2006/07, and how the forecast landfill tax would fund the required investment to extend the service, had been circulated after publication of the agenda (Annex B).

The introduction of plastic and cardboard kerbside collections to households in March and July 2006 had resulted in the number of properties presenting materials for collection (the "set out" rate) rising to an average of 69%. It was anticipated that this would increase to 80% if cardboard collections were introduced to the remaining 40,000 properties. This could be done after the Christmas and New Year holidays if three additional vehicles were hired and six staff employed. Costs for the current financial year (£66k) could be met from reserves, due to a one-off extra dividend from Yorwaste.

It was proposed to introduce the new service, in stages, from Monday 15 January, at a rate of 5,000 properties per week. This would mean that the service would be offered to all 40,000 properties by 5 March 2007. It was further proposed to continue with the alternate weekly "grey" and "green" bin domestic waste collections over the winter period (1 December 2006 to 31 March 2007), in order to maximise recycling rates. A weekly domestic collection would still be provided during the two-week Christmas period. A communications strategy to inform residents of these arrangements was outlined in paragraphs 23-28 of the report.

In welcoming the proposals, Members stressed the importance of ensuring customer satisfaction with the service introduction and a timely and efficient distribution of bags and leaflets.

RESOLVED: (i) That the proposals for cardboard collections to be rolled out to the remaining 40,000 on alternate weekly collections be welcomed and that the arrangements for Winter Collections, as detailed in paragraphs 17-21 of the report, be approved.

(ii) That approval be given to release £66k from reserves and that a further report be brought to the Executive to confirm the future funding arrangements.

REASON: To improve recycling performance and reduce the amount of waste being sent to landfill.

107. Response to the Recommendations of the Sustainable Street Lighting Scrutiny Board

Members considered a report which set out Officers' comments in relation to the recommendations of the Sustainable Street Lighting Scrutiny Board, which were presented to the Executive on 25 July 2006.

Comments on each of the Board's twelve recommendations were set out in paragraphs 5 to 39 of the report. Paragraph 51 presented alternative proposals in relation to recommendations 1, 2, 3, 4, 5 and 9, with the aim of ensuring that financial controls and reporting procedures were in place to progress the procurement of energy for street lighting without delay.

Councillor Vassie commented on the Board's recommendations as Energy Champion, expressing support in particular for Recommendation 2.

RESOLVED: (i) That the Scrutiny report be welcomed and that the Executive record its appreciation of the work of those Members and Officers involved in the production of the report.

(ii) That the recommendations of the Scrutiny Sub-Committee be agreed, subject to the amendments detailed below:

Recommendations	Executive Response
<p>1. Street Lighting Officers discuss and renegotiate the rate charged to the authority for lamp stock electricity supply to minimise financial costs and ensure that the contract to CYC includes upwards of 20% renewable sourcing to be increased towards a target of 100%.</p>	<p>Agreed, with the following addition: Insert at the end of the recommendation "where the supplier is able to provide renewable sourced energy and subject to the outcome of the forthcoming procurement of energy for street lighting, which will be reported to Members for decision."</p>
<p>2. Street Lighting and Finance Officers ensure that the cashable and non cashable energy and financial savings are reported in Gershon Efficiencies responses, ring fenced and invested in increasingly sustainable street lighting stock.</p>	<p>Not agreed. Re-word as follows: Insert, after "Gershon Efficiencies responses", "and where feasible reinvest following consideration as part of the annual budget process".</p>
<p>3. Street Lighting Officers with the assistance of the Sustainability Officer ensure that CO2 emissions from energy use in street lighting stock are reported annually under EMAS and that targets are set for annual carbon savings.</p>	<p>Agreed, with the following addition: Insert, at the end of the recommendation: "provided that appropriate resources can be allocated to deliver the savings proposals".</p>

<p>4. Street Lighting Officers should complete the audit and database detailing street lighting stock in line with best practice and the "whole life" details outlined at para 20 as a matter of urgency prior to renegotiating the electricity contract this year.</p>	<p>Agreed, with the following addition Re-word to: "Street Lighting Officers should use the newly completed and audited inventory detailing the street lighting stock to renegotiate the electricity supply contract this year".</p>
<p>5. Upon completion of Audit, Street Lighting Officers should prepare a Street Lighting Strategy for submission to the Executive.</p>	<p>Agreed, with the following change Remove the words "Upon completion of Audit". Add: "The Strategy should include a requirement to implement new technology when appropriate".</p>
<p>6. Street Lighting Officers should maintain their established contact with pilot authorities trialling Photovoltaic (PV) lighting and other sustainable technologies and endeavour to keep track of the best versions of this technology available.</p>	<p>Agreed</p>
<p>7. Street Lighting Officers should recommend the use of PV powered "standalone" systems and other sustainable technologies as the technologies improve and community netted systems installations for areas of the authority without grid netting requiring lighting. Officers should, in this instance, consider whole life costs of installation, including offsetting the installation costs against savings made from electricity billing during the systems life. That the position of using PV and any other advances to sustainable technologies should be included in the annual "Highways Report"</p>	<p>Agreed</p>
<p>8. That Sub Committee considering the final report of the former Planning and Transport Scrutiny Board regarding sustainable development be requested to include a recommendation to developers – in the form of an amendment to the Supplementary Planning Guidance (SPG) – that all new or significantly refurbished developments should give consideration to incorporating</p>	<p>Agreed</p>

<p>sustainable street lighting. Officers to research and investigate the inclusion of a more detailed policy to address this issue as part of the development of the "Local Development Framework".</p>	
<p>9. That the City of York Council's Elected Member Energy Champion, Street Lighting Officer and Grants and Partnership Accountant create a bid to "Intelligent Energy Europe" with the aim of securing funding to install an intelligent lighting network.</p>	<p>Not agreed. Insert instead, "that officers, in consultation with the Executive member for Strategy and the Councils Energy Champion, at an appropriate time, report on the options for developing a bid for funding to support the development of an intelligent lighting network for the City, including the availability of resources from European sources such as IEE II".</p>
<p>10. That the Elected Member Energy Champion present a first version of the Regional Assembly's questionnaire to the Executive in September and thereafter the Regional Assembly, as a record of the authority's position across all sectors to date.</p>	<p>Not agreed. Insert "That information, including any response to regional questionnaires, on the Councils position be reported to the City Strategy EMAP at an appropriate time"</p>
<p>11. That the Elected Member Energy Champion present six monthly updates of the Regional Assembly's questionnaire to the Executive and thereafter the Regional Assembly, as a record of the authority's progress on energy across all sectors.</p>	<p>Not agreed. Insert "That information, including any response to regional questionnaires, on the Council s position be reported to the City Strategy EMAP as part of the annual performance review process"</p>
<p>12. That the Executive Member instruct the Street Lighting (and/or Other relevant) Officer(s) to ensure that aesthetic building illumination (spots on the Guildhall and other key architectural buildings within CYC's property portfolio) use light sensors to come on only when required and do not remain on through the entire night (i.e. are switched off at 01:00 hrs) with a view to reducing electricity usage and emissions.</p>	<p>Agreed, subject to the production of a report on the financial implications of adopting such a policy.</p>

REASONS: In order to develop a clear programme of works in response to the Board's recommendations, taking into account the

Council's financial position and work already in progress, to ensure financial controls and reporting procedures are in place and to enable the procurement of energy for street lighting to progress without delay.

108. Scrutiny Report: Reducing Carbon Emissions from York's Public and Private Sector Housing

Members considered a report which presented the final recommendations of the Scrutiny Sub-Committee that reviewed the topic "Reducing Carbon Emissions from York's Public and Private Sector Housing".

The report summarised the main findings of the review, full details of which included in the Sub-Committee's draft report, attached as Annex A. This had been considered and endorsed by the Scrutiny Management Committee on 23 October and contained twelve recommendations, focusing on areas where it was felt the Council could take immediate action.

Councillor Livesley, who had chaired the final meeting of the Sub-Committee, commented on the recommendations on the Sub-Committee's behalf. It was noted that some of the recommendations (2-8) appeared to relate to the Planning remit.

RESOLVED: (i) That the report be noted, with thanks to the Officers and Councillors who have worked on it.

(ii) That the recommendations of the Scrutiny Sub-Committee be agreed, subject to the amendments detailed below:

Recommendation	Executive Response
<p>1. That Climate Change Strategies and Action Plans are developed by the Council's Sustainability Officer as a matter of urgency. This to be done with a view to best practice approaches used by other Local Authorities. Progress on the introduction of such a strategy and action plan be reported to the Scrutiny Management Committee within the next year.</p>	<p>Agreed, with the following change Delete final sentence. Insert "Acknowledges that the Council is already well advanced in developing its strategies for dealing with climate change, in so far as it has powers to do so, and anticipates that a consultants report will be submitted to Executive shortly. At that time the SMC may, of course if they wish, choose to review the contents of the report".</p>
<p>2. That the Local Development Framework and our present planning policy framework include a Calderdale/Merton Style Target. This target will require developers to</p>	<p>Noted, and the proposal to be referred to the LDF Working Group for their consideration</p>

<p>ensure that:</p> <ul style="list-style-type: none"> ◆ at least 10% of all energy required is provided from renewable sources in all new and significantly refurbished developments from this point and up to 2010, including domestic development. ◆ After 2010 the target rises for onsite embedded renewables to be greater than or equal to 15% between 2010 and 2015 ◆ Then rises again to be greater than or equal to 20% between 2015 and 2021 etc. 	
<p>3. That the City of York Council researches planning policies adopted by other local authorities with a view to applying them in York, if appropriate, in order to specifically ensure energy efficiency by design. That all plans submitted to the Local authority be tested on these criteria.</p>	<p>Noted, and the proposal to be referred to the LDF Working Group for their consideration.</p>
<p>4. That the authority enforce Parts L and F of the Building Regulations as a matter of urgency, resolving any training and resourcing issues that may need addressing</p>	<p>Agreed, with the following addition: “while recognising that the deployment of resources will be influenced by the Councils annual budget build process”</p>
<p>5. That the Council, through its Elected Member Energy Champion request that the Yorkshire and Humber Assembly and/or Yorkshire Forward facilitate region wide BREEAM assessor training for the region’s Development Control (and other appropriate) Officers with the aim of reducing costs to individual Local Authorities, with the aim of reducing future expenditure.</p>	<p>Agreed, with the following amendment: Insert, after “through”, “ officers in consultation with”</p>
<p>6. That the City of York Council commit to recommend to appropriate funding bodies - i.e. Housing Corporation - that all new homes standards greater than or equal to Ecohomes ‘Excellent Standards’.</p>	<p>Not agreed. It is noted that the LDF has already adopted “very good” standards as a target.</p>
<p>7. That as a matter of urgency the Elected Member Energy Champion present a first version of the Regional Assemblies questionnaire to the</p>	<p>Not agreed Insert: “That information, including any response to regional</p>

<p>Executive and thereafter the Regional Assembly, as a record of the authority's position across all sectors to date.</p>	<p>questionnaires, on the Councils position be reported to the City Strategy EMAP at an appropriate time”</p>
<p>8. That the Elected Member Energy Champion present six monthly updates of the Regional Assemblies questionnaire to the Executive and thereafter the Regional Assembly, as a record of the authority's progress on energy across all sectors.</p>	<p>Not agreed</p> <p>Insert: “That information, including any response to regional questionnaires, on the Councils position be reported to the City Strategy EMAP as part of the annual performance review process”</p>
<p>9. That the authority adopt clearer lines of communication to ensure that information already collated by Housing Officers regarding thermal efficiencies improvements and other Carbon reduction measures, is shared with the Sustainability Officer. This should be done to ensure housing data relevant to the developing Environmental Management System (EMAS) is integrated. Officers in Housing should work with the Authority's Sustainability Officer to agree the best format for such data sharing and, ensure advice regarding targeted improvements in housing and the reporting of these outcomes are delivered under EMAS</p>	<p>Agreed</p>
<p>10. That the Housing Strategy & Enabling Group – Housing Standards & Adaptations Officer and other officers in housing where relevant work with York EEAC officers consult upon, devise and adopt a ‘Energy Efficiency and Thermal Comfort Strategy and Action Plan’ for the authority commencing this year. The Officers are recommended to use the Regional Action Plan (Annex C) NEA guidance (Annex F) and activities outlined at paragraph 50 of this report as a primary steer in shaping the process</p>	<p>Agreed</p>
<p>11. That the Local Authority ensures that CYC Officer and Member Positions on the Energy Partnership Board are always filled.</p>	<p>Agreed</p>

<p>12. That Annual and inter-year joint working be conducted between EEAC's Local Authority Support Programme Co-ordinator and CYC Housing Officers to ensure that opportunities for the use of renewables are considered as part of the HRA and Housing Capital Business plan. Where such opportunities are cost neutral or affordable within the life of the business plan, micro-renewables should be installed as part of the development of the business plan. Consultation between housing officers and EEAC should cover improvements scheduled to buildings fabric, such as photovoltaic roof tiles when roofs need replacement and/or heating, water systems replacements (i.e. can carbon minimising heat pumps be applied) etc; Consultation should also explore opportunities to bring in external grants revenue.</p>	<p>Agreed</p>
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REASON: In order to respond appropriately to the recommendations of the Scrutiny Sub-Committee, taking into account work already in progress and the Council's financial position.

(iii) That the Sustainability and Energy Champion be requested to report back within three months on work done by the Energy Efficiency Advice Centre and Energy Saving Trust for York's Strategy in response to the Nottingham Declaration, and on progress made with the Council's energy efficiency and renewable energy objectives.

(iv) That it be noted that there will be a report from Housing Services relating to tackling fuel poverty, which is part of one of the 13 priorities in the Council's corporate strategy.

(v) That the Executive expects clear lines of communication of information that can assist with the achievement of grant funding to support energy efficiency and renewable energy features in the Housing Programme, and the take-up of grants to householders.

REASON: In accordance with the recommendations and to further the Council's work in improving the energy efficiency of its housing stock.

109. Lendal Bridge Sub-Station Secure Cycle Park Feasibility Study Outcome

Members considered a report which presented the outcome of the study into the suitability of the former Lendal Bridge Sub-Station into a secure cycle parking facility. The report incorporated the further information requested by Members when they considered this issue at the Executive meeting on 24 October. Additional supplementary information detailing an operating proposal from Bikerescue Project CIC and Officers' responses to this (Annex D) plus revised options and an alternative recommendation (Annex E) had been circulated after publication of the agenda and made available on the Council's website. A further document provided by Bikerescue, outlining potential revenue streams, was circulated at the meeting.

The revised options presented for Members' consideration were:

Option A – sell the building.

Option B – provided grant funding was available, retain the building and lease it to a cycling organisation on condition they convert the ground floor to a cycle park, with other cycle-related activities.

Option C – as Option B, plus further investigation of the integrity of the roof and options to enable the roof to be accessed from the café.

The original report recommended that Option B be adopted if grant funding could be secured and, if not, that the building be sold. The alternative recommendation was to defer a decision on the sale of the building for six months, to enable interested parties to investigate potential funding sources and produce a viable business plan. This would enable Bikerescue, as well as any other interested parties, to develop their proposals further.

It was noted that this item had been called in, so the Executive's decision would be subject to review unless the calling-in was withdrawn.

RESOLVED: (i) That a decision on the sale of the building be deferred for up to six months.

REASON: To enable sources of funding to be investigated to facilitate a secure cycle store on this side of the City, which will contribute to the Corporate Strategy Improvement Statement to increase the use of public and environmentally friendly modes of transport and also meet the objectives identified in the Local Transport Plan.

(ii) That interested parties be invited, individually or in partnership, to explore opportunities for grant funding to finance the capital investment required for the use of this property as a cycle park, including associated and compatible uses.

REASON: Funding is not available from within Council budgets. No money has been allocated in the LTP Capital Programme to undertake these works and to accommodate them in 2007/08

would require at least half the annual budget, resulting in a loss of other LTP schemes.

(iii) That interested parties be asked to investigate all planning, building and environmental constraints and to incorporate these within a fully developed business plan to satisfy the potential funding bodies and the City of York Council of the scheme's viability and longevity.

REASON: To ensure that all aspects of the scheme have been considered and that it will succeed.

(iv) That consideration then be given to leasing the building to an appropriate organisation for the period needed to release the investment funding.

REASON: To control the use of the building and satisfy the funding bodies.

(v) That progress be monitored regularly during the 6-month period, to ensure that a full and comprehensive report can be brought back to the Executive for a final decision.

REASON: To ensure that there is no slippage and that the programme is kept on time.

110. Proposals for Staff Compensation

Members considered a report which provided an update on the Council's position in relation to offers of compensation to employees who could potentially make claims against the Council under equal pay legislation.

The current job evaluation exercise under the Single Status Agreement would only address inequalities from the date of implementation of a new pay system. There was therefore a need to address historical inequalities and reduce potential liabilities and litigation in this area. After careful consideration, Officers had concluded that it was essential to take action to reduce the Council's risk in this area by proposing a compromise agreement to settle potential equal pay claims.

Proposed levels of compensation had been discussed with trades unions and a list drawn up of employees who should be offered compensation. These employees would be notified by letter of the amount they would receive if they chose to accept the offer. Further information would be available via a helpline and a series of 'road shows'.

RESOLVED: (i) That the approach outlined in the report, to make offers of compensation in full and final settlement of the Council's liabilities in respect of historical equal pay issues, be endorsed.

(ii) That the use of the existing financial reserves of £1.59m that have been set aside to address this issue be

authorised and, if this amount is exceeded, that any remaining compensation be funded from the Council's general reserve.

REASON: In order to address this important issue and minimise the risk to the Council.

S F Galloway, Chair
[The meeting started at 2.00 pm and finished at 2.55 pm].