
MEETING	EXECUTIVE
DATE	30 JUNE 2008
PRESENT	COUNCILLORS WALLER (CHAIR), STEVE GALLOWAY, SUE GALLOWAY, JAMIESON- BALL, REID, RUNCIMAN AND VASSIE
IN ATTENDANCE	COUNCILLOR FRASER (FOR AGENDA ITEMS 1-7)

PART A - MATTERS CONSIDERED UNDER DELEGATED POWERS

17. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Runciman declared a personal non-prejudicial interest in agenda item 9 (General Fund – Provisional Revenue Out-turn 2007/08) as a patron of the Guildhall Orchestra.

Councillor Waller declared a personal non-prejudicial interest in agenda item 10 (Capital Programme Out-turn 2007/08 and Revisions to the 2008/09-2010/11 Programme) as a governor of York High School.

18. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during consideration of Annexes 2 and 3 to agenda item 7 (York Racecourse) (minute 23 refers) and Annex 3 to agenda item 10 (Capital Programme Outturn) (minute 26 refers), on the grounds that they contained information relating to the financial or business affairs of particular persons (including the authority holding that information), which was classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

19. MINUTES

RESOLVED: That the minutes of the Executive meeting held on 17 June 2008 be approved and signed by the Chair as a correct record.

20. PUBLIC PARTICIPATION

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

Councillor Sandy Fraser addressed the meeting in relation to agenda item 7 (York Racecourse) (minute 23 refers), on behalf of residents of Micklegate Ward. He expressed disappointment at the Race Committee's response to suggestions to mitigate the problems caused by race days for local residents and proposed that the costs of additional policing and off site toilet provision should be met from the additional income the new lease would provide. He also highlighted parking problems in the South Bank area and that the main pedestrian route to the Racecourse ran through a built up residential area, and suggested that the southern access to the site, used during Royal Ascot, be reinstated. He noted that residents had not been consulted about the proposals in the report and that they did not enjoy specific benefits from being near to the Racecourse, such as those available to residents near to Aintree. He concluded by raising concerns about the possible loss of other events at the Racecourse, in particular the annual Cycle Rally, if the number of race days was increased.

21. EXECUTIVE FORWARD PLAN

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

22. CPA CORPORATE RESPONSE

Members received a report which presented the results of the Council's CPA Corporate Assessment, conducted in January, and considered the Council's response to the CPA recommendations and their impact on corporate improvement planning.

Overall, York's CPA score remained 3 stars out of 4 and improving well. The Corporate Assessment report confirmed that there had been good progress and it contained much that was positive. Recent improvements were recognised, as was the dedication of staff and the quality of the services they provided. It also commented that the Council had a strong awareness of the city's needs, worked well in partnership and represented good value for money.

The Corporate Assessment argued that improvements needed embedding and to be made consistent across the organisation, and it was for that reason that the subsequent improvement planning was being led by Corporate Management Team who were committed to ensuring that it was sustained, shared and properly implemented. It was for this issue of 'embeddedness' that the Corporate Assessment judged the Council's systems and processes as 'adequate' rather than 'good'. The Corporate Assessment report emphasised the need for stronger internal collaboration and corporacy and for progress in this area to be sustained.

Members highlighted that whilst the items in the Single Improvement Plan were comprehensive, and were all areas that needed attention, there did need to be a focus of officer time on particular areas. They were particularly keen to ensure that there were tangible outcomes to service delivery which would benefit the public. Therefore whilst supporting the Single Improvement Plan, they expected more immediate attention on councillor training, budget monitoring arrangements, and engagement with the public.

The Executive Member for Children & Young People's Services recorded her thanks to officers for their work on improving the life chances of the most disadvantaged and disaffected children and young people.

- RESOLVED: (i) That the result and judgements of the CPA Corporate Assessment be noted;
- (ii) That the areas for improvement set out in the proposed single improvement plan and the associated project plans outlined in the report be noted and approved;¹
- (iii) That it be agreed to receive further updates on the development of the plan.²

REASON: To initiate a clear set of improvement priorities based on the Council's Business Model.

Action Required

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| 1 - To implement the plan; | SC |
| 2 - To receive further updates. | SC |

23. YORK RACECOURSE – APPLICATION FOR LEASE EXTENSION AND AMENDMENTS – REPORT BACK ON THE RESULTS OF FURTHER NEGOTIATIONS

Members received a report which presented the results of further negotiations between Officers and York Racecourse with regard to the granting of a new lease, as requested at the Executive (Calling In) meeting on 27 November 2007, and recommended that the new lease now be granted.

The following options were presented for consideration:

- a) To agree to the new 99 year lease incorporating the changes summarised in paragraphs 2 & 3 of the report;
- b) To decline to extend the lease;
- c) To agree a new lease but subject to different conditions.

Officers reported that a six day trial providing 12 off-site toilets, plus 2 disabled toilets, would cost approximately £5600.

Two written representations had been circulated to Members from local residents, outlining concerns regarding the impact of race days on their locality.

Members noted that following a court case between Wigan FC and Greater Manchester Police, it had not been possible for police forces to recoup the cost of policing off sports grounds and that this ruling applied to the Racecourse. The Police now accepted this position, and had put extra resources into the area. As a result, there was little that could be done to enforce payment contributions from the Racecourse, and there was no precedent found elsewhere to suggest that doing so would be normal practice.

Residents had reported anti social behaviour problems in nearby streets. As the Racecourse had indicated that they were not willing to provide toilets off site, any provision would have to be funded by the Council. All the current budget for the rent sat in the Learning, Culture and Children's Services Directorate, and as such any decision to allocate additional funding would have to be made as part of the budget setting process for that department.

Members expressed the view that, from a property and financial perspective, it made no sense to refuse the lease extension as it would provide financial and other benefits to the Council and the local economy.

- RESOLVED: (i) That Option a) be approved and the existing lease for the Racecourse be surrendered in favour of a new 99 year lease from the end of the current season based on the changes summarised in paragraphs 2 & 3 of the report;¹
- (ii) That a growth bid be submitted by the Director of Learning, Culture & Children's Services for the provision of temporary toilets on Race Days on an experimental basis starting from 2009, in the 2009-10 budget round;²
- (iii) That officers be instructed to negotiate with the Race Committee to ensure that the Cycle Rally is not compromised by extra race days.³

- REASON: (i) To ensure that York Racecourse and facilities connected therewith retain and enhance their position both nationally and for the benefit of the local economy, whilst at the same time making some provision to mitigate the effects of high visitor numbers on local residents;
- (ii) So that Members can consider allocating funding for this purpose balanced against other spending priorities in next year's budget;

- (iii) To ensure that extra race days do not prevent the annual Cycle Rally from taking place at the Racecourse.

Action Required

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| 1 - To issue the new lease; | SA |
| 2 - To submit a growth bid; | ST |
| 3 - To negotiate with the Race Committee. | ST |

24. YEAR END REVIEW OF PERFORMANCE 2007/8

Members received a report which provided an overview of how the Council had performed during the financial year 2007-2008.

Overall there had been widespread improvement across the Council's services, particularly in the area of community safety, with crime levels in York dropping 37% over the past 3 years. Other areas of good improvement included housing, waste recycling & landfill, missed bin collection and sickness absence. Education provision and attainment also continued to perform highly, with notable improvements in adult education provision and the number of school children taking regular exercise.

There were also a few areas for concern. Overall satisfaction with Council services was still fairly low at 51%, but this reflected a 7 percentile jump on 2006/07 and now placed York above the unitary average. This increase was also bucking a national downturn trend on overall satisfaction with local authorities. Other areas for attention included teenage pregnancies, waiting times for new older clients in adult services for assessment and road traffic accidents.

Members highlighted areas of performance improvement within their portfolios and recorded their thanks to officers for their work.

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

REASON: To ensure Members have a full understanding of how the Council is performing and what areas need to be improved.

25. GENERAL FUND - PROVISIONAL REVENUE OUT-TURN 2007/08

Members received a report which presented the projected 2007/08 out-turn position on the Council's General Fund Revenue Account, Housing Revenue Account (HRA), Collection Fund and Public Sector Agreements (PSAs) for 2007/08, and asked them to consider requests for under-spent project budgets to be carried forward and resultant transfers to reserves.

All General Fund portfolio areas except Children's Services, Leisure and Culture and Chief Executives Department had managed to out-turn within their budget level of funding. Overall these areas had combined to provide an underspend of £2.56m. In addition corporate budget areas had also

contributed a £3.76m underspend providing an overall underspend of £6.32m.

Additional information on the shortfall of income at Newgate Market and the IT Development Plan bids had been circulated to Members.

Members noted that the Council's finances were in a strong position thanks to careful budgeting, and strenuous attempts by officers to ensure that spending was brought back into line with the set budgets. There was a need to improve the monitoring of expenditure and income through the year and the need to move to monthly reporting in the long term had been discussed. It was reported that there would not be an officer capacity issue preventing the restoration of the Third Quarter monitoring reports to Executive Member and Advisory Panels (EMAPs) and ultimately to the Executive, along with more frequent exception reporting for material differences to budget income and expenditure, which would assist Executive Members in the planning processes.

- RESOLVED: (i) That the provisional out-turn position be noted;
- (ii) That a report be requested for the next meeting of the Executive justifying why, in the light of the 2007/08 underspend on the Housing & Adult Social Services budget, any carry forward provision for unexpected social care costs (£275k), which was provided for within contingency but remained unresolved, as set out in paragraph 50 of the report, should be released;¹
- (iii) That the requests to carry forward funds into 2008/09, totalling £1,513k for general fund services, as detailed in Annex 4 and summarised in paragraph 51 of the report, be approved;²
- (iv) That the request to carry forward £8.4k for the housing revenue account, as detailed in Annex 4 and summarised in paragraph 54 of the report, be approved;
- (v) That consideration of the requests for additional funding of £28k for the Guildhall Orchestra and of £38k for IT development bids, as highlighted in paragraph 68 of the report, be deferred until a July meeting of the Executive, together with any other urgent supplementary estimates or calls on contingency provision, and officers be requested to ensure that comprehensive financial information is provided to support any proposals;³
- (vi) That the maintenance of the Neighbourhoods Trading Account at £300k by releasing £144k from the General Fund, as set out in paragraph 62 of the report, be agreed;

- (vii) That the release of £20k from contingency provision to support the Newgate Market budget be agreed;
- (viii) That the transfer of the remaining underspend to revenue reserves be approved;
- (ix) That the enhanced priority placed by the Director of Resources on the need to address the issues identified as part of future monitoring rounds be noted;
- (x) That it be agreed that Third Quarter monitoring reports be presented to the Executive in future and that these be restored to the forward programme.⁴

REASON: To enable the Executive to set a revised budget in 2007/08 and monitor it effectively.

Action Required

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| 1 - To write report; | SA |
| 2 - To update the ledger and inform relevant officers to progress activities; | SA |
| 3 - To write report; | SA |
| 4 - To reinstate the Third Quarter monitoring report. | SA |

26. CAPITAL PROGRAMME OUT-TURN 2007/08 AND REVISIONS TO THE 2008/09-2010/11 PROGRAMME

Members received a report which presented the final outturn position of the Council's capital programme for 2007/08, together with the statutory declaration on the funding of the programme, sought approval for any necessary changes resulting from underspends, overspends and slippage, and provided an update on the future capital programme and a change to accounting policy relating to the statutory minimum revenue provision.

The 2007/08 capital outturn of £42.026m represented an underspend of £4.813m against the restated budget of £46.839m, a variance of 10.2%, higher than last year's variance of 7.7%. There were requests for budgets to be carried forward into future years totalling £6.689m, and updates to the spend profile of future years' schemes to improve the budgetary control of the capital programme.

Members congratulated officers on their work progressing significant projects on behalf of the city.

- RESOLVED: (i) That the 2007/08 capital outturn position be noted and the request for slippage to and from the 2008/09 capital programme be approved;¹
- (ii) That the restated 2008/09 to 2010/11 programme, as summarised in Table 4 and detailed in Annex 2 of the report, be approved;

- (iii) That the statutory declaration of the 2007/08 capital expenditure, as required by the Local Government Act 2003 Part 1, be approved.

REASON: To allow the continued effective management of the capital programme in 208/09 and beyond, and to fulfil statutory functions.

Action Required

1 - To update the ledger and inform relevant officers to progress activities. SA

PART B - MATTERS REFERRED TO COUNCIL

27. STATEMENT OF ACCOUNTS 2007/08

Members received a report which invited them to review and comment upon the Council's financial accounts for the financial year 2007/08 before submitting them for approval by Full Council on the 30th June.

Audit & Governance Committee had already considered and commented on the accounts. A revised copy of the accounts, with supplementary sheets, setting out the proposed changes had been circulated following Audit & Governance Committee.

Members expressed the view that the Annual Governance Statement should be a separate document from the Statement of Accounts in future.

RECOMMENDED: That the Statement of Accounts be approved by Full Council.¹

REASON: Under the current constitution Full Council must approve the Statement of Accounts. It is a statutory requirement that this approval must be made no later than 30th June.

Action Required

1 - To refer to Full Council. SA

A Waller, Chair

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