
MEETING	EXECUTIVE
DATE	14 DECEMBER 2010
PRESENT	COUNCILLORS WALLER (CHAIR), AYRE, STEVE GALLOWAY, MOORE, MORLEY, REID AND RUNCIMAN
IN ATTENDANCE	COUNCILLOR CRISP

128. DECLARATIONS OF INTEREST

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

129. MINUTES

RESOLVED: That the minutes of the Executive meeting held on 30 November 2010 be approved and signed by the Chair as a correct record.

130. PUBLIC PARTICIPATION / OTHER SPEAKERS

It was reported that there had been three registrations to speak at the meeting under the Council's Public Participation Scheme, and two requests to speak from trades union representatives.

Eammon Keogh, the first registered speaker, commented on agenda item 6 (Affordable Housing Viability Study), on behalf of York Property Forum and York Chamber of Commerce. He expressed concern regarding some of the assumptions in the viability model, particularly the land values, which he felt had no evidential support, but would be happy to continue dialogue with Officers to resolve these issues.

Mark Warters, the second registered speaker, commented on agenda item 7 (York Local Investment Plan). He expressed the view that the relationship between the Council and the Joseph Rowntree Trust was too close and raised concerns about the inclusion of the Turf Tavern site in the development proposals within the LIP.

The third registered speaker did not attend the meeting.

Jayne Smith, of the GMB, spoke in relation to agenda item 9 (The Reablement Service in York), on behalf of staff working for the service. She questioned the capacity of the independent sector to provide properly trained and qualified staff, and the assumptions in the report concerning

the need for, and costs of, expanding the service. She urged Members to reject the recommendations and keep the service in-house.

Heather McKenzie, of UNISON, also spoke on agenda item 9 on behalf of staff. She submitted a petition in support of keeping the Reablement service in-house and urged Members to defer their decision to allow time to carry out a proper consultation process and to assess the in-house option.

131. EXECUTIVE FORWARD PLAN

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

132. MINUTES OF WORKING GROUPS

Members considered a report which presented the minutes of the meeting of the Local Development Framework (LDF) Working Group held on 1 November 2010 and the meeting of the Equality Advisory Group (formerly the Social Inclusion Working Group) held on 11 November 2010. An updated version of the report had been published with the agenda on 3 December 2010.

Members were invited to respond to any advice offered by the Groups in their capacity as advisory bodies to the Executive. Specifically, they were asked to endorse the proposal of the LDF Working Group to retain the existing draft Green Belt (Minute 23 in Annex A) and to approve the appointment to the Equality Advisory Group of two new, non-voting co-opted members - Simon Rodgers and Hann Bunn, representing the LGBT Forum.

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

RESOLVED: (i) That the draft minutes attached at Annexes A and B to the report be noted.

(ii) That the proposal of the LDF Working Group to retain the use of the existing draft Green Belt as a basis for finalising the LDF Core Strategy submission document, in line with citywide consultation responses, be endorsed.

(iii) That the specific recommendation of the Equality Advisory Group to appoint the two non-voting co-opted members nominated by the LGBT Forum, as set out in paragraphs 7 and 8 of the report, be approved.¹

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

Action Required

1. Inform the new members of their appointment

JC

133. AFFORDABLE HOUSING VIABILITY STUDY

Members considered a report which presented the results of further research on the Affordable Housing Viability Study brought to the Executive meeting on 5 October 2010 and sought approval for the Viability Study as a means of negotiating lower affordable housing targets. It was noted that the report originally published with the agenda was a draft version; the correct version had been published and circulated on 9 December 2010. A supplementary note had also been circulated to Members before the meeting (*this has now been published on the Council's website as Annex 3 to the report*).

Since 5 October, agreement had been reached on many assumptions within the Study, but unresolved differences remained on the treatment of land values and developer profits. Results of the research, with Officer comments and recommendations as to whether each assumption should be changed or retained, were set out in Annex 1 to the report.

Re-running of the recommended revised assumptions produced an amended target of 35% affordable on greenfield sites, but no effect on the brownfield sites target of 25%. There was an additional opportunity to reduce these targets to 21.5% and 31.5% respectively if a minimum 25% developer profit were required to unlock finance. As this was an area of contention, it was recommended that the onus be placed on developers to prove that nothing less than 25% would be accepted on individual sites, for lending reasons.

Having noted the comments of the Labour Group Spokespersons on this item and the comments made under Public Participation, it was

RESOLVED: That the Viability Study, in so far as it addresses sites of 15 or more homes, and its (current) 25% brownfield and 35% Greenfield affordable housing targets, as set out in Table 1 in the report, be approved for development control purposes, including a lowering of the targets by a further 3.5% if a 25% developer profit can be justified, or a lower target by individual negotiation following a site-specific viability appraisal. At the discretion of the Director of City Strategy, the Council may accept off-site homes and/or commuted payments in lieu of on-site affordable housing provision.”¹

REASON: So that the Affordable Housing Viability Study can be used as part of the Local Development Framework evidence base, avoiding delays to the production of the Core Strategy, and for Development Control purposes as a material consideration to assist in the delivery of affordable housing in York now.

Action Required

1. Take action to introduce the new targets

RW

134. YORK LOCAL INVESTMENT PLAN

Members considered a report which presented for approval York's Local Investment Plan (LIP) for the period 2011-2015.

The LIP, attached as Annex 1 to the report, sought investment of nearly £41.5m from the Homes and Communities Agency (HCA), to deliver 609 affordable new homes, bring 5,349 private sector homes up to decent homes standard and adapt 625 homes to support independent living. These proposals were summarised in Table 1, paragraph 19. The LIP been developed in accordance with guidance published by the HCA and informed by a robust evidence base, as detailed in Annex 2. Members were invited to approve the LIP (Option 1) or make amendments prior to its submission to the HCA.

It was noted that the evidence base of the LIP was now out of date in parts and that the position in respect of the Turf Tavern public house site, previously highlighted for development, had changed, as the pub had since re-opened. A letter from Cllr Holvey concerning the Turf Tavern was circulated at the meeting.

Having noted the comments of the Labour Group Spokespersons on this item, the comments made under Public Participation and the comments contained in Cllr Holvey's letter, it was

RESOLVED: (i) That the contents of the Local Investment Plan (LIP) be noted.

(ii) That the LIP be approved for submission to the Homes and Communities Agency (HCA), subject to the removal of the item relating to the Turf Tavern site, and that the evidence base of the LIP be updated in consultation with the Leader and the Chief Executive.¹

REASON: So that the LIP can be submitted to the HCA for consideration in order to inform York's Local Investment Agreement, and to take account of the changed position with regard to the Turf Tavern and of developments affecting the evidence base over the past six months.

Action Required

1. Amend the LIP and submit to the HCA; update the evidence base in consultation with Leader & Chief Executive

SW

135. 2011-12 BUDGET UPDATE II - GRANT FUNDING

Members considered a report which provided an update on the 2011-12 budget process, with emphasis on the latest information available regarding funding and how this might affect the Council's provisional grant settlement, due to be announced during December.

The latest information on the government's Spending Review indicated that:

- At least 22 grants, previously delivered as Specific or ABG, would be rolled into Formula Grant in 2011-12;
- A further 38 Specific / ABG grants could be perceived as 'at risk', having had no announcement on their continuity or delivery;
- Grants feeding into the refined Dedicated Schools Grant and Early Intervention Grant were still to be announced.

It was considered likely that the government would give some protection to those councils which currently received a high proportion of their funding from Formula Grant, at the expense of those (like York) which did not. York should therefore be prepared for a funding reduction of around 15%, or £8.2m, instead of the 10.7% previously announced. Officers were working to identify mitigation strategies and options to address this. Representations had already been made to Central Government in order to fight York's cause, and work was continuing via the More for York programme to ensure the production of a balanced budget in February 2011.

Officers provided an update at the meeting following the announcement the previous day of the actual grant reductions, which for York would amount to 13.3% in 2011-12.

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

RESOLVED: That the current position, and the ongoing work being conducted in relation to developing the 2011-12 budget, be noted.

REASON: So that the 2011-12 budget process can be completed in a timely manner.

136. THE REABLEMENT SERVICE IN YORK

Members considered a report which advised them of the opportunities offered by a remodelled reablement service, as part of a wider strategy to meet the challenges of changing demographics within the City.

An in-house reablement service had been established in York's Adult Social Care department in 2008. It was designed to be of short duration and aimed to promote independence and reduce dependency on long-term packages of care, helping customers to fend for themselves again.

However, the existing service was not large enough to deliver the expected benefits.

To access the resources needed to expand the service, it was recommended that it be outsourced to the independent sector, with a transfer of all staff under TUPE. The expected Year 1 costs of expansion under this option (Option B2) were illustrated in Table 3, paragraph 28 of the report, compared with the equivalent costs of the following alternative options:

- an expanded in-house service (Option A);
- independent sector delivering a full reablement model (Option B1 – included for illustrative purposes only, as it was not a viable option);
- independent sector with costs associated with dismissals for business efficiency (Option B3).

The results of consultation with Trades Unions, staff, Health partners and older people on the proposals were summarised in paragraph 7 of the report.

Having noted the comments of the Labour Group Spokespersons on this item and the comments made by union representatives at the meeting, it was

RESOLVED: (i) That it be noted that, at a time when the number of elderly residents needing the reablement service is increasing, the Council needs to examine how the number of hours of the service can be increased, whilst also recognising the pressure on all budgets at this time.

(ii) That, after considering the City of York Council reviews, the changes that have happened to the in-house service in terms of unit costs and contact time, and after benchmarking these against the costs of local independent providers of the same service, agreement be given to:

- a) progress purchasing the ongoing entire expanded reablement service from the independent sector, with staff to be offered the *option* of voluntary severance for business efficiency reasons, in addition to TUPE, as outlined in paragraphs 19-26 and 50-53 of the report;¹
- b) review any further changes that may be need to the in-house service in order to maintain that provision;¹
- c) request Officers to update the Executive on progress with the procurement process, the outcome of ongoing consultations, and the production of tables comparing the costs of provision of services (in-house and independent sector) and consequent outcomes;²
- d) request Officers to provide details of the Equalities Impact Assessments of any changes to the service.²

REASON: To allow the City to increase the scale of home-based support to older people in a way which is financially deliverable, provides employment security for staff and which seeks to maintain for as long as possible the independence of local residents.

Action Required

1. Take action to examine both these options AB
2. Schedule an update report on the Executive Forward Plan, to include EIAs AB

137. ESTABLISHING A TRANSITION BOARD FOR LIBERATING THE NHS

Members considered a report which sought agreement to the Terms of Reference for a Transition Board to oversee the changes anticipated as a result of the government White Paper, *Liberating the NHS*.

On 5 October 2010, the Executive had agreed to the establishment of a Transition Board under the direction of the Chief Executive, and had asked that the Terms of Reference be reported back for approval. The draft Terms of Reference, attached as an annex to the report, had been developed jointly by the Council and the Primary Care Trust (PCT).

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

RESOLVED: (i) That the Terms of Reference for the Transition Board set out in Annex 1 to the report be approved.¹

(ii) That authority be delegated to the Chief Executive to make any minor modifications to the Terms of Reference that may arise from discussions by the North Yorkshire and York PCT Board.

REASON: To ensure that the Council and its partners are able to address the challenges and changes that Liberating the NHS brings in a planned way, and maximising the opportunities for partnership and integrated working.

Action Required

1. Take any action necessary to implement the Terms of Reference, subject to any minor amendments by the NY&Y PCT KC

138. 2010 ANNUAL PERFORMANCE ASSESSMENTS: ADULT AND CHILDREN'S SERVICES

Members considered a report which presented the outcome of the 2010 assessments, carried out by the respective regulatory bodies, of the

performance of adult and children's services within the City of York. Some of this information had been under embargo until 9 December 2010, so the report had not been added to the published agenda until that date. The assessments were attached to the report as annexes 1 and 2 respectively.

The Care Quality Commission (CQC) had judged York's adult social services as 'performing well' overall and 'performing excellently in 'making a positive contribution', which was one of the seven key outcome areas. The individual judgements showed a significant improvement on the previous year, although the overall judgement was the same.

With regard to children's services, the assessment of the Office for Standards in Education, Children's Services and Skills (Ofsted) had concluded that York had retained its 2010 rating of 'performing excellently'.

Members thanked all staff involved in achieving these high assessment ratings and, having noted the comments of the Labour Group Spokespersons on this item, it was

RESOLVED: That the contents of these key assessments be noted and that the outcomes described and the further improvement work planned be welcomed.

REASON: To support the continued improvement of services for the people of the City.

A Waller, Chair

[The meeting started at 2.00 pm and finished at 3.20 pm].