

Meeting	Cabinet
Date	5 August 2014
Present	Councillors Alexander (Chair), Levene, Looker, Merrett and Williams
In attendance	Councillors Cuthbertson, D'Agorne, Healey, Steward, Warters, Watson and Wiseman
Apologies	Councillors Crisp, Cunningham-Cross and Simpson-Laing

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## 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. No additional interests were declared.

## 18. **Minutes**

- Resolved:
- i) That the minutes of the Cabinet meeting held on 1 July 2014 be approved and signed by the Chair as a correct record
  - ii) That the delegated powers granted to Officers in minute 13 (v), relating to approval of the detailed arrangements for the new company, these should be exercised in consultation with the Cabinet Member for Leisure, Culture and Tourism.<sup>1</sup>

### Action Required

1. When finalising arrangements for the formation of the company, consult with Cabinet Members. KS

## 19. **Public Participation**

It was reported that there had been two registrations to speak at the meeting under the Council's Public Participation Scheme,

and that three Members of Council had also requested to speak on items, details of which are set out below:

#### Minutes of Cabinet Meeting, 1 July 2014

Cllr Warters, spoke in relation to the minutes of the last Cabinet meeting, in particular Minute 14 – The Future of the Burnholme College Site. He disputed reference in the minutes that briefing sessions had been offered to neighbouring Parish Council's and Residents Associations. He also requested removal of the paragraph in the report which had stated that, as the business case developed, it may be necessary to consider use of some of the remaining green space for housing.

The Cabinet Member confirmed that Osbaldwick Parish Council had been consulted as part of the consultation on the future of the Burnholme College site and that their comments had been reflected in the report. He also reiterated that there was no intention to build on the green space at the College and that any changes would be brought back to Cabinet for further consideration.

#### Lendal Bridge and Coppergate Traffic Regulation Orders

Cllr Steward, spoke to raise his concerns at the current situation in relation to the Penalty Charge Notice's (PCN's) arising from the Lendal Bridge trial, which he felt was damaging the city's reputation. He also expressed concern at the proposal to refund PCN's only to motorists who made application and spoke of the need for equal treatment for all which included the refund of all fines.

Cllr Warters, also raised concerns at the recommendations in the Lendal Bridge report he asked Cabinet to draw a line under this issue and asking for Cabinet Members resignations.

Cllr Cuthbertson reiterated the earlier speakers' request for repayment of all Lendal Bridge fines and to the damage caused to the city's reputation. He pointed out that a refund to all individuals would be fairer and more cost effective.

#### York - Fairtrade City

Kathryn Tissiman, spoke as Chair of York Fairtrade Forum Steering Group, a group in operation since 2004 which was still

relatively unknown. She highlighted their campaigns both nationally and locally for fair trade and to their Strategy which was renewed every two years. She detailed their ongoing works and asked Members to work with the Group to help raise the profile of fair trade.

**20. 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.

**21. Lendal Bridge and Coppergate Traffic Regulation Orders**

Consideration was given to a report which asked Cabinet to consider whether to pursue its application for review of the decision to the Traffic Penalty Tribunal Adjudicator in respect of appeals against fines for breach of the Lendal Bridge Traffic Order.

It was noted that the Adjudicator had not yet completed the review of the Lendal Bridge or Coppergate decisions and that it was now over 3 months since conclusion of the Lendal Bridge trial.

The Cabinet Member confirmed that, owing to the uncertainty that now existed for all parties, following a trial that had now been completed, that there was a need to move forward and address transport challenges via the Congestion Commission. He stated that a simple, robust system for repayment would be provided for members of the public who contested their Penalty Charge Notice's (PCN's). It was noted, as the Coppergate traffic order was a long standing restriction, that there were no proposals to withdraw this request for Adjudicator's review.

Members agreed that further delays would not assist the present situation and, in order to provide clarity for the public, the review of the Adjudicator's decision in relation to the Lendal Bridge trial should not be pursued. Members also reiterated the need to concentrate on finding long term solutions to the city's traffic problems and following further discussion it was

Resolved: That Cabinet agree to:

- (i) Instruct Officers to confirm the withdrawal of the Lendal Bridge review being made public through the Council's normal communication channels;
- (ii) Ask Officers to make arrangements where members of the public contest their PCN for the settlement payments equivalent to PCN fines paid in respect of the Lendal Bridge trial to be made;
- (iii) Ensure that a robust mechanism is put in place to protect the public purse from fraud when applications are made. That this be done at the earliest opportunity to provide certainty to both the Council and individuals but is subject to internal audit review;
- (iv) Ask Officers to confirm to the Traffic Penalty Tribunal that the Council will be taking these steps in relation to the Lendal Bridge trial only;
- (v) Confirm that the Council wishes the review into the Coppergate scheme decision to continue and will not be making any refunds in respect of Coppergate.<sup>1</sup>

Reason: It is now the case that the Lendal Bridge trial finished over 3 months ago will not require future enforcement and the fines income was not intended as a revenue income and remains in Council reserves. Notwithstanding these facts the Council and Motorists remain in a position of uncertainty due to the ongoing legal process associated with the enforcement of the PCN.

Therefore Cabinet can determine if it is in the Council's interest to sustain the uncertainty for the Council and individuals as to the validity of Penalty Charge Notices. That the ongoing diversion of Council resources from other transport congestion schemes is not value for money and that the Council needs to concentrate its limited resources and the results of the Lendal Bridge trial on working through the congestion commission to address the growing issue of congestion in the city.

Action Required

1. Await outcome of CSMC (Calling In) meeting. NF

**22. Business Rate Discount Policy**

Members considered a report which set out details of a revised business rate discount policy which included an additional ambition to reinvigorate the 'high street' in geographical areas that had a high commercial property vacancy rate.

The revised policy would provide immediate awards for relief to properties that became vacant, rather than after a 12 month qualifying period. Details of the full qualifying criteria that businesses would be required to meet were set out in the report and at Annex A.

It was noted that the Acomb area had been identified as having the highest rate of long term unoccupied commercial property and this area was recommended as the first Business Development District to pilot the new ambition. The financial cost of funding the scheme would be in the region of £45k pa gross.

Members referred to this positive step which would address issues raised by residents in the recent Community Conversation meeting held in the Westfield area.

Resolved: That Cabinet approve the revised business rate discount policy attached at Annex A and the first Business Development District (Acomb) as set out at Option 1, paragraph 9, of the report.<sup>1</sup>

Reason: To provide more proactive help in reinvigorating the high street, supporting jobs and growing the city's overall economy.

Action Required

1. Implement revised policy. DW

**23. York - Fairtrade City**

Consideration was given to a report which provided an update on recent progress made under the York Fairtrade initiative.

York had received Fairtrade Town status on 3 March 2004 and as there was a requirement to renew this status every two years this was due in November 2014.

In order to become and remain a Fairtrade city it was noted that five goals must be met and details of progress against these goals, since November 2012, together with a two year action plan through to November 2016 were reported.

Members highlighted that key to the success of the Fairtrade initiative was sharing the message of how fairly traded goods and services contributed to making the world a fairer place, which required the engagement of communities.

The Leader referred to the work undertaken in this area by the Cabinet Member, acknowledging that fair trade was not as high profile as it should be. It was noted that the authority would continue to work with the Fairtrade Forum to promote the fair-trade initiative.

Following further discussion it was

Resolved: That Cabinet agree to:

- (i) Confirm City of York Council's continued desire for Fairtrade City status.
- (ii) Note the suggestions for future work in support of Fairtrade City.<sup>1</sup>

Reason: To allow the continuation of work to achieve the renewal of Fairtrade City status.

#### Action Required

1. Proceed with renewal of status and action plan. WB

Cllr J Alexander, Chair

[The Meeting started at 5.30 pm and finished at 6.05 pm].