

Meeting	Executive
Date	30 July 2015
Present	Councillors Steward (Chair), Aspden (Vice-Chair), Ayre, Brooks, Gillies, Runciman and Waller
In attendance	Councillors N Barnes, Cuthbertson, D'Agorne, Galvin, Levene, Warters and Williams
Apologies	Councillor Carr

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## **Part A - Matters Dealt With Under Delegated Powers**

### **17. 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 they may have in respect of business on the agenda.

Councillor Ayre declared a personal non prejudicial interest in respect of Agenda item 6 – Castlegate - Update, as the organisation he worked for were in ongoing discussions with Castlegate staff. He left the room and took no part in the discussion and voting thereon.

Councillor D'Agorne also declared a personal non prejudicial interest in Agenda item 6 – Castlegate, as he worked with staff at Castlegate as part of his employment at York College.

### **18. Minutes**

Resolved: That the minutes of the last meeting of the Executive, held on 25 June 2015, be approved and signed by the Chair as a correct record.

## 19. Public Participation

It was reported that there had been ten registrations to speak at the meeting under the Council's Public Participation Scheme and that six Members of Council has also requested to speak on items, details of which are set out below:

### General Remit

Cllr Warters thanked the Executive for their review of the 20mph rollout and signage. He also requested review of the use of the CCTV car in Murton Lane, Murton, highlighted concern at the costs of the Lendal Bridge/Coppergate repayment schemes and requested details of the agreement between York City Knights and the Council in relation to the Community Stadium project.

### The Future of York's Guildhall and Riverside – Project Update Report

Cllr Galvin reminded Members of the history and the importance of the Guildhall and its part in the governance of the city over 800 years. He expressed concern at proposals for a restaurant on the site and requested continuation of the historical link and the provision of fully serviced office accommodation for Council staff to ensure a sustainable future for the site. He also requested further examination of the proposals by scrutiny.

### Coppergate Traffic Regulation Order Report

Kevin Ward spoke as a freelance consultant on transport matters; he highlighted some of the Chief Adjudicators findings in the report as incorrect as he considered that the Coppergate signage supported the enforcement of the Penalty Charge Notices.

### City of York Local Plan

Alan Charlesworth spoke on behalf of the York Action Group Alliance which represented residents in 16 Outer Parishes to express their full support for the new administrations development of the Local Plan, in conjunction with residents. He circulated copies of their Local Plan Manifesto through which they hoped a realistic, achievable and sustainable Local Plan could be put forward.

Jacqueline Ridley spoke on behalf of the Earswick Action Group, adding their support to the production of a Local Plan using evidenced based housing figures. She confirmed that this also included the removal of safeguarded land, the use of

brownfield sites first and protection of the green belt around Earswick.

Cllr N Barnes expressed his hope that the Local Plan could be completed within the required timeframe and expressed concern at the continued use of contingency funds.

#### Business Improvement District for York City Centre

Frank Wood spoke as a retailer, Chair of the York Retail Forum and member of the City Team Board to confirm their support for a Business Improvement District in the city centre. He asked Members to support the bid, referring to issues around declining footfall, parking, anti social behaviour, collection of waste and recycling which could all be assisted by the bid. He also referred to the need to extend the working day to attract both residents and visitors back to the city.

Adam Sinclair spoke as Managing Director of Mulberry Hall and Chair of the City York Team referring to the established formula of revitalising city's across the country. He referred to existing problems in the city centre and to the need to compete with market competition. He hoped the bid would support both large and small businesses and engage local traders.

Steve Hughes spoke as Project Manager of the City Team, he confirmed that, following reference to the Electoral Commission, it had been recommended that the proposed ballot of local businesses should take place between Monday 26 October and 26 November 2015. He also highlighted details of the BID Board membership which had two places for CYC representatives. He reiterated that, if York was to remain competitive, the BID funds were required to improve the city centre offer.

Cllr Cuthbertson, spoke as Chair of the Economic Development and Transport Policy and Scrutiny Committee which had discussed the BID proposals. He confirmed that copies of the Committee's comments had been passed to the Executive. The Committee supported the BID team's aims and raised a number of concerns regarding A-boards, P&R services, affect on non-levy paying businesses and BID Board membership.

Cllr N Barnes also expressed his support for the BID and its objectives.

### Consultation on Decision Making Arrangements

Cllr Levene spoke as Chair of the Corporate Scrutiny Management Policy and Scrutiny Committee which had been consulted on the new decision making arrangements. He confirmed that Members had welcomed proposals for pre-decision scrutiny, more frequent meetings subject to adequate resourcing, the inclusion of scrutiny Chairs at CSMC meetings and ensuring that Executive Member decision making was clear with scrutiny input at an early stage.

### Listening to Residents: Ward Committees

Cllr Levene expressed his support for local decision making and accountability subject to this being via a robust process. He requested that the Community Care Fund, which it was proposed to devolve to wards, should be ring fenced for vulnerable residents.

Cllr N Barnes spoke as Chair of the Audit and Governance Committee, urging members to be cautious and to take time to fully examine the proposals for a new approach to community engagement through the revised Ward Committees. He highlighted accountability, risks and affordability in respect of any future audit of the new approach.

### Holiday Pay and Overtime

Andrea Dudding spoke on behalf of the Unions, GMB, Unison and Unite, which collectively represented Council staff. She raised concerns that the proposed calculation of holiday pay had been based on 20 statutory annual leave days rather than 28 and requested that, as this was a matter relating to terms and conditions, this should be negotiated. She pointed out that the proposals were detrimental to staff who were the Council's best resource.

### Annual Report of the Financial Inclusion Steering Group 2014/15

Richard Bridge spoke in relation to the Council Tax Scheme (CTS) and of his concerns at the effect recent changes to the Scheme were having on York's poorest residents. He highlighted various publications including Advice York's 'Pushed into Poverty' paper which confirmed that financially vulnerable residents now had to meet 30% of their council tax costs as opposed to the previous scheme which allowed up to 100% support. He therefore asked the Council to consult on new CTS which mirrored the cuts.

Rebecca Jeffrey representing Advice York also raised concerns at limiting CTS which meant that all working age residents would have to pay at least 30% CT when the average across the country was only 13%. She referred to research which confirmed that many residents struggled to pay their bills and difficulties they encountered in accessing the discretionary scheme. She requested Members to review its scheme.

Clare Guinam spoke as an Advice Session Supervisor at the Citizens Advice Bureau where she saw the difficulties residents faced in paying their CT, often from loans. She provided a number of quotations from client surveys which highlighted the difficulties local residents faced. She also asked the Council to review the existing scheme.

**20. Forward Plan**

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

**21. The Future of York's Guildhall and Riverside - Project Update Report**

Consideration was given to the report of the Assistant Director for Finance, Property and Procurement which set out progress and the actions necessary to secure the future of the Guildhall complex. This included a commitment to improve public access to and interpretation of the historic core of the complex, proposals for enhancing the commercial value of the riverside and a review of the feasibility work and business case relating to the office elements of the project.

Officers presented the report highlighting the key project programme dates and the under mentioned options for the office elements of the site:

Option 1 - Grade A generic office, probably requiring new build annex, where refurbishment is unlikely to produce the quality of office required.

Option 2 - A commercially focused scheme - likely to revolve around restaurants / cafe bars and leisure uses.

Option 3 - A new build annex with generic Grade A office and introducing residential or holiday let accommodation on upper levels.

Option 4 – A refurbished annex option with a serviced office / virtual office offer to the broader creative industries sector.

Members expressed their support for examination of the options and development of a business case.

Resolved: That the Executive agree:

- (i) A commitment to improved public access to and interpretation of the historic core of the complex – The Guildhall Main Hall, the Council Chamber, a new riverside courtyard garden and historic Common Hall Lane, in accordance with the recent Heritage Lottery Fund (HLF) bid.
- (ii) To continue with ongoing project development work including: the procurement of a multi disciplinary design team to progress design and development work.
- (iii) To commission a specialist property agent to: establish the value of the commercial riverside elements of the scheme; advise the design team and market test the proposals. Agree the principle of long leases (typically 25 – 99 yrs) on peripheral elements of the complex (the South Range restaurant and the new build cafe/bar on the north end).
- (iv) To initiate a review of the feasibility work and business case assumptions relating to the office elements of the scheme as presented to Cabinet in December 2014 / and Scrutiny Call-in in January 2015. Requesting an early report back to Executive in September 2015 on the most commercial and viable options for this element of the complex.<sup>1/2.</sup>

Reasons: (i) In the interests of securing improved public access for residents and visitors, for the future, and maximising the civic and community value of the Guildhall through improved

understanding and appreciation of its historic significance, aligning with the Mansion House Opening Doors project.

- (ii) To ensure that the optimum beneficial re-use of the complex is properly investigated and that project delivery does not suffer unnecessary delay.
- (iii) In the interests of optimising the value and long term sustainability of a publicly accessible riverside with an attractive commercial offer to complement the inherent historic interest of the complex.
- (iv) In the interests of securing the optimum future value for the council from one of its most significant property assets and minimising delay to the project delivery.

#### Action Required

1. Continue ongoing project development work, establish the value of the riverside elements of the scheme and undertake a review of the office space. DW
2. Add update report to September's Executive Forward Plan. DW

## **22. Castlegate: Update**

The Executive considered an update report on progress of the transformation of services for young people currently located at Castlegate. The report provided a summary of the work that had taken place since February to develop a new, innovative and sustainable model for youth advice and support services.

The Executive Member confirmed the need for financial savings and to the commitment to retain the service in the city centre together with a full range of services, which had the support of young people.

The Assistant Director (Education and Skills) confirmed details of ongoing work with service users to reshape the service through the YorOk Board and to work with partners including the Clinical Commissioning Group and Primary Care Trust to access sources of funding to ensure this was a sustainable service.

In answer to some Members concerns regarding the report reference to the possibility of Castlegate not being an option due to its sale to the Civic Trust, the Chair confirmed that there were no ongoing negotiations with the Trust in this regard.

Consideration was given to the following options and timeline for developing and implementing the new service:

Option 1 - This option was put to Cabinet in October 2014. The YorOK sub group felt that the preferred option in the original business case should continue to be discussed as there were merits in the proposal related to the opportunities to co-locate a range of services and partners in an existing city centre venue currently used by some groups of young people which required further consideration.

Option 2 - To continue to fund and deliver existing services from Castlegate until April 2016 to allow for the development of a sustainable integrated youth advice and support service.

Resolved: That the Executive agree to:

- (i) Continue to deliver the current range of services from Castlegate as outlined in Option 2, in the report, with continued engagement with partners to develop new, innovative and sustainable models of delivery which provides targeted advice and support for vulnerable young people, 16-24yrs
- (ii) Proceed with Option 2 for the remainder of 2015/16 with a view to agreeing a sustainable model described in paragraph 17, in the report, to be implemented in 2016/17. A detailed proposal and business case for this remodelled service will be developed through the YorOK Board sub-group and be presented to the Executive in October 2015. <sup>1</sup>.

Reason: To allow evidence based practice to emerge from other transformed areas of children's services and delivery and other partnership funding streams to be identified.

#### Action Required

1. Continue work on a sustainable model for the service and add item to the Forward Plan for



**23. Older Persons' Accommodation Programme: The Business Case**

*[See also Part B minute]*

Consideration was given to a report which provided the Business Case for investment in Older Persons' Accommodation to equip the city for the changing needs of its older population. The Programme sought to address these needs by replacing council run Older Persons' Homes (OPH's) with a range of provision including Extra Care housing and independent sector provided registered residential and nursing accommodation.

Members noted that, on current projections in the financial model, the Programme was affordable and should deliver financial savings of £284k per annum from 2019/20 rising to £553k by the end of 2023/24 and £9.6m over 25 years. It was also anticipated delivery of capital receipts of £3.6m from the sale of the Council's existing OPH's. Members also noted the risks associated with the proposals, and the mitigating action required, which would be kept under review.

The Executive Member welcomed the report and the proposals to move the programme forward highlighting the need for early consultation with OPH residents and relatives.

Concern was raised by a Member that, as residents often wished to remain in their locality, the majority of accommodation appeared to be concentrated in the east of the city and he hoped that, in the longer term, there would be a better balance.

Following further discussion it was

Resolved: That the Executive agree to:

- (i) Proceed with the Older Persons' Accommodation Programme (the Programme) as set out in the report, including:
  - funding 24/7 care support at Glen Lodge and Marjorie Waite Court Sheltered Housing with Extra Care schemes;
  - building a 27 home extension to Glen Lodge;

- seeking the building of a new Extra Care scheme on the site of an existing Older Persons' Home (OPH);
  - procurement of a new residential care facility as part of the wider Health and Wellness Campus at Burnholme; and
  - encouraging the development of additional residential care capacity in York including block-purchase of beds to meet the Council's needs.
- (ii) Approve the Financial Plan for the Programme including:
- use of the £3.554m OPH annual budget for the achievement of the Programme and with the intention of generating annual savings of £284k from 2019/20 rising to £553k by 2023/24 and £9.6m over 25 years;
  - allocation of up to £1.2m from the venture fund over the first four years of the Programme to fund the early years costs of achieving change including £88k of design and pre-planning costs associated with new Extra Care provision and £241k Programme management costs; the investment will be repaid from 2019/20 onwards over a 5 year period being fully repaid by 2023/24; the £88k of design and pre-planning costs would be funded from the Programme management budget and then repaid once the Glen Lodge extension is added to the capital programme with these costs chargeable to revenue should the capital scheme fail to progress and that revenue budgets would be needed to address this; and
  - ring-fence the reinvestment of up to £4m of capital receipts from the sale of the surplus to requirements existing older persons assets listed in the report for use on this Programme, subject to further approval regarding capital expenditure.

- (iii) Undertake a six week period of consultation, this autumn, with the residents, family, carers and staff of two of the Council's OPHs to explore the option to close each home with current residents moving to alternative accommodation and that a further report on the outcome of this consultation be received at the Executive before a final decision to close is made.
- (iv) Note that a recommendation to Council for the £4.15m investment in the Glen Lodge extension be added to the Capital Programme through the appropriate Capital Monitor once the outcome of the funding bid has been confirmed, noting that some of the expenditure may require prudential borrowing with the associated revenue costs being funded through additional rental income.
- (v) Note that a further report will be brought to Executive in the autumn to agree the preferred approach to the development of the Burnholme site in order to deliver a Health & Wellness Campus including residential care provision.
- (vi) Receive regular written updates of the progress of the Programme.<sup>1</sup>

- Reason: (i) To provide suitable accommodation, ideally in a community setting, for the city's older residents including those with complex care needs, those with dementia and those moving out of, or diverted from moving to, existing Council-run OPHs which are no longer fit-for-purpose.
- (ii) So that the project can progress.
  - (iii) So that the Executive may decide which homes may close having been fully informed of the views of and options available to existing residents.
  - (iv) So that 27 additional homes can be added to the Glen Lodge Extra Care facility, providing safe and secure accommodation for older people including those with complex needs and dementia.

(v) So that the building of the Burnholme Health and Wellbeing Campus can progress.

(vi) So that the Executive can be assured that the Programme is progressing according to plan and will be delivered.

Action Required

1. Proceed with the Older Person's Accommodation Programme, proposed consultation and the provision of regular progress reports.

RW

**24. Coppergate Traffic Regulation Order Report**

Consideration was given to a report which updated the Executive on the Review Decision of the Chief Adjudicator to the Traffic Penalty Tribunal (TPT) regarding civil enforcement of the Coppergate Traffic Regulation Order by camera.

It was noted that the Chief Adjudicator had held that, whilst the Order was valid to enable enforcement as a bus lane by camera, the Adjudicator considered that the signage was inadequate to convey the meaning of the order and was therefore unenforceable.

Officers highlighted the Adjudicator's key findings as outlined in the report and the recommendation from Counsel against further challenge. It was confirmed that, whilst it would be lawful for the Council to retain the monies, the cost of dealing with claims on an individual basis would exceed the cost of setting up a repayment process. It was also noted that, following a challenge from the National Motorists Action Group that the Auditors were reviewing the accounts and pending publication of their report it was recommended that any decision was subject to the satisfaction of the Section 151 Officer.

Members expressed their support for the suggested repayment process and the need to find a long term solution to the signage and congestion in the city.

Consideration was then given to the following options for

Dealing with PCN revenue

## Option 1 – Retaining Monies Pending Appeal

Option 2 - This option would replicate the refund request process that has been approved by Leading Counsel for Lendal Bridge and hence avoid the significant financial and reputational risks of Option 1.

## Future TRO enforcement

### Option 1 – Revoking the Coppergate Order

Option 2 - Due to the material difference of opinion between the Council and the Chief Adjudicator of the TPT regarding the current signage, Officers recommend that the signage is reviewed, and consulted upon, to adequately communicate the meaning of the Order, and thus comply with Regulation 18.

Resolved: That the Executive agree to:

- (i) Require Officers to implement a Coppergate Repayment Process to facilitate the settlement of claims on the basis of repaying the Penalty Charge Notice (PCN) fine only (from earmarked reserves), in full and final settlement. The deadline for submitting a claim to be 31<sup>st</sup> March 2016. <sup>1.</sup>
- (ii) The deadline for submitting a claim in respect of the existing Lendal Bridge Repayment Scheme to be extended from the 31<sup>st</sup> December 2015 to the 31<sup>st</sup> March 2016. <sup>2.</sup>
- (iii) Authorise Officers to identify, consult upon and analyse options which may include (a) solutions to conveying the meaning of the present Coppergate Order that will satisfy Regulation 18 of the 1996 Regulations, (to potentially include revised signage, road markings and surface treatment) and/or (b) alternative Orders and interventions that may provide more effective traffic solutions.
- (iv) Require Officers to prepare a further report to the Executive presenting the findings from (iii) above, and seeking approval to take forward an agreed solution. <sup>3.</sup>

- (v) The Council not proactively pursuing enforcement of the Coppergate Order by camera until such time as the solution at (iv) above is implemented.
- (vi) This is subject to the Director of Business Support Services being satisfied that this process meets the Auditors requirements.

Reason: In order to progress issues related to the Coppergate Traffic Regulation Order and to inform future traffic enforcement schemes.

Action Required

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|---|----|
| 1. Implement Coppergate repayment scheme.   | NF |
| 2. Extend deadline for Lendal Bridge repayment scheme.  | NF |
| 3. Officers to examine options to the Coppergate Order and add report back to Executive on the Forward Plan | NF |

**25. City of York Local Plan**

The Executive considered an update report on progress on the Local Plan. It was noted that, in response to the Council resolution and the changing national and local context that Officers had started work to update the evidence base to inform the next stage of plan production and that this would form the basis of reports to Local Plan Working Group meetings from September onwards.

It was also noted that a further report would be brought to the Executive once the outstanding work in respect of the evidence base had been completed.

The Executive Member highlighted the changes proposed to the Plan, in particular in the areas of housing density and the green belt and the duty to co-operate and he referred to public support and the need to incorporate resident's views.

Councillors Williams and D'Agorne expressed support for the progress to date with the plan preparation but highlighting concerns regarding density and the housing crisis in the city which was likely to require development in the green belt.

Resolved: (i) That the Executive note progress on the Local Plan and the work that is being undertaken to

respond to both the changing national and local context.

- (ii) That approval be given to the release of £65k from contingency to fund the additional work outlined in the report.

Reason: (i) So that a National Planning Policy Framework compliant Local Plan can be progressed.

- (ii) So that the additional evidence base studies identified in the report can be funded within budget.

## **26. Business Improvement District for York City Centre**

Consideration was given to a report of the Director of Communities and Neighbourhoods regarding proposals for the formation of a Business Improvement District (BID) for York City Centre. Members were asked to support the arrangement of a ballot which would allow local businesses to decide whether they wished to form a BID, the benefits of which were set out at paragraph 20 of the report. Members also considered a draft business plan, feasibility study and baseline agreements for the BID.

Officers presented the report and referred to the support received from earlier speakers, the Retail Forum and City Team for the proposals and confirmed the Electoral Reform Society recommendation for an earlier start date for the ballot. Officers also confirmed that the points raised by the scrutiny committee had been noted.

Members also expressed their support for the proposal and confirmed that details of nominations on the BID Board had not yet been confirmed. Consideration was then given to the following options:

- a) Proceed as set out in the report and absorb any costs
- b) Proceed as set out in the report but charge a one off fee for any work carried out
- c) Negotiate that any fees or costs incurred by the Council are removed as part of our contribution to setting up the BID.

Resolved: That the Executive agree to:

- Support the City Centre Business Improvement District (BID) and approve the draft Business Plan put forward by the City Team York Executive
- Confirm that the Executive is satisfied that the York BID proposals are not in conflict with any existing Council Policy, and that the proposed BID boundary has not been manipulated inappropriately
- Approve the Baseline Service Agreement which provides a legal commitment to maintain provision of relevant services in the BID area
- Approve the arrangements for the Council to operate the ballot and act as the collection agent for the levy
- Note the stages and timescales required to implement the decision as outlined in these recommendations.
- Agree to the release of £14k from contingency to fund the additional work outlined in the report.<sup>1.</sup>

Reason: To support the continuing development of a Business Improvement District in York, and subsequent progression to ballot stage and to provide a budget for necessary expenditure.

Action Required

1. Proceed with the ballot for a BID in October. PN, PW

**27. Consultation on Decision Making Arrangements**

The Executive considered the report of the Monitoring Officer which set out proposals for greater cross-party involvement in the decision making process. With policy and scrutiny committees having the opportunity to debate and make recommendations requiring an executive decision prior to the final decision being made. The report set out proposals for how



such a system could be introduced and identified some of the issues which may arise.

Officers highlighted Councillor Levene's earlier comments and summarised the views of the Audit & Governance Committee which were all overwhelmingly in support of the new arrangements.

Members welcomed the comments arising from consultation and expressed support for more cross party discussion, the need to change the culture of the organisation and highlighting the future challenge on both Members and Officers time.

Resolved: That the Executive welcome the suggestions put forward in respect of the new decision making arrangements, including the comments of the Audit and Governance and the Corporate and Scrutiny Management Policy and Scrutiny Committees and await feedback from consultation with the political groups and independent members on the proposals, prior to a decision by the Executive in August.

Reason: To enable revised decision making arrangements to be put in place.

## **28. Listening to Residents: Ward Committees**

Consideration was given to a report which set out a new approach to community engagement through working with local neighbourhoods and the establishment of revised ward committees. It was reported that the Council's new approach to neighbourhood working aimed to support ward members and proposed the reinstatement of ward committees with increased funding to strengthen resident engagement.

Officers reported the comments of the Communities and Environment Policy & Scrutiny Committee from their meeting on 27 July. It was confirmed that they had generally been supportive of the new arrangements and recommended option b, for ward committees to remain informally constituted.

Members welcomed the comments of earlier speakers which would allow ward councillors to champion their communities priorities and suggested a review of the new procedure by the Audit & Governance Committee.

Some Members expressed concern that ward funding would now be allocated on a per capita basis rather than on a need basis and that the Community Care Fund for vulnerable residents would not be ring fenced. They also raised concerns at possible financial risks, pointing out that central procurement of services would make savings for many of the services suggested for devolving to wards.

Following further discussion it was

Resolved: (i) That the Executive agree to:

- The new approach to community engagement including revised ward committees
  - The allocation of increased funding to these ward committees
  - The production of ward fact sheets in order to support ward councillors and explain the process to residents
  - The production of a range of local service choices giving options for how the ward committee funding pot can support local communities
- (ii) That the Ward Committees remain informally constituted relying on the delegated authority of the relevant chief officer to implement the wishes of the committee (subject to Council policy and procedures).
- (iii) That the Executive approve the virement of £150k from the Health & Wellbeing Directorate to Communities and Neighbourhoods Directorate representing the transfer of that element of the Adult Social Care Community Fund to Ward Committees.
- (iv) That the suggested ward spending approach be kept under review and considered by the Communities & Environment Policy & Scrutiny Committee and the Audit & Governance Committee prior to a report back to the Executive in January 2016.<sup>1</sup>

Reason: (i ii & iii) To support the Council's commitment to working with local communities and devolving power and budgets to residents.

(iv) In accordance with Financial Regulations

Action Required

1. Implement new the new approach and schedule review on scrutiny and Audit & Governance work plans.

MB, CC

**29. Holiday Pay and Overtime**

Members considered a report which presented them with details of the pay and process implications relating to the calculation of holiday pay for non contractual overtime and additional hours earned, arising from recent Employment Tribunal decisions.

Officers confirmed that the approach taken by the Council in relation to back-dated claims made to date had been to calculate the additional holiday pay entitlement as a percentage of non contractual earnings and calculated as 7.6923%. In answer to earlier speaker's comments Officers confirmed that the Community Impact Assessment was correct in that there was no discrimination and that every employee was treated fairly.

Following further discussion the following options on pay rates were considered:

- To pay the rate based on CYC previous claims experience and a rate set by another local authority as outlined in paragraphs 8 and 14).
- To pay a higher rate, but there is no evidence base on which to base a decision on a higher rate. Any higher rate would have a greater impact on the council's financial position and on funding for front line services.

Resolved: That the Executive agree to:

- (i) The proposed calculation of holiday pay to be applied to all non contractual overtime and additional hours worked at a rate of 7.6923% of additional non contractual earnings effective from 1<sup>st</sup> August 2015. <sup>1</sup>.

- (ii) Any future statutorily imposed rate change for the deduction of holiday pay in relation to non-contractual overtime/additional hours will be implemented by the Director of Customer & Business Support Services.<sup>2</sup>

Reason: To ensure Members are aware of the implications of changes to holiday pay for non contractual overtime and additional hours worked.

Action Required

- 1. Implement changes to calculation of holiday pay with effect from 1 August 2015. PS
- 2. Note that any future statutorily imposed rate change in this area can be implemented by the Director of CBSS. PS

**30. Annual Report of the Financial Inclusion Steering Group 2014/15**

The Executive considered the 2014/15 outturn report and performance of the Financial Inclusion Steering Group (FISG) which informed them of progress made in delivering financial inclusion activity across the city, arising from the Council's Financial Inclusion Strategy. The report also provided information on the Council's Tax Support Scheme following Advice York's recent review.

It was reported that membership of the FISG included directorate representatives, the York Citizens Advice Bureau and the South Yorkshire Credit Union. Members noted that four grants had been made during 2014/15 and details of the outcomes of all projects for which grants had been made since 2013/14 were detailed at paragraphs 7 to 17.

Officers confirmed that targeted support through the York Financial Assistance Scheme was still considered the best way to assist the most financially vulnerable customers but that, to date, claims for support with Council Tax had seen less than 40% of available money claimed in any one year. Officers also confirmed that further work was required to promote the support to ensure that the assistance reached financially vulnerable residents.

The Executive Member confirmed the need for a review of CTS and an examination of alternative methods of supporting residents.

Following further discussion it was

Resolved: That the Executive agree to note the work of the Financial Inclusion Steering Group.

Reason: To ensure Members are aware of Financial Inclusion activity and how related financial support is administered through Council Tax Support and York Financial Assistance schemes to inform planning for future financial pressures relating to these schemes.

### **31. 2014/15 Draft Outturn**

Consideration was given to a report which provided a year end analysis of the Council's financial performance over the 2014/15 financial year, detailed at Annex 1 in the performance dashboards.

The Council's net General Fund budget for 2014/15 was reported as £124,186k with a provisional outturn of an under spend of £688k, an improvement of £1.4m since Monitor 3. It was noted that the Council's reserve now stood at £7.5m and that beyond 2015/16 significant financial challenges would continue.

Further information in relation to the financial outturn of each directorate was reported at paragraphs 8 to 33 and at Annex 1, together with details of the achievements and challenges in relation to performance.

Resolved: That the Executive note the year end under spend of £688k and that this has been fully utilised in the emergency budget motion agreed by Council on the 16<sup>th</sup> July 2015.

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

**32. Capital Programme Outturn 2014/15 and Revisions to the 2015/16-2019/20 Programme**

*[See also Part B minute]*

Members considered a report which set out the capital programme outturn position, including any under or over spends, the overall funding of the programme and an update on future years.

An outturn of £48.202m was noted compared to an approved budget of £66.205m, an overall variation of £18.115m with the programme continuing to operate within budget.

A summary of the 2014/15 Capital Programme outturn was detailed, in the report and at Annexes A and B, highlighting the total variances for individual departments along with requests for reprofiling and an update on the Economic Infrastructure Fund.

Amendments made to future year's capital programmes as a result of reprofiling and requests for the use of new funding were also reported.

Resolved: That the Executive agree to:

- (i) Note the 2014/15 capital outturn position of £48.202m and approve the requests for re-profiling totalling £19.232m from the 2014/15 programme to future years.
- (ii) Note the additions in future years totalling £1.117m.
- (iii) Note the outturn position of the Economic Infrastructure Fund (EIF) in 2014/1 and revisions to the profile of the £28.5m as set out in Annex B of the report.
- (iv) Approve the revised EIF profile set out at Annex B of the report.

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

**33. Treasury Management Annual Report & Review of Prudential Indicators 2014/15**

*[See also Part B minute]*

The Executive considered the annual treasury management review of activities and the prudential and treasury indicators for 2014/15, as required by regulations issued under the Local Government Act 2003.

The position for 2014/15 compared to 2013/14 was summarised, with total borrowing at the start of the year at £311.3m and ending at £317.4m, split between the General Fund and Housing Revenue Account. Details of the interest and investment rates applicable over this period were reported at paragraphs 12 to 16 and prudential indicators for 2014/15 at Annex A.

Resolved: That, in accordance with the Local Government Act 2003 the Executive:

- (i) Notes the 2014/15 performance of Treasury Management activity and
- (ii) Notes the compliance with and movements of the Prudential Indicators in Annex A of the report.

Reason: To ensure the continued performance of the Council's Treasury Management function can be monitored.

**Part B - Matters Referred to Council**

**34. Older Persons' Accommodation Programme: The Business Case**

*[See also Part A minute]*

Consideration was given to a report which provided the Business Case for investment in Older Persons' Accommodation to equip the city for the changing needs of its older population. The Programme sought to address these needs by replacing council run Older Persons' Homes (OPH's) with a range of provision including Extra Care housing and

independent sector provided registered residential and nursing accommodation.

Members noted that the programme management costs were included in the financial model and detailed at paragraphs 105 and 106 of the report.

Recommended: That Council agree that the £1.156m Programme management costs be funded from existing Adult Social Care Capital Grant and are added to the Capital Programme and incurred over four years; these costs would be chargeable to revenue should the capital schemes fail to progress and that revenue budgets would be needed to address this. <sup>1</sup>.

Reason: So that the project can progress.

Action Required

1. Refer to Council.

JP

**35. Capital Programme Outturn 2014/15 and Revisions to the 2015/16-2019/20 Programme**

*[See also Part A minute]*

Members considered a report which set out the capital programme outturn position, including any under or over spends, the overall funding of the programme and an update on future years.

It was noted that amendments had been made to future year's capital programmes as a result of re-profiling of schemes from 2014/15.

Recommended: That Full Council agree the restated 2014/15 to 2018/19 programme of £206.231m as summarised in Table 3 and detailed in Annex A of the report. <sup>1</sup>.

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

Action Required

1. Refer to Council.

JP



**36. Treasury Management Annual Report & Review of Prudential Indicators 2014/15**

*[See also Part A minute]*

The Executive considered the annual treasury management review of activities and the prudential and treasury indicators for 2014/15, as required by regulations issued under the Local Government Act 2003.

Consideration was also given to an amendment requested to the Treasury Management Annual Investment Strategy, as outlined at Annex B of the report in relation to the Creditworthiness Policy.

Recommended: That Full Council agree amendment to the Treasury Management Annual Investment Strategy per Annex B of the report and the Creditworthiness Policy wording to:

“Typically the minimum credit ratings criteria the Council use will be a short term rating (Fitch or equivalents) of Short Term rating F1 and Long Term rating A-. There may be occasions when the counterparty ratings from one rating agency are marginally lower than these ratings but may still be used. In these instances consideration will be given to the whole range of ratings available, or other topical market information, to support their use.”<sup>1</sup>

Reason: To ensure the continued performance of the Council’s Treasury Management function can be monitored.

Action Required

1. Refer to Council.

JP

Cllr C Steward, Chair

[The meeting started at 5.30 pm and finished at 9.10 pm].