
MEETING	EXECUTIVE
DATE	15 MARCH 2011
PRESENT	COUNCILLORS WALLER (CHAIR), AYRE, STEVE GALLOWAY, MOORE, MORLEY, REID AND RUNCIMAN
IN ATTENDANCE	COUNCILLOR FRASER

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

174. DECLARATIONS OF INTEREST

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

175. MINUTES

RESOLVED: That the minutes of the Executive meeting held on 1 March 2011 be approved and signed by the Chair as a correct record.

176. PUBLIC PARTICIPATION / OTHER SPEAKERS

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme. However, requests to speak had been received from a union representative and a Council Member.

Heather MacKenzie, of Unison, spoke in relation to agenda item 5 (Update on Reablement Service). She stated that the report had not sufficiently answered concerns previously raised by Unison regarding proposals to outsource the service and urged Members to defer their decision pending a financial review and consideration of alternative options.

Cllr Fraser also spoke on agenda item 5, having declared a personal interest in the matter as a member of the retired section of Unison. He commented that the report did not address the concerns raised by himself and by Unison at previous meetings, and drew comparisons with previous social care outsourcing arrangements in 2006, which he said had not proved successful.

177. EXECUTIVE FORWARD PLAN

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

178. UPDATE ON REABLEMENT SERVICE

Members considered a report which provided an update on the opportunities offered by a remodelled reablement service (as discussed in a previous report to Executive on 14 December 2010) and sought a decision on the next steps for the service.

Work carried out since 14 December had included discussions with the independent sector on the service size and costing model, 'soft' market testing with service providers and representatives, and a survey of other local authorities with outsourced reablement services. Results had indicated that independent providers welcomed the Council's approach and would be interested in delivering the service, that feedback from customers was positive and that there was little difference in performance between in-house and external provision.

The report also provided information on proposals to monitor the service, an update on consultation with staff and unions, improvements made to the in-house service (recognising the limitations on potential further improvements) and an equality impact assessment (Annex 3). It was confirmed that all staff currently employed in the service were covered by TUPE legislation and had the right to transfer to the new organisation under their existing terms and conditions, preserving their continuity of employment.

Officers responded to the matters raised on this item under Public Participation / Other Speakers and re-iterated their advice that an outsourced service, overseen by the Council's Assessment and Safeguarding arm, was the best way to increase service provision whilst maintaining high standards. Having noted the comments of the Labour Group Spokespersons, it was

- RESOLVED: (i) That the following be noted:
- a) The need, with an ageing population, to increase the amount of provision for the Reablement Service.
 - b) The work that has been undertaken to reduce costs and improve the percentage of contact time within the existing service, but that this will not deliver the efficiencies necessary to increase the provision of care.
 - c) That 'mutuals' and 'social enterprise' organisations would be able to compete through the tendering process as much as independent providers.
 - d) That staff in the current in-house service have the opportunity to tender to become a mutual or social enterprise company at the tender stage, and that

this could include an option for a Local Authority Traded Company.

REASON: To set in context the Executive's decisions in respect of the service.

(ii) That approval be given for City of York Council to progress the purchase of its ongoing expanded Reablement Service from external providers, and at the same time for staff in the existing service to be offered the option of dismissal for business reasons in addition to TUPE.¹

REASON: To ensure that the Council is able to deliver an increased level of reablement services, which will match changing demographic needs within the City.

(iii) That Officers ensure that information is given to the relevant interested staff regarding the establishment of 'mutuals', 'social enterprise' organisations, or a Local Authority Traded Company for the tendering process.²

REASON: To enable staff to take advantage of these opportunities should they so wish.

Action Required

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| 1. Progress plans for the purchase of the service from external providers | AB |
| 2. Provide information on 'mutuals' etc to interested staff | AB |

179. DRAFT FRAMEWORK FOR YORK LOW EMISSION STRATEGY

Members considered a report which presented a draft framework for the York Low Emission Strategy (LES), including an outline of the proposed measures and actions and suggested timescales for their implementation, together with proposals for further public consultation.

On 8 June 2010, the Executive had approved the development of an overarching LES, aimed at ensuring a more holistic approach to reducing local and global air pollutants, minimising transport-related emissions from future developments and taking maximum economic advantage of the early adoption of low emission technology. The York LES would also be a key output from the Leeds City Regional Group initiative (RGi), to be developed into a national framework for adoption by other local authorities.

In drawing up the draft framework, consideration had been given to existing policies and programmes aimed at improving local air quality and / or reducing carbon emissions. These included the Sustainable Community Strategy, the Carbon Management Programme, the Local Transport Plan and Air Quality Action Plan, projects within the Local Sustainable Transport Fund bid, and the Local Development Framework. Proposed measures for inclusion in the LES, with an indication of the likely costs of each measure,

were set out in Annex D to the report. It was proposed that a consultation draft be prepared at the end of June 2011, with a view to adopting a final LES by the end of October.

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

RESOLVED: (i) That the consequences of European legislation, which has had the unintended consequence of increasing nitrogen oxide emissions due to a greater emphasis on reducing carbon emissions, be noted and that Officers be requested to write to York's MEPs to request their help in changing this situation for the benefit of air quality in York.¹

REASON: To help bring about further improvements to the City's air quality.

(ii) That the outline framework, vision, objectives and proposed LES measures detailed in paragraphs 14 to 18 of, and Annex D to, the report be approved, and that Officers be permitted to proceed directly to the development of a draft consultation LES.²

REASON: To enable the draft consultation LES to be drawn up in line with the timetable set out by the LESP RGi, to allow LES measures to be incorporated adequately into LTP3 and AQAP3 and to maximise the chances of York attracting low emission vehicles, technologies and jobs to the City.

Action Required

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| 1. Write to MEPs in the terms agreed | EB |
| 2. Develop a draft consultation LES based on the agreed framework | EB |

180. PUBLIC HEALTH UPDATE AND RESPONSE TO CONSULTATION

Members considered a report which provided an update on the Public Health strategy, entitled *Healthy Lives, Healthy People: our strategy for Public Health*, and sought approval for suggested responses to two consultation documents on the strategy.

Under the new system, Public Health England (PHE), which would be part of the Department of Health, would allocate ring-fenced budgets to upper tier and unitary local authorities to improve the health and well-being of residents. The proposed division of functions between PHE and local authorities was set out in Annex 1 to the report. On 5 October 2010, the Executive had agreed a response to consultation on the White Paper *Liberating the NHS*, welcoming the transfer of Public Health responsibilities to local government and local communities, subject to the transfer of adequate resources. Many of the areas in the main strategy had been covered in that response, so the current consultation focused on Funding

and Commissioning for Public Health and the Outcomes Framework for Public Health.

The consultation documents had been discussed by the Health Overview and Scrutiny Committee on 24 January 2011 and their comments were attached at Annex 1A. Suggested responses to the questions on Funding and Commissioning were set out in Annex 2, and suggested responses to questions on the Outcomes Framework were provided in Annex 3. A revised version of Annex 3, detailing a response to question 7, and an additional annex (Annex 4), setting out suggested amendments to the response in the light of the Scrutiny Committee's comments, had been circulated to Members before the meeting. *These have now been published with the agenda on the Council's website.*

The Executive agreed a number of amendments to the suggested responses at Annexes 2 and 3. Having noted the comments of the Labour Group Spokespersons on this item, it was

- RESOLVED: (i) That the report and transition arrangements be noted.
- (ii) That it be noted that York will apply to be a pathfinder for Local Health Watch.
- (iii) That the amended responses to consultation set out in the annex to these minutes, be approved.¹

REASON: In order to provide an appropriate response to the consultation, taking into account the comments of the Health Scrutiny Committee and the need to ensure the provision of sufficient powers and funding to enable the new Health and Wellbeing Boards to provide increased democratic accountability within the Health Service.

Action Required

1. Submit consultation responses, as amended SB

181. INSTALLING SOLAR PHOTOVOLTAIC ON COUNCIL HOMES

Members considered a report which sought approval to develop a partnership with Community Energy Solutions, a not for profit social enterprise organisation, to install Solar Photovoltaic (PV) on council homes at no cost to the Council.

Under the proposal, CES would source capital finance, install the Solar PV panels, monitor electricity production and maintain the panels for 25 years, after which ownership of the panels would transfer to the Council. This would fit with key objectives in the Local Authority Carbon Management Programme – Strategy & Implementation Plan, as well as enabling tenants to benefit from the government's new 'Feed in Tariffs' (FITs) incentive. Further details of benefits to the Council, tenants and the wider community were set out in paragraphs 5 to 9 of the report.

Members were invited to consider three options:

Option 1 – agree to develop a partnership with CES, as recommended.

Option 2 – ask Officers to consider alternative options to reduce carbon emission from council housing stock via the FITs. This could expose the Council to financial and other risks, as outlined in paragraphs 17 and 18.

Option 3 – decide not to take the opportunity presented by the FITs.

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

RESOLVED: (i) That Option 1 be approved and that a partnership be developed with CES to install a minimum of 1,000 Solar PV systems on Council homes, subject to successful contractual negotiations with CES by the Director of Communities & Neighbourhoods.¹

REASON: To enable the Council to reduce the levels of carbon emissions from its housing stock.

(ii) That proposals be developed which will allow private householders to buy into the scheme.²

REASON: To enable the benefits of the scheme to be extended to more York residents.

Action Required

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| 1. Develop partnership with CES, as agreed | SW |
| 2. Develop proposals to allow private householders to buy into the scheme | SW |

PART B - MATTERS REFERRED TO COUNCIL

182. DRAFT FULL CITY OF YORK LOCAL TRANSPORT PLAN 2011 ONWARDS (LTP3)

Members considered a report which invited them to seek any necessary amendments to the draft Full Local Transport Plan for 2011 onwards (LTP 3) before recommending it to Full Council for approval.

The draft Full LTP3 had been published on the Council's website, and circulated to Executive Members, as Annex A to the report. It had been prepared on the basis of national policy and guidance, local policies and strategies, an extensive evidence base, and three phases of consultation. Updates on progress, and the results of consultations, had been reported to Decision Sessions of the Executive Member for City Strategy throughout the preparation process.

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

RECOMMENDED: That, following further formatting and layout changes to improve the presentation of the document for final publication, and the editing of the supporting text in the document to make it more concise (in particular, combining sections 2 and 3), Council approve the Draft Full LTP3.

REASON: To comply with the duty to produce and approve a new Local Transport Plan by April 2011 to replace the existing Plan (LTP2), which is due to expire on 31 March 2011.

A Waller, Chair

[The meeting started at 2.00 pm and finished at 3.10 pm].