

Meeting	Cabinet
Date	3 March 2015
Present	Councillors Williams (Chair - left the meeting for consideration of Agenda item 14 - Local Flood Risk Management Strategy - Minute 121), Crisp (in attendance for Agenda items 1, 2, 3 and 12), Cunningham, Levene, Looker and Simpson-Laing (Vice-Chair in the Chair for Agenda item 14 - Local Flood Risk Management Strategy)
In attendance	Councillors Burton, D'Agorne, Galvin, Merrett, Reid, Steward, Warters and Watson

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

### **109. 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 Williams, declared a personal prejudicial interest in respect of Agenda item 14 – Local Flood Risk Management Strategy, as an employee of Yorkshire Water, and he vacated the Chair for consideration of this item and took no part in the discussion or voting thereon.

### **110. Minutes**

Resolved: That the minutes of the Cabinet meeting held on 10 February 2015 be approved and signed by the Chair as a correct record.

### **111. Public Participation**

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

## The Council's Housing for Older People Programme

Dr Andrew Phillips, Deputy Chief Clinical Officer for the Vale of York Clinical Commissioning Group spoke to endorse the programme outlined in the report and their alignment with health sector proposals for older people. He expressed his support for the new approach and the provision of a care hub which would provide the solution to a number of problems.

George Wood, representing York Older People's Assembly spoke of earlier work undertaken by the Council in respect of the Strategic review of council accommodation for the elderly. He expressed concerns that the authorities involvement in competitive dialog had prevented the Assembly being fully informed of progress. However he confirmed the Assemblies full support for the proposals and the need to progress work at the earliest possible date.

Kevin McAleese, as Chair of the York Housing Association, spoke of the Associations range of housing support services and to the issues arising from an ageing population. He expressed support for the commitment to independent living and the full range of provision of services on one site. He highlighted the need to engage with other organisations.

Luke Barnett, Chief Executive of York CVS, spoke to express concerns that the previous plans had not progressed however he looked forward to the involvement of services users and other organisations in co-commissioning.

Cllr Reid expressed concern at the abandonment of the four year procurement process owing to affordability. She asked Members to reject the report and to develop proposals for the former Lowfields School site as originally intended and to keep residents fully informed.

Cllr Warters requested Cabinet's assurance that all the green field site and surrounding playing fields on the Burnholme site would be retained.

## York Outer Ring Road Improvement Scheme

Cllr D'Agorne expressed concern that there had not been sufficient consultation regarding the proposed scheme. He highlighted the Local Transport Plan 2 and other policies

regarding transport proposals' indicating that work was undertaken on transport schemes at the expense of air quality.

Cllr Warters expressed support to a reference to Outer Ring Road 'Changes' rather than 'Improvement' as he felt recent works on the A1237 had not provided an improvement in traffic flow. He asked Members therefore to support Option 2 and suspend the scheme.

#### Report on Interim Evaluation of the Anti Social Behaviour Hub

Cllr Warters expressed concern that this report was being considered by Cabinet, prior to its consideration by the Community Safety Overview & Scrutiny Committee the following day.

#### Economic Infrastructure Fund

Adam Sinclair spoke as Chair of City Team York who were putting forward proposals for a Business Improvement District for the city centre. He highlighted progress made and to the engagement and cross party support already received. He asked Cabinet to endorse the recommendation which he hoped would improve the economy, increase inward investment and ensure that York remained a shopping destination.

Cllr Watson spoke to question details of references in the report, at paragraph 10 to 'improvements to physical surroundings'. He referred to a possible conflict with the CYC's festivals held in the city with the BID proposals referring to city wide promotional activities ie festivals etc.

#### Delivering Marketing, Culture, Tourism and Business Development – Make it York

Steve Brown spoke as Managing Director of Make it York, the new company set up to deliver marketing, culture, tourism and business development for the city which was due to start trading on 1 April 2015. He referred to the work and challenges overcome to meet the 1 April deadline. He confirmed that with the merger of staff from CYC, Science City York and Visit York in to the new organisation formal consultations and briefings had taken place regarding staff transfers.

Andrea Dudding, of UNISON spoke to express their concerns at staff's lack of knowledge of the proposed Service Level Agreement for the new organisation and staffs new terms and conditions. She requested that CYC staff transferring to the new organisation should do so with the same terms and conditions including the Local Government Pension Scheme.

### Recommendations of Local Plan Working Group – Wheldrake and Strensall Village Design Statements

Cllr Warters expressed his support for the Village Design Statements, but expressed the view that they were only effective if sufficient weight was given to them as part of the planning process.

### Local Flood Risk Management Strategy

Dennis Martin, spoke as a representative of Dunnington Parish Council expressing the Parish Councils support for the Flood Risk Strategy. He asked Members to note issues in their village which was sited on a hillside which meant that water travelled through the whole village. Although attenuation measures had helped there had been an increase in the use of impervious paving by residents which he felt had exacerbated flooding problems. He highlighted the need to rectify this through the planning process and the requirement to submit planning applications.

Cllr Warters, on behalf of Cllr Richardson, referred to the Internal Drainage Boards and the need for byelaws to provide support to the CYC planning system.

#### **112. Forward Plan**

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

#### **113. Graduate Business Start-ups, Entrepreneurialism and Higher Value Jobs Scrutiny Review Final Report**

Consideration was given to the final report of the Graduate Business Start-ups, Entrepreneurialism and Higher Value Jobs Scrutiny Review. The review had been set up with the aim of identifying cost effective ways to attract graduates and

entrepreneurs to start up or relocate in York enabling the employment of local people at higher than average wages.

Councillor Burton as Chair of the Task Group presented the report and the following recommendations, referring to the work undertaken and the key issues involved.

- i. *That the Economic Development Unit, Make It York and their partners bring forward innovative proposals to increase the amount of city centre space available for start-up and growing businesses in York by 20% by 2020, the amount of extra space to increase year on year and be reviewed annually.*
- ii. *That the Council look to establish a single point of contact for business advice and develop a communications strategy to more effectively inform business owners and new starters of the assistance the Council can provide by clearly signposting services and to examine how local banks, accountants and solicitors could be used to point people in the direction of the council and its partners for advice.*
- iii. *That named Council support officers responsible for liaison with start-up businesses are clearly identified on the York Means Business and other appropriate Council websites.*
- iv. *That the Council and its partners work to increase business-to-business mentoring, peer support and networking opportunities for small businesses and the named contacts in Recommendation iii) be responsible for facilitating networking opportunities.*
- v. *That ECDOSC receives reports within six months on the outcomes of the support being provided to new local businesses by the Council.*
- vi. *That interventions through the Local Growth Fund and Make It York support an increase of 5% in employment in professional, scientific and technical activities by 2030.*

- vii. *That the Council construct a comprehensive database and e-list of businesses in the city.*
- viii. *That existing education providers be encouraged to step up provision of business plan writing so people can be coached to develop business plans.*
- ix. *That the University of York be urged to:*
  - *Reallocate University car parking to improve access and increase the attractiveness to visitors to the Ron Cooke Hub, subject to planning restrictions.*
  - *Make more in its prospectus that the university does not claim the intellectual property rights to undergraduate ideas.*

The Chair and Cabinet Member thanked Councillor Burton and the Task Group for their work on the review, indicating their broad support for the recommendations and confirming that Make it York would pick up a number of the recommendations.

The Chief Executive confirmed that a comprehensive database of businesses already existed in the city and that all the points raised would be reflected in Make it York's Service Level Agreement.

Following further discussion it was

Resolved: That having considered the final scrutiny report and its annexes Cabinet agree to note the Task Groups recommendations and to pursue these as part of the work streams for Make it York and the Economic Strategy. <sup>1</sup>.

Reason: To conclude the Scrutiny Review in line with City of York Council scrutiny procedures

Action Required

1. Pursue recommendations as part of the work streams for Make it York and the Economic Strategy

SB, KE

**114. The Council's Housing for Older People Programme**

Consideration was given to the report of the Director of Adult Social Care which provided an update on the Council's existing

Housing for Older People Programme and which sought Cabinet's permission to pursue an alternative approach.

Members were reminded that the Council were currently involved in a live procurement process to find a partner to deliver new care home facilities and a community village for older people. However, since the procurement began in 2013, there had been changes in York's care and housing sectors and to the national funding framework. It was noted that an alternative approach and resources were now required which were community focussed and progressed the key strategic aims of the city in order to meet the care and accommodation needs of older people.

The report detailed the changes to the funding arrangements and the bid made to the government's New Models of Care Programme for the city to become a vanguard provider and, in view of this the recommendation to abandon the current procurement process.

The Director of Adult Social Care presented the report, acknowledging the frustrations in respect of the procurement process. He highlighted the significant changes which had taken place since the original proposals had been put forward and outlined the alternative approach now put forward.

The Cabinet Member and other Members welcomed the support of the earlier public speakers and expressed her willingness to work in partnership to support the alternative ways now put forward to deliver the scheme.

The Chief Executive confirmed that Mazars the Council's external auditors had been commissioned to review work previously undertaken on the Housing for Older People Programme.

Following further discussion it was

Resolved: That Cabinet agree to:

- (i) A new approach to the provision of accommodation with care for older people which, subject to approval of the detailed business case:
  - makes best use of the existing Sheltered Housing with Extra Care accommodation

owned by the Council by changes to allocations and lettings, staffing changes and capital investment so that residents with care needs, including those with complex needs and those with dementia, can be accommodated;

- authorises officers to develop the business case for an integrated care, health, housing and community facility on the Burnholme School site so that residents with care needs, including those with complex needs and those with dementia, can be accommodated alongside health, sports, library, nursery, other community facilities and family housing.
- supports and encourages the independent sector to develop and provide additional care beds by use of block-purchase, help, advice and (if viable) grants or loans so that residents with care needs, including those with complex needs and those with dementia, can be accommodated;
- authorises officers to seek funding opportunities for, and if necessary an Registered Social Landlord partner to develop, a newly built Extra Care and Health Hub in Acomb on a site made vacant by the closure of an existing Council-run Older Persons' Home (OPH), foregoing a capital receipt for the site;
- allocates the development site at Lowfields for housing use which would include homes to rent and to buy for older residents who down-size from a family home as well as family housing, subject to obtaining a capital receipt for the land;
- authorises the potential disposal and development of up to four sites made vacant by the closure of existing Council-run OPHs for housing use which would include homes to rent and to buy by older



residents who down-size from a family home, subject to obtaining a capital receipt for the land and also the disposal of the remaining sites when they become vacant in accordance with the Council's disposal policy; and

- agrees to the development of a detailed business case which sets out how all of the above proposals can be funded either within existing budget provision or by a combination of council and other external funding.

- (ii) Approve the use of unspent project management funds allocated for this purpose in 2013 to facilitate moving forward this programme of work, with further costs to be included in the business case for specific activities in the plan.
- (iii) Receive further reports to update Cabinet on progress of these plans and to submit for approval the detailed business case for the Burnholme development and other investments.
- (iv) Abandon the procurement of care homes at Burnholme and Lowfields (plus a Community Village and Community Hub) on the grounds of unaffordability.<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) To ensure that Members are kept informed of progress and that the financial implications of investments in property are considered.

- (iv) That the procurement exercise was unable to provide a solution that fulfilled the Council's requirements within the financial resources available to the project.

Action Required

1. Abandon procurement of care homes at Burnholme and Lowfields and proceed with new approach to the provision of accommodation. GD, RW
2. Add update reports to Council's Forward Plan. GD, RW

**115. York Outer Ring Road Improvement Scheme**

Consideration was given to the report of the Director of City and Environmental Services in relation to progression of the York Outer Ring Road Improvement Scheme (YORR). It was reported that improvements to seven junctions on the A1237 on the YORR was one of the York projects that made up the programme of schemes to be funded through the West Yorkshire plus Transport Fund. Following formal establishment of the fund and approval of the allocation of funding by budget Council the YORR had been identified as a quick-win project for delivery by 2020/21.

The Cabinet Member referred to the help this would provide in improving journey times and the associated dualling of the Ring Road. However he acknowledged the earlier speakers comments and to the work required in obtaining a modal shift.

Members were asked to consider the following options together the associated risks for progressing the project as set out in the report.

Option 1: Continued progression of the design of the overall project

Options 2: Suspension of the project pending the establishment of the WY+TF.

Resolved: That Cabinet agree to instruct officers to progress Option 1 to continue the delivery of the Outer Ring Road Upgrade using funds allocated in 2015/16. <sup>1</sup>.

Reason: To maintain progress on the project pending the formalisation of the West Yorkshire plus Transport Fund.

### Action Required

1. Progress ORR project.

TC, RS

#### **116. Report on Interim Evaluation of the Anti Social Behaviour Hub**

Cabinet considered a report which set out details of the Council's journey in transforming its approach to partnership working with North Yorkshire Police and the Police and Crime Commissioner to tackle anti-social behaviour and nuisance, through the creation of a multi-agency Anti-Social Behaviour Hub.

A key part of the development of the new ways of working had been the integration of Council and police resources into a single co-located team, with 6 Police Officers being dedicated to this work and relocating to West Offices. It was noted that successful bids for funding had subsequently been made, a result of which had been an increase in Neighbourhood Enforcement Officer capacity providing a joined up approach to these anti-social behaviour issues.

To ensure the success of the new approach, an interim independent evaluation had been undertaken by York University between September and December 2014, with the key findings at Annex 1 of the report. It was noted that the majority of the reports recommendations had already been implemented.

**Resolved:** That Cabinet agree to note the progress on delivering the objectives set out within the November 2013 report in relation to the multi-agency Anti-Social Behaviour Hub.

**Reason:** To ensure that the council actively addresses the issue of ASB on our communities.

#### **117. Economic Infrastructure Fund**

Consideration was given to a report which set out proposals for funding from the Economic Infrastructure Fund to support the creation of a Business Improvement District (BID).

A bid for £25k had been made to create a BID in York, to supplement the funding of a Business Improvement District

Manager, the full details of which were set out at Annex A of the report.

It was noted that a successful Business Improvement District would deliver additional services, as outlined in the prospectus, to be funded by an additional levy on businesses. The Council would transfer the levy to the BID company and this could then be used to support promotion of the city, additional security, new events and festivals.

Members welcomed the creation of a BID and expressed their support for funding, confirming that the BID would be aligned with Make it York and would support a number of Council Plan priorities.

Resolved: That Cabinet approves the use of £25,000 from the Economic Infrastructure Fund to fund work to create a Business Improvement District in the City Centre of York. <sup>1</sup>.

Reason: To unlock significant investment and to support the Council Plan priorities of creating jobs and growing the economy.

Action Required

1. Fund work on creation of a BID.

PW

**118. Leeds City Region**

**118a Governance Arrangements - Business Rates Pool**

Consideration was given to a report which set out details of the Leeds City Region Business Rates Pool which had come into being on 1 April 2013. The Pool consisted of seven local authorities which had been brought together to further economic development activities within the region and to allow business rates to be retained locally. With the establishment of the West Yorkshire Combined Authority and the winding up of the Leaders' Board, that the Business Rates Pool sub-committee would be unable continue in its present form.

It was noted that it was proposed to replace the sub-committee by a new joint committee of the seven pool authorities and that the terms of reference of the new committee would be

broadened to include a reference to receipts being used to further economic growth and regeneration across the Pool area.

Cabinet were asked to accept or reject the proposal, however if the proposal was rejected and the Joint Committee was abolished it was noted that there would be no means of administering the business rates pooling arrangement after 31<sup>st</sup> March.

Resolved: That Cabinet agree to:

- (i) Appoint the Leader of the Council to a new joint committee in relation to the Leeds City Region Business Rates Pool from 1<sup>st</sup> April 2015 until the 2016 Annual Meeting, such joint committee to consist of the Leader of each Pool authority, and to have the terms of reference set out in Annex 1 of the report;
- (ii) Approve the revised governance agreement for the Business Rates Pool as set out in Annex 2 of the report. <sup>1</sup>.

Reason: To enable appropriate governance arrangements to be in place following the winding up of the Leader's Board.

#### Action Required

1. Confirm appointment of Leader to the new joint committee.

AD

#### **118b Leaders' Board**

Consideration was also given to a report which highlighted that the West Yorkshire Combined Authority was not currently represented on the Leeds City Region Leaders' Board, a joint committee appointed by authorities within the Leeds City Region, to discharge economic development and regeneration functions. It was noted that this could pose operational difficulties from 1 April 2015, when the Authority began to act as the principal accountable body for funding relating to City Region economic development and regeneration activities.

Members noted that if the proposal was rejected it would create operational difficulties and urgent consultation would be required with the other partner authorities.

Resolved: That Cabinet agree to:

- (i) Note that the Leeds City Region Leaders' Board endorsed the proposal to dissolve itself on 31 March 2015, and that the West Yorkshire Combined Authority has resolved to appoint a Leeds City Region Partnership Committee to be established on 1 April 2015;
- (ii) Dissolve the City Region Leaders' Board on 31 March 2015;
- (ii) Delegate authority to the Assistant Director of Governance and ICT to take all necessary steps to dissolve the Leeds City Region Leaders' Board.

Reason: To enable revised governance arrangements to take effect for the Leeds City Region.

Action Required

1. Take all necessary steps to dissolve the Leeds City Region Leaders' Board.

AD

**119. Delivering Marketing, Culture, Tourism and Business Development - Make it York**

Consideration was given to a report which updated Members on the governance and legal framework for Make it York, the new company delivering the new approach to marketing, culture, tourism and business development in the city, prior to it commencing trading in April.

Officers confirmed that the Shareholders Committee had already met a number of times in shadow form and that discussions had been held with staff from the separate services, organisations and partners in order to support them through the process. It was confirmed that any concerns raised by staff would be dealt

with as part of the consultation process and it was noted that this would form part of a future report to Cabinet.

Following further discussion it was

Resolved: That Cabinet agree the legal framework and governance arrangements, as set out in the report, prior to the company trading. <sup>1</sup>.

Reason: To finalise the new approach to delivering marketing, culture and tourism and business development in the city and to enable the company to trade from 1 April 2015.

Action Required

1. Proceed in accordance with the legal framework and governance arrangements for the new company.

SB

**120. Recommendations of Local Plan Working Group - Wheldrake Village Design Statement and Strensall with Towthorpe Village Design Statement**

Members considered a report which presented the recommendations from a meeting of the Local Plan Working Group, held on 29 January 2015, in respect of the Wheldrake and Strensall and Towthorpe Village Design Statements.

Cabinet were asked to consider the advice offered by the Working Group, and / or to comment in relation to the Village Design Statements.

Councillor Merrett, as Chair of the Group, presented the Design Statements, compiled by the local communities, that would following approval become draft supplementary planning documents to the emerging local plan and form a material planning consideration when applications for development were considered. He recommended approval of the documents and delegation for the making of incidental changes to the Statements to the Director of City and Environmental Services in conjunction with the Cabinet Member.

Resolved: That Cabinet agree to note the Local Plan Working Group minutes, from their meeting held on 29 January 2015, and approve the Wheldrake and Strensall with Towthorpe

Village Design Statements, as draft Supplementary Planning Documents to the emerging Local Plan together with the recommended delegations.<sup>1</sup>

Reason: To fulfil the requirements of the council's Constitution in relation to the role of Working Groups.

Action Required

1. Use these Village Design Statements as draft Supplementary Planning Documents.

KA

**121. Local Flood Risk Management Strategy**

Consideration was given to a report and Strategy, prepared following the introduction of legislation for the management of risks associated with flooding and in response to the Council's new responsibilities with new local flood risk management duties. As a Lead Local Flood Authority the Council were required to develop, maintain, apply and monitor a strategy for local flood risk management in its area.

Cabinet were asked to comment on the content and format of the final Strategy prior to publication, following a six week public consultation.

The Cabinet Member and Officers acknowledged the public speakers comments in relation to the topography of Dunnington. However they confirmed that, whilst this was a high level strategy, there was a need for education, in relation to the planning issues raised, rather than regulation or enforcement and that this would be undertaken.

The Chair thanked all concerned for their input into the document and following consideration of the responses and resulting changes to the strategy it was

Resolved: That Cabinet approve the York Flood Risk Management Strategy at Annex 1 of the report.<sup>1</sup>

Reason: To ensure the Council is compliant with its duties in the Flood and Water Management Act (2010) and to ensure that we have a Local Flood Risk Management Strategy that can drive future flood risk investment needs.



### Action Required

1. Publish Strategy and review as required.

ET

## **122. 2014/15 Performance Monitor Quarter 3**

Consideration was given to the third report of the financial year, which provided details of the Council's performance against key themes and Council Plan priorities, covering the period 1 April to 31 December 2014.

The detail was set out in the York Monitor, at Annex 1 of the report. The Chair highlighted that, whilst the Council had made savings of £89.8m over a four year period, this had generally not affected the authority's performance. Members also reported on the key challenges, including wage levels, gross value added for future years and issues around the transfer of care from accident and emergency departments and the need to build on partnership working in health and social care.

Resolved: That Cabinet agree to note the Council's current performance against its key priorities, from 1 April to 31 December 2014.

Reason: To update Members on the performance of the Council in relation to the priorities set out in the Council Plan

## **Part B - Matters Referred To Council**

### **123. Yorwaste Limited and Implementation of the Teckal Exemption**

Members considered a report which updated them on progress made towards enabling the award of contracts, for the provision of waste services, to Yorwaste Limited, without competitive tender.

It was noted that this was to be achieved by implementing the 'Teckal exemption' and undertaking a number of actions to facilitate Yorwaste Limited in meeting the conditions required to achieve Teckal status.

Cabinet was asked to consider whether the Council should enter into the arrangements to facilitate Yorwaste Limited (of which the Council was the minority shareholder with a

shareholding of 22.27%) becoming a Teckal compliant company.

Recommended: That Council be asked to confirm:

- (i) The City Council is supportive of the County Council's recommendation to its Executive that the County Council takes the steps necessary to facilitate Yorwaste Limited's obtaining Teckal compliant status.
  
- (ii) That delegated authority be given to the Director of Customer and Business Support Services (acting in consultation with the Director of City and Environmental Services and the Assistant Director (Governance & ICT) to:
  - to adopt new articles of association(as a shareholder of Yorwaste Limited) to evidence the control condition;
  - enter into a Shareholders Agreement with Yorwaste Limited and NYCC to evidence the control condition;
  - enter into a non binding collaboration agreement with Yorwaste Limited and NYCC and other such documents as necessary;
  - take such steps and enter into such documents as necessary to approve the transfer of the shares of SJB Recycling Limited once satisfied that due diligence is complete and legal and financial advice has been provided identifying the most appropriate route;

- take any ancillary steps necessary to meet the control condition or the economic dependence condition required to assist Yorwaste Limited in achieving Teckal compliant status; and
- award future waste management to Yorwaste Limited without the need for a competitive procurement exercise if the tests required to make use of the Teckal exemption have been satisfied. <sup>1</sup>.

Reason: In order to facilitate Yorwaste Limited meeting the control condition and the economic dependence condition required to utilise the Teckal exemption thereby enabling the Council to award contracts for future waste management contracts to Yorwaste Limited without conducting a competitive procurement exercise.

Action Required

1. Refer recommendation to Council.

JP

Cllr D Williams, Chair

[The meeting started at 5.30 pm and finished at 7.25 pm].

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