



Notice of meeting of

Executive

To:	Councillors Waller (Chair), Ayre, Steve Galloway, Moore, Morley, Reid and Runciman
Date:	Tuesday, 8 September 2009
Time:	2.00 pm
Venue:	The Guildhall

AGENDA

Notice to Members - Calling In:

Members are reminded that, should they wish to call in any item on this agenda, notice must be given to Democracy Support Group by:

10:00 am on Monday 7 September 2009, if an item is called in *before* a decision is taken, *or*

4:00 pm on Thursday 10 September 2009, if an item is called in *after* a decision has been taken.

Items called in will be considered by the Scrutiny Management Committee.

1. **Declarations of Interest**

At this point, Members are asked to declare any personal or prejudicial interest they may have in the business on this agenda.

2. Minutes (Pages 3 - 18)

To approve and sign the minutes of the Executive meeting held on 21 July 2009.

3. Public Participation

At this point in the meeting, members of the public who registered their wish to speak regarding an item on the agenda or an issue within the Executive's remit can do so. The deadline for registering is **5:00 pm on Monday 7 September 2009**.

4. Executive Forward Plan (Pages 19 - 24)

To receive details of those items that are listed on the Executive Forward Plan for the next two meetings.

5. Minutes of Working Groups (Pages 25 - 42)

This report presents the minutes of recent meetings of the Young People's Working Group and the Social Inclusion Working Group and asks Members to consider the advice given by the Groups in their capacity as advisory bodies to the Executive.

6. Final Report of the Planning Enforcement Ad Hoc Scrutiny Committee (Pages 43 - 146)

This report presents the conclusions of the Planning Enforcement Ad Hoc Scrutiny Committee following their review of the Council's approach to planning enforcement and court action.

7. Car Parking in York (Pages 147 - 158)

This report provides options for changes to car parking in York, in response to a request by the Executive following a meeting of the Retail Forum, and seeks guidance on which changes Members wish to see implemented and any further options for development.

8. Carbon and Energy Management Programme - update (Pages 159 - 190)

This report provides an update for Members with regard to the Carbon Management programme and current Energy initiatives.

9. Locality Home Care Contracts (Pages 191 - 196)

This report seeks approval to extend three of the four Locality Home Care Contracts by an additional year, to December 2010.

10. Treasury Management Monitor 1 (Pages 197 - 212)

This report provides an update on the Treasury Management performance for the period 1 April 2009 to 31 July 2009, compared against the budget presented to Council on 21 February 2009.

11. Capital Programme Monitor 1 (Pages 213 - 232)

This report presents the likely outturn position of 2009/10 Capital Programme, based on the spend profile and information to June 2009, and seeks approval for changes to the programme and for slippage of funding where required.

12. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democratic Services Officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 551027
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
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Contact details are set out above.

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Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

MEETING	EXECUTIVE
DATE	21 JULY 2009
PRESENT	COUNCILLORS WALLER (CHAIR), AYRE, STEVE GALLOWAY, MOORE, MORLEY, REID AND RUNCIMAN

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**38. 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.

Cllr Waller declared a personal, non prejudicial interest in agenda item 11 (Final Report of the Education Scrutiny Committee) and agenda item 14 (Capital Programme Out-turn 2008/09 and Revisions to the 2009/10-2013/14 Programme), as a governor of York High School and Westfield Primary School.

39. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during consideration of the following, on the grounds that they contain information classed as exempt under Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006):

- Annex 2 to Agenda Item 16 (Land at the Rear of Acomb Explore, Front Street, Acomb) - information relating to the financial or business affairs of any particular person, classed as exempt under paragraph 3 of Schedule 12A
- Agenda item 17 (Reference back from Full Council - Equal Pay Update) – information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (contained in the original report on this item to the Executive meeting on 23 June 2009)
- Annex 2 to Agenda item 18b (Urgent Business - Selection of a Supplier for a Managed Voice and Data Network) - information relating to the financial or business affairs of any particular person, classed as exempt under paragraph 3 of Schedule 12A

40. MINUTES

RESOLVED: That the minutes of the Executive meeting held on 7 July 2009 be approved and signed by the Chair as a correct record.

41. 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.

With the permission of the Chair, Cllr Healey addressed the meeting in relation to agenda item 18a (Urgent Business: Secondary Education Provision on the East Side of the City), when Members came to consider that item. He questioned where the funds would come from to maintain the school should Members approve Option A in the report, and how the number of pupils could be increased. He also queried whether it was appropriate to take funding from contingency in order to support this option and why the Executive's decision had apparently been reported in a campaign leaflet in advance of the meeting.

42. EXECUTIVE FORWARD PLAN

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

43. SUSTAINABLE COMMUNITIES ACT 2007 – FINAL UPDATE AND PROPOSALS

Members considered a report which provided an update on the outcome of the second stage of public consultation on the Sustainable Communities Act 2007 and sought advice as to which proposals should be submitted to the Local Government Association by the deadline of 31 July 2009.

In accordance with the Executive decisions on 9 June 2009, a total of 48 proposals had gone forward to the second consultation stage, which had included consideration by the Without Walls Executive Board and the Citizens' Panel, as well as a web-based city-wide consultation exercise. These proposals were listed in Annex 3 to the report. Results of the consultation were presented in Annexes 5 and 6 and in paragraphs 15 to 22. The seven proposals highlighted as preferred suggestions were listed in paragraph 23. Officers drew attention at the meeting to a letter received from Essex County Council offering their support for the seventh proposal on the list, relating to landfill tax.

Members welcomed the support from Essex County Council and congratulated the Officers involved for their hardworking and professional approach to the consultation process. The Chair extended particular thanks to Zoe Burns the Head of Neighbourhood Management and

Business Support, who would shortly be leaving the Council, for her work over the past 14 years.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: (i) That the information provided in the report and annexes concerning the outcome of the public consultation exercise be noted.

REASON: So that Members can be satisfied that the consultation has met the requirements of the Council motion on the Sustainable Communities Act by ensuring that the topic was discussed at all ward committees across the City.

(ii) That Officers be advised that the seven most supported proposals should be submitted to the LGA, having regard to, and bearing in mind, the risk management implications set out in paragraph 33 of the report.¹

REASON: In the light of the results of consultation and to ensure compliance with the 31 July deadline for submission of proposals.

Action Required

1. Submit the 7 proposals to the LGA

KS

44. COUNCIL HEADQUARTERS – UPDATE REPORT

Members considered a report which provided an update on the procurement process for the delivery of the Council's new headquarters building, presented some early feedback from the recent public consultation exercise and outlined progress on the "Office of the Future" pilot study.

In April 2009, two bidders had been invited to enter stage 3 of the four stage procurement process and make their detailed submissions by 13 July 2009. These would be evaluated during July and August by a team composed of internal and external representatives, using an agreed set of criteria. Stage 3 of the process had included public and staff consultation, comprising a questionnaire and a three-day exhibition, supported via the Council website. Feedback from the consultation was currently being analysed and initial results appeared favourable, as detailed in paragraph 20 of the report. There would be a further round of public consultation following the award of a contract. It was noted that all costs of the new arrangements to acquire a headquarters building budget had been included within the approved budget of £43.8m and involved no additional burden on the council tax payer.

Work to set up an 'office of the future' to pilot new workplace concepts and procedures was now gaining momentum and a meeting of the pilot team service managers had been held in April, followed by a formal launch event. Staff had been issued with an on-line 'New Ways of Working'

questionnaire, the results of which were due out shortly, and a variety of communication channels were currently being identified and established to support the project.

With reference to the comments of the Shadow Executive on this item, Members expressed surprise at the late submission of the comments and noted that there was no reason to suppose that the building would not meet BREEAM standards.

RESOLVED: (i) That the contents of the report be noted, with particular regard to the outcomes of the recent consultation process.

(ii) That the results from the survey be put on the Council website and a summary communicated to the public via the 'Your City' publication.¹

(ii) That a further report be received in early December 2009 on the outcomes of the evaluation of the final tender submissions.

REASON: For information, and to ensure that the results of consultation are properly communicated.

Action Required

1. Include survey results on the Council's website and in 'Your City' SS

45. URBAN ECO SETTLEMENT: PROPOSAL FOR A DEMONSTRATION EXEMPLAR AT BRITISH SUGAR, YORK

Members considered a report which presented a proposal for funding a Demonstration Exemplar Urban Eco Community on part of the former British Sugar site within the York Northwest area. Approval was sought to submit the proposal to Leeds City Region for inclusion in their submission to the Department of Communities and Local Government (CLG), subject to the agreement of the landowner, Associated British Food (ABF).

A study in January 2009 to assess deliverability of the four Urban Eco Settlement areas in the Region had identified the British Sugar site as having potential to provide the early delivery of 120 homes as a 'demonstration exemplar' that could be used as a model for implementation on other sites. The Council had engaged with ABF to produce a proposal with a reduced scope of 80 homes, reflecting the level of funding available nationally.

In the absence of initial funding for consultants to develop the proposal, Council Officers had produced an indicative proposal, a copy of which was attached as Annex 1 to the report. This outlined an indicative area for a first phase pilot scheme comprising 60 dwellings, with a site area of approximately 1.5 ha. A draft programme outlining the alignment of the

planning process with master planning and production of the Area Action Plan was attached at Annex 2.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: That, subject to the agreement of Associated British Food, the proposal at Annex 1 to the report be submitted for inclusion as part of the wider Leeds City Region bid to the Department of Communities and Local Government for Urban Eco Settlement funding.¹

REASON: To ensure that a proposal is put forward within the timescales given to the Leeds City Region.

Action Required

1. Submit proposal to LCR for inclusion in their CLG bid SS

46. REGIONAL FUNDING ALLOCATION PROPOSAL

Members considered a report which set out proposals for allocating funding provided by the Region in 2009/10 and 2010/11 for transport improvements in the City and provided an update on other schemes to be funded from the Regional Funding Allocation (RFA).

Details of additional funding from the RFA had been reported to the Executive meeting on 31 March 2009. At the Executive (Calling In) meeting on 7 April 2009, Members had confirmed the allocation of £450k of this supplementary funding to the base budget and deferred a decision on the remainder, pending the receipt of further information on the two main options, as follows:

Option 1 (Outer Ring Road Improvements) – further development work to progress the Haxby Station and Access York Phase 2 schemes and implementation of limited improvements to the Outer Ring Road;

Option 2 (Targeted City-wide Improvements) - further development work to progress the Haxby Station and Access York Phase 2 schemes and delivery of schemes in the LTP block to meet Local Area Agreement and LTP targets.

The information requested, including the advantages and disadvantages of each option, was provided in paragraphs 11 to 44 of the report.

An update on the three main schemes to be funded through the RFA was provided in paragraphs 45 to 49 of the report. The inclusion of Haxby Station in the regional programme for delivery in 2012/13 had been approved by the Regional Transport Board (RTB). The RTB had also approved the Access York Phase 1 (Park & Ride) scheme for inclusion in the programme, subject to detailed evaluation by the Department for Transport (DfT), while Access York Phase 2 (Transport Capacity Improvements) was on the Region's reserve list of schemes.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: That Option 1 (use of the additional RFA funding for Outer Ring Road Improvements) be approved. ¹

REASON: To ensure that the additional funding is used to deliver significant improvements to the City’s transport system and to meet Local Transport Plan and Local Area Agreement targets.

Action Required

- 1. Make arrangements to implement Outer Ring Road improvements SS

47. FINAL REPORT OF THE HUNGATE AD HOC SCRUTINY COMMITTEE

Members considered a report which presented the findings of the Hungate Ad-hoc Scrutiny Committee following their review of the Hungate development.

The Committee’s final report, attached as Appendix A, had been considered by the Scrutiny Management Committee (SMC) on 18 May 2009. In endorsing the Committee’s recommendations, the SMC had expressed concern that some questions within the remit of the review remained unanswered. They had suggested that the information collected could form the basis of a broader review carried out by the same Committee Members. To date, however, no further scrutiny topic on this subject had been registered.

The Committee’s five recommendations were set out in paragraph 55 of their report at Appendix A.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: That the following be agreed as the Executive’s response to the Scrutiny Committee’s recommendations:

Scrutiny Recommendation	Executive Comment	Executive Decision
1. Carry out pre-project public consultation before commencing on any major project to identify and take account of the level of public support, in order to inform the project including the budget	It is important that there is clear communication of the reasons behind major projects. This will be assisted by the refreshed Your City which will be published from Autumn this year. However, major schemes will always carry with them an element of controversy	Approve

<p>2.Continue with its best practice approach to pre-application consultation</p>	<p>This acknowledges that there is existing best practice within the authority that can be applied to future application</p>	<p>Approve</p>
<p>3.Agree a code of practice with statutory consultees which seeks to ensure they provide clear, consistent, timely and documented responses to consultation, from persons in authority within their organisation</p>	<p>This will need to be taken forward with the statutory consultees as it was clear that confusion on the position of English Heritage, and the authority held by persons giving comment to the authority led to a position that work was undertaken on the project which was subsequently aborted.</p>	<p>Approve with the specific request that this is undertaken by the Director of City Strategy. This should include discussions with the relevant government departments to ensure that publicly funded organisations are held to account when advising on the planning process.</p>
<p>4. Always provide full and consistent feedback to all consultees no matter whether the Council is able to respond positively or negatively to the issues being raised</p>	<p>This concept is covered within the council's new consultation policy to give feedback when consultation is being undertaken.</p>	<p>Approve</p>
<p>5.For all major projects, ensure that the Chief Executive and Senior Directors take ownership of the project and give consistent support to the project team</p>	<p>It is clear that the latest work on the HQ project has benefited from having 'ownership' at Director level. This overcomes the difficulties when responsibilities straddle directorates</p>	<p>Approve</p>

REASON: To ensure that any future Council projects are delivered on time and within budget.

Action Required

- | | |
|---|----|
| 1. Implement the recommendation as agreed | SA |
| 2. Implement the recommendation as agreed | SS |
| 3. Implement the recommendation as agreed | SS |
| 4. Implement the recommendation as agreed | SA |
| 5. Implement the recommendation as agreed | SC |

48. FINAL REPORT OF THE EDUCATION SCRUTINY COMMITTEE

Members considered a report which presented the findings of the Education Scrutiny Committee following their review of the Extended Schools Agenda.

The Committee's final report, attached as Appendix A, had been considered by the Scrutiny Management Committee (SMC) at their meeting on 18 May 2009. The SMC had endorsed all of the Committee's recommendations, as set out in paragraphs 8 and 22 of Appendix A and summarised in paragraphs 7 to 9 of the covering report.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: That the following four recommendations of the Scrutiny Committee be endorsed subject to an amendment to the third recommendation (highlighted in bold), as follows:

- a) Instruct Officers to continue to develop the Strategic Steering Group. ¹
- b) Broaden the Childcare Sufficiency Audit to include Extended Services with a particular focus on accessibility, affordability, inclusive provision and flexibility in adapting to the needs of the local community. ²
- c) **Request** all Local Authority schools in York to identify a member of staff and a governor responsible for Extended Services and Community Cohesion. ³
- d) Bring the findings and recommendations arising from this review to the attention of the Ofsted Sub-Committee and School and School Improvement Partners to inform their ongoing work. ⁴

REASON: In order to develop processes aimed at ensuring accessibility and a high quality of extended school provision.

Action Required

- | | |
|---|----|
| 1. Implement the recommendation as agreed | CB |
| 2. Implement the recommendation as agreed | CB |
| 3. Implement the recommendation as agreed | CB |
| 4. Implement the recommendation as agreed | CB |

49. IMPROVEMENT PLAN 2009-10 KEY ACTIONS AND MILESTONES

Members considered a report which provided an update on the 2009/10 action plans contained within the Council's Improvement Plan (IP), as agreed at the Executive meeting on 26 May 2009.

The actions and milestones for the nine agreed areas for improvement contained in the IP were set out in Annex 1 to the report. Officers

highlighted an error at section 6.1 of Annex 1, which should read '*Deliver training programme on the Protocol on Officer/Member Relations.*'

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: (i) That the actions and milestones for the 2009-10 Improvement Plan, as set out in Annex 1, be noted.

REASON: So that Members are informed about the effective management of key actions to be taken to support on-going development and improvement work at the Council critical to the achievement of the Effective Organisation corporate priority.

(ii) That a named Executive Member be assigned to overseeing each action item for the next time that this matter is reported to the Executive.¹

REASON: To establish a clear reporting line and ensure that progress is made on the actions in the Plan.

Action Required

1. Assign a named Executive Member to each action item SA

50. TREASURY MANAGEMENT ANNUAL REPORT AND REVIEW OF PRUDENTIAL INDICATORS

Members considered a report which provided an update on the Treasury Management performance during 2008/09, compared against the budget taken to Full Council on 21 February 2008.

The report summarised the economic environment over the 2008/09 financial year, highlighting the effects of the economic downturn on the budget set in February 2008. It reviewed treasury management performance in respect of long term borrowing, debt restructure, short term investments, investment credit criteria policy, the post Icelandic Bank collapse, the Venture Fund, the Treasury Management out-turn and the Prudential Indicators.

With regard to the credit criteria policy, it had emerged during the latter part of 2008/09 that the number of authorised counterparties with whom the Council could invest had been greatly reduced due to credit rating changes prompted by the 'credit crunch'. In view of this, and the nationalisation of a number of financial institutions following the collapse of Lehman's and the Icelandic banking systems, approval was sought to include the following nationalised banks in the Council's credit rating criteria policy:

- Bank of Scotland Plc (including its subsidiaries Lloyds TSB Bank and Cheltenham and Gloucester)
- Royal Bank of Scotland Plc (including its subsidiaries National Westminster Bank, Ulster Bank and ABN AMRO Bank NV)
- Northern Rock Plc

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: (i) That the 2008/09 performance of the Treasury Management activity, movements on the Venture Fund and the Treasury Management out-turn be noted.

(ii) That the addition of Nationalised Banks to the Investment Credit Criteria Policy, as set out at paragraphs 30 to 38 of the report, be approved.¹

(iii) That the movements in the Prudential Indicators be noted.

(iv) That the Council's proactive and prudent management of the Treasury Management portfolio in the light of the Icelandic banking crisis be noted.

REASON: For information, and to ensure an adequate number of authorised counterparties with whom the Council can invest.

Action Required

1. Amend the Investment Credit Criteria Policy as agreed SA

51. CAPITAL PROGRAMME OUT-TURN 2008/09 AND REVISIONS TO THE 2009/10-2013/14 PROGRAMME

Members considered a report which presented the final out-turn position of the Council's 2008/09 capital programme and sought approval for the statutory declaration on the funding of the programme and for any changes resulting from overspends, underspends or slippage.

Total capital expenditure in 2008/09 amounted to £58.536m. This was the largest capital programme ever delivered by the City of York Council and represented an under-spend of £2.393m against the re-stated budget of £60.929m, a variance of 4%. There were requests to slip (carry forward) budgets totalling £2.997m into future years. These, together with other variances including updates to the spend profile of future years to improve budgetary control of the programme, were set out in the table at paragraph 14 of the report.

The revised start budget for the 2009/10 capital programme following slippage and revisions was shown in Table 3 at paragraph 50 of the report and the re-stated capital programme for the period 2009/10 to 2013/14 was shown in Table 4 at paragraph 51. The statutory declaration of the 2008/09 capital expenditure was attached as Annex 1 to the report.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: (i) That the 2008/09 capital out-turn position be noted.

(ii) That the requests for slippage to and from the 2009/10 capital programme be approved.¹

(iii) That the re-stated 2009/10 to 2013/14 programme, as summarised in Table 4, paragraph 51 of the report and detailed in Annex 2, be approved.

(iv) That the statutory declaration of the 2008/09 capital expenditure required by Part 1 of the Local Government Act 2003 (Prudential Code), as set out in Annex 1, be approved.

REASON: To allow the continued effective management of the capital programme in 2009/10 and beyond and to fulfil statutory functions.

Action Required

1. Adjust the budget on the ledger to reflect approved slippage SA

52. REVISED FINANCIAL REGULATIONS

Members received a report which asked them to comment on, and recommend to Full Council, a revised set of Financial Regulations.

RESOLVED: That consideration of this item be deferred to a future meeting.¹

REASON: To enable further refinements to be made to the draft Regulations before they are considered by the Executive and recommended to the next scheduled meeting of Full Council in October.

Action Required

1. Schedule report on the Forward Plan for an Executive meeting in September SA

53. LAND AT THE REAR OF ACOMB EXPLORE, FRONT STREET, ACOMB

[See also under Part B minutes]

Members considered a report which sought approval to acquire two sites to the rear of Acomb Explore as an 'opportunity purchase' and to amend the capital programme accordingly.

The sites in question were the site of the Acomb Bowling Club, shown edged in blue on the plan attached as Annex A, and land owned by Reynolds Homes, shown edged in green on Annex A. Acquiring these sites would provide an opportunity for the creation of a new integrated service facility and the relocation of the current Acomb Housing Office at

50 York road, with the additionally possibility of the development and provision of affordable homes.

The following options were available:

Option A – acquire both sites and recommend that Full Council bring forward expenditure in the Capital Programme to 2009/10 to fund the purchase of the Reynolds Homes site and carry out initial feasibility and scoping work. This was the recommended option.

Option B – acquire the Bowling Club site only, funded in accordance with the approval capital programme. This would provide a much reduced site area, with limited opportunities for relocation / co-location of services.

Option C – not proceed with the acquisitions.

With reference to the comments of the Shadow Executive on this item, Members noted that the decision to sell the Bowling Club site had already been taken by the Club and that its acquisition by the Council might in fact enable the Club to operate for a little longer.

RESOLVED: (i) That Option A be approved and that both sites be acquired by the Council, as detailed in the report.¹

REASON: To secure land at the rear of Acomb Explore as an opportunity purchase and to provide an opportunity for further rationalisation of Council properties and joint working with partner organisations in a single location.

(ii) That Officers seek to include in the purchase the adjacent small plot which would be land locked if the other two sites were developed.²

REASON: To provide a larger and more integrated site.

Action Required

- | | |
|--|----|
| 1. Take action to acquire both plots of land behind Acomb Explore | SS |
| 2. Negotiate with the landowner re including this plot of land in the sale | SS |

54. URGENT BUSINESS

54.1 Secondary Education Provision on the East side of the City

Members considered a report which summarised a complex set of issues and challenges facing the local authority and its schools on the east side of the City and sought their views on a preferred way forward.

The Chair had agreed to deal with this matter under urgent business due to the need to fulfil a commitment from the local authority to consider options before the end of the school term.

Due to a decline in the number of secondary students across the City and a consequent increase in the choice of schools available to parents, there had been a significant reduction in the number of parents choosing Burnholme Community College for their children. Despite its success in over the past three years in managing declining numbers and maintaining curriculum choice, the school was finding it increasingly difficult to balance its budgets. Recent legislation had increased the range of options to be considered in such circumstances.

Options considered for the school were set out in paragraph 17 of the report. Officers believed that only two of these represented sustainable ways forward, namely:

Option A – maintaining the school by providing additional financial support whilst numbers were low.

Option B – phased closure of Burnholme and the expansion of other secondary schools.

In response to the issues raised by Cllr Healey on this item (as recorded at Minute 41) and the comments of the Shadow Executive, Officers confirmed that the continued funding of the school would be dealt with via Direct Support Grant allocation and that support in terms of pupil numbers would need to come from those living in the catchment area. Discussions about Burnholme had been ongoing for some time and all political groups on the Council had been briefed throughout the process. Details of the proposals in the report had been provided via local radio and a subsequent press release last Friday.

RESOLVED: That Option A be approved and that the development of Burnholme Community College be maintained and supported by providing the additional funding required, as described in paragraphs 36-38 of the report, including £121k to be released from the Council's contingency.¹

REASON: Provided that the recent improvements in educational standards are maintained, and the school is able to be innovative and creative in marketing itself, it is considered that Burnholme has a realistic chance of attracting and retaining additional students in future years.

54.2 Selection of a Supplier for a Managed Voice and Data Network

Members considered a report which outlined options for selecting a supplier of a managed Voice and Data Network service.

The Chair had agreed to deal with this matter as urgent business because an Executive decision was required before the next scheduled meeting on 8 September, as there were significant risks in extending existing contracts further.

Following an EU procurement exercise, Revised and Final Offers (RAFOs) had been requested from the top two shortlisted suppliers. These had been evaluated using the MEAT (Most Economically Advantageous Tender) criteria. The resulting scores and were set out in Annex 1 to the

report and a financial summary of the bids was provided in (exempt) Annex 2. An Executive decision was needed because the highest scoring tender was not the one with the lowest cost and the contract value exceeded £500k.

Members were asked to decide between the following options:

Option 1 – appoint Supplier A, who had submitted the cheaper of the two bids;

Option 2 – appoint Supplier B, who had submitted the highest scoring bid, as recommended under the MEAT evaluation;

Option 3 – cancel the procurement and re-tender – not recommended as it would leave the Council open to challenge from both suppliers, as well as increased costs.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: That Option 1 be approved and Supplier B appointed, on the basis of the agreed evaluation MEAT method.¹

REASON: To enable the Council to let a contract that will provide fast and resilient access to computer systems and to develop its network in the new Headquarters.

PART B - MATTERS REFERRED TO COUNCIL

55. LAND AT THE REAR OF ACOMB EXPLORE, FRONT STREET, ACOMB

[See also under Part A minutes]

Members considered a report which sought approval to acquire two sites to the rear of Acomb Explore as an 'opportunity purchase' and to amend the capital programme accordingly.

The sites in question were the site of the Acomb Bowling Club, shown edged in blue on the plan attached as Annex A, and land owned by Reynolds Homes, shown edged in green on Annex A. Acquiring these sites would provide an opportunity for the creation of a new integrated service facility and the relocation of the current Acomb Housing Office at 50 York road, with the additionally possibility of the development and provision of affordable homes.

The following options were available:

Option A – acquire both sites and recommend that Full Council bring forward expenditure in the Capital Programme to 2009/10 to fund the purchase of the Reynolds Homes site and carry out initial feasibility and scoping work. This was the recommended option.

Option B – acquire the Bowling Club site only, funded in accordance with the approval capital programme. This would provide a much reduced site area, with limited opportunities for relocation / co-location of services.

Option C – not proceed with the acquisitions.

Having noted the comments of the Shadow Executive on this item, it was

RECOMMENDED: That the Capital Programme be varied to bring forward the necessary funding for the acquisition of both sites into the 2009/10 Financial Year.

REASON: In accordance with the decision of the Executive to approve Option A and the requirements of the Council's Constitution regarding changes to the Capital Programme.

56. REFERENCE BACK FROM FULL COUNCIL - EQUAL PAY UPDATE

[This item was considered in private session]

Members considered the following resolution made by Full Council on 9 July 2009 in respect of the Executive's recommendation on the Equal Pay Update:

"That the recommendation contained in Minute 27 of the Executive meeting held on 23 June 2009 be referred back to the Executive with a request that they provide a report to Council explaining the basis of the recommendation."

Having noted the comments of the Shadow Executive on this item, it was

RECOMMENDED: That Council consider and approve the recommendation made by the Executive at their meeting on 23 June 2009 in the light of the further information received.

REASON: In accordance with the resolution approved by Full Council on 9 July.

A Waller, Chair

[The meeting started at 2.00 pm and finished at 3.35 pm].

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Executive Meeting 8 September 2009

EXECUTIVE FORWARD PLAN

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 22 September 2009		
Title & Description	Author	Portfolio Holder
<p>Results of Place Survey</p> <p><i>Purpose of report: To update members with outcomes from the Place Survey.</i></p> <p><i>Members are asked to: Note the results.</i></p>	Matt Beer	Executive Leader
<p>Introduction of a Taxi Card for disabled persons</p> <p><i>Purpose of report: To recommend replacing Transport Tokens with a state of the art secure smartcard system. Scheme proposed to commence operation on 1 April 2010 subject to member approval.</i></p> <p><i>Members are asked to: Approve officer recommendation to procure a taxi card system to replace Transport Tokens in April 2010.</i></p>	Andrew Bradley	Executive Member for Learning, Culture & Children's Services
<p>Cycling City York Update</p> <p><i>Purpose of report: To report on the progress of works within the programme over the last 6 months.</i></p> <p><i>Members are asked to: Note the progress over the least 6 months.</i></p>	Graham Titchener	Executive Leader
<p>Lendal Bridge Cycle Hub Station</p> <p><i>Purpose of report: The report sets out progress made since the Executive meeting on 12th June 2007.</i></p> <p><i>Members are asked to: Consider the building cost tenders against the available budgets, and funding options presented, in order to decide whether the scheme should finally proceed.</i></p>	David Baren	Executive Leader

<p>HR/Payroll System Replacement for Delphi</p> <p><i>Purpose of report: As part of the HR Transformation Project, the report provides an update on the procurement of a HR/Payroll IT System replacement. The report updates Members on the business case for a new system, the whole life costs against budget and a proposed implementation timetable.</i></p> <p><i>Members are asked to: Approve the recommendation by the procurement evaluation team for a preferred system supplier.</i></p>	<p>Angela Wilkinson</p>	<p>Executive Member for Corporate Services</p>
<p>Assembly Rooms, Blake Street</p> <p><i>Purpose of report: Two organisations within the York authority area will benefit from additional funding to continue restoration of Holgate Windmill and Holy Trinity Church, Goodramgate as a result of the recommended proposals. If Members approve the recommendation in the report then steps can be initiated reasonably quickly to formalise the proposal and the funding be made available to be utilised by the two organisations.</i></p> <p><i>Members are asked to: Approve the recommendations.</i></p>	<p>John Urwin</p>	<p>Executive Leader</p>
<p>First Corporate Performance and Finance Monitor</p> <p><i>Purpose of report: The report provides members with an update on service and financial performance for the council, cover the first monitor period of 2009/10.</i></p> <p><i>Three areas of performance are covered in this report:1) Budget – service and corporate budgets 2) Performance indicators – NPIs. 3) Key projects and priorities – progress against the council’s corporate priorities and the key projects that support their improvement.</i></p> <p><i>Members are asked to: Note the report and make decisions on a number of actions to address the existing overspend.</i></p>	<p>Janet Lornie/ Peter Lowe</p>	<p>Executive Member for Corporate Services</p>

<p>Barbican Update</p> <p><i>Purpose of report: To update and recommend next steps for procurement.</i></p> <p><i>Members are asked to: Agree proposals for procurement for the Barbican.</i></p>	<p>Pete Dwyer</p>	<p>Executive Member for Learning, Culture & Children's Services</p>
<p>Administrative Accommodation Project Financial Update</p> <p><i>Purpose of report: To inform Members of some of the specific financial implications of the administrative accommodation project</i></p> <p><i>Members are asked to: Approve the accounting implications of the abortive costs associated with the administrative accommodation project, following the decision not to develop the site at Hungate (b) the current funding position of the project and (c) removal of the "land assembly Hungate" costs from the £43.8m administrative accommodation project budget.</i></p>	<p>Louise Branford-White</p>	<p>Executive Leader</p>
<p>Future of the Hungate Employment Site</p> <p><i>Purpose of report: To examine the potential options for the future short and long term development of the Hungate employment site.</i></p> <p><i>Members are asked to: Approve the way forward.</i></p>	<p>Neil Hindhaugh</p>	<p>Executive Member for City Strategy</p>

<p>Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 6 October 2009</p>		
<p>Review of Financial Regulations</p> <p><i>Purpose of report: To present the revised Financial Regulations to Members for approval.</i></p> <p><i>Members are asked to: Approve the revised Financial Regulations at the next the full council.</i></p>	<p>David Walker</p>	<p>Executive Member for Corporate Services</p>
<p>Debt Policy</p>	<p>David Walker</p>	<p>Executive Member for Corporate Services</p>

<p><i>Purpose of report: The report will present the councils debt policy for approval.</i></p> <p><i>Members are asked to: Approve the councils dept policy at the next full council.</i></p>		
<p>Contract Procedure Rules</p> <p><i>Purpose of report: As requested by Members the Contract Procedure Rules have been updated and amended.</i></p> <p><i>Members are asked to: Approve the Contract Procedure Rules at the next the full council.</i></p>	David Walker	Executive Member for Corporate Services
<p>Review of the Council's Reserves</p> <p><i>Purpose of report: To present to Members a comprehensive review of both earmarked and general reserves held by the Council, including the purpose for which they were established.</i></p> <p><i>Members are asked to: Reconfirm their holding and purpose.</i></p>	Janet Lornie	Executive Member for Corporate Services
<p>Core Grants to Voluntary Organisations (City Strategy) 2010/2011</p> <p><i>Purpose of report: This report advises Members of the process for the allocation of the City Strategy 'core grant's to voluntary sector organisations for the 2010/2011 financial year.</i></p> <p><i>Members are asked to: Consider officer recommendations for re-allocation of City Strategy Core Grant funding to the current grant holders for one further financial year i.e. From March 2010 to April 2011.</i></p>	Adam Gray	Executive Leader

Table 3: Items slipped on the Forward Plan with the agreement of the Group Leaders					
Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage

<p>Barbican Update</p> <p><i>Purpose of report: To update and recommend next steps for procurement.</i></p> <p><i>Members are asked to: Agree proposals for procurement for the Barbican.</i></p>	<p>Pete Dwyer</p>	<p>Executive Member for Learning, Culture & Children's Services</p>	<p>8 September</p>	<p>22 September</p>	<p>The Barbican report has been deferred for 2 weeks. Whilst good progress has been made with the planned activity, additional time is required to ensure the full legal implications of current options are made available to support executive members decision making.</p>
<p>Administrative Accommodation Project Financial Update</p> <p><i>Purpose of report: To inform Members of some of the specific financial implications of the administrative accommodation project</i></p> <p><i>Members are asked to: Approve the accounting implications of the abortive costs associated with the administrative accommodation project, following the decision not to develop the site at Hungate (b) the current funding position of the project and (c) removal of the "land assembly Hungate" costs</i></p>	<p>Louise Branford-White</p>	<p>Executive Leader</p>	<p>8 September</p>	<p>22 September</p>	<p>As a result of changes required by CMT.</p>

<p><i>from the £43.8m administrative accommodation project budget.</i></p>					
<p>Future of the Hungate Employment Site</p> <p><i>Purpose of report: To examine the potential options for the future short and long term development of the Hungate employment site.</i></p> <p><i>Members are asked to: Approve the way forward.</i></p>	<p>Neil Hindhaugh</p>	<p>Executive Member for City Strategy</p>	<p>8 September 2009</p>	<p>22 September 23009</p>	<p>To obtain further information necessary to inform the options for taking this site forward.</p>



Executive

8 September 2009

Report of the Head of Civic, Democratic and Legal Services**Minutes of Working Groups****Summary**

1. This report presents the minutes of recent meetings of the Young People's Working Group and the Social Inclusion Working Group and asks Members to consider the advice given by the Groups in their capacity as advisory bodies to the Executive.

Background

2. Under the Council's Constitution, the role of Working Groups is to advise the Executive on issues within their particular remits. To ensure that the Executive is able to consider the advice of the Working Groups, it has been agreed that minutes of the Groups' meetings will be brought to the Executive on a regular basis.
3. Members have requested that minutes of Working Groups requiring Executive endorsement be submitted as soon as they become available. In accordance with that request, and the requirements of the Constitution, minutes of the following meetings are presented with this report:
 - Social Inclusion Working Group – draft minutes of the meeting on 2 July 2009 (Annex A)
 - Young People's Working Group – draft minutes of the meeting on 22 July 2009 (Annex B)

Consultation

4. No consultation has taken place on the attached minutes, which have been referred directly from the Working Groups. It is assumed that any relevant consultation on the items considered by the Groups was carried out in advance of their meetings.

Options

- Options open to the Executive are either to accept or to reject any advice that may be offered by the Working Groups, and / or to comment on the advice.

Analysis

- Members are asked to consider the following recommendations to the Executive contained in the attached draft minutes at Annex B (Minute 4 refers):

“(i) To accept the suggestion that the Young People’s Champion be appointed to the Young People’s Working Group as a non-voting, co-opted member and recommend that the Executive make this appointment.

“(ii) That the Members of the Young People’s Working Group ask the Executive to recommend to Council that the membership of the group be increased to also include the Interim Member of the Youth Parliament (MYP) and the Deputy Interim Member of the Youth Parliament as non-voting co-opted members.”

- As stated in a previous report to the Executive, on 9 June 2009, the Head of Legal Services has advised that the Executive has the power to make appointments to its own Working Groups. Therefore if Members so wish, they may approve both of the above recommended appointments without reference to Full Council.

Corporate Priorities

- The aims in referring these minutes accord with the Council’s corporate values to provide strong leadership in terms of advising these bodies on their direction and any recommendations they wish to make.

Implications

- There are no known implications in relation to the following in terms of dealing with the specific matter before Members, namely to consider the minutes and determine their response to the advice offered by the Board:
 - **Financial**
 - **Human Resources (HR)**
 - **Equalities**
 - **Legal**
 - **Crime and Disorder**

- **Property**
- **Other**

Risk Management

10. In compliance with the Council's risk management strategy, there are no risks associated with the recommendations of this report.

Recommendations

11. Members are asked to note the minutes attached at Annexes A and B and to decide whether they wish to:
- Approve any specific recommendations made by the Working Groups, as set out in paragraph 6 above, and / or;
 - Respond to any of the advice offered by the Working Groups.

Reason:

To fulfil the requirements of the Council's Constitution in relation to the role of Working Groups.

Contact details:

Author:

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Chief Officer Responsible for the report:

Quentin Baker
Head of Civic, Democratic and Legal Services

Report Approved

√

Date 18/8/09

Specialist Implications Officer(s) None

Wards Affected:

All

For further information please contact the author of the report

Annexes

Annex B – Draft minutes of the meeting of the Social Inclusion Working Group held on 2 July 2009.

Annex A – Draft minutes of the meeting of the Young People's Working Group held on 22 July 2009.

Background Papers

Agenda and associated reports for the above meetings (available on the Council's website).

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City of York Council

Committee Minutes

Meeting	Social Inclusion Working Group
Date	2 July 2009
Present	Councillors Ayre (Chair), Aspden, Brooks, Crisp (Vice-Chair) and Gunnell Non-Voting Co-Opted Members: Peter Blackburn – LGBT Forum David Brown – York Access Group Corry Hewitt – York Interfaith Rita Sanderson – York Racial Equality Network Expert Witness: Maureen Ryan – Valuing People Partnership
Apologies	John Bettridge – Mental Health Forum Becca Cooper – York People First Sue Lister - York Older People's Assembly Sarah Fennell - LBGT Forum Daryoush Mazloun - York Racial Equality Network Fiona Walker - Valuing People Partnership

1. **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.

2. **Public Participation**

There were no registrations to speak under the Council's Public Participation Scheme.

3. **Minutes And Matters Arising**

RESOLVED: (i) That the minutes of the meeting of the Group, held on 13 May 2009, be approved and signed by the Chair as a correct record.

In accordance with the Group's request that their recommendations were tracked to ensure that they were being actioned, an update was given on matters arising from the previous minutes:

- First York had agreed to send a representative to the next meeting (minute 47)
- National Express had confirmed that, in response to concerns expressed by the SIWG, the Station Management Team had been briefed that when a platform change occurred, a member of staff would approach passengers waiting on the platform to advise them in person that the platform change had occurred and would direct them to the altered platform. This would be in addition to the visual displaying flashing to indicate a platform change. It was hoped that the additional face-to-face interaction would help overcome any difficulties experienced by passengers with hearing difficulties or for whom English was not their first language (minute 47).
- The application in respect of the barriers at the railway station was due to be considered by the West and City Centre Area Planning Sub-Committee at their meeting on 16 July 2009 (minute 47).
- The Democratic Services Manager would be meeting with the Equality and Inclusion Manager in August to give further consideration as to how the Equalities Impact Assessments for Democratic Services could best incorporate the suggestions put forward by the SIWG (minute 48).
- In response to the request by SIWG representatives that there be a named contact at the City of York Council to whom incidents of a racial nature could be reported, it had been agreed that the same arrangements should be in place as for the reporting of hate incidents (telephone 01904 551552). The Group suggested that it was also important to have a contact who would deal with media enquiries regarding incidents of this nature (minute 49).
- Following the meeting, the Interfaith Group had contacted the Equality and Inclusion Manager regarding the proposed collecting of information on the needs and views of people from the equality strands. It had been suggested that it was important that the forms made clear the reasons why the information was being requested. The Equalities and Inclusion Manager informed the Group that she would welcome their views as to appropriate wording (minute 51). Concerns were expressed regarding the length of the questionnaire and the feasibility of including it with all consultation exercises carried out by the Council. It was noted that the questionnaire was based on a model recommended by the Government.

- RESOLVED: (ii) That, at the next meeting, further consideration be given to the proposed questionnaire.
- (iii) That the advice of the Marketing and Communications Team and the Valuing People Partnership be sought on issues in respect of accessibility of information¹.
- (iv) That samples of questionnaires used by other councils be obtained to identify examples of good practice².

Action Required

1. Seek advice of Marketing & Communications Team and Valuing People Partnership EC
EC
2. Obtain examples from other Councils

4. Chair's Report

Councillor Ayre and Councillor Crisp were welcomed to their first meeting as Chair and Vice-Chair respectively.

Community Groups gave an introduction to their work and brought the following matters to the attention of the Group:

(i) Ethnic Elders Group

The SIWG had provided support in the setting up of an Ethnic Elders Group in the city. The group was flourishing and an increasing number of people were attending its events. The project was helping to eliminate isolation. YREN was now hoping to work with the Youth Service Equalities Team Leader to develop a project targeted at young people.

(ii) Valuing People Partnership

An update was given on the work of the Valuing People Partnership, including the "Making it Happen" project. The Group's attention was also drawn to the impact of the Welfare Reform Bill and events that were being arranged to make the Bill more accessible to carers and to people with learning disabilities.

(iii) Pride in the Park

Details were circulated of the Pride in the Park Picnic that was to take place on Sunday 16 August 2009. The theme was "Maskerade". Further details were available from www.yorklgbtforum.com

(iv) Access

Concerns were expressed that the Council did not appear to be doing enough to ensure that access issues were given appropriate consideration by the planning and building regulations departments. An example was cited of the re-opening of the Odeon cinema which had been welcomed by the Council but which was not accessible beyond the ground floor. The Group suggested that the Council should be doing more to encourage businesses to improve accessibility to buildings.

(v) “Bridging the Gap”

Information was circulated on “Bridging the Gap” – a day of diversity and inclusion arranged by York Older People’s Assembly in association with SIWG. The event would take place on Saturday 26 September 2009. Further information was available on www.yorkassembly.org.uk. Community Groups were requested to complete the form to indicate how their organisation could contribute to the event by holding a workshop, a display, a talk or a performance. It was noted that the SIWG display board, led by YREN, was expected to be available for the event.

(vi) Efficiency Savings

Members of the community groups expressed concern at the impact of proposed council efficiency savings on service users. Confirmation was sought that Equality Impact Assessments would be carried out when recommendations on savings were being considered. The Group was informed that this would be the case.

(vii) Sharing of Information

Clarification was sought as to why it was not possible for different Council departments to share information to avoid service users having to provide the same information on more than one occasion. The present arrangements were a barrier to accessing services for some people. The Group was informed that this was one of the issues that would be considered under the efficiency review but that data protection implications also had to be taken into account.

RESOLVED: (i) That, at the next meeting, a brief presentation be given on how to make information accessible carried out by the Valuing People Partnership.

(ii) That further information be sought from the Planning Department regarding the issue of promoting accessibility to buildings when making planning recommendations and decisions¹.

Action Required

1. Letter to be sent to Planning Department

EC

5. Report From SIWG Development Day May 2009

Consideration was given to a report that summarised the findings from the SIWG Development Day. The Development Day had been very well attended and the Group expressed their appreciation of the work carried out by the Equalities and Inclusion Manager in arranging the event.

The report requested that the findings be agreed as a correct record to enable them to form the basis of a SIWG Development Plan. The Development Plan would be prepared by the Chair, Vice-Chair and the Equalities and Inclusion Manager and presented for consideration at a future meeting.

The following suggestions were put forward for inclusion in the Development Plan:

- The Group needed to be involved in discussions about the impact of sport and leisure on community cohesion/quality of life in the city. (It was noted that it was intended to seek the Group's views on the EIA for the new community sports stadium).
- When considering the age strand it was important that the needs and perceptions of teenagers were also given due consideration.
- The issue of the spread of student accommodation within the city was more complex than indicated in the report.

The Group stressed the importance of ensuring that there was an evidence base to demonstrate that their views were being actioned. Effective mechanisms also had to be in place to enable the SIWG to evaluate its work.

- RESOLVED: (i) That the report be noted and the contents confirmed as a correct record of the SIWG Development Day.
- (ii) That a draft Development Plan, incorporating the views put forward at the meeting and at the Development Day, be brought to the Group for consideration at a future meeting¹.

REASON: To summarise findings from the day and agree them so that a SIWG Development Plan can be put in place.

Action Required

1. Include on SIWG workplan

EC

6. Draft Council Fairness And Inclusion Strategy And Single Corporate Equality Scheme 2009/12

Consideration was given to a report on the draft Fairness and Inclusion Strategy 2009-12. The Group were invited to comment on the draft strategy and their views would then be taken on board before the draft was finalised and approved by Councillors in Autumn 2009.

The following suggestions were put forward:

- The word "faith" should be replaced with "religion and belief" and the Corporate Strategy should also incorporate this amendment when next updated. (page 53)
- The word "not" has been omitted from paragraph 2 T4 (page 58)

- More also needs to be done to address under-representation by women when promoting civic and public participation opportunities (Action 5 page 66).
- More information needs to be obtained regarding the increase in segregation of ethnic minorities and to ascertain if the segregation is self-imposed (page 74).
- Clarification was sought as to the accuracy of the first sentence on page 76.
- Information should be included to ascertain whether the Council was doing enough to address issues in respect of domestic violence.

Discussion took place regarding the importance of having good recruitment, retention and training provision in place to ensure equality in employment. It was noted that the Fire Service had recently approved an Equality Scheme and had stated that they would welcome the views of the Social Inclusion Group regarding the scheme.

Details were given of the Equality Framework for Local Government. It was noted that a self-assessment had indicated that the Council was nearly meeting all of the requirements to be designated as “developing” and was moving towards “achieving”. Once the actions in the Single Equality Scheme had been met, the Council would be at the “achieving” level.

- RESOLVED:
- (i) That the draft Fairness and Inclusion Strategy 2009-12 be received.
 - (ii) That the suggestions put forward by the Social Inclusion Working Group be taken into account in developing the strategy¹.
 - (iii) That the Fire Service Equality Scheme/recruitment targets be included on the work plan for the Social Inclusion Working Group to enable consideration at a future meeting².

REASON: To ensure that SIWG receives the full draft of the Council's Fairness and Inclusion Strategy that they had helped to put in place in the past year.

Action Required

- 1. Incorporate suggestions into strategy. EC
- 2. Include in SIWG Workplan. EC

7. Equality Impact Assessment: City Of York Corporate Strategy 2009/12

Consideration was given to a report that offered the opportunity for community groups included in the Social Inclusion Working Group to

advise officers about fairness and inclusion issues in the Council's Corporate Strategy.

Officers went through the Corporate Strategy with the Group and invited them to comment on the findings of the Equality Impact Assessment. Information was circulated on the three-year plan.

The Group were also asked if they wished to be involved in workshops that were due to take place later in the year.

The Group expressed their concern that the examples of the Council's commitment to make York an Inclusive City (page 11) appeared to be focussed solely on housing and poverty and did not make reference to the strands referred to in the preamble. Inclusion should be inherent in every aspect of the Council's work.

Concerns were expressed that the cost of producing the Corporate Strategy booklet had not been specified on the booklet.

- RESOLVED: (i) That the Social Inclusion Working Group requested that their comments regarding the Corporate Strategy and the Equality Impact Assessment be taken on board¹.
- (ii) That the Group be informed of the costs of producing the Corporate Strategy booklet².
- (iii) That further consideration would be given as to whether the SIWG would wish to be involved in the workshops once the arrangements for these were confirmed.

REASON: To ensure that SIWG had the opportunity to comment on the findings of the EIA and suggest any changes needed.

Action Required

- | | |
|---|----|
| 1. Incorporate comments into EIA and future updates to Corporate Strategy | EC |
| 2. Ascertain costs of producing the booklet | EC |
| 3. SIWG Members to be notified of details of workshops once finalised. | EC |

8. Holocaust Memorial Day

Details were given of events that would be taking place in January 2010 to mark Holocaust Memorial Day. The Group were asked to consider how they could contribute to the planned events. It was noted that the Chair and Vice-Chair served on the planning committee for the events.

- RESOLVED: (i) That the SIWG would have staffed display boards at the event.

- (ii) That further details of the Holocaust Memorial Day be forwarded to members of the SIWG.

REASON: To ensure community groups have the opportunity to participate in the events to mark Holocaust Memorial Day.

Action Required

1. Forward details to SIWG Members

EC

Cllr N Ayre, Chair

[The meeting started at 6.40 pm and finished at 8.50 pm].

City of York Council

Committee Minutes

MEETING	YOUNG PEOPLE'S WORKING GROUP
DATE	22 JULY 2009
PRESENT	COUNCILLORS LOOKER (CHAIR), RUNCIMAN (VICE-CHAIR), AYRE, BOWGETT, DOUGLAS AND ASPDEN
APOLOGIES	COUNCILLOR ALEXANDER (AS YOUNG PEOPLE'S CHAMPION)

1. 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 Aspden declared a set of standing personal interests as a governor for the Danesgate Centre, Fulford's Cross, a member of the National Union of Teachers and as an employee of North Yorkshire County Council.

Councillor Bowgett declared standing personal interests as a governor for St Paul's Nursery school and as the parent of two children attending Millthorpe School.

Councillor Looker declared standing personal interests as a governor for Park Grove School and as the governor and Chair of Canon Lee School.

Councillor Runciman declared a set of standing personal interests as a governor of Joseph Rowntree School, New Earswick Primary School and York College alongside being a trustee of York Theatre Royal.

2. MINUTES

RESOLVED: That the minutes of the meeting of the Young People's Working Group, held on 22 April be approved and signed by the Chair as a correct record.

3. PUBLIC PARTICIPATION

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

4. APPOINTMENT OF YOUNG PEOPLE'S CHAMPION TO YPWG

Members considered a report which informed them of the Executive's response to their recommendation of the appointment of the Young People's Champion to be included in the formal membership of the Young People's Working Group.

Members commented that the Executive's recommendation to make the Young People's Champion a non voting, co-opted member, was very sensible given that the Group does not have decision making powers.

They added that they wished to add an amendment for the Executive to consider increasing the formal membership of the group to include the current Interim and Deputy Interim Member of the Youth Parliament and their successors to join the group as non voting, co-opted members.

- RESOLVED:
- (i) To accept the suggestion that the Young People's Champion be appointed to the Young People's Working Group as a non-voting, co-opted member and recommend that the Executive make this appointment.
 - (ii) That the Members of the Young People's Working Group ask the Executive to recommend to Council that the membership of the group be increased to also include the Interim Member of the Youth Parliament(MYP) and the Deputy Interim Member of the Youth Parliament as non-voting co-opted members.

REASON: In order to formalise the position of the Young People's Champion on the Working Group and to be inclusive to all views from Young People in York.

5. TAKE PART PATHFINDER 2

Members received a report on the work of the Take Part Pathfinder 2 programme.

The Council had been awarded £51,000-£61,000 next year to fund three streams of the programme:

- Ward committee processes and commissioned services
- Schools Councils development
- Creation of a Youth Council(for young people aged 11-19) and, through that, involvement in the UK Youth Parliament.

In reference to paragraph 14 of the report on ward committee processes and commissioned services, additional information was given to Members about how one of the posts in the Neighbourhood Management Department will include a specific responsibility for youth engagement within ward committees. Members commented that this was a positive move and would particularly satisfy the community cohesion strand of the Strategic Plan.

Officers reiterated that the membership and structure of the Youth Council as shown in Annex A of the report will come from all secondary schools including private schools at secondary level, it will also reach out to alternative groups such as in the voluntary sector to make sure that the Youth Council is representative. The Take Part Pathfinder as a whole will be working with primary and secondary schools through Schools Councils.

Members then invited the Deputy Interim Member of the Youth Parliament for York to comment on the proposals for the Youth Council within the Officer's report and suggested that he could bring a report detailing his experiences at the Annual Meeting of the UK Youth Parliament to the next meeting to inform the development of the Youth Council.

With reference to paragraph 9 of the report Members suggested that the involvement of all schools in the City was paramount to maintain a balance of views.

- RESOLVED:
- (i) That the report be noted.
 - (ii) That the Deputy Interim Member of the Youth Parliament for York reports back to the group on his experiences at the annual sitting of the Youth Parliament.

REASON: To inform future strategic work on the development of the Take Part 2 Pathfinder, the development of a Youth Council for York and methods of communication for engagement with Young People.

6. AN UPDATE ON CITY CENTRE FACILITIES FOR YOUNG PEOPLE

Members received a report on the search for site and funds to establish enhanced facilities for Young People close to the city centre was received by the group. Mr Bixby, the architect who had been commissioned to work on the project was in attendance to answer questions from Members.

Officers reported that although York had failed in the second round of bidding for myplace funding, due to a change in the eligibility criteria from the Big Lottery Fund, that they had taken the decision to continue with the work proposed. They would however focus at present on two more modest sites at St Leonard's Hospital and St Michael le Belfry, although the Railway Institute site was still in consideration. They added that there was a funding gap of £8.5 million for the Railway Institute because the Lottery money only provided a maximum of £5 million of funds.

Members received an update on the two new proposed sites. In relation to the proposal for St Leonard's Hospital it was commented that the site lends itself to unproblematic development and that early responses to the plans have been very positive. Members were informed that the project at St Michael le Belfry was a smaller and more immediate facility and was a joint project between the Council and the current existing youth group there.

Members suggested that both sites should be re-examined at future meetings. They added that the Police should be consulted because they are anxious to have a positive role in facilities for Young People and that they may also have access to alternative sources of funding.

RESOLVED: That the report be noted.

REASON: For additional investment in youth facilities to be in line with the Council's corporate priorities, and the views of the residents and young people themselves.

7. YOUNG PEOPLE'S SUBSTANCE MISUSE

Members received a report on the update of work and activities overseen by the Young People's Joint Commissioning Group for the prevention and treatment of Young People's substance misuse in the city.

The report summarised how substance misuse is dealt with in local authorities and highlighted the organisations responsible for monitoring and funding the prevention and treatment programmes in these authorities.

The bulk of the funding for these programmes in York comes from a national charity called First Base along with contributions from the York Youth Offending Team and York College, in particular for analysis and education work.

There were currently 30 Young People in York on First Base substance misuse programmes and that there have been noticeable improvements in reduced use, safer use, better relations with family and friends and a better use of leisure time amongst these Young People.

Officers commented that there were still challenges on collecting information on substance misuse from other agencies such as the local Accident and Emergency Department. They also added that there was still a reluctance from some schools to admit that there is a problem with substance misuse amongst Young People. These two issues, meant that it was difficult to find out the true extent of substance misuse amongst Young People in York.

With reference to paragraphs 11 and 16 of the report comments were made on substance misuse education programmes in schools and the focus of the work force training in the education sector.

Officers responded by remarking that there is an issue in what the schools can do on top of existing programmes and that the Council does not want to diminish these. There is an aspiration for specialist substance misuse workers to work in partnerships with schools to support teachers in this area. They also replied that the focus of workforce training related to substance misuse was geared towards those in the education sector.

Officers added that funding for the Young People's Substance Misuse plan in York is unfortunately inhibited to use the most money on treatment rather than prevention programmes.

Referring to paragraph 14 of the report Members asked Officers for more information on what the communities mentioned in the report could be doing to tackle problems with substance misuse among Young People in their areas.

RESOLVED: That the report be noted.

REASON: To inform future strategic work on substance misuse services for Young People in York.

Councillor J Looker, Chair

[The meeting started at 5.20 pm and finished at 7.00 pm].

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Executive

8th September 2009

Report of the Head of Civic, Legal & Democratic Service

Final Report of the Planning Enforcement Ad Hoc Scrutiny Committee

Summary

1. This report presents the final report of the Planning Enforcement Ad Hoc Scrutiny Committee. Councillor Hyman, Chair of the Committee, will be in attendance to present the report.

Background

2. In coming to a decision to review this topic, the Committee recognised certain key objectives and the following remit was agreed:

Aim

3. To identify ways of bringing enforcement cases to an earlier completion through reviewing City of York Council's approach to planning enforcement and court action.

Key Objectives

- i. To understand the Council's approach in relation to planning enforcement processes including Section 106 Agreements.
- ii. To understand the City of York Council's approach to court action in relation to breaches of planning enforcement notices.
- iii. To examine why so many cases are outstanding
- iv. To review the Council's processes and procedures to improve the handling of planning enforcement cases
- v. To explore the impact of the Scrutiny Review on 'Powers of Enforcement: Take-Aways' on the way planning enforcement is now conducted.

Consultation

4. As part of the review the following persons were consulted:

- Assistant Director (Planning & Sustainable Development)
- Head of Development Control
- Planning Enforcement Officers
- Officers from Legal Services
- Elected Members with links to Planning Committees
- Area Team Leaders for East Area Planning and West & City Centre Planning Committees

Options

5. Having considered the findings contained within the final report and its annexes, Members may chose to support all, some or none of the recommendations shown in paragraph 7 of this report.

Analysis

6. In regards to the aims and objectives of this review, the final report attached analyses all of the information gathered. The final report was presented to the Scrutiny Management Committee on 27th July 2009 and they endorsed the recommendations within it.

Summary of Recommendations Arising from the Review

7. The recommendations arising from the Planning Enforcement Ad Hoc Scrutiny Review are:

1. That the Head of Development Control:

- (i) Prioritise new complaints/cases
- (ii) Shorten the response time to letters sent in relation to breaches of planning regulations, where there is discretion to do so
- (iii) Introduce a weekly list detailing new planning enforcement cases, split by Ward

Reason: To ensure that all cases are dealt with in a timely manner and that Ward Members are kept fully informed of new enforcement cases in their areas.

2. That, once trigger points are reached and payment has not been received, Section 106 Agreements are promptly passed to Legal for action.

Reason: To ensure City of York Council can pursue non-payment of Section 106 Agreements in a timely manner.

3. That Section 106 Agreements, including the schedule of obligations, be placed on the planning portal under the planning applications to which they relate

Reason: To ensure transparency in the process

- 4.

- (i) That the expenditure of Section 106 monies be made entirely in accordance with the Council's Financial Regulations.
- (ii) That a regular report be presented to the relevant Planning Committees detailing where Section 106 monies have been spent by the receiving Directorates

Reason: To ensure that Section 106 monies are spent appropriately.

5. That Planning Enforcement Officers be issued with:
- (i) Necessary mobile communication technology (e.g. laptop, mobile phone, PDA, laser rule) subject to the outcome of the pilot scheme to be undertaken by Building Control and to funding being available.
 - (ii) A First Response Kit and any appropriate training to use this.

Reason: To ensure the safety of Planning Enforcement Officers and to allow them to easily gather and record information when on site visits.

6. That Planning Enforcement Officers be issued with high visibility jackets marked with 'CYC Planning Enforcement Officer' and these should be worn at appropriate times.

Reason: To enable Planning Enforcement Officers to be easily identified.

7. That the Head of Development Control make planning staff available to help with planning enforcement when possible.

Reason: To reduce the number of outstanding cases.

8. That the results of the Development Control Internal Review be fully communicated to all departmental staff.

Reason: To ensure that all members of the department are fully aware of the outcome of the Internal Review.

9. That a copy of the final report of the Planning Enforcement Ad Hoc Scrutiny Committee be circulated to all Members involved with Planning Committees.

Reason: To ensure that all Members are made aware of the recommendations of the Planning Enforcement Ad Hoc Scrutiny Committee

Corporate Strategy 2009/2012

8. The review was undertaken under the previous Corporate Strategy 2007-2011 and related to the following Value: 'Encouraging improvement in everything we do'. The Corporate Strategy has since been refreshed and this topic relates to the Effective Organisation Theme of the new document – 'we shall be a modern council, with high standards in all we do, living up to our values and be a great place to work.'

Implications

9. There are no implications associated with this report. The Implications arising from the review are set out in paragraphs 50 to 53 of the final report.
10. In light of the need to minimise growth bids, and instead to promote the re-alignment of existing financial resources into priority areas, the Assistant Director of Resources (Finance) has requested that the Executive consider the following further implications:

‘Purchasing new technology/new equipment will incur costs, as will ensuring a full First Response Kit is available and marked high visibility jackets. The initial set up cost could be in the region of £6,000; with ongoing support costs it is also possible that recommendations made during the course of the Planning Enforcement Internal Review could lead to some additional expenditure.

Once the outcome of the pilot scheme is known and the type of equipment needed has been identified a full review of the potential financial implications will be undertaken. In the light of the Council’s current budgetary situation, various options for funding the proposals need to be considered and specifically the possibility of re-directing resources from areas which may be considered not as high priority at the current time.’

11. If the Executive wish to endorse the additional implications raised by the Assistant Director of Resources (Finance) these will be added to the final report as an addendum.

Risk Management

12. There are no known risks associated with the recommendations within this cover report or with the recommendations arising from the review.

Recommendations

13. Members are asked to note the contents of the attached final report and its annexes and provide comments on the recommendations as shown in paragraph 7 of this report and the proposed addendum to the financial implications section detailed at paragraph 10 of this report.

Reason: To inform the Executive’s consideration of the final report.

Contact Details

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Report Approved

Date 06.08.2009

Specialist Implications Officer(s)

None

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None

Annexes

- Annex 1** Final Report
- Annex A** Presentation – ‘Planning Enforcement at York’
- Annex B** Definition of Section 106 Agreements
- Annex C** Planning Enforcement – Choice of Routes
- Annex D** Questions and Answers Arising Through the Course of the Review
- Annex E** Further Information on Key Objective (iii)
- Annex F** Information Comparing York and Other Local Authorities
- Annex G** Briefing Note Regarding Land Charges Register
- Annex H** Briefing Note on when Elected Members can be used as Witnesses
- Annex I** Further Information on Key Objective (iv)
- Annex J** Outline of Internal Review
- Annex K** Outline of Discussions Regarding Internal Review
- Annex L** Executive Summary ‘Powers of Enforcement – Take-Aways’ Scrutiny Review
- Annex M** Update on the Recommendations arising from the ‘Powers of Enforcement – Take-Aways’ Scrutiny Review
- Annex N** Report prepared by Planning Enforcement Officers

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Planning Enforcement Ad Hoc Scrutiny Committee

18th May 2009

Planning Enforcement – Final Report

Background

1. This topic was registered by Councillor Wiseman to explore the possibilities of speeding up the period from opening to closing planning enforcement cases and to achieve a reduction in the number of outstanding cases. She had raised concerns that a lack of resources within the Planning Enforcement Team may be contributing to delays in cases being brought to a timely conclusion. As part of the review she also proposed that the Council's approach to court action was reviewed to investigate concerns that enforcement by City of York Council had little threat of further legal action being taken.
2. Members are presented with information on both ongoing and completed cases at Planning Sub-Committees on a quarterly basis and it is noticeable that the number of ongoing cases is not being reduced. Some cases have been open for a very long time without resolution and there do not appear to be any timescales for completing a case. Whilst Councillor Wiseman was aware that some cases were very complex and needed a lot of time there were still too many minor cases ongoing and as part of the review she suggested exploring possible ways of completing these in a timelier manner.
3. A feasibility study and a draft remit were submitted to the Scrutiny Management Committee (SMC) in July 2008 and after due consideration it was agreed to proceed with this scrutiny review based on the following remit.

Aim

4. To identify ways of bringing enforcement cases to an earlier completion through reviewing City of York Council's approach to planning enforcement and court action.

Key Objectives

- i. To understand the Council's approach in relation to planning enforcement processes including Section 106 Agreements.
- ii. To understand the City of York Council's approach to court action in relation to breaches of planning enforcement notices.
- iii. To examine why so many cases are outstanding

- iv. To review the Council's processes and procedures to improve the handling of planning enforcement cases
- v. To explore the impact of the Scrutiny Review on 'Powers of Enforcement – Take-Aways' on the way planning enforcement is now conducted.

Consultation

5. This review was carried out in consultation with the following:
 - Assistant Director (Planning & Sustainable Development)
 - Head of Development Control
 - Planning Enforcement Officers
 - Officers from Legal Services
 - Elected Members with links to Planning Committees
 - Area Team Leaders for East Area Planning and West & City Centre Planning Committees.

Information Gathered

6. During the course of this review at both an informal session and formal meetings Members of the Committee gathered the information contained in the following paragraphs.

First, Second and Third Key Objectives

- (i) **To understand the Council's approach in relation to planning enforcement processes including Section 106 Agreements**
 - (ii) **To understand the City of York Council's approach to court action in relation to breaches of planning enforcement notices**
 - (iii) **To examine why so many cases are outstanding**
7. At a formal meeting on 7th October 2008 Members received a presentation from the Head of Development Control entitled 'Planning Enforcement at York'. This gave Members an overview of planning enforcement at both a local and national level, in particular the regulations that apply and the processes involved in tackling breaches of planning control. A copy of this presentation is attached at Annex A to this report. A definition of Section 106 Agreements is attached at Annex B to this report.
 8. The Committee received a flow chart entitled 'Planning Enforcement – The Choice of Routes', which illustrated the course planning enforcement took dependent on the kind of case being investigated. This is attached at Annex C to this report.
 9. Members of the Committee also received information on the number of planning enforcement cases opened, closed and outstanding for the period between January 2006 and July 2008. Information was also provided regarding the number of Section 106 Agreements dealt with. This is detailed in the tables below.

Table 1 - Planning Enforcement Cases - West and City Centre Area since January 2006

Date of Report	Enforcement Cases			Section 106 Agreements
	Opened	Closed	Outstanding	
Jan 2006	77	91	110	27
April 2006	70	64	114	30
Oct 2006 (2 Quarters)	150	126	135	44
Jan 2007	95	84	117	50
April 2007	76	75	118	45
July 2007	70	47	129	53
Oct 2007	87	60	167	43
Jan 2008	47	66	152	53
April 2008	80	66	171	47
July 2008	69	69	179	43

Table 2 - Planning Enforcement Cases – East Area since January 2006

Date of Report	Enforcement Cases			Section 106 Agreements
	Opened	Closed	Outstanding	
Jan 2006	68	42	167	Not known
April 2006	64	44	159	30
Oct 2006 (2 Quarters)	164	122	Not known	83
Jan 2007	78	81	173	41
April 2007	89	84	175	48
July 2007	92	63	199	44
Oct 2007	94	74	212	40
Jan 2008	51	55	208	58
April 2008	76	69	219	62
July 2008	116	78	258	65

10. At the formal meeting on 7th October 2008 it was suggested that a Member of the Committee shadow one of the Planning Enforcement Officers for the day to gain a valuable insight into their work. Councillor Douglas volunteered for this and produced the following summary of her experience:

'I shadowed a Planning Enforcement Officer on Wednesday 26th November 2008. In the absence of a pool car, I was driven to 6 sites that were in need of enforcement on planning issues. Some issues had been raised by the public, others picked up from invalid applications. So much extra information and other breaches are picked up this way and this is an extremely useful exercise.

The Planning Enforcement Officer was professional and took photographs of his findings, we talked about feeding information back to complainants and

also about what was done in terms of follow up back at the office. The Officer handed his card out to people so that they had contact details and he always identified himself before stating his business there.

I feel that these enforcement visits are absolutely vital as not only can the developers be picked up on breaches before the building is completed but so much more information about other possible breaches can be seen. We observed a road having been built across land, which originates from the main highway – do they have permission? We also viewed satellite dishes on roofs and had the opportunity to check advertising signage without contacting the originators themselves. It would appear the Planning Enforcement Officer ticks some applications off but finds more oddments to add to the list as he goes.'

11. To clarify their understanding of the processes surrounding planning enforcement the Committee asked various questions during the course of the review. Both questions and Officer responses are set out in Annex D to this report.
12. At an informal meeting on 5th November 2008 the Head of Development Control provided the Committee with information on the third key objective (to examine why so many cases are outstanding). He informed Members that the following factors influenced the timescales for dealing with cases:
 - Process and Regulatory Procedure, and;
 - Workload issues which are split into the following categories:
 - i. Increase in number of financial obligations
 - ii. Reduced officer capacity
 - iii. Managerial reporting arrangements
 - iv. Filing systems
 - v. Responses from consultees
 - vi. Input from legal services
13. Further information regarding the above is attached at Annex E to this report.
14. At the same meeting Members of the Committee asked for information regarding the planning enforcement departments at other similar Local Authorities for comparison with that at York. This is attached at Annex F to this report.

Issues Arising & Analysis

15. After due consideration of the information received on key objectives (i), (ii) and (iii) Members raised various points as detailed in the paragraphs below.

Section 106 Agreements

16. Section 106 payments often took a long time to come through for various reasons i.e. because a trigger point for payment had not been reached, because of slow responses from some developers or because of difficulties finding out who the land owner was. The original intention was for Planning Enforcement Officers to ensure that financial obligations were paid upon reaching the appropriate trigger point. With the introduction of the Draft Local

Plan in April 2005 Development Control now used planning conditions to secure financial contributions to the Council. This had increased the workload of the Planning Enforcement Officers as the number of financial obligation cases had doubled. The most widely used condition incorporated two trigger points and this needed extra Officer time in terms of processing and ensuring compliance with the condition, especially as a trigger point could indicate that payment would be due once a certain number of units had been occupied.

17. After further discussion the Committee agreed that non-payment of Section 106 obligations needed to be addressed as early as possible and Legal Services involved at an earlier stage than at present. Members acknowledged that investigations were already ongoing regarding the possibility of reducing the number of trigger points from two to one. There was a database detailing Section 106 payments within the City Strategy directorate but a cross directorate database would be preferable to allow the viewing of all payments received. It was also suggested, that in the interest of transparency, Section 106 Agreements be available to view through the Council's Planning Portal.
18. Discussions were also had regarding the importance of spending the Section 106 contributions on appropriate schemes. A process of accountability and transparency should be developed to ensure that this happened and a satisfactory record kept of all monies received and all schemes implemented.

Timings

19. Discussions were had regarding the possibility of introducing more rigid timings for the different stages of the enforcement process. The current process followed was set out in the Planning Enforcement Service guidelines available on the Council's website (website address listed in the background papers section of this report). This detailed the priorities for investigation and when a response/action to a complaint could be expected from a Planning Enforcement Officer. There were currently no timescales for completing a case as each had to be taken on its own merits. Members acknowledged that some cases were more difficult and time consuming than others but indicated that there were times when both developers and individuals 'played the system' causing unnecessary delays to the process.
20. Further deliberation found that at busy times management had to prioritise their time and due to statutory requirements and timescales processing of planning applications and planning appeals had to take priority over most planning enforcement work.

Minor Cases

21. The Committee raised concerns that some of the minor cases reported were often those that were the most important to local residents. It appeared that if the owner of the land could not be traced easily or a response was not received then the case could fade into the background and not be cleared up in a timely way. There was, therefore, a need to investigate whether appropriate timescales for clearing up cases could be introduced, especially in relation to the minor and less complicated cases.

Land Charges Register

22. Discussions were had regarding the possibility of using the Local Land Charges Register to flag up buildings where there was an enforcement issue. This initially raised concerns regarding confidentiality, possible compensation claims and usefulness in the majority of cases. The Head of Development Control, in conjunction with legal services prepared a briefing note on this to give Members further insight into the viability of using the Land Charges Register in this way. This is attached at Annex G to this report.
23. Discussions of the above showed that, used judiciously; this could be a useful tool. Whilst a solicitor undertaking searches for a client purchasing a property would be made aware of outstanding enforcement notices on a particular property they would not be made aware that a premises had not been constructed to plan. A purchaser may then, in good faith, buy the property without being aware that there was a problem.

Court Action

24. Discussions were had regarding the likeliness of City of York Council bringing court action against an individual. It was acknowledged that there had been delays in the past but this was now improving and the threat of court action from the Local Authority could prompt a response from some developers in relation to breaches of planning conditions.

Office Administration

25. The Committee were keen to know whether the system presently used for filing would change with the introduction of the new Document Management System. Officers had put in a growth bid to allow them to have documents scanned to the new system and the outcome of this bid was still pending as part of the budget process. If successful it would mean that more documentation would be instantly on hand to the Planning Enforcement Officers and less time would be needed to request/wait for retrieval of archived documents from storage.

Reporting to Area Sub-Committees

26. At present the Planning Area Sub-Committees received quarterly reports regarding both open and recently closed planning enforcement cases. Members of the Committee agreed that these should still be received although further notification to Ward Members via e-mail may prove useful.

Members as Witnesses

27. The Committee expressed interest in knowing more about whether Members could be used as witnesses in planning enforcement cases. Currently Members can report breaches of planning regulations to the Planning Enforcement Officers who then decide whether to take a witness statement from them. Members asked for further information detailing if, and in what circumstances, Elected Members could be used as witnesses in all aspects of planning enforcement. A briefing note prepared by legal services is attached

at Annex H to this report. It was acknowledged that this would not, in any way, release the Planning Enforcement Officers from their crucial duty to investigate and/or personally witness any complaint.

28. Members discussed the above briefing note and agreed that an Enforcement Notice shouldn't be issued without a Planning Enforcement Officer witnessing the breach. They did, however, feel that Members could be used as witnesses provided common sense prevailed as to when it was useful/beneficial and when not.

Other

29. Further discussions also raised the following issues
- The need for the Parish Councils to have more feedback and be made more aware of Planning Enforcement issues in their areas
 - Whether Planning Enforcement Officers should have more legal training.
 - A pilot scheme was due to be undertaken in the Building Control Department which would look into the use of various kinds of mobile communication technology (laptops, PDA's, mobile phones etc) to assist with working on site visits. The pilot was expected to commence sometime between June and September 2009. Members thought that the outcome of the pilot scheme could possibly be beneficial to the Planning Enforcement Officers in terms of provision of appropriate equipment.
 - Wearing of High Visibility Jackets and whether these should be marked or unmarked.
 - Some Members of the Committee believed that planning enforcement, in general, was kept out of the public eye and was relatively low profile. Discussions ensued regarding making planning enforcement cases public but it was realised that this could be problematic in terms of keeping a complainant's identity confidential and complying with the Data Protection Act.

Fourth Key Objective

(iv) To review the Council's processes and procedures to improve the handling of planning enforcement cases

30. In relation to the fourth key objective the Planning Department intended to hold a series of workshops with staff to review the service. The intention of this was to map out the current processes and procedures and consideration would be given to improving working practices and resource allocation. Further information regarding this is attached at Annex I to this report. Staff within the services will undertake the review, and the process will necessitate involvement from colleagues within the Council upon which the Enforcement Service in particular relies. An outline for this review is attached at Annex H to this report and a summary of the discussions had so far attached at Annex I.

Issues Arising & Analysis

31. Members welcomed the work being undertaken via the internal review and noted that recommendations made within the internal review may give rise to service improvements and changes. Members agreed that both the scrutiny review and the internal review could run concurrently but did not feel that the internal review need cause any delay to the scrutiny process.
32. The Committee requested that, as part of the internal review, the managerial situation be investigated to look at the possibility of having one manager for the whole team rather than two. This would give a more consistent approach to advice given on planning enforcement matters. They also asked that the results of the review be reported to all members of staff within the department so that everyone was aware of the outcome.

Fifth Key Objective**(v) To explore the impact of the Scrutiny Review on 'Powers of Enforcement – Take – Aways' on the way planning enforcement is now conducted.**

33. Councillor Brian Watson had originally raised the above topic for review after numerous complaints had been received from residents in his Ward. The review had highlighted a number of concerns such as the disparity in equipment between Planning Enforcement Officers and Building Control Officers when doing a similar job, the support Enforcement Officers received during out of hours working and problems in processing complaints.
34. Councillor Moore gave evidence regarding the above review, and suggested that as the Planning Enforcement Team was small it needed assistance, support and appropriate equipment. He suggested that the Planning Enforcement Ad Hoc Scrutiny Committee revisit the recommendations the 'Powers of Enforcement – Take-Aways' Committee had made in order to be satisfied that they had been implemented and a difference to the service had been made.
35. The Executive Summary of the review and the recommendations arising from it are attached at Annex J to this report. All bar two of the recommendations were signed off by the Scrutiny Management Committee on 26 November 2007. The outstanding recommendations being 1 and 2 as set out in the aforementioned Annex J.
36. In light of the previous three paragraphs Members of the Committee asked the Chair and Scrutiny Officer to re-visit the recommendations of the 'Powers of Enforcement – Take-Aways' Review to see whether they had been implemented. Their findings are attached at Annex M to this report. This includes an update (provided by Environmental Protection Unit), on recommendations 1 and 2, which had been outstanding.

Issues Arising & Analysis

37. The findings of the Chair and Scrutiny Officer gave rise to various issues that required further clarity from the Planning Enforcement Officers. These are detailed below and should be seen as an addition to Annex M to this report:

Recommendation 3 Planning Enforcement Officers confirmed that one Planning Enforcement Officer attended the joint meetings.

Recommendation 4 The Planning Enforcement Officers confirmed that no one had been out with them at night to assess the level of risk

Recommendation 5 The nearest car park that Planning Enforcement Officers could use was the one in Marygate and this could be time consuming and difficult when dealing with urgent or emergency call outs as it took a while to walk to and from it. They also needed to give 48 hours notice to obtain a pool car for out of hours working.

Recommendation 6 Existing Planning Enforcement Officers had not received any court training (e.g. preparation of files, display of evidence, what to do in court). One Planning Enforcement Officer was an ex-policeman and therefore had more knowledge than the other Planning Enforcement Officers regarding this.

38. Discussions were had regarding the information provided in Annex M and the Planning Enforcement Officers' clarification on the outstanding points. Members agreed that recommendations 1, 2 and 3 were now fully implemented. On weighing up all the information they had been given regarding recommendation 4 they were also satisfied that this had been satisfactorily implemented.
39. In terms of recommendation 5 the Committee asked further questions of the Planning Enforcement Officer in attendance at the meeting on 15th April 2009. Clarity was sought on how long it took to walk from the office to Marygate car park and this was approximately 5 to 10 minutes. The representative of the Planning Enforcement Team indicated that this could be a problem if they needed to go out several times in a day or to an urgent call out. In terms of visiting take-away premises specifically, they did not need to do this on a regular basis and therefore the Committee felt that it was not unreasonable for Planning Enforcement Officers to continue to use the car park in Marygate.
40. Further discussions ensued regarding the 48-hour notice period needed for a pool car for out of hours working. The main reason for this length of notice period was because other officers took the pool cars home at night and they would need to make alternative transport arrangements should the pool car be needed elsewhere. It was suggested that this 48-hour notice period could be

looked at as part of the internal Review being undertaken in Development Control. In summary Members of the Committee agreed that this recommendation had been satisfactorily signed off in the context of the 'Powers of Enforcement – Take-Aways' Review.

41. Recommendation 6 raised issues around court training for Planning Enforcement Officers and Members of the Committee agreed that it would be hard to give thorough training at this stage because no prosecutions had taken place. Planning Enforcement Officers were keen to learn about the processes needed to prepare a court case and a representative from legal services indicated that they were supportive of this.
42. Both recommendations 7 and 8 were not fully implemented but had been addressed again in the recommendations arising from this review. They therefore agreed that in the context of the 'Powers of Enforcement – Take-Aways' Review they could be signed off.

Planning Enforcement in Relation to Premises Licensed under the Licensing Act 2003

43. Consideration was given to various concerns expressed outside of Planning Enforcement Ad Hoc Scrutiny Committee formal meetings about a perceived lack of planning enforcement in relation to premises licensed under the 2003 Licensing Act. The concerns mainly focused on various fast food take-aways where there was a conflict between planning restrictions and licensing restrictions (for example a premises may be licensed until 2am under the Licensing Act 2003 but be obliged to close at 11pm under planning conditions). At some Licensing Hearings premises licence owners had conceded to working outside their permitted planning hours.
44. In an e-mail circulated to the Committee at their formal meeting on 4th February 2009 Councillor Merrett, Ward Councillor for Micklegate, raised concerns that there was an ongoing problem in relation to enforcement of planning conditions attached to some fast food take-aways in his Ward. He suggested that Development Control set up arrangements to periodically check up late night/closing time adherence by late night take-away establishments and to respond within a set timescale to complaints about breaches of planning conditions. He also suggested that Development Control be involved in the Nightsafe Task Group and an integrated approach to managing the late night economy area be taken that was both compatible with reasonable street condition and residential amenity.
45. Discussions between both Officers and the Committee on the above concerns indicated that the Planning Enforcement Team only received 1 or 2 complaints per year regarding late night take-aways working outside their permitted hours and these were always investigated. Anomalies between planning and licensing hours were beginning to be regularised now as licensees applied to bring both their planning and licensing operating hours in line with each other. Officers said that with the current workload and the resources available it would be difficult to offer a proactive rather than a reactive service.

All key objectives

46. The four Planning Enforcement Officers prepared a report, which was presented to Members at an informal session on 5th November 2008. This is attached at Annex N to this report. The aim of the report was to provide Members of the Committee with information regarding all planning enforcement processes and the five key objectives of this review from the viewpoint of the Planning Enforcement Team.

Issues Arising & Analysis

47. The report prepared by the Planning Enforcement Officers offered the Committee a valuable insight into some of the problems they faced on a day-to-day basis. It is hoped that many of these would be addressed either during the course of the internal review or within the recommendations attached to this report.

Corporate Priorities

48. This review relates to the following Value as set out in the Corporate Strategy 2007-2011:

‘Encouraging improvement in everything we do’.

Options

49. Having considered the information contained within this report and associated annexes, Members may decide to:
 - i. Amend and/or agree the content of and the recommendations within this report.
 - ii. Provide their comments prior to the report being presented to the Executive.

Implications

50. **Financial** – Purchasing new technology/new equipment will incur costs, as will ensuring a full First Response Kit is available and marked high visibility jackets. A growth bid will be put forward once the outcome of the pilot scheme is known and the type of equipment needed has been identified. The initial set up cost could be in the region of £6,000; with ongoing support costs it is also possible that recommendations made during the course of the Planning Enforcement Internal Review could lead to some additional expenditure.
51. **Human Resources** – There are no Human Resources implications directly involved within this report and the recommendations within it other than the temporary and informal reallocation of staff to assist the Planning Enforcement Team in quiet moments. It is, however, possible that recommendations arising from the Planning Enforcement Internal Review could lead to some.

52. **Legal** – There are no known legal implications associated with this report or the recommendations within it.
53. There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

54. In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendations

55. In light of the above report Members are asked to agree the following recommendations:

1. That the Head of Development Control:

- (i) Prioritise new complaints/cases
- (ii) Shorten the response time to letters sent in relation to breaches of planning regulations, where there is discretion to do so
- (iii) Introduce a weekly list detailing new planning enforcement cases, split by Ward

Reason: To ensure that all cases are dealt with in a timely manner and that Ward Members are kept fully informed of new enforcement cases in their areas.

2. That, once trigger points are reached and payment has not been received, Section 106 Agreements are promptly passed to Legal for action.

Reason: To ensure City of York Council can pursue non-payment of Section 106 Agreements in a timely manner.

3. That Section 106 Agreements, including the schedule of obligations, be placed on the planning portal under the planning applications to which they relate

Reason: To ensure transparency in the process

- 4.

- (i) That the expenditure of Section 106 monies be made entirely in accordance with the Council's Financial Regulations.
- (ii) That a regular report be presented to the relevant Planning Committees detailing where Section 106 monies have been spent by the receiving Directorates

Reason: To ensure that Section 106 monies are spent appropriately.

5. That Planning Enforcement Officers be issued with:

(i) Necessary mobile communication technology (e.g. laptop, mobile phone, PDA, laser rule) subject to the outcome of the pilot scheme to be undertaken by Building Control and to funding being available.

(ii) A First Response Kit and any appropriate training to use this.

Reason: To ensure the safety of Planning Enforcement Officers and to allow them to easily gather and record information when on site visits.

6. That Planning Enforcement Officers be issued with high visibility jackets marked with 'CYC Planning Enforcement Officer' and these should be worn at appropriate times.

Reason: To enable Planning Enforcement Officers to be easily identified.

7. That the Head of Development Control make planning staff available to help with planning enforcement when possible.

Reason: To reduce the number of outstanding cases.

8. That the results of the Development Control Internal Review be fully communicated to all departmental staff.

Reason: To ensure that all members of the department are fully aware of the outcome of the Internal Review.

9. That a copy of the final report of the Planning Enforcement Ad Hoc Scrutiny Committee be circulated to all Members involved with Planning Committees.

Reason: To ensure that all Members are made aware of the recommendations of the Planning Enforcement Ad Hoc Scrutiny Committee

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Final Draft Report
Approved



Date 23rd April 2009

Specialist Implications Officers**Legal**

Glen McCusker/Martin Blythe
Senior Solicitor/Senior Assistant Solicitor
01904 551048/551044

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

- **Minutes of the meetings of Scrutiny Management Committee on both 26.11.2007 and 28.07.2008 can be found on the Council website at:**
<http://democracy.york.gov.uk/ieListMeetings.asp?CId=144&Year=2009>
- **PPG18 (Planning Policy Guidance 18: Enforcing Planning Control**
<http://www.communities.gov.uk/publications/planningandbuilding/planningpolicyguidance18>
- **Planning Enforcement in York**
http://www.york.gov.uk/environment/Planning/Planning_enforcement/

Annexes

- Annex A** Presentation – ‘Planning Enforcement at York’
Annex B Definition of Section 106 Agreements
Annex C Planning Enforcement – Choice of Routes
Annex D Questions and Answers Arising Through the Course of the Review
Annex E Further Information on Key Objective (iii)
Annex F Information Comparing York and Other Local Authorities
Annex G Briefing Note Regarding Land Charges Register
Annex H Briefing Note on when Elected Members can be used as Witnesses
Annex I Further Information on Key Objective (iv)
Annex J Outline of Internal Review
Annex K Outline of Discussions Regarding Internal Review
Annex L Executive Summary ‘Powers of Enforcement – Take-Aways’ Scrutiny Review
Annex M Update on the Recommendations arising from the ‘Powers of Enforcement – Take-Aways’ Scrutiny Review
Annex N Report prepared by Planning Enforcement Officers

Planning Enforcement at York



What needs planning permission?

- The development of land, defined as:-
 - ‘The carrying out of building, engineering, minor or other operations in, on, over or under land or
 - The making of a material change of use of any buildings or other land’

T&CP Act 1990

Breach of planning control

- a) carrying out development without the required planning permission, or
 - b) failing to comply with any condition or limitation subject to which planning permission has been granted
- Breach of control not a criminal offence

Limitations

- Can only act within 4 years of initial breach if operational development or conversion to dwelling
- Can only act within 10 years if change of use or breach of condition

Enforcement Powers:-

Town and Country Planning Act 1990

- Enforcement Notice S 172
- Stop Notice S 183
- Section 215 Notice
- Planning Contravention Notice S171 C
- Breach of Condition Notice S.187A
- Injunction from County or High Court S 187B
- Stop Notice for caravans S.183 &184
- Powers of Entry to land S.196 A,B,C

Planning and Compensation Act 2004

Temporary Stop Notice Regulations 2005

- Temporary Stop Notice: –
 - Can be served without an accompanying Enforcement Notice
 - Allows for 28 day cessation of activity

Expediency

- Power to take action discretionary and in the public interest
- Should be only used where it is expedient
- Appropriate to the scale and impact of the breach
- Maladministration if Council fails to take effective action where plainly necessary

Complaints- The Process

- Complaint received and logged by LPA
- Acknowledge within 3 working days*
- Check planning register and site history
- Establish facts – site visits (sometime with specialist officer), discuss with complainant/ owner
- May serve a PCN
- Decide on appropriate action
- * See website pages for detail of timescales for initial investigation

Types of Action

- Take no further action – where permission exists, development does not require consent, or breach minor with no harm to others
- Request retrospective application to regularise development, where conditions on an approval or amendment would suffice

Types of Action (Cont'd)

- Negotiate a solution to mitigate impact or secure removal/cessation



- Formal action to stop/remove/mitigate impact of a breach, with a Notice served. Notice specifies action required to correct or mitigate breach.

Factors affecting Timescales

- Need to collect relevant, sound and satisfactory evidence
- Negotiations to resolve a complaint without formal action
- Submission of retrospective application
- Submission of appeal against a formal notice

Enforcement Team in York



East

Alan Kendall

Mandy Swithenbank

West and Centre

Andy Blain

Hilary Shepherd

Enforcement Officers' Role at York

- ‘Responsible for monitoring conformity with planning conditions, agreements and obligations, investigating, following-up and resolving or recommending appropriate courses of action where breaches of planning and related controls are alleged to have occurred.’

Facts, and Stats and Issues

- 720 cases and investigations in 2007 including monitoring S106 agreement payments
- 17 Enforcement Notices, 9 Planning Contravention Notices, 1 Stop Notice served in 2007
- Timescales comparable to other Local Planning Authorities (LPA)
- No track record of Court action in York - negotiation favoured by LPA and Central Government.
- No formal out of hours service

Other Reading

- Planning Policy Guidance Note 18 - 'Enforcing Planning Control'
- CLG Publication 'Review of Planning Enforcement- Summary of Recommendations'
- Circular 10/97 - 'Enforcing Planning Control'
- CLG publication 'Planning Enforcement Good Practice Guide for Local Authorities'
- Website pages 'Planning Enforcement Service'

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Section 106 Agreements

Definition

Section 106 (S106) of the Town and Country Planning Act 1990 allows a local planning authority (LPA) to enter into a legally-binding agreement or planning obligation, with a land developer over a related issue. The obligation is sometimes termed as a 'Section 106 Agreement'.

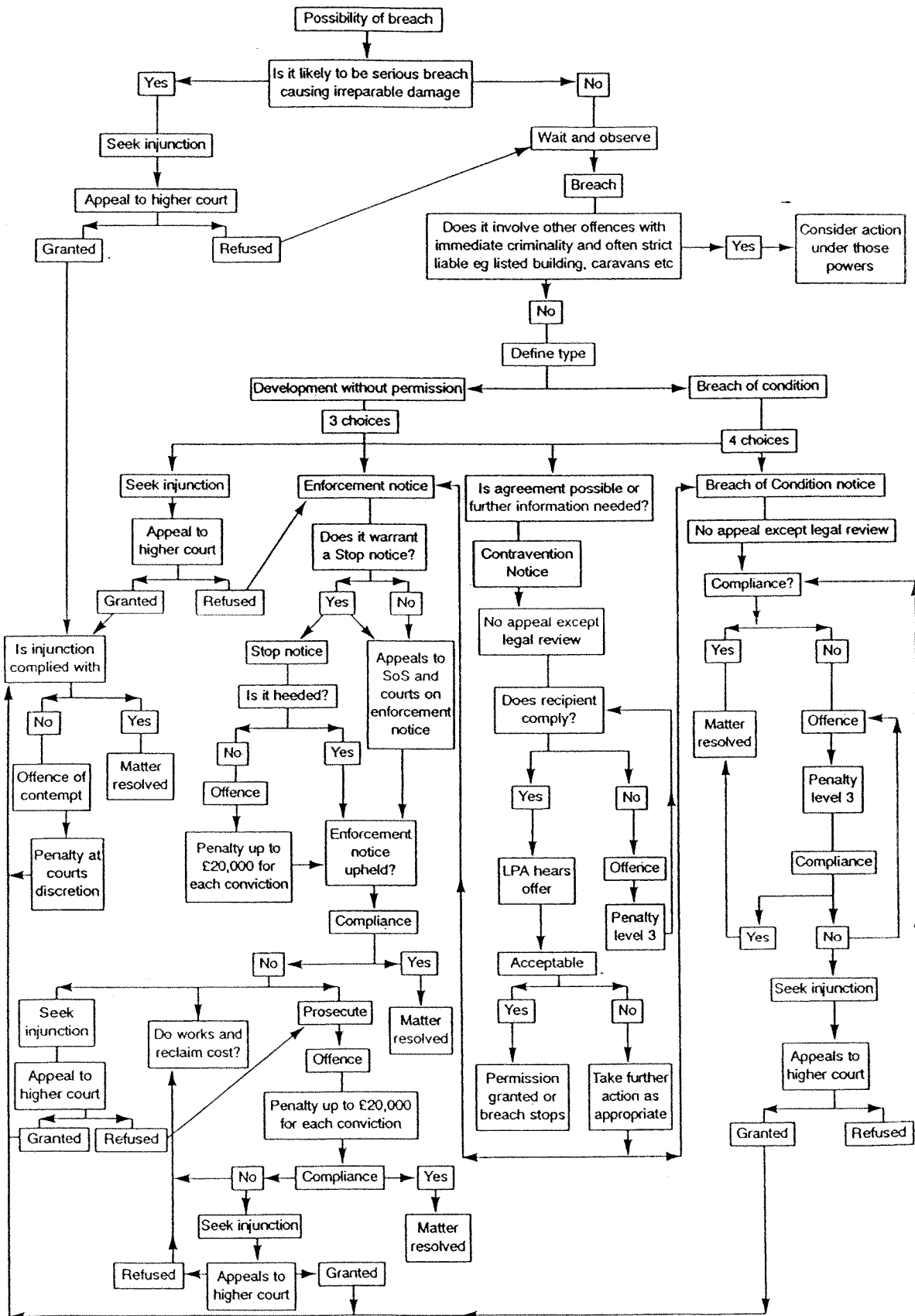
Such agreements can cover almost any relevant issue and can include sums of money. Possible examples of S106 agreements could be:

- The developer will transfer ownership of an area of woodland to a LPA with a suitable fee to cover its future maintenance
- The local authority will restrict the development of an area of land, or permit only specified operations to be carried out on it in the future e.g., amenity use
- The developer will plant a specified number of trees and maintain them for a number of years
- The developer will create a nature reserve

S106 agreements can act as a main instrument for placing restrictions on the developers, often requiring them to minimise the impact on the local community and to carry out tasks, which will provide community benefits.

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Figure 4: Enforcement - The Choice of Routes



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Questions submitted by Members and responses from the relevant Officers

Question 1

1. Why are enforcement notices put 'on hold' whilst another application is submitted as the enforcement notice is to the previous application?

Answer

This all depends on the seriousness of the breach and the harm that has been done. It is a judgement call but there could be more clarity regarding this.

Question 2

2. Please explain a 'stop notice' and its effects?

Answer

This is a measure used in conjunction with an enforcement notice to bring an immediate cessation to an alleged breach of planning control.

There is no right of appeal against a stop notice.

A Stop Notice is issued in conjunction with an Enforcement Notice in order to secure the cessation of a use before the period specified for compliance in the enforcement notice; i.e. before the Enforcement Notice takes effect. In fact a Stop Notice may not be issued once the Enforcement Notice becomes effective.

A Stop Notice may prohibit: -

- A use of land, whether ancillary or incidental to the main use of land
- A particular activity taking place on part of the land
- Intermittent or seasonal uses
- However, a Stop Notice may not prevent: -
- The use of any building as a dwelling house
- The carrying out of any activity which is not 'operational development' or the deposit of refuse or waste materials, if that activity has been undertaken for more than 4 years prior to the date of the notice.

Failure to comply with a Stop Notice can result in summary conviction and fines of up to £20,000, or an unlimited fine if convicted on indictment. The financial benefits derived from the breach of planning control will also be taken into account.

Stop Notices are used rarely and usually in extreme circumstances. Improper use of a Stop Notice can result in the Council incurring claims for compensation, so they are used only when other measures have, or

are likely to, prove unsuccessful in preventing a breach of planning control.

Question 3

3. Where an unauthorised development is unacceptable and relocation is not feasible Section 12 of Planning Policy Guidance (PPG18) reads: 'If no agreement can be reached the issue of an enforcement notice will usually be justified allowing a realistic compliance period for the unauthorised operation or activity to cease' – What is this 'realistic compliance period?'

Answer

Officers within the planning department would be guided by legal services regarding this but common sense and reasonability would always be at the forefront.

Question 4

4. What improvements would Planning Enforcement Officers like to be made to existing procedures, arrangements, internal management and resources?

Answer

- i. Principal Enforcement/Appeals Officer
 - Avoid inconsistencies
 - Time to deal with Enforcement issues when required
- ii. Delegated Reports Authority
 - Why Assistant Director and Councillors
- iii. Special Planning Guidance (Adverts, Illumination, Paint Colours)
- iv. Overall/formation of procedures and written processes
 - Written agreed procedures and processes that Officers can refer to as to why letters issued when and also taking on board the tone of the letters relating to adverts, LBC and TCA issued
- v. Dedicated Admin/Support
 - Enable understanding of Enforcement processes; time to do the logging as per policy, giving support to the Officers
- vi. Re-instatement of the 1 day lost through budget cuts for one enforcement officer

- Loss of 5% resource
- vii. Laptop, broadband, key fob
- Office facilities on the move
- viii. Process for internal consultees (Conservation,) and also Service Level Agreements for other departments e.g. Legal/Property/EPU
- ix. Career Development/Training/Cover for sickness and leave
- x. Close by parking (as recommended by the Take-away Scrutiny Committee)

Question 5

5. Why does City of York Council appear unwilling to use more S215 notices (land in an untidy state)?

Answer

What is untidy to a community may not be serious enough to warrant a notice being served. Officers advised that in enforcement terms, the team has no authority to write a letter to ask an individual to tidy premises. Due to the workload already being undertaken, it would be unjustified to be writing out to people when the outcome would probably not be for enforcement action.

Question 6

6. We haven't had any court action for a long time; is this because matters are resolved before court action is needed or are we reluctant to take this route?

Answer

Legal services rely on instructions from the Planning Enforcement Officers in conjunction with the Chair & Vice-Chair of the Planning Committee and the Assistant Director (Planning & Sustainable Development). [In the past the Local Authority has tried for court action but the Planning Enforcement Officers did not have the training and knowledge required and the then solicitor would not entertain this.]

Question 7

7. 'The Highways Department frequently do not comment on planning applications when they are initially made, if this has happened, what input do they then have and what support do they give to the planning enforcement team should any enforcement be necessary?'

Answer

Highway Network Management (HNM) provides comments on all applications they are consulted upon (often around 100 per month). The intention is to consult HNM with all applications, which have a material highway, traffic or transport issue.

In terms of enforcement issues, officers from the team do work with planning enforcement officers should the need arise.

Question 8

8. How many complaints were received by City of York Council regarding the investigation of planning enforcement cases in the past 3 years (including the number of Ombudsman cases)?

Answer

From January 2006 there appear to have been 14 complaints regarding the investigation of planning enforcement cases, with 2 Ombudsman cases (both closed).

Planning Enforcement Ad Hoc Scrutiny Committee

Briefing Note: 5th November 2008

Prepared by the Assistant Director (Planning and Sustainability) and Head of Development Control on Key Objective (iii)

Key Objective (iii)

(iii) To examine why so many cases are outstanding

1. The following factors influence the timescale for dealing with cases: -

Process and Regulatory Procedure

2. As explained at the previous meeting there are various factors determining the length of time taken to resolve each case, including: -
 - The nature of the original complaint and the priority given to it, time/number of visits required to monitor for a breach
 - The speed of response from the alleged party in responding to and then addressing a complaint
 - The allowing of a reasonable period of compliance prior to escalating action/or deciding no formal action is justified
 - The time taken to formulate a case for formal action - can include regathering of evidence, preparation of papers (e.g. history, land ownership, third party comments etc)
 - Requirement for signing off and checking of documentation prepared by legal services, and authorisation
 - The allowance of period for compliance with initial action
 - The prospect of appeal against formal action and/or submission of retrospective planning application to be dealt with, including possible negotiations on the detail of the application. And submission of amendments requiring reconsultation
 - The need to prepare further documentation if there is non-compliance with initial action

Workload Issues

3. Whilst the day to day working of enforcement officers has not been analysed as part of this Review, there are a number of factors that can be identified at this stage: -

Increase in Number of Financial Obligations

4. An additional post was created within the Enforcement Section some years ago using interest received from financial contributions received via Section 106 agreements. Since the original setting up of the post, the number of applications which require the submission of financial contributions has increased dramatically. For example open space contributions are now applicable for schemes involving single dwellings whereas prior to 2005 the requirement applied to 10 dwellings or more. Similarly education contributions are now required for schemes involving any residential development comprising units of 2 bedrooms or more.
5. Each scheme would require a S106 to secure the payment, prior to the issuing of decision. In order to ensure applications are determined in a timely manner despite this increase in number of obligations, conditions have been developed in accordance with Government guidance to require the relevant contribution to be made as part of a S106. Discussions have taken place to reduce the burden of this condition on Enforcement by reducing the number of trigger points in it from 2 to 1. Currently prior to commencement for the signing of the obligation and then prior to occupation for making the payment.
6. Whether this condition were to be used or not, the requirement for S106 monitoring arising from the greater number of schemes financial contributions would remain.
7. The time taken in monitoring agreements and payment needs to be quantified as part of the next stage of the review.

Reduced Officer Capacity

8. As part of required budget savings in 2006/07, 0.2 FTE was deleted from an Enforcement officer post, following approval of a request to reduce working hours from one member of staff. The implications for a reduced level service were highlighted at the time when the saving was made.

Managerial Reporting Arrangements

9. In a Directorate Restructure published in 2002/03, the Enforcement Officers were integrated into each of the Development Control area teams, with the intention of providing easier collaboration on cases and increase the understanding and importance of enforcement to the DC case officers.

10. The focus in recent years has been to ensure that the section was removed from its Standards Authority Status for Development Control Performance. A substantial number of procedures and guidance has been produced to ensure the processing of applications more consistently and in a timely way, where non previously existed.
11. Team Leaders have needed to prioritise application performance management, to some extent to the detriment of closer involvement with enforcement matters.
12. Other factors particularly for the east team is the physical location of the enforcement team away from the Team Leader and Assistant Team Leader (the east team is divided into 4 work areas within St Leonard's.)

Filing Systems

13. Members may be aware that much of the section's filing is stored off site at Elvington, which provides difficulties in terms of retrieval of individual files. However long standing arrangements for the return of enforcement files to secure storage at St Leonard's have recently been implemented and the files are now in the process of being returned, allowing immediate access to previous case files. This has also allowed improved filing of more recent case files

Responses From Consultees

14. The limited resources available within other sections of the Directorate and the competing priorities of other work areas can lead to a delay in the time taken by specialists e.g. Highway Network Management, Conservation to give an opinion to the Enforcement Section on the acceptability or otherwise of a breach of control and the expediency of taking action. The recent appointment to the long-term vacant Head of Design, Conservation and Sustainable Development post provides an opportunity for a review of the process with the new appointee.

Input from Legal Services

15. Perceived delays in the verification of case information and the processing of formal notices forwarded from the Enforcement staff to Legal Services colleagues led to a series of Improvement Workshops in 2004/05. Time constraint and workload of Legal Services officers were identified as major factors in causing delays. With staff changes in Legal Services the recommendations of the review were not fully addressed at the time. Pressure upon Legal Services' resources continues, with for example an increase in the number of large Planning Appeal inquiries to service.

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	Bath	Cambridge	Chester	Norwich	YORK
Population	178,000	117,900	120,600	121,600	191,800
Number of Enforcement Officers (FTE)	4.0 + 1.0 Senior Enf Officer	3.0 (including the s106 officer)	2 + 1 Senior Planning Enforcement Officer	1.0	3.8
Dedicated Enforcement Manager	Yes Team Leader for Enforcement and Major applications	Yes but also deals with Certificates of lawfulness	Yes Senior enforcement officer	No	No
Annual cases	Approx 875	Approx 400	Average 563	200	687
EO Equipment	Mobile phone, laser measuring tool (from Building Control),	Mobile phone, digital camera	Mobile phone, hard hat, rigger boots and fluorescent jacket each. Team has a digital camera, 2m rule and long tape. We use our own cars on lease or mileage.	Mobile phone, and access to a pool car which is unmarked (although all pool cars are brand new white VW polos)	Mobile phone, hard hat, boots, coat, fleece, torch, attack alarm, unmarked pool car, digital camera
S 106 monitor	No	Dedicated officer within enforcement	No	No	Yes (financial contributions) 70 cases logged in 2008

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PLANNING ENFORCEMENT AD HOC SCRUTINY COMMITTEE

Briefing Note: How Land Charges Register Could Be Used To Assist The Planning Enforcement Process

Background

1. An enforcement notice appears as a charge on the Land Charges Register. This would be revealed during a Land Charges Search, so that anyone wishing to purchase the property or lease is aware of the outstanding notice and the requirements necessary to comply with it. An enforcement notice runs with the land and therefore anyone who purchases the property, or an interest in it, then becomes liable (where appropriate) for non compliance with that notice.
2. During its meetings the Planning Enforcement Ad Hoc Scrutiny Committee has discussed how the Land Register could be used as a tool by enforcement to both deter breaches of planning control and encourage swift remedial action where a breach is ongoing. An entry on the Register can result in prompt action given the difficulty of selling with an enforcement notice. It was commented at the meetings that other authorities have extended the use of the register to include matters which are not at formal notice stage, with even the threat of an entry being made in the initial letter to a 'breacher' often being sufficient to secure the remedial works. This would help to reduce the workload of chasing non-compliance perhaps for several months. Concerns were however expressed that this would raise issues of confidentiality, possible compensation claims and usefulness of doing so in the majority of cases.
3. The Enforcement team currently makes use of the Land Registry for obtaining land and property owner address details on a frequent basis.

Legal Context

4. The Local Land Charges Act 1975 sets out the circumstances under which charges can be registered against land and property. It states:-

'(1) A charge or other matter affecting land is a local land charge if it falls within any of the following descriptions and is not one of the matters set out in section 2 below:—

 - (a) any charge acquired either before or after the commencement of this Act by a local authority or National Park authority, water authority, sewerage, undertaker or new town development corporation under the Public Health Acts 1936 and 1937, . . . the Public Health Act 1961 or the Highways Act 1980 (or any Act repealed by that Act or the Building Act 1984), or any similar charge acquired by a local authority or National Park authority under any other Act, whether passed before or after this Act, being a charge that is binding on successive owners of the land affected;
 - (b) any prohibition of or restriction on the use of land—

- (i) imposed by a local authority or National Park authority on or after 1st January 1926 (including any prohibition or restriction embodied in any condition attached to a consent, approval or licence granted by a local authority or National Park authority on or after that date), or
- (ii) enforceable by a local authority or National Park authority under any covenant or agreement made with them on or after that date, being a prohibition or restriction binding on successive owners of the land affected;.....

....(2) For the purposes of subsection (1)(a) above, any sum which is recoverable from successive owners or occupiers of the land in respect of which the sum is recoverable shall be treated as a charge, whether the sum is expressed to be a charge on the land or not.

(3) For the purposes of this section and section 2 of this Act, the Broads Authority shall be treated as a local authority or National Park authority.”

- 5. The imposition of charges, which do not involve any prohibition of or restriction on the use of land but are merely a register of cases, would be an unlawful use of the Register.

Analysis

- 6. Notwithstanding the legal difficulties there are issues relating to the potential for misuse of any such regime whereby a vexatious complaint could result in a register entry with consequential discouragement of purchasers. Property blight could be a source of compensation claims. On the other hand the selective use of the register, whereby vexatious complaints, or cases which are not considered to be appropriate to be placed on the register, could lead to complaints of inconsistency.
- 7. The threat of placing an entry with no actual entries being made would also lead to complaints.

Conclusion

- 8. The Register lawfully holds records of enforcement notices served as a charge against the particular property or land. This is useful in securing compliance where the owner is looking to sell the property. There is scope to point out more regularly to owners that any enforcement notice served would lead to a charge on the Register, as part of case handling. If this took place early in the process it may help to reduce the time taken to resolve the case. Offices will consider appropriate wording for insertion into letters to those owners breaching control.
- 9. The placement of cases where no formal action has been taken is probably unlawful and could lead to compensation claims being submitted as well as complaints regarding consistency.

PLANNING ENFORCEMENT AD HOC SCRUTINY COMMITTEE

Briefing Note: Circumstances in which Members can be used as witnesses in planning enforcement cases.

General Background

1. When evidence is being gathered for planning enforcement purposes it is important to bear in mind the quality standards attached to evidence. If evidence does not meet certain standards it may not be admitted. The usual rule is that evidence must be reliable, relevant, truthful and convincing. It may be excluded in proceedings if it is hearsay, opinion, prejudicial, irrelevant, or obtained unlawfully.

Form of witness evidence

2. Generally, witnesses can only give evidence of facts, which they have personally observed. However, an expert can give evidence of their opinion, provided a court is satisfied that the witness is suitably qualified or experienced to give such an opinion.
3. In planning enforcement cases, evidence of fact will usually be provided by members of the public and Officers and expert evidence will be given by Officers, and/or other expert witnesses.

Gathering evidence

4. Many matters of planning enforcement begin by virtue of a complaint from a member of the public. Enforcement Officers investigate the complaint and decide what action, if any, to take. If a decision is made to take the matter further, the Enforcement Officer will usually attend the site concerned to witness a possible breach themselves. This means that members of the public are protected from giving evidence and their anonymity is maintained. It also means that the Officer concerned can satisfy themselves that a breach has occurred, and give opinion evidence as well as evidence of fact.

Can Members be used as witnesses?

5. Members may sometimes receive a complaint from a member of the public about a possible planning breach. They should refer this to the Enforcement Team to investigate. Members may also, on occasions, witness something, which they suspect may amount to a breach of planning law. In this situation they should, again, refer the matter to the Enforcement Team to investigate.
6. In certain situations, the Enforcement Team may wish to take a statement from a Member of what they have witnessed. This might, for example occur when the Enforcement Team have not been able to witness the breach themselves, or in cases where the evidence needs to be corroborated.

Implications of Members acting as witnesses

7. Nevertheless, the primary role of Members is to represent their constituents, not act as professional witnesses for the Council. Nevertheless, Members may on occasions witness a suspected planning breach and provide evidence. This could result in them attending court to give evidence. In such cases, Members should be aware that the Defence are entitled to ask for evidence of bad character, such as previous convictions.
8. Members should at all times observe the general obligations in the Members Code of Conduct and must not, for example, conduct themselves in a manner which could reasonably be regarded as bringing their office into disrepute. A recent example of this involved a Birmingham City Councillor who trespassed on to private land to video what he considered to be a breach of planning law, and was found to have breached the Code of Conduct.
9. Members should also be careful to avoid doing anything which may amount to covert surveillance. Members should not carry out any covert surveillance for the purpose of a specific investigation, which is planned. For example, if a Member planned to watch a late-night takeaway covertly from an adjoining dwelling, this would probably be classified as directed surveillance and would be unlawful under the Regulation of Investigatory Powers Act 2000 (RIPA).
10. Officers of the Enforcement Team can obtain RIPA authority to conduct directed surveillance if it should be necessary.
11. Finally, any Member who is asked to provide witness evidence should not take any part in the decision to prosecute an offender, to avoid a conflict of interest and the allegation of bias.

Summary

12. In the circumstances outlined above, Members can be used as witnesses of fact, but must always be mindful of their role, responsibilities and legal obligations referred to in this note.
13. Under the Code for Prosecutors, Planning Enforcement Officers have the responsibility of ensuring that there is enough evidence to proceed, and consequently the decision on whether to use the evidence of a Member must always be at the discretion of the Officer.

Planning Enforcement Ad Hoc Scrutiny Committee

Briefing Note: 5th November 2008

Prepared by the Assistant Director (Planning and Sustainability) and Head of Development Control on Key Objective (iv)

Key Objective (iv)

(iv) To review the Council's processes and procedures to improve the handling of planning enforcement cases.

1. From the Minutes of the previous Scoping meeting, the purpose of the next stage of the process following this meeting is to gather evidence and conduct a review of the processes and procedures involved, to be presented together with recommendations for possible actions at the next meeting (15th December 2008). The intention is therefore to collect information and hold a series of workshops with staff to review the service 'As Is', mapping out current processes and procedures, and then to consider 'to be' scenarios to improve working practices or recourse allocation where benefits are identified.
2. In terms of current process and procedures, the guide to enforcement as posted on the Website sets out the process that the Authority follows. Other processes relate to section 106 agreements, Enforcement Notice appeals, logging new cases, closing cases, recording Enforcement Notices served. Processes were drafted out for new enforcement officers to follow in dealing with cases in 2006. Detailed guidance is available in the form of PPG 18 'Enforcing Planning Control', Circular 10/97 'Enforcing Planning Control', the Government publication 'Planning Enforcement Good Practice for Local Planning Authorities'. The Enforcement Officers have a clear and detailed knowledge of the operation of the planning system particularly relating to enforcement, as required by the current Job Description, and keep up to date on trends, issues and legislative changes in Development Control.
3. As has been produced for Development Control, the intention as part of the review of Enforcement was to provide a manual for enforcement staff to refer to for procedures and processes.
4. Once the review is completed and any new processes formulated, the manual will be produced and an enforcement policy/customer contract presented to Committee (along with the draft revised Development Control Customer contract) for adoption.

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Development Control Review; Enforcement and Support Services

Vision

- A more clearly defined effective and efficient Planning Enforcement service with an improved public and Member perception.
- The provision of cost effective and efficient support services to Development Control (DC) and Enforcement.

Background and Reasons For Review

The focus of the 2006 restructure was in DC (which introduced DC Assistant posts, Assistant Team Leader posts Admin Assistant posts and increased training budget for the section), was to maintain improvements in performance and create a career ladder to establish a grow your own culture and retention of planning staff. The intention was for the restructure to be reviewed.

Government published a series of recommendations on Planning Enforcement November 2006. The Section needs to be ready to implement the requirements stemming from these recommendations.

A Council Scrutiny Panel review was commenced in October 2008 to understand the Council's approach in relation to planning enforcement processes, court action and Section 106 Agreements, and to look at ways of improving the processes and procedures to improve the handling of cases. The Panel will issue recommendations for changes to the Enforcement service once it has concluded its review (March 2009).

The 2006 restructure created 3 new support posts for the electronic scanning and indexing of planning applications and to deal with personal searches. Whilst the number of DC case workers was increased as part of that review, the level of support to cover the increased application and appeal work as well as enforcement work was not reviewed. The national changes to validation, condition discharging and appeals procedures have also increased the complexity of the support services workload.

The scanning process has experienced issues of staff retention, and inefficiencies caused by the 'add-on' status of the scanning service. The supervision and management of support posts within the area teams and of the current scanning posts is not clearly defined

A review is proposed to consider how these issues can be addressed and how new processes can be best integrated into the workload of the support staff to provide more efficient ways of working.

Objectives

- To define the optimum level of enforcement and support services that can be achieved within the resources allocated

- To provide a clear set of guidelines to work within, with necessary tools available (documentation/authorisation and physical equipment)
- To ensure clearly defined and appropriate management of the Enforcement and Support Services
- To improve the perception of the services amongst staff, Members and the public
- To provide flexibility of technical support by ensuring a training regime is embedded into the operation of Support Services

Scope

The review will focus largely on the services themselves and the processes and allocation of resources within the Section. Staff within the services will undertake the review, and the process will necessitate involvement from colleagues within the Council upon which the Enforcement Service in particular relies.

Provisional Timetable

Tasks	Start Date	Done By
Initial Meeting		19.12.08
Identify Current Processes	22.12.08	16.1.09
Process Review Workshops	19.1.09	23.1.09
The Way Forward	2.1.09	13.2.09
Round up meeting		16.2.09
Report published		28.2.09
Start changes	9.03.09	
Track/measure benefits	1.06.09	

Planning Enforcement Internal Review
Summary of findings based on discussions with Enforcement Officers

This is a summary of the findings based on discussions held with the enforcement officers involved in our review, and does not include any issues identified by others e.g. line managers etc as yet.

They have expressed concern that the review is by no means complete and it has not reached an in-depth level as yet, such that Members should be made aware of this, if the intention is to use the feedback to help inform their consideration of recommendations.

Issues raised by Enforcement as affecting performance and the delivery of the enforcement service:-

- Comments and Issues emerging from Enforcement Review:
Enforcement staff's comments:-
- Dispersal of staff within St Leonard's. The Enforcement Officers (EOs) are in different rooms of the building, and the east team EOs do not sit with their Team Leader. This leads to inconsistencies in terms of approaches and procedure, and there are some differences of opinion as to the better process to follow. Inconsistencies in Management decisions and approaches to enforcement have also been raised as an issue.
- Shortage of procedure notes for enforcement processes, particularly in relation to formal action (which is becoming more relevant).
- Administrative support varies, again partly due to dispersal and also due to changeovers in support staff, the lack of full time employees in these posts and different approaches to dealing with enforcement tasks, and pressure to perform other duties and priorities. A lack of coordination of administrative support or attention to Enforcement support requirements
- Team leaders have not had the time to allocate sufficient resource to supporting and managing the enforcement officers, due to other Development Control pressures.
- On site, the inability to refer to information stored on the system can inhibit urgent action required. e.g. to require a cessation of works to a listed building, need to be sure no permission exists for the works.
- Training in appropriate areas has not always been available, e.g. PACE interviews

- The current Scheme of Delegation for enforcement can lead to delays in the authorisation of action e.g. need for Chair, Vice Chair and Assistant Director's consideration and signatures for each Notice
- History of lack of prosecutions leading to service being held in lower regard by developers, and less inclination to comply with for example, conditions of approval.
- Difficulties with obtaining views from Directorate and inter-Directorate consultees, due to their lack of availability or low priority given in their work programmes to contributing to planning enforcement, resulting in a perceived lack of cooperation e.g. in relation to specialist area such as conservation or landscape tree advice
- Concerns over the enforceability of conditions used to secure financial contributions, say for example open space payments

EXECUTIVE SUMMARY

Between September 2004 and May 2005, City of York Council's Environment and Sustainability Scrutiny Board conducted a detailed review into the subject of 'Powers of Enforcement – Take-Aways'. This topic was progressed in response to the concerns of York residents who live near to take-away outlets and suffer from late night noise, anti-social behaviour and the deterioration in street hygiene which a proportion of premises attract.

The Board has conducted a series of investigative meetings with officers in Planning, Licencing and North Yorkshire Police. The Board believes that this report should support greater public understanding of the legislative framework and the public's role in lodging complaints to the right places in a timely manner. In addition, the Board believes its recommendations will help improve the partnership arrangements (both internal and external) necessary for the Council to address the issues of enforcement in a more efficient manner than has been done previously.

Summary of Recommendations

Recommendation 1

The Environment and Sustainability Scrutiny Board would welcome the positive contribution that the success of the penalty notice support bid would make to addressing these issues.

Recommendation 2

A multi-agency access database containing details about all individual take-away properties should be created. Such details should be in the form of notes on disturbance, environmental health issues, actions taken to ensure compliance etc and updated by licensing, planning, environmental health and the community police as appropriate. This should be maintained to ensure that it remains current

Under Section 17 of the Crime & Disorder Act 1998 this information could, and should, be shared with North Yorkshire Police. This would allow Police Officers to assist in the collecting of evidence about late-night activities. The Environment and Sustainability Scrutiny Board would welcome the positive contribution that the success of the IT bid would make to addressing these issues.

Recommendation 3

That activities be coordinated between all relevant City of York Council Departments (including Street Environment, Environmental Protection Unit, Planning Enforcement and Licensing Officers); especially at the point of determining which enforcement regime would be most effective. Working practices need to be agreed and joint training sessions considered where relevant, to avoid duplication or unwitting interference in each other's cases.

Recommendation 4

That the Assistant Director in responsible for the Planning and Enforcement Team be instructed to review risk assessments carried out for all aspects of the officer's duties and to thereafter produce appropriate working practice agreements in consultation with the appropriate Officer In Human Resources.

Recommendation 5

An official vehicle should be available during the day, or close parking provided for the on-call officer's personal vehicle. Council owned transport should be provided if the officer is working a night shift. Both marked and unmarked vehicles should be available, as required; especially for out of hours working.

Recommendation 6

That Planning Enforcement Officers be enabled to process their own prosecutions, that at least one Planning Enforcement Officer to undergo formal Court Training in order to support this.

Recommendation 7

That an investigation should be undertaken to assess which other officers are able to supplement the Planning Enforcement team.

Recommendation 8

Officers should be equipped with the necessary tools to undertake their work. The present level of equipment between departments is variable. Equipment should be assessed to meet the needs of the work and ensure equality of access between equivalent areas of work. The equipment list below should be taken as a starting point.

Fluorescent tabard	These should be marked to identify the Council and the officer's position, like Street Environment Officers.
Fleece	These should be supplied and marked accordingly.
Laptop	A laptop should be available to the duty officer to ensure access to the data at all times.
Digital camera	Each officer should have a camera.
Safety boots	All officers should be supplied with a pair of safety boots and safety wellingtons.
Attack alarms	Should be provided
Hard hats	Should be provided for use where appropriate
Torch	Should be provided for use where appropriate
Mobile phone	Should be provided for use when appropriate
First Response Kit	Officers should have access to a kit for personal use or in cases where the required level of training has been undertaken wider use as appropriate. This could be kept in the pool cars.
Hazard flashing light	These should be supplied to ensure the safety of officers when parked to remove illegal adverts, etc.
Cars (pool)	Access should be available during the working day. If an Officer is on a night shift they should not be expected to hazard the safety of their personal car, whilst performing duties for the Council.

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Update on Recommendations arising from the ‘Powers of Enforcement – Take-Aways’ Scrutiny Review

Senior Officer comments and Planning Enforcement Officer comments have been taken from documentation previously submitted to the Committee. Comments from the Environmental Protection Unit (EPU) were received 31st March 2009.

Recommendation 1

The Environment and Sustainability Scrutiny Board would welcome the positive contribution that the success of the penalty notice support bid would make to address these issues.

Comments from Senior Officers in Development Control

The Penalty Notice Support bid is the remit of Environmental Regulation.

Comments from Planning Enforcement Officers

No comment

Comments from EPU

The bid referred to was the Local Performance Service Agreement 2 bid (LPSA2) to provide a weekend nighttime noise enforcement service. This “Noise Patrol” has been in operation since April 2006 and was funded for the 1st 2 years from LPSA2. Since April 2006 the Noise Patrol has received nearly 3000 calls, made nearly 1800 visits, served 160 noise abatement notices and prosecuted 23 offenders. The powers for the Noise Patrol to serve fixed penalty notices under the Clean Neighbourhoods and Environment Act 2005 did not become law until October 2008. EPU set up procedures to serve fixed penalty notices for night time noise offences and trialled them, but they were found to be bureaucratic and time consuming and no substitute for our existing powers under the Environmental Protection Act 1990 and the Noise Act 1996.

Although the Noise Patrol deals predominantly with noise complaints, some of these are from licensed premises. Any complaints and actions taken are passed to licensing, trading standards, the police and other appropriate agencies. Breach of licence conditions and planning conditions can also be referred to the Noise Patrol, who will collect evidence for enforcement by the respective teams.

Recommendation 2

A multi-agency access database containing details about all individual take-away properties should be created. Such details should be in the form of notes on disturbance, environmental health issues, actions

taken to ensure compliance etc and updated by licensing, planning, environmental health and the community police as appropriate. This should be maintained to ensure that it remains current.

Under Section 17 of the Crime and Disorder act 1998 this information could, and should, be shared with North Yorkshire Police. This would allow Police Officers to assist in the collecting of evidence about late-night activities. The Environment and Sustainability Scrutiny Board would welcome the positive contribution that the success of the IT bid would make to address these issues.

Comments from Senior Officers in Development Control

The use of technology to integrate planning, regulatory and licensing functionality is being coordinated by colleagues in IT. In the meantime the UNIFORM system provides information including conditions imposed on take aways since 1996. This information is available to other Council departments. Environmental regulation does now have access to UNIFORM, and can check for new take away applications received to enable them to comment. Limited information on planning enforcement cases is also available.

Comments from Planning Enforcement Officers

Planning Enforcement does not have read only access to any consultees' databases.

Comments from EPU

Work began on an IT system, but was not progressed, effectively being replaced by the response under Recommendation 3 below.

Recommendation 3

That activities be coordinated between all relevant CYC departments (including Street Environment, EPU, Planning Enforcement Officers and Licensing Officers); especially at the point of determining which enforcement regime would be most effective. Working practices need to be agreed and joint training sessions considered where relevant, to avoid duplication or unwitting interference in each other's cases.

Comments from Senior Officers in Development Control

An enforcement protocol has been formulated and now being implemented. The Licensing Authority, Police, Fire, EPU and Trading Standards meet on a regular basis to discuss problem premises whether licensed or take-aways. Resulting from the 'Powers of Enforcement – Take-Aways' and working with the above agencies conditions are attached to Take Aways' licences – e.g. conditions to reduce litter, noise nuisance or to prevent crime and disorder, for example, insisting on CCTV, pager systems, employing door staff. Working relationships with other directorates is informal. Officers speak to each other, share information and apportion work dependent on their statutory function.

Comments from Planning Enforcement Officers

No working practices have been agreed in respect of co-ordinated activities.

Comments from EPU

Licensing enforcement meetings now take place every 2 months and include licensing officers, EPU, trading standards, planning enforcement, the fire service and the Gambling Commission. This involves intelligence sharing, planning joint visits and enforcement activities, setting priorities and determining appropriate courses of action inc. lead officers for each case.

Recommendation 4

That the Assistant Director responsible for the Planning Enforcement Team be instructed to review risk assessments carried out for all aspects of the officers' duties and to thereafter produce appropriate working practice agreements in consultation with the appropriate officer in Human Resources.

Comments from Senior Officers in Development Control

Risk assessments for lone working have been carried out and published. If there is a requirement for late night visits they are always carried out by officers in pairs, as are any other visits where there is potential for conflict, and using a council vehicle where appropriate. Planning Enforcement Officers use unmarked vehicles.

Comments from Planning Enforcement Officers

No out of hours risk assessment has been carried out in respect of out of hours working – the working practices that the Enforcement Officers should carry out e.g. ringing a senior officer when we finish work is highly unpopular with senior officers.

Recommendation 5

An official vehicle should be available during the day, or close parking provided for the on-call officer's personal vehicle. Council owned transport should be provided if the officer is working a night shift. Both marked and unmarked vehicles should be available, as required; especially for out of hours working.

Comments from Senior Officers in Development Control

Both marked and unmarked pool cars are available during the day and in the evening, the latter subject to pre-booking. Planning Enforcement Officers have permits valid for most council owned car parks and residents parking zones in the city.

Comments from Planning Enforcement Officers

Official vehicles are not always available during the day and officers' personal vehicles have no close parking. 48 hours notice is required for out of hours working.

Recommendation 6

That Planning Enforcement Officers be enabled to process their own prosecutions, that at least one Planning Enforcement Officer to undergo formal court training in order to support this.

Comments from Senior Officers in Development Control

Enforcement Officers have to date not processed their own prosecutions because of the lack of any although; officers have received training from Legal Services on how to prepare prosecution files. At least one Enforcement Officer has undergone court training and officers have attended additional training in relation to formal cautions and prosecution procedures. Training budget is set aside for appropriate courses as and when they become available.

Comments from Planning Enforcement Officers

No Planning Enforcement Officer has received formal court training and there is no agreed process for prosecutions.

Recommendation 7

That an investigation should be undertaken to assess which other officers are able to supplement the Planning Enforcement Team.

Comments from Senior Officers in Development Control

A 2007 internal report into the staffing resource shortfalls in Planning identified requirements for dedicated enforcement and appeals administrative support, although resources and budget constraints and other workload pressures for support services staff have to date prevented this issue from being addressed.

Comments from Planning Enforcement Officers

Development Control Officers should supplement the Planning Enforcement Team. This has only happened once and it was not a success, there is no effective long-term sickness cover.

Recommendation 8

Officers should be equipped with the necessary tools to undertake their work. The present level of equipment between departments is variable. Equipment should be assessed to meet the needs of the work and ensure equality of access between equivalent areas of work. The equipment list below should be taken as a starting point:

Fluorescent tabard	These should be marked to identify the council officer's position, like Street Environment Officers.
Fleece	These should be supplied and marked accordingly.
Laptop	A laptop should be available to the duty officer to ensure access to data at all times.
Digital camera	Each officer should have a camera.
Safety Boots	All officers should be supplied with a pair of safety boots and safety wellingtons.
Attack Alarms	Should be provided.
Hard Hats	Should be provided for use where appropriate.
Torch	Should be provided for use where appropriate.
Mobile Phone	Should be provided for use where appropriate.
First Response Kit	Officers should have access to a kit for personal use or in cases where the required level of training has been undertaken wider use as appropriate. This could be kept in pool cars.
Hazard Flashing Light	These should be supplied to ensure the safety of officers when parked to remove illegal adverts etc.
Cars (pool)	Access should be available during the working day. If an officer is on a night shift they should not be expected to hazard the safety of their personal car, whilst performing duties for the council.

Comments from Senior Officers in Development Control

The equipment listed is available to Development Control and Enforcement Officers and can be purchased where replacement or additional equipment is required.

Comments from Planning Enforcement Officers

No laptop has been supplied.

Conclusions

In summary, senior officers, felt that the impact and implications of the 'Powers of Enforcement – Take-Aways' Review had been largely felt elsewhere within CYC rather than within the Planning Enforcement

Department. The Planning Enforcement Officers felt that the only impact on them had been the fact that they were now provided with a digital camera each and wet weather gear.

On revisiting the recommendations of the 'Powers of Enforcement – Take-Aways' Review the Chair and Scrutiny Officer present the following findings to Members of the Committee. Clarity is required on various outstanding issues and these are outlined below:

Recommendation 1	Comments from EPU indicate that this has been implemented
Recommendation 2	EPU's comments suggest that IT began work on this but it was not progressed. It has been effectively surpassed by the initiative laid out in the comments under Recommendation 3
Recommendation 3	Comments suggest that this has been implemented but the Chair and Scrutiny Officer felt that further clarification was needed from the Planning Enforcement Officers as to whether they attended these meetings
Recommendation 4	Comments from senior officers in Development Control indicate that this has been implemented. Clarity needs to be sought as to how this information was filtered down to the Planning Enforcement Officers
Recommendation 5	Comments from senior officers indicate that this has been implemented; pool cars can be booked and permits have been issued to Planning Enforcement Officers for most council owned car parks. Clarity needs to be sought on any problems the Planning Enforcement Officers might be experiencing with this.
Recommendation 6	Clarity needs to be sought on this as during the course of this review mention was made that one of the Planning Enforcement Officers had now received training on this
Recommendation 7	Committee are making recommendation in the Planning Enforcement Ad Hoc Scrutiny Review to address this
Recommendation 8	Mainly implemented but there is also a recommendation arising from the Planning Enforcement Ad Hoc Scrutiny Review to look at the most suitable mobile communication technology for Planning Enforcement Officers

**Report of the Planning Enforcement Officers
5th November 2008**

- 1.1 The purpose of this report is to enable the Committee to have a greater understanding of the work undertaken by the Enforcement Officers.
 - 1.2 Enforcement is a vital part of the planning system and an integral part of development control but it is not a straightforward procedure comprising a set of rigid rules. It is not a series of actions which follow each other automatically. Each action in the chain of events is independent. While each step may depend on its predecessors, it should be taken on its own merits. Overriding everything is the question of expediency.
 - 1.3 Before the taking of enforcement action, it can have considerable consequences for those at the 'receiving end', it is essential that enforcement action is not only carried out in accordance with the appropriate legislation, but also after having taken into account all available guidance and advice. At the end of the day the cessation of the breach is most important, and an amicable solution is surely the best solution.
 - 1.4 This report by the Enforcement Team has been undertaken in the light of the Scrutiny Committee's key objectives to try to answer some of the questions that the Committee have highlighted. It is also in the hope that the end result will give an improved customer friendly, efficient and professional service to that which we currently offer to the residents and businesses of York and its outlying areas.
- 2.0 KEY OBJECTIVE (i) - To understand the Council's approach in relation to planning enforcement processes including Section 106 Agreements.**
- 2.1 The first part of this objective has been covered in the previous meeting by Mike Slater & Jonathan Carr.
 - 2.2 The Planning Enforcement Section became involved with formal Section 106 Agreements in 2002. The intention was that the Enforcement Officers would ensure that financial obligations were paid upon reaching the appropriate trigger point. The only duty for the Enforcement Officer would be the chasing of the remittance to the Authority in a timely manner.
 - 2.3 The adoption of the Draft Local Plan in April 2005, which brought policy L1c, has led to the Development Control department now using a planning condition to secure financial contributions to the Council. This has caused a knock on effect on the Enforcement Section in that the number of financial obligation cases raised has more than doubled. A process has been written (attached for information) to try to ensure that an Enforcement case is raised each time the condition is used, however it is not foolproof.
 - 2.4 The condition that is widely used incorporates two trigger points and this has further compounded the extent of Officer time that is required to ensure compliance with the condition.
 - 2.5 The actual wording of the condition is: - Open Space

No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in

writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £XXXX.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

2.6 The use of this condition has left the Enforcement Section being under resourced to ensure compliance.

2.7 The process associated with the s106 is at Annex A.

3.0 KEY OBJECTIVE (ii) To understand City of York Council's approach to Court action in relation to breaches of planning Enforcement Notices.

3.1 This objective has been covered in the previous meeting by Mike Slater & Jonathan Carr.

4.0 KEY OBJECTIVE (iii) To examine why so many cases are outstanding.

4.1 In the list below are some of the factors contributing to delays in dealing with Enforcement Investigations.

1. Disjointed command structure, difficult to know which manager to approach when wanting to task admin officers.
2. Lack of partnership working with internal consultees i.e. Conservation and property services. Property services can tend to drag their heels in relation to sites that are owned by the Council that need applications submitting to cover the problem.
3. Members of the public delay in replying to letters sent to them and then delaying taking action on matters that would not all ways be subject to actual enforcement action i.e. not expedient to do so due to the minor nature of the complaint.
4. Architects/ Agents by not submitting applications as requested to regularise sites that are subject of enforcement cases.
5. The lack of filing of closed files, files from previous years are still waiting to be filed causing a loss of time when searching for previous enforcement cases on troublesome sites.
6. The waiting for the return of closed files from Elvington. Currently old files are at Elvington and they can be required quite urgently in relation to old enforcement sites.

7. Admin, with the logging of cases (delay in logging), dealing with enforcement notices and their appeals, admin training (staff not trained in certain aspects of enforcement).
8. The need for streamlining of authorisation reports.
9. Need the ability to view other data bases (read only) held by the Council i.e. Electoral Roll, Council Tax, Property, EPU, Licensing, Building Control.
10. Lack of I.T. equipment- lap top with 'Razz' connection giving ability to work in the respective areas and home when required.
11. Land registry moving from York hampering detailed enquiries needed to identify property/land.
12. No dedicated Manager, prior to 2001 the enforcement teams line manager was a Principal Enforcement and Appeals officer.
13. Dealing with management issues such as ensuring accuracy in admin tasks and dealing with applications.
14. Legal department were historically slow in dealing with issues.
15. The reduction of officer hours (Mandy not working on a Friday)
16. Lack of available pool car, 48 hours notice is required if one is needed especially if required for night work. There is no close by parking.
17. Lack of Enforcement Cover i.e. sickness.
18. Unenforceable conditions - no enforcement input when considering conditions for planning applications.
19. Lack of condition discharging of pre-conditions prior to commencement on site of the development.

5.0 KEY OBJECTIVE (iv). To review the Council's processes and procedures to improve the handling of Planning Enforcement Cases

- 5.1 There are very few existing processes relating to the Enforcement Function. Apart from the s.106 process reproduced at Annex A, there are processes for:
 - The Logging of Enforcement cases – reproduced at Annex B,
 - The Recording of the Service of Enforcement Notices – reproduced at Annex C,
 - Enforcement Notice Appeals – reproduced at Annex D, and,
 - The Closing of Enforcement cases – reproduced at Annex E.
- 5.2 The majority of these relate to work carried out by the Support Service Assistant, however, if no Enforcement Notice is served, they have no further involvement with the cases that have been raised.
- 5.3 The Enforcement Contract on the Council's website was written by the Enforcement Officers in February 2007 to get maximum Pendleton Points to satisfy criteria for Planning Delivery Grant on the 1 April 2007. The Enforcement Officers are not aware of the adoption of this contract by the Council, but it has nonetheless remained on the website since then, even though other things (such as the Register of Enforcement Notices) have been taken off again.

6.0 KEY OBJECTIVE (v). – To explore the impact of the Scrutiny Review on Powers of Enforcement – Take Aways on the way planning enforcement is now conducted.

- 6.1 The Environment and Sustainability Scrutiny Board's 'Powers of Enforcement – Take-aways' was in response to residents concerns in respect of late night noise, anti-social behaviour and street hygiene.
- 6.2 The only impact of the above for Planning Enforcement Officers is the supplying of wet weather gear and individual cameras.
- 6.3 We make the following comments on the implementation of some of the recommendations of the Scrutiny on Powers on Enforcement – Takeaways.

Recommendation 1. No comment

Recommendation 2. Planning Enforcement does not have read only access to any consultees databases.

Recommendation 3. No working practices have been agreed in respect of co-ordinated activities.

Recommendation 4. No out of hours risk assessment has been carried out in respect of out of hours working – the working practices which the enforcement officer should carry out i.e. ringing a senior officer when we finish work is highly unpopular with senior officers.

Recommendation 5. Official vehicles are not always available during the day and officers' personnel vehicles have no close parking. 48 hours notice is required for out of hours working.

Recommendation 6. No Planning Enforcement Officer has received formal Court Training and no agreed process for prosecutions.

Recommendation 7. Development Control Officers should supplement the Planning Enforcement Team. This has only happened once and it was not a success, there is no effective long term sickness cover.

Recommendation 8. No laptop has been supplied.

7.0 INFORMATION GATHERING

- 7.1 As part of this review, the Enforcement Officers have looked at their caseload in terms of new cases received and closed over the last few years. It is felt that this provides a revealing insight as to what is happening with the caseload and how the current situation compares with past performance.
- 7.2 Attached are graphs for total number of cases received & closed for both Enforcement Areas combined and for s106 Monitoring Cases. The figures are shown as a monthly average derived from annual totals, for each calendar year. This allows for easier comparison with a period of time that is less than a full year.

- 7.3 The figures have been collated from 1 January 2003, as before this period there were area changes and other kinds of cases that would not compare directly with the current set up of the enforcement function.
- 7.4 The graphs are reproduced as annexes as follows:
Annex F – Graph of New cases received and closed from 1/1/03 to 30/9/08
Annex G – Graph of s106 cases received and closed from 1/1/03 to 30/9/08
Annex H – Graph of total Formal Enforcement Notices and Other Formal notices served each year from 2003
- 8.0 CONCLUSION**
- 8.1 The Planning Enforcement Section has been excluded from a number of departmental re-structures and reviews to which the post holders expressed concern at the time. Even with the lack of supplementary planning guidance, written processes and policies the Enforcement Officers have tried to competently investigate cases within the resources available.
- 8.2 The duties of the Enforcement Officer entail high levels of stressful contact with the CYC customer base and the Officers feel this element amongst others has not been historically recognised and this has been highlighted in the downgrading of Officers in the Job Evaluation process. This has contributed to low morale.
- 8.3 The Enforcement Officers would like to thank the Members, for taking the time to consider this report and hope that the outcome of this Scrutiny Committee will provide clear guidelines for the post holder to follow when undertaking their duties.

Contact Details**Author:****Author's name**

Planning Enforcement Officers (Mandy Swithenbank, Alan Kendall, Andy Blain, Hilary Shepherd)

Dept Name: City Strategy

Tel Nos. 551376/551324/551314/551647

Annexes

Annex A - Officer Procedure Note - Planning Obligation /Section 106 Agreements

Annex B - Logging of Enforcement Cases

Annex C - Procedure for the Inputting of Enforcement Notices in to Uniform

Annex D - Enforcement Appeals Procedure

Annex E - Notes For Enforcement Officers On Procedure Of Closing Cases.

Annex F – Graph of New cases received and closed from 1/1/03 to 30/9/08

Annex G – Graph of s106 cases received and closed from 1/1/03 to 30/9/08

Annex H – Graph of total formal notices and other notices served each year from 2003

ANNEX A –**OFFICER PROCEDURE NOTE - PLANNING OBLIGATION /SECTION 106 AGREEMENTS****OFFICER PROCEDURE NOTE
PLANNING OBLIGATION /SECTION 106 AGREEMENTS****Purpose**

This Note is intended to provide officers with a framework for dealing with Section 106 matters relating to new planning applications and prospective applications. A Planning Advice Note is also available for Developers.

The tasks involved in the process are set out by officer below:-

AREA TEAM LEADER

Team Leader to identify likely S. 106 issues when allocating applications, ensure internal consultees are notified at that stage.

Delegated Decisions to only be signed off if accompanied by Updated S106 Checklist and (where an actual S106 is likely) a completed Memo to Legal Services, (**MLEGSE**)

DC OFFICER**Pre - application**

- Issue Planning Obligation/Section 106 Guidance Note to developers where obligation is likely to be required.
- Refer developers to relevant Supplementary Guidance or Advice Notes
- Applicants to agree heads of terms and submit confirmation of this with application. Where affordable housing likely, applicants should be asked to provide an Affordable Housing Plan (guidance in the Advice Note) and to identify the Registered Social Landlord at pre application stage or at least at application stage, where affordable housing is required.

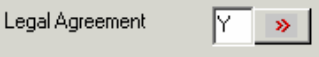
Application

- Where no pre- application discussion has been held, flag up S. 106 issues with developer at the earliest stage (i.e. on first receipt of application) prior to negotiations

on scheme details and amounts of any S.106 payments. Pre application procedure above should be used.

- If likely to be via a formal agreement (i.e. larger schemes), once Officer satisfied application likely to be approved, details forwarded to Legal Services as a formal instruction for drafting of agreement (see instruction Memo template **MLEGSE**). This can occur early in the process, need not wait for the conditional approval to be issued or for a resolution to approve subject to S.106.
- Copy of the Obligation/S.106 Progress Checklist should be kept on file and updated as appropriate (see template).

Report

- Obligations should be subject to conditions, or (where a S106 is required prior to approval) the report should give details of Heads of Terms in the Delegated/Committee report.
- On the Uniform Recommendation Screen, the 'Legal Agreement' box is filled in with a  then click on the chevron and complete the Legal Agreement Details screen.



Agreement No.	Type	Received	Signed	Effective	Notes
1	S106 - Section 106 Agreement				

This will help to ensure that the S. 106 monitoring system is kept up to date.

- Report to team leader and Draft decision notice referring to a S106/financial obligation must be accompanied by: -
 - Up to date Checklist
 - Where an actual S106 is likely to result, completed **MLEGSE** if not already done.

Post - Resolution

- If draft S.106 not already prepared, target is final document to applicant within 1 week of resolution. Copy of Progress Checklist to City Strategy Finance (Jane Wynn) and relevant consultee(s).
- In cases where the applicant or developer issues payment without entering into an agreement, officer will acknowledge the payment and issue standard letter giving assurance it will be spent in accordance with the terms of the relevant condition (or authorise Support Services Assistant to do so).
- In cases where a developer sends a payment with a Unilateral Obligation, Legal Services should comment on it and then respond to case officer to confirm acceptance of the obligation, effectively discharging the condition.

SUPPORT SERVICES

Decision with condition requiring Financial Contributions only
(i.e. S 106 not likely)

- Issue decision notice and complete file in usual way
- Arrange for the decision notice to be scanned and file to be returned to Admin
- Update the S106 Checklist with the relevant dates
- Make 3 + copies of the completed **S106 Checklist**
- Put the original S106 Checklist on the planning file. (The S106 Checklist should be updated when the Enforcement Record is closed – as should the Uniform record.)
- Go into Enforcement module and create a record with S106 suffix and put in a thin plastic pocket copy each of
 - Decision notice
 - Completed S106 Checklist
 - Enforcement worksheet
 - Map of site

Pass to EO in thin plastic pocket

- Write the Enforcement number on the S106 checklist (Key action 'f')
- Send a copy of the S106 checklist and a copy of the decision notice to Jane Wynn (City Strategy Finance)
- Send a copy of the S106 checklist to each Consultee/Directorate who requested a financial contribution
- If applicant submits payment with a Unilateral obligation, update the planning file Checklist and copy the Obligation to Legal Services for comment / agreement (with case officer's details for response)

Decision with condition definitely requiring S106 Agreement (with or without involving the payment of contributions)

- Issue decision notice and complete file in usual way
- Arrange for the decision notice to be scanned and file to be returned to Admin
- Update the **S106 Checklist** with the relevant dates
- Go into Uniform (Recommendation screen), Enter Y if the Planning Condition requires a Section 106 Agreement.
- Make 3 + copies of the completed **S106 Checklist**
- Make 2 copies **MLEGSE**
- Put the original S106 Checklist and MLEGSE on the planning file. (The S106 Checklist should be updated when the Enforcement Record is closed – as should the Uniform record.)
- Go into Enforcement module and create a record with S106 suffix and put in an orange file a copy each of:-
 - Decision notice
 - Completed S106 Checklist
 - Completed MLEGSE
 - Enforcement worksheet
 - Map of site
- Write the Enforcement number on the S106 checklist (Key action 'f')
- Send a copy of the S106 checklist and a copy of the decision notice to Jane Wynn (City Strategy Finance)
- Send a copy of the S106 checklist to each Consultee/Directorate who requested a financial contribution

- Copy of the S.106 once completed should be scanned and retained on the planning file and (where contribution involved) monitoring file.
- If applicant submits payment with a Unilateral Obligation, update the planning file Checklist and copy the Obligation to Legal Services for comment / agreement (with case officer's details for response)

Post-decision notice procedure for monitoring a signed S106 agreement with financial contributions

- Issue decision notice and complete file in usual way
- Arrange for the decision notice to be scanned and file to be returned to Admin
- Copy of the S.106 should be scanned and retained on the planning file and (where contribution involved) monitoring file.
- Update the S106 Checklist with the relevant dates
- Go into Uniform (Recommendation screen), Enter Y (if not already entered); click on chevron and complete the 'Legal Agreement Details'
- Make 2 + copies of the completed **S106 Checklist**
- Put the original S106 Checklist on the planning file. (The S106 Checklist should be updated when the Enforcement Record is closed – as should the Uniform record.)
- Go into Enforcement module and create a record with S106 suffix and put in an orange file copy each of: -
 - Decision notice
 - Completed S106 Checklist
 - Completed MLEGSE
 - Enforcement worksheet
 - Map of site
- Write the Enforcement number on the S106 checklist (Key action 'f')
- Send a copy of the S106 checklist and decision notice to Jane Wynn (City Strategy Finance)
- Send a copy of the S106 checklist to each Consultee/Directorate who requested a financial contribution

ENFORCEMENT OFFICER

- The monitoring procedure is the same as if a Section 106 has been signed, since a financial contribution prior to certain completion or occupation on site is expected as a result of the condition/obligation.
- Reception should receive the cheque, and send details to the Enforcement Officer monitoring the obligation. The relevant consultee e.g. Education Services will be informed by Finance.
- In cases where the applicant or developer issues payment without entering into an agreement, the Enforcement Officer monitoring the requirement should update the S.106 Uniform record and file and pass to case officer (who will write to acknowledge receipt of the payment and issue assurance that the contribution will be used in accordance with the terms of the relevant condition - or request Support Services Assistant to do so). This effectively discharges the condition. Where no further payments are needed the plastic pocket with documents can be filed numerically in lever arch.
- In cases where a developer sends a payment with a Unilateral Obligation, the Enforcement Officer monitoring the case will acknowledge receipt of the payment (or

request Support Services Assistant to do so) and pass to the Support Services Assistant to update the planning file Checklist and copy the Obligation to Legal Services for comment / agreement.

- If there are no other financial obligations attached to the application, the monitoring case can be closed.
- If non compliance with condition, issue non compliance letter (**S106BR**)
- Second letter (**S106BR2**) issued after expiry of period for compliance set out in **S106BR** stating intention to serve BCN in XX days unless actions in **S106BR** started.
- If no response to requests for payment, referral of matter to Legal Services for drafting of BCN appropriate to the circumstances of the enforcement case.
- If non compliance with obligation of an actual S106, write to developer to chase, pursue payment and as necessary to refer to Legal Services to commence formal proceedings.

APPENDIX A

Common Types of Obligation, Threshold Details and Details Needed to Formulate Heads of Terms

- **Education** - 4 dwelling units or more (a check can be made with Education Planning on 01904 554447 to establish the need for this). How much, how calculated, how spent, when to be spent or if not spent, when to be repayable. (Supplementary Guidance Note available)
- **Public Open Space** – Any housing development (applicable where the on site standards outlined Policy L1c cannot be met). What to provide, how calculated, where to provide, when to provide, future maintenance/use (Supplementary Guidance Note available)
- **Affordable Housing** - Sites of 0.3ha/15 units in urban areas and 0.03ha/2units in rural areas. Is application outline or full, if latter identify plot numbers and parking spaces and prices (Supplementary Guidance Note Available)
- **Off site highway works** - where a scheme would be unacceptable without improvements or changes to a local traffic Regulation Order. Description of works/improvements, when to be carried out, by whom to be carried out, future maintenance, form of S.278. TRO – amount of contribution to making, when to be paid
- **Commuted payments in lieu of a shortfall in on site car and/or cycle parking.** – Used to improve public transport links and local cycle parking provision. Amount, when payable, how calculated, what to be spent on, when to be spent or failing which to be repayable. Thresholds within Appendix E of Local Plan
- **CCTV contributions** – often required for new A3 (food and drink) proposals and used to improve and maintain CCTV coverage in the City Centre or local centre. See Policy GP3. Amount, how calculated, on what to be spent, when to be paid, when to be spent or failing which to be repayable.

A number of other types of obligations may also be sought: -

- **Green Travel Plans or Transport Policy Statements** – Required for new or extended business premises (usually resulting in sites with 50 employees or more). Expected to demonstrate a commitment to reducing dependence of the car for work related travel. Description, when to be implemented/maintained, by whom to be implemented/ maintained. (Travel Plan Guidance Note available)
- **Energy Efficiency measures** – To demonstrate the sustainability of a scheme in accordance with National and Local Planning. Polices. A statement could include

description, when to be implemented/maintained, by whom to be implemented/maintained.

(New Housing Sustainable Development Briefing Note available).

- **Restrictions on use of adjacent land to ensure an adequate level of amenity are available for future residents** e.g. farming activities adjacent to barn conversions. Description, when to be implemented/maintained, by whom to be implemented/maintained.
- **Riverside walkways** – To comply with the Council's draft policies identifying the route of riverside walkways. Requirement to enter into agreement, the form of which is annexed to the S.106
- **Drainage and flooding protection measures** – To protect new development and to ensure new development does not result in flooding of adjacent areas. Description, when to be provided/maintained, by whom to be provided/maintained.
- **Revocation of old/ other relevant permissions** – Where a new proposals would only be acceptable if a previously approved development did not take place. Describe development authorised by other permission, giving its application reference no.
- **Environmental Improvements** – To improve amenity levels available and/or to mitigate against other impacts of a development. Description, when to be provided/maintained, by whom to be provided/maintained

APPENDIX B

Useful Contacts**Education Contributions****Jake Wood****4447**

Policy Support Officer, Learning Culture and Children's Services, Education Planning & Resources

Affordable Housing**Andy Kerr****4153**

Housing Development Manager, Community Services, Strategic Services - Investment & Development

Derek Gauld**1470**

Principal Development Officer - City Development, Environment & Development, City Development & Transport

Open Space**Brian Williams****3392**

Parks & Open Spaces Officer, Education and Leisure, Lifelong Learning & Leisure

Highway Works and Contributions, Green Travel Plans

East Area

Richard Bogg**1335**

Area Engineer (Highways DC) - Network Management, Environment & Development, City Development & Transport

West and Centre Area

Howard Watson**1332**

Area Engineer (Highways DC) - Network Management, Environment & Development, City Development & Transport

Energy Efficiency Measures**Kristina Peat****1666**

Sustainability Officer, Environment & Development, Planning & Design

Drainage and Flooding Protection Measures**Mike Tavener****1473**

Project Manager (Structures & Drainage) - Engineering Consultancy, Environment & Development, City Development & Transport

APPENDIX C

Supplementary Guidance and Internal Guidance Notes

(Not an exhaustive list and Subject to Change)

- **Affordable Housing Advice Note (July 2005)**
- **Developer Contributions to Education Facilities (updated) April 2007**
- **Open Space Advice Notes:**
- **Open Space in New Developments – A guide to Applicants**
- **Provision of Open Space in New Housing Development (Harrogate B.C. April 2005) – for calculating payments**
- **CCTV - Requests for Contributions (Officer Note)**
- **Guidelines for Preparation of Transport Impact Assessments and Transport Policy Statements**

Annex B –**Logging of Enforcement Cases,****Enforcement Cases****Complaint Tab**

The below notes give details of logging an enforcement case.

Postcode Search
 Street Search
 Address Search
 Map Search




Right click in address field and retrieve property using

Click ok to return to complaint details screen, and double click in case ref to open the generate key screen.

1. Either enter type of application or drop down the menu to select the application type i.e. CARREP and click ok, this will generate the next number. Please be aware that you may need to force the year when logging cases at the end of each calendar year. The case should be logged in accordance with the date it was received.

The case number will then download into the screen. Tab to the address field and do street search and again select the required property and ok. The full address should then load into the address field.

Tab into Date received and amend with the date the complaint was received. Tab into *all blue fields* and complete or use drop down menus as appropriate and please fill in DC Refs if relevant, occurrences can be added if necessary.

Case Ref.	<input type="text" value="07/00384/CARREP"/>	U.P.R.N.	<input type="text" value="100050593112"/>
Breach Type	<input type="text" value="CARREP - Unauthorised car repairs"/>	Address	<input type="text" value="29 Tudor Road
York
YO24 3AY"/>
Status	<input type="text" value="2_PCO - Pending Consideration"/>	 	
Appeal Status	<input type="text"/>		
Map Ref (E)	<input type="text" value="457565"/> (N) <input type="text" value="450801"/>		
Date Received	<input type="text" value="02.07.2007"/> Time <input type="text" value="09:34"/>	How	<input type="text" value="COUNC - Via Councillor"/>
Received By	<input type="text" value="GSHEPH - Gill Shepherd"/>	Allocated To	<input type="text" value="ABLAIN - Andy Blain"/>
Subject	<input type="text" value="Owner"/>	Area Code	<input type="text" value="WESCEN - West/Centre Area"/>
Nature	<input type="text" value="Car repair business from premises"/>	Ward	<input type="text" value="WESFLD - Westfield"/>
Alt. Reference	<input type="text"/>	Parish	<input type="text" value="NOPAR - No Parish"/>
		Dist. Office	<input type="text"/>
		Related DC Refs.	<input type="text" value="07/00791/FUL"/> >> 

How – click on drop down menu

Received by - again drop down menu or use the officers initials.

Allocated to – enter Enforcement Officers initials.

Subject - Owner or the full title of the person the complaint is about (if known).

Nature - A brief description of what the complaint is about.

Check the parish and ward are correct.

Related DC Ref - try to find a relevant case.

To enter Owner Details click on **options** menu and from the drop down menu click on Interested Party Details.

Owner - If you do not know the name of the person that the complaint is about then type Owner.

Address - This is the address of the site, if you have not been given any separate details of the owner of the site. Double click to pull through site address.

ENFCRECIPI5.7.3.1C Interested Party Details

Address Type

IP Type OWNER - Owner

Name

Address

Comments

Contact Types

Click onto Complainant tab

Category PUBLIC - Member of public

Date Received 19.06.2006

Name Mr Jones

To Remain Anonymous? Y

U.P.R.N. 100050562199

Address 4 Keble Park South
Bishopthorpe
York
YO23 2SU

Date Acknowledged 19.06.2006

Contact Types

Actual Response Time (days)

Actual Resolution (days)

Notes

Remembering not to use the ok button or accept, complete all blue mandatory fields.

Category - F3 to use the menu behind.


Date Received - as above.

Name - Name of person making the complaint.

Address - Address of person making the complaint.

To Remain Anonymous – Y

Date Acknowledged - this is system generated.

If the complainant is a Councillor the button next to the name will change from black line (as shown above) to , by clicking on this it will pull up the Councillors details for the relevant ward. Click and ok on the one you want and their details will pull through. Re-enter CLLR in category as this disappears when details pull through.

Next Inspections and Actions screen to enter VST details.

Type in *visit pending* and drop down menu to pull through VST – Site Visit as above. The date to enter is 5 working days from when the Complaint is logged. Enter case officer from drop down menu.

Then click on Print.

From the Special List select Complainant Acknowledgement, change Document Mode to Print Only, Copies to 1 and select Print (this will then put the date in the Complainant tab for Date Acknowledged), and then from the Documents List print the Enforcement Worksheet for File.

These have to be printed separately or the Complainant Acknowledgement Sent date doesn't appear on the worksheet.

Next click on the Map tab and print off (from Spatial menu, print map) a copy of a map size 1:1250 and 1:2500, so that the Officer can locate the site from a major road as well as close up. If you have related the EN case to a DC case you will be prompted to copy over the polygon. Click yes.

The map may not be your site, so double click the address field on the left to bring up the site in question.

Finally, print off a copy of property history for the site and request any relevant history files from the basement for the Enforcement Officer (if unsure what to retrieve check with the EO for the case).

Summary: -

- Complaint received, case logged on Uniform
- Complaint, map and worksheet put into a thin plastic pocket by SSA and passed to Enforcement Officer (EO) in-tray. - Put into "New Enforcement Cases Tray" for West/Centre team. East team place in individual officers' tray.
- Enforcement Officer puts into their own plastic folder/file for initial investigation.
- Case either passed to Area Team Leader to close if no further action needed and then filed in lever arch (by Uniform reference number), if the case needs further actions it will be passed to SSA to be made up into pink enforcement file and then passed back to relevant Enforcement Officer.

Annex C –**Procedure for the Inputting of Enforcement Notices in to Uniform**

When an enforcement investigation creates the service of a formal notice these are the processes that require attention from both Enforcement Officers and Area Team Admin.

Enforcement Officer tasks

Once the Enforcement Officer has had their authorisation report signed in full they (Enforcement Officers as Area Admin do not have the level of access to enter such details) should enter the basic details on the NOTICES screen by inputting as follows: -

Notices tab, Notices Screen

1. Retrieve the relevant case
2. Drop down list to allocate the type of notice
3. Tab through the next two fields to Date Authorised – input the date the authorisation report was signed by all parties.
4. Store the changes and leave the screen.

Notice Type	ENFOP - Enf. Notice Operational Development	Status	COMPLY - Notice Complied With
Date Authorised	05.12.2007	By	ALANK - Alan Kendall
		Date Issued	

When the notice is served, a copy of the notice and whom it was served upon should be put on the enforcement file by the Enforcement Officer and then passed to Area Team Admin to enter the notice on the system.

Area Team Admin tasks

On receiving an Enforcement Notice enter information onto computer as follows: -

Go to Enforcement Module

Notices tab, Notices Screen

1. enter Date Notice Served, By (drop down list and select Mike Slater) and How Served (as on Legal memo)

Date Served	05.12.2007	By	MIKE - Mike Slater	How Served	RECDLV - Recorded Delivery
-------------	------------	----	--------------------	------------	----------------------------


2. Date Effective see point number 6 or 7 on Enforcement Notice

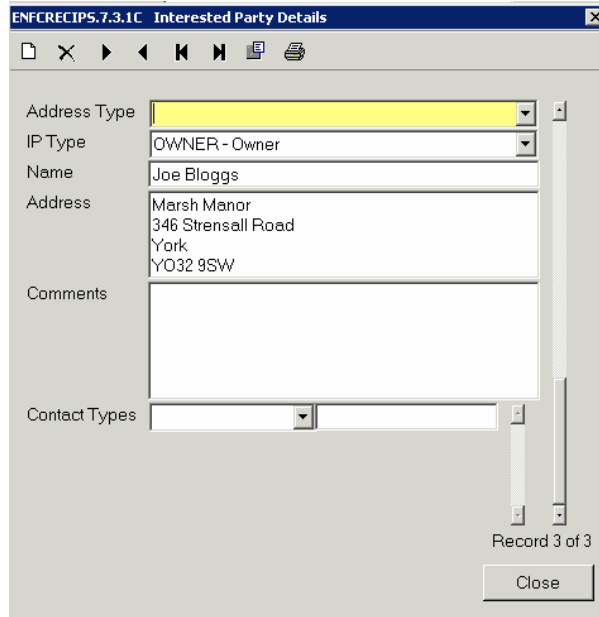
Date Effective	18.01.2008
----------------	------------

3. Date All Served Informed: same as served date in point 1.
4. Certificate of service enter N

Certificate of Service (Y/N)?	N
Appeal Notes Supplied (Y/N)?	Y

5. Appeal Notes Supplied always answer Y

6. Date to Comply By (see point number 5 or 6 on Enforcement Notice and work out the date from calendar and enter) NB. If more than one date take the latest date please.
7. Enter Name of Address of all persons the notice was served on, click on chevron  to add Names and addresses.



ENFCRECI5.7.3.1C Interested Party Details

Address Type

IP Type OWNER - Owner

Name Joe Bloggs

Address Marsh Manor
346 Strensall Road
York
YO32 9SW

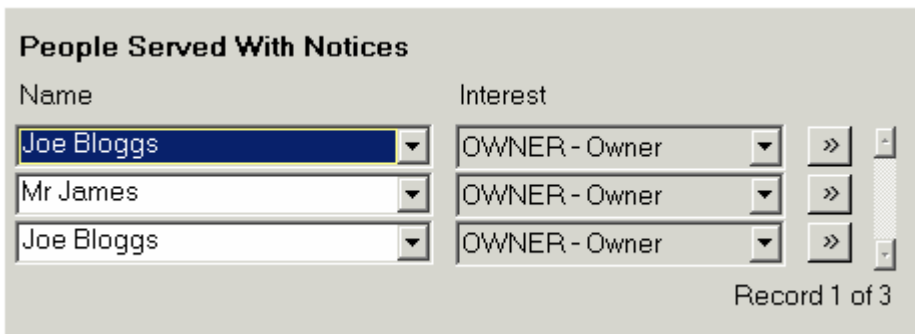
Comments

Contact Types

Record 3 of 3

Close

Then close and return to main Notices screen, and add occurrence for next person served.



People Served With Notices

Name	Interest
Joe Bloggs	OWNER - Owner
Mr James	OWNER - Owner
Joe Bloggs	OWNER - Owner

Record 1 of 3

So each person served appears on the main screen, and their address shows when you click the chevron.

Then store.

Go to Reception tab and Breach Screen

Go to 'Details of Breaches' and enter

1. Within 'Details' insert text from point number 3 on Enforcement Notice
2. Within 'Actions to Rectify' insert text from point number 4 or 5 on Enforcement Notice
3. Within 'Reasons for Issue' insert text from point 4 on Enforcement Notice
4. Within 'Time Allowed' add number of days quoted in point number 6 on Enforcement Notice

Then store and go to

Inspections and Actions Screen

1. Click on Inspection Type then F4 to add occurrence and select PROS from list
2. Tab across to 'date'. Enter date to comply by (same date used in Notices screen) which is calculated as per point number 6 on Enforcement Notice
3. Insert initials of Officer who deals with that area or as per unique instructions.

Then go to

Print tab

1. Please raise 2 copies of ADVNOT - 'Advise notice served' letter to the complainant(s), post one copy out and file the second after stamping with file copy.

Photocopy notice and whom it was served on.

File Memo, Certificate of Service and Enforcement Notice on the enforcement File and return to Enforcement Officer with photocopy.

NB. Depending on the Enforcement Notice served the point numbers above may vary. They are in place as a guide for you, so check when you receive one what information is where and input accordingly.

If you are entering more than one notice, i.e. ENFOPDEV or ENFCOU then you can add occurrences for each notice in both notices screen and breach details screen.

When the Enforcement Officer receives the enforcement file after input of the notice, the enforcement officer should use the photocopy to ensure that the details are entered on the Enforcement Register through Access located in W/GROUP/Enforcement Registers/CYC Enforcements/Current CYC Enforcement Register. This is an access database and the details should be added as another record (shortcut forward arrow star at the bottom navigation keys) of the table enf_reg located in the tables menu and that the copy is filed in the lever arch files stored in Paul's room. Please also print off a copy of the last page of the report found in the reports menu under CYC Enforcement Register, so that the register is kept up to date.

Annex D –**Enforcement Appeals Procedure**

When the Enforcement Officer passes you notification of the appeal from the Planning Inspectorate confirming the appeal has been lodged with the related Enforcement file and any planning back history, ensure that the Enforcement Officer has completed the questionnaire up to question 23 if not pass back for completion.

Then go to Enforcement module and Notices screen and pull through the relevant case. Check that the Enforcement Notice has been entered, if this has not been completed pass the file back to the Enforcement Officer to complete.

If more than one notice has been served on the site if it is not obvious from the letter, check with the PI which notice is being appealed.

If the notice has been served on more than one person, all have the right to appeal the notice, this is logged as one appeal with multiple appellants, each appellant has their own appeal reference. Uniform will assume that the first person upon whom the notice was served will be the first appellant.

If the notice screen is fully completed go to Appeal Reception screen and complete as below.

- Complete Appeal type (F3 to chose Enforcement Notice if Discontinuance Notice please contact Karen as procedure is different)
- Complete the date lodged (Date Enforcement Appeal Form date stamped)
- Click on create appeal
- Make up orange file with sticker on front (Council Ref is original enforcement case reference number)
- Click on Appeal Details screen and complete:
 - Date Valid – date PI letter was written (same as starting date)
 - Alt. Ref – enter Agent's reference for case if any (in future this will be used to store the PI's email address)
 - Enter procedure from drop down list (Written Representations, Informal Hearing or Public Inquiry).
 - Started – Starting date will be quoted in PI letter (usually date letter was written)
 - DETR Ref – found on top right hand side of PI letter, starts with APP/...
 - Case Officer – Double click to choose from list (check with Team Leader which Development Control Officer will be dealing)
 - Check and update if necessary the appellant and agent details.
- Then enter the grounds of appeal from the letter from PI the grounds are lettered a,b,c,d,e,f,g for enforcement appeals and a – k for listed building and conservation area enforcement appeals. Tick boxes as appropriate ok then store.

If multiple appellants add occurrence (F4) in Appellant name field and enter details of second appellant (and third and fourth etc as many as necessary), enter the specific DOE reference for that appellant in bottom field on left hand side as per below:-

Appellant	Mr Jones
Address	Asdmfomjdfdkmvfd Sdmvdkdfmv Ldm'lkdd
Phone	
Appel Ref.	
	APP/C2742/C/052002159

Remember to enter the grounds of appeal for each appellant as they may differ. To enter grounds click on the Grounds button. Then enter the grounds of appeal again from the letter from PI the grounds are lettered a,b,c,d,e,f,g for enforcement appeals and a – k for listed building and conservation area enforcement appeals. Tick boxes as appropriate ok and store.

Once you have added all appellants and grounds store.

If a fee is required a letter from the PI will indicate this, when payment is received, from Appeal menu select Appeal Fees and enter amount paid per appellant if applicable. Then click on payment details at the bottom of the screen and enter how the fee was paid i.e. cheque, how much was paid and the receipt number and save. Complete for each appellant. Remember fee may not be received until the time the questionnaire goes out and only one appellant has to pay, although more than one may.

WITHIN 2 WEEKS OF STARTING DATE:

All enforcement appeal templates are located in the Enforcement module and are printed from the Enforcement print letter screen.

For every type of Appeal you will need to consult the neighbours and the parish ask the DCO to identify any additional consultees. There may be some neighbours already entered into the neighbours screen these will be any complainants who have requested to be involved in the appeal process.

If there has not been a previous planning application on the site you will need to identify the neighbours remember to consult all abuts (front, back and both sides) manually enter the addresses into the neighbours screen in Enforcement module plus the parish/planning panel and any consultees identified by the DCO.

If there are multiple appellants on the appeal the template is set up so that a copy of the notification letters will run for every appellant bringing through the grounds specific to that appellant (as there is a repeat statement in the programming a headed page will print at the end of each neighbours set of letters). As the programming is so complicated please double check that all grounds have been pulled through on to the letters.

To produce letters, in the enforcement neighbours screen, double click to pick appropriate letter from Letter for Selected Neighbour box. Tab to bring up request box and choose Yes to send letter to all neighbours.

The letters to use are

- Written Reps Enforcement Neighbour (1),
- Hearing Enforcement Neighbours (1)
- Public Inq Enforcement Neighbours (1).

If the appeal is for a Listed Building the letters to use are:

- Written Reps Listed Bdg Neighbour (1a),
- Hearing Listed Bdg Neighbour (1a)
- Public Inq Listed Bdg Neighbour (1a).

Print 1 copy to send out and photocopy one of the letters for the file).

If there is more than one appellant you will need to print off the neighbour multiple appellant explanation letter, which is printed from the enforcement neighbours screen the letter will be either:

- Written Reps Multi Appel Neighbour (2),
- Hearing Multi Appel Neighbour (2)
- Public Inq Multi Appel Neighbour (2).

Print 1 copy and attach to the front of the neighbour letters to send out, photocopy one of the letters for the file).

All Councillors are now to be notified of appeals this is now done via an automatic email template. The email is triggered by printing the template.

Go to print letters screen in Enforcement module select from documents list either

- Written Reps Councillor Notification (3),
- Hearing Councillor Notification (3)
- Public Inq Councillor Notification (3).

If the appeal is for a Listed Building the letters to use are:

- Written Reps Listed Bdg Councillor (3a),
- Hearing Listed Bdg Councillor (3a)
- Public Inq Listed Bdg Councillor (3a).

Then Select print only, 1 copy and click on print. An email of the letter will then go to the Councillors. In the same print screen take the letter to view only and print a copy from word for the file. (If there are multiple appellants, the email will contain letters relating to each appellant.)

Go to Appeal Process screen and complete actual dates for notification of 3rd Parties. Then print 2 screen dumps of this screen one to attach to the inside cover of the file as a worksheet (this now has the due dates for the statement etc), the other for Legal see below.

For public inquiries notify Legal by going to Enforcement Print Menu and selecting Public Inq Legal Memo (4) selecting print only and 1 copy and print. (Attach copy of Appeal Process Screen).

QUESTIONNAIRE

The Enforcement Officer should have completed the questionnaire down to question 23, and enclosed any necessary copying related to those questions they have answered. They should also pass to you for copying the following documents.

- A true copy of the enforcement notice.
- A true copy of the plan attached to the enforcement notice.
- The names and addresses of all persons upon whom the notice was served.

And should tell you which Development Plan policies need to be copied.

You will need to answer questions 24, 25 and 26, of the appeal questionnaire.

Question 24 is asking about who the DCO highlighted as consultees i.e. Yorkshire Water or English Heritage, etc write the names and addresses on the questionnaire form (these will have been entered onto the neighbours screen).

Question 25 requires information on persons notified, do screen dumps of the neighbours screen for this, also do a photocopy the neighbour letter and on the form complete the deadline for the neighbours to respond to the PI, i.e. six weeks from the starting date of the appeal. (See below for number of copies needed).

Question 26 write the name of any Development Plan highlighted by the Enforcement Officer in the box provided. And copy policies as per below.

Sign and date the forms when completed correctly.

Number of copies required:

- 1 for appeal file,
- 1 for PI
- 1 each appellant

To produce covering letters to send out with the Questionnaire go to enforcement print menu and select either

- Written Reps Quest Let App (4),
- Hearing Quest Let App (4)
- Public Inq Quest Lett App (5).

This letter pulls through details of all appellants. Select 2 copies (one for file) and print. Attach enclosures referred to above.

A separate covering letter is required for the PI select either:

- Written Reps Quest Let PI (5),
- Hearing Quest Let PI (5)
- Public Inq Quest Lett PI (6)

This letter pulls through details of all appellants. Select 2 copies (one for file) and print. Attach enclosures referred to above.

Go to Appeal Process screen and complete actual date for Questionnaire sent update sheet on file.

Pass file to DCO.

WITHIN 6 WEEKS OF STARTING DATE:

STATEMENT

When the statement is passed to you by the DCO print letters to enclose statement. Go to Enforcement Print Menu and select either

- Written Reps Statement PI (6),
- Hearing Statement PI (6)
- Public Inq Statement PI (7)

2 copies (one for file) and print.

Send statement and ensure copy of statement goes on the appeal file. Go to Appeal Process screen and complete actual date for Statement sent update sheet on file.

WITHIN 9 WEEKS OF STARTING DATE:**COMMENTS ON APPLICANTS REPRESENTATIONS**

If the DCO passes you comments he has written on the appellants statement or complainant/neighbour representations then send these with the following covering letter:

From the Enforcement Print Menu select either:

- Written Reps Comm on Apps Reps (7),
- Hearing Comm on Apps Reps (7)
- Public Inq Com on Apps Reps (8),

Print 2 copies one for PI, one for the file, photocopy enclosures for file.

Go to Appeal Process screen and complete actual date for Comments on Statement of Case sent update sheet on file.

2nd PUBLICITY (informing of date and venue)

For hearings and inquires the file will be passed back to you so that you can advise of the date and venue of the hearing/inquiry.

Upon receipt of the letter from the PI confirming the date of the hearing/inquiry a venue needs to be booked (Sara Bell, Ext 1049 – Guildhall, or our admin as usual).

Once the venue has been confirmed, go to Appeal Events screen and double click in top left hand field, select Venue from the drop down list. In the large text box enter the Venue (i.e. The Guildhall, St Helen's Square, York), as it needs to appear in the letter and store.

Enter the date of the hearing/inquiry in the Actual field in Appeal Process screen and store. Then in the inspector field double click and select the number of days the inquiry/hearing is due to last if indicated in the letter.

To send letters out:

From enforcement menu select print letters, and choose either:

- Hearing Date and Venue Cllrs (8)
- Public Inq Date and Venue Cllrs (9).

Then Select print only, 1 copy and click on print. An email of the letter will then go to the Councillors. In the same print screen take the letter to view only and print a copy from word for the file.

To produce the neighbour letters, go to neighbours screen, double click to pick either

- Hearing Date and Venue Neighbours (9)
- Public Inq Date and Venue Neighbour (10)

from Letter for Selected Neighbour box. Tab to bring up request box and choose all neighbours. Copy letter for file.

Using free text letter Enforcement Appeal Free Letter – PI notify them of the venue for the hearing or inquiry and enclose a location plan. Remember to retain a copy of the letter for the file.

Go to Appeal Process screen and complete actual date for 2nd publicity sent update sheet on file.

Check with DCO whether hearing should be advertised in the Yorkshire Evening Press. If press advert is required follow instructions under 4 weeks before public inquiry below. Make note in outlook diary if press advert is required for hearing.

Car Parking Space

When we receive notification of the date of the inquiry/hearing reserve a parking space, here in St Leonard's, which is done through an email to Jane Benson.

4 WEEKS BEFORE PUBLIC INQUIRY

PROOF OF EVIDENCE

Officer will prompt you to send the Proof of Evidence to the PI. In Enforcement module go to print letters and select:

- Public Inq Proof of Evidence (11)

from the documents list select 2 copies and print. Send one copy to the PI with PoE attached, one copy for file with PoE attached.

Go to Appeal Process screen and complete actual date for Proof of Evidence sent.

From Enforcement Print letter screen take a copy of Enforcement Appeal Press Advert (12) to view and email to PPU to advertise in the press. (All inquiries to be advertised, hearings at discretion of the DCO.) Ensure copy of press advert obtained for file.

FREE TEXT LETTERS

The following free text letters are available for use in the Enforcement module:

- Enforcement Appeal Free Letter – App (Appellant – remember to print one for each),
- Enforcement Appeal Free Letter – Nei (Neighbours if there are lots ask SSO/SSM to change template),
- Enforcement Appeal Free Letter – PI
- Enforcement Appeal Free Let - no address.

Remember for any letters printed through word to print an extra file copy.

Finishing Off

When a decision comes in from PI the officer will pass over decision letter.

Decisions should be entered on computer – go to Appeal Decision Screen, complete decision, made on and date received box.

Also enter any conditions which maybe attached by double clicking in lined text box (Condition Text)

Original decision letter to be placed on Appeal File, with copy placed on enforcement file and if appropriate, planning file.

Place copy on Appeals Register File and enter onto Appeals Database 2003 - date which can be found in Word, L Drive, Group, Planproc, Appeals Database 2003 - date.

Pass decision to Karen for scanning, await confirmation file has been scanned. Send electronic copy of decision via email to Councillors and circulate round DC. The email address for all Councillors is DEEDS Planning Appeals.

Electronic copies of Decisions

Copies of appeal decisions can now be emailed, by opening the case in uniform, click view image, open first page of document (if more than one). Go to file drop down menu and save as. Enter a name for the file i.e. App Dec pg1 and click save. Do this again for any more pages of the document saving them as different file names i.e. App Dec pg2 etc.

Then open word and a new document, from the insert drop down menu select picture and from file, then go to the first page you saved and double click. The scanned document page will open in word, you can then go to insert menu select break and page to get a new page and insert picture from file again to insert the next page of your document i.e. App Dec pg2, and repeat until all pages are displayed in word.

Then save the document in word i.e. 73 Layerthorpe – Appeal Decision then you can email the document as a word attachment.

Please put the appeal decision address in the subject field on the email, as per you saved the word document (73 Layerthorpe – Appeal Decision).

Annex E –**Notes For Enforcement Officers On Procedure Of Closing Cases.**

When you are in a position to recommend closure of an investigation, please follow the below criteria: -

Retrieve the relevant record in the Enforcement Module go to Inspections and Actions screen

1. Update the Survey field by entering text at the end of the existing text – **Do not use carriage returns.**
2. F3 or double click in the date closed field at the bottom of the screen

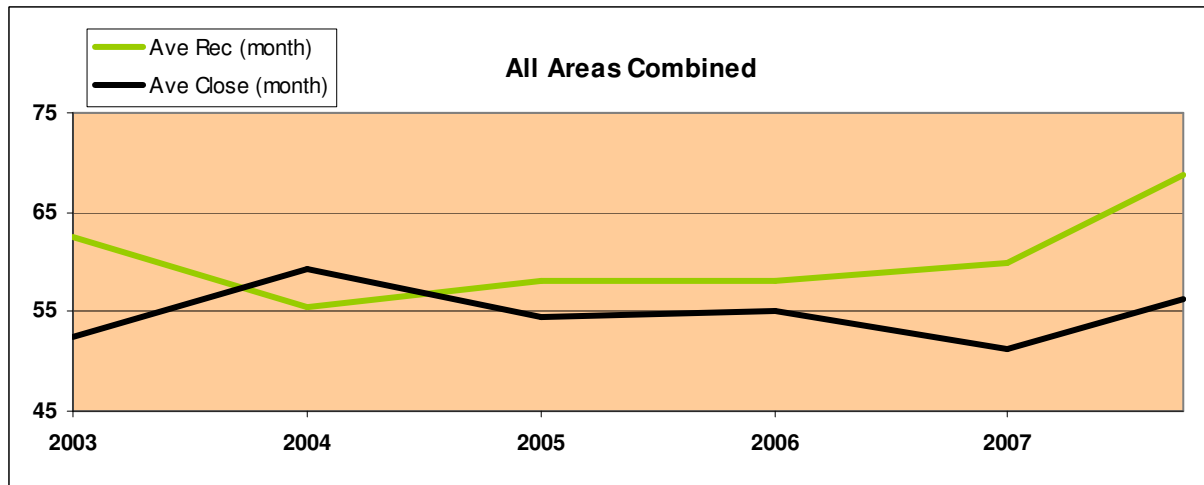
Store and F6 to Print Menu

Enter Print Letters screen and print off one copy of the Enforcement Worksheet for File

Place the copy of the worksheet on top of the Enforcement Investigation File and any relevant planning files, band all together and present or leave with ATL for countersignature.

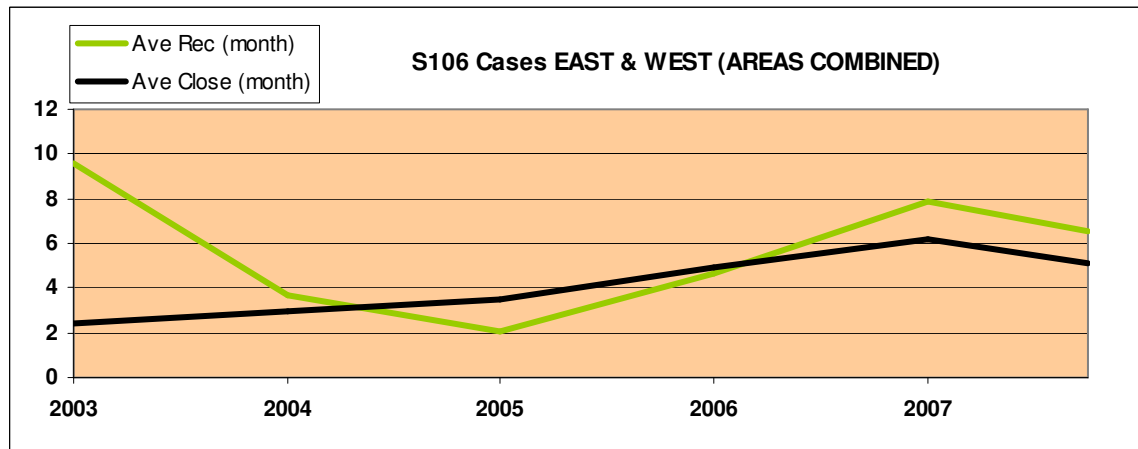
Once the ATL has confirmed that the investigation can be closed, advise complainants and owners (if relevant) placing copies of letters or notes of telephone call if applicable on the file.

Stamp up the front cover “Closed” and place in filing tray in Karen’s room.

Annex F –**Graph of New cases received and closed from 1/1/03 to 30/9/08**

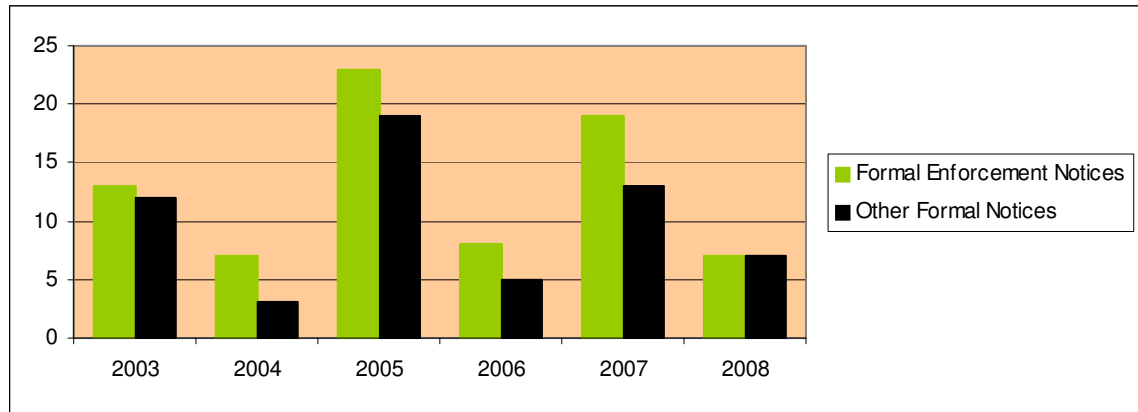
	EAST & WEST (AREAS COMBINED)				
	Ave Rec (month)	Ave Close (month)	Rec (year)	Closed (year)	
2003	62.5	52.4	750	629	
2004	55.4	59.3	665	711	
2005	58.1	54.4	697	653	
2006	58.0	55.0	696	660	
2007	60.0	51.2	720	614	
2008	68.7	56.2	618	506	Up to 30 Sep

This graph compares the annual number of new cases received against the annual number of cases closed, displayed as monthly averages.

Annex G –**Graph of s106 cases received and closed from 1/1/03 to 30/9/08**

S106 Cases EAST & WEST (AREAS COMBINED)					
	Ave Rec (month)	Ave Close (month)	Rec (year)	Closed (year)	
2003	9.6	2.4	115	29	
2004	3.7	2.9	44	35	
2005	2.1	3.5	25	42	
2006	4.7	4.9	56	59	
2007	7.9	6.2	95	74	
2008	6.6	5.1	59	46	Up to 30 Sep

This graph compares the annual number of new s106 cases received against the annual number of cases closed displayed as a monthly average.

Annex H –**Graph of total formal notices and other notices served each year from 2003**

	Formal Enforcement Notices	Other Formal Notices
2003	13	12
2004	7	3
2005	23	19
2006	8	5
2007	19	13
2008	7	7

Formal Enforcement Notices includes Enforcement, Breach of Condition and Stop Notices.

Other Formal Notices includes PCNs, s16 Notices, s330 Notices

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Executive**8 September 2009**

Report of the Director of City Strategy

Car Parking In York**Summary**

1. This report is in response to the request by the Executive to provide options for changes to car parking in York following a meeting of the Retail Forum. It provides information on the number of car parks and their usage as well as commentary on the projected income for the council in this financial year. The report then provides possible options for change and comments on the implications of those changes. It recommends that the Executive considers the content of the report and the possible changes that could be implemented. It is also asked to provide guidance on which changes they wished to see implemented and any further options for development.

Background

2. At its meeting on 14th July 2009 the Executive (calling in) re-considered the decisions taken at the Executive meeting on 7th July 2009 regarding the Annual Risk Management Report. The Executive decisions on this item had been called in by Cllrs Scott, Gunnell and Simpson-Laing and subsequently considered by the Scrutiny Management Committee (SMC) (Calling In) at a meeting on 13 July. The SMC (Calling In) had resolved:

“That Option B be approved and the decisions be referred back to the Executive for reconsideration, with a recommendation that they, or the Executive Member for City Strategy, take a decision on whether to reduce car parking charges, particularly for residents of the City of York.”

3. In reconsidering their original decisions in the light of the advice offered by the SMC (Calling In), Members commented that policy on car parking charges would not normally be raised via a risk management report. However, the Executive Leader and Executive Member for City Strategy had already discussed this matter with City Traders at the Retailers Forum and had agreed to bring forward proposals in respect of car parking charges in September.

4. It was therefore RESOLVED:

That Minute 34 of the Executive meeting held on 7 July 2009 be amended to include the following additional resolution:

“That Officers be requested to report to the next Executive meeting (that is, the meeting on 8 September 2009) on the options available to:

- i. Ensure that the budgeted income from car parking is achieved in the current financial year.
- ii. Market more effectively the car parking opportunities that are available in the City Centre for shoppers and in particular, following consultation with City Centre traders, to consider what reductions in charges might be made on “slack” trading days (e.g. discounts for mobile phone payers after 10:00am).
- iii. Replace existing pay and display machines at some under-used car parks to allow for variable charging levels to be introduced (for example, to enable charges to be reduced during off peak periods).
- iv. Address any other refinements to parking charges which may be suggested, before the end of July, by any of the political Groups on the council.

The report is to explore fully the implications for the council, both in financial terms and in terms of the likely impact of any changes on the City’s transport network.

City Centre Car Parks Performance

5. The following table lists the city centre car parks, their capacity and usage over recent years. Below this is a table showing the number of available spaces at Park & Ride Sites as well as usage figures.

Car Parking in York

Car Park	No. of car park spaces	Avg Max Usage (x% full)	Charges
Bootham	100	85*	Short
Castle	318	95	Short
Piccadilly	287	55	Short
Castle Mills	44	70*	Standard
Esplanade	75	100	Standard
Haymarket	102	60	Standard
Monkbar	243	60	Standard
Marygate	352	60	Standard
Nunnery Lane	193	85	Standard
St Georges Field	276 27- coaches	90	Standard
Peel St	77	90*	Standard
Union Terrace	145 35 - coaches	90	Standard
Fossbank	316	75	Shopper

* There are no traffic counters in these car parks so figures based on comparable income per space data.

Park and Ride in York

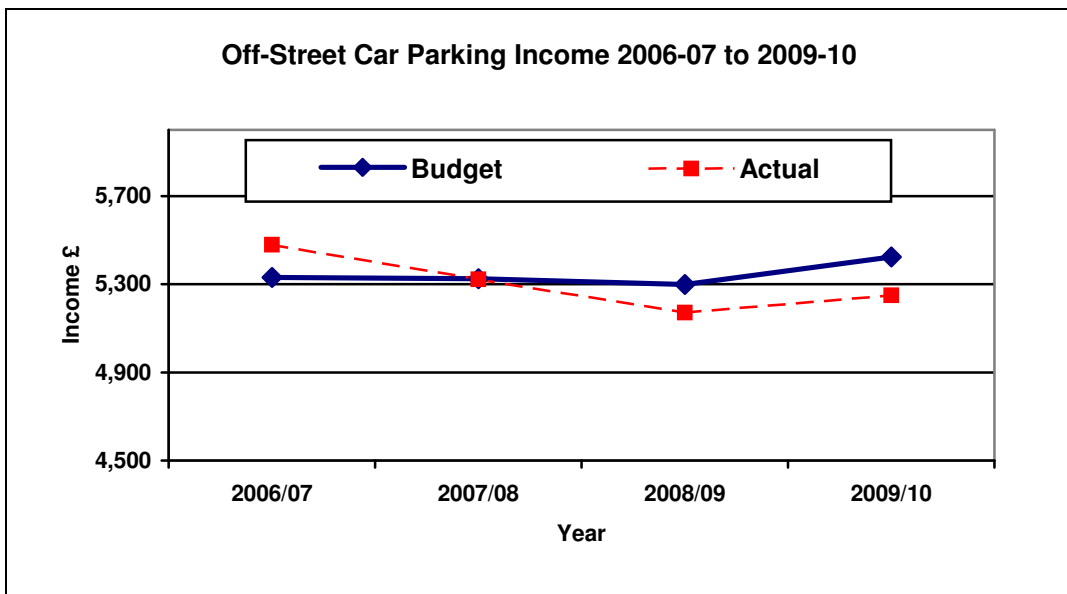
	Spaces
Rawcliffe Bar	1000
Monks Cross	750
Grimston Bar	920
Designer Outlet	300
Askham Bar	540

Park and Ride Performance Data

	06/07	07/08	08/09
Total Passengers	3,137,467	2,857,301	2,982,622

*The way that passengers using concessionary passes were recorded was changed from April 2007 - use of a concessionary pass was recorded as a return journey, rather than two separate journeys, to avoid double-counting. This resulted in the drop in figures from 06/07 to 07/08.

6. In very general terms the current usage levels of the council's car parks across the City demonstrate around a 3% reduction in the number of users for the period from April to August compared to last year. There was a 5% reduction in the period April – June however July and August income has been in line with budget. We can also deduce from this that there is no suppressed demand for car parking due to capacity constraints.



7. From the graph above it can be seen that the forecast for car parking income for this financial year is projected to be an under recovery of £175,000. In reality however it is difficult to predict outturn income with such certainty and more likely to be in the range of £80,000 to £200,000 when compared with budgeted income. The reasons for this under recovery are not easily apportioned as there many factors that influence this such as the number of private car parks offering cheaper tariffs, the number of public holidays falling

in the financial year, the weather and probably more importantly the general state of the economy. However this level of under recovery is only in the region of 1% to 3.5% of the budgeted income of £6m which is normally within manageable limits. If there is a reasonable autumn and Christmas period it is more than likely that the current forecast will be revised upward.

8. It should be noted that because of the economic downturn other income budgets within City Strategy are under pressure (Planning, Building Control, Land Charges) and therefore the council does not have the scope to significantly reduce charges that will reduce overall income received.
9. We will continue with our regular monitoring of income so that we may respond if the likelihood of a significant under recovery becomes more certain. Under those circumstances we would be looking to promote more use of the car parks, encouraging the use of environmentally friendly vehicles, the use of mobile phones for payment and promoting the benefits of security and safety with CCTV and regular patrols.
10. The car parking tariffs are considered as part of the annual budget setting and although there have been some small changes these have not placed any additional burden upon residents.

Possible Changes

11. There have been only small changes to car park prices over the last five years. Short stay prices have remained stable since 2005/06. Whilst non resident charges at standard stay car parks have increased over the last two years the increase in charges for residents in 2009/10 was the first increase since 2004/05. The council also introduced a shoppers car park at Foss Bank in 2006/07 at a price of 70p per hour. This charge has not increased since that date. It is therefore true that the increases for a majority of car park users over this period is significantly below the rate of general inflation.
12. It is 4 years since the pay by mobile phone service was introduced and the use of this service now accounts for approximately 10,000 transactions per month equating to approximately 10% of income collected from the car parks. The benefit of this service is that users can stay in the city without the concern of returning to their cars before their ticket runs out. A promotional campaign for payment by mobile phones is already underway and includes a replacement of the information signs in the car parks to include banners, also a revised leaflet that will be available for use by retailers and businesses in the city and will be distributed to visitor centres, libraries and council offices. The cost of this campaign is £6,000.
13. At a recent meeting of the Retailers Forum there was concern expressed that the economic downturn was affecting businesses in the city centre. To try and offset this retailers were seeking help to encourage more shoppers to come to York and to stay longer. There were a number of suggestions made about how changes to car parking could assist in achieving this. These included an additional shoppers car park (similar to the Foss Bank

arrangement that has cheaper tariffs), promotion of the use of mobile phones as a means to pay and a discounted off peak charge for mobile users.

14. The council currently operates 3 short stay, 9 standard stay and 1 shoppers car parks within the city centre. The council also operates 5 park and ride sites that significantly increase the capacity of parking for the city. These car parks and their tariffs are currently published in York's mini guide which is widely available around the city. However it would be possible for us to prepare and publish a specific guide to car parking in the city centre which as well as giving information about location and tariffs also highlights the benefits of safety and security. It could also compare the tariffs with other similar cities. The cost of preparing and distributing the guide would be in the order of £2,000 to £8,000 dependent on the actual content of the leaflet and the numbers and method of distribution. It should be noted that the last time such a leaflet was prepared there was a disappointing take up from retailers despite leaflets being made available from a city centre location.
15. Other promotional activity would include press releases that promote the benefits of York's car parks and their availability for use.
16. The evidence we have suggests that the city centre car parks cater for a number of users, those who are commuters to the city each day and arrive by 10.00am each working day, shoppers who can arrive at any time but are predominantly through the middle of the day and visitors who, if they do not know the city use the park and ride service or if they do, arrive in mid morning.
17. For the city centre car parks there is potential to attract additional shoppers and visitors by reducing tariffs during the mid day period say from 10.00am to 3.00pm in the standard stay car parks. The maximum charge for a 5 hour stay is currently £9.
18. Two options have been considered for providing discounted car parking and additional shoppers parking that minimises under recovery of income and has the potential to attract new shoppers:
 - i. The quietest day in the car parks is generally Tuesday. The proposal is to offer "Half Price Tuesdays" from 10.00am to 3.00pm during October and November in all standard stay car parks for mobile phone users. This would reduce the maximum cost from £9 to £4.50p.

The implications of this are difficult to estimate because we cannot be sure how many will switch to mobile phone payment and how many may transfer from short stay car parks and park and ride and indeed how many would change their travel habits from bus and cycling to the car. However we judge these to be marginal on the basis that this is one day each week and regular travellers will not necessarily change because of this initiative.

On balance we estimate that there may be an under recovery of between £8,000 up to £20,000 on the budget if this scheme is implemented.

In a similar way it will be difficult to predict exactly what the implications would be for traffic in the city. It is possible that travel habits could change but in our opinion it is unlikely. However it could attract additional journeys by car into the city centre. Given that these additional journeys are outside the peak we do not think that they will have any significant impact.

- ii. The success of the Foss Bank Shoppers Car Park could be replicated at another of our existing sites. Choosing another site it needs to be far enough away not to be in competition with Foss Bank but close enough to the City Centre to be effective. The suggestion is to convert the Kent Street Coach Park, which is not currently in use, into a shoppers car park at £0.70p / hour.

It is estimated that around 80 spaces could be provided. On a 3 months operational basis up to the end of the year this could potentially generate £20,000 of additional income on the assumption that new shoppers was generated and did not result in a redistribution of existing users.

However to convert the coach park would require installing new ticket machines, replacing the CCTV camera, and lining and signing at a cost in the order of £35,000.

Given the size of the car park it is not predicted that this would have an impact on the traffic in the city as a whole but there would an impact locally because of the additional traffic and this would need to be carefully considered to see what measures would be needed to minimise that impact.

19. It is not possible to give the existing ticket machines any further functionality. To achieve a greater functionality such as variable charging and payment by credit card new machines would be needed at a cost of approximately £4,500 each for provision and installation. There are 42 ticket machines in the above car parks so the total cost of replacement would be in the order of £200,000. There would also be additional potential costs necessary in accepting cards such as broadband links that would increase this cost.
20. Members may wish to consider the introduction on a trial basis of new ticket machines at one of the less popular car parks. The most appropriate car park for such an introduction would be Piccadilly as it is currently under utilised and being a multi-story car park would offer additional security for any trial. If Members were to recommend the purchase of these machines the funding could come from the Local Transport Plan (approximately £20,000).
21. Other changes that have been considered is pay on exit. The cost of providing such an arrangement is prohibitively expensive in the capital costs of the equipment at £60,000 per gate and has high revenue costs as each car park would need to be manned to cover for breakdown of the equipment.

Consultation

22. At the time of writing there has been a single response from Cllr D'Agorne to our enquiry with each of the political groups. A copy of Cllr D'Agorne's comments are included in Annex A. In response to the comments provided:
- i. The Local Transport Plan seeks to minimise congestion and improve air quality. These proposals are aimed at increasing the amount of traffic entering the city and therefore does not meet the council's policy.
 - ii. To provide the same discount to Park and Ride users of half fare on Tuesdays throughout October and November between 10.00am and 3.00pm would result in a loss to the operator in the order of £10,000. This would be exceptionally difficult both to implement and manage and it is not recommended.
 - iii. Two return fares on park and ride is £4.60. For city centre car parking charges to be set at the same cost for a two hour stay would mean increasing short stay by £0.30p / hour and in standard stay by £0.60p / hour. This will be most likely to deter any further shoppers from coming to the city centre to park but increase the numbers using park and ride.
 - iv. From the table in paragraph 5 we can see that the most popular car parks are Castle, Esplanade and Union Terrace. If a premium was applied to these car park of say an additional 50p / hour then the maximum charge would be £12.50p. As these car parks are the most popular for shoppers such a proposal would most likely have the impact of reducing the numbers coming to park in the city centre and increasing park and ride patronage. This would also increase the perception that York is an expensive place to visit.
 - v. Providing additional landscaping and larger spaces at Castle car park would reduce the capacity by about 10 spaces. This is not significant in overall numbers but by adding a premium charge it would deter shoppers.
 - vi. The implications of pay on exit have been discussed earlier in the report.

Analysis

23. Any changes to the parking regime will cost the council and increase the under recovery on the income budget for parking services. The level of cost depends upon the extent of any changes and the level of discount provided.
24. Estimating what the suppressed demand is for cheaper parking for shoppers is difficult to predict and would require market testing with customer before forecasts of growth could be made.

25. It is likely that there would be a change of travel habit if these changes are implemented with more people choosing to use their cars on the discounted days which could draw users from park and ride and cycling in the city.
26. The impact upon the traffic network would only be marginal and would not increase journey times or queue lengths to any degree.

Corporate Priorities

27. The changes would support the retail and leisure economies of the city if they attract additional shoppers and visitors. However the use of cars does impact upon the city's environment with more congestion and a reduction in air quality. The promotion of cars for travel also impacts upon our personal health and does not meet our aspirations under the Healthy City agenda.

Implications

28.
 - **Financial** These are as described in the report. There are a number of financial implications arising from alternative actions members may wish to consider. The cost of the promotions suggested are relatively small within the parking account and are likely to be contained within the current projected shortfall. More significant changes such as introducing pay on exit and / or new ticket machines will require a further report to consider how these can be funded.
 - **Human Resources (HR)** None
 - **Equalities** None
 - **Legal** None
 - **Crime and Disorder** None
 - **Information Technology (IT)** None
 - **Property** The use of Kent Street Coach Park could impact upon the disposal of the site and if the initiative was to continue the future provision of a shoppers car park facility.
 - **Other** None

Risk Management

29. The principle risk attached to these changes is that there is no evidence to support how successful or not they may be. It is only through some market testing could be develop any degree of certainty about the outcome.
30. The consideration of this report and any resulting actions will contribute to managing the key corporate risk associated with the Economic Downturn for the council and local businesses.

Recommendations

31. The Executive is asked to note the content of the report and the possible changes that could be implemented.
32. The Executive are asked to provide guidance on which changes they wished to see implemented and any further options for development.

Reason : To progress the support for the retail sector of the city centre at a time of economic downturn.

Contact Details

Author:
Damon Copperthwaite
Assistant Director
City Strategy
1448

Chief Officer Responsible for the report:
Chief Officer's name Bill Woolley
Title Chief Executive

Report Approved **Date** 26/08/09

Wards Affected: Guildhall, Clifton, Holgate, Micklegate, Fishergate, Hull Road

Specialist Implications Officers
Financial
Name: Patrick Looker (City Strategy Finance Manager)
Tel 551633

For further information please contact the author of the report

Background Papers :

None

Annexes :

Annex A – Cllr D'Agorne's Comments

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ANNEX A

Cllr A D'Agorne (Green Party)

- The Council needs to consider changes in relation to the LTP2 commitments to cut congestion and meet Air Quality Action Plan objectives.
- Any discounts marketed through City centre traders should include comparable discounts for Park and Ride users.
- City Centre parking charges should be pegged to the charge for Park and Ride fares such that a family of four would pay more than the equivalent for two adult fares if parked for more than two hours.
- Consideration should be given charging a premium rate at the more popular car parks to spread custom to less popular ones.
- Consider introducing additional landscaping and larger spaces at the Castle car park with a higher premium charge and make it short stay only.
- Changing the Pay and Display equipment to facilitate pay on exit would cut night time anti-social behaviour and allow people not to “predict the length of stay” and perhaps spend more time in the shops and on the car park than planned.

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Council Executive**8 September 2009**

Report of the Assistant Director: Property Services

Carbon and Energy Management Plan - update**Summary**

1. This report provides an update for members with regard to the Carbon Management programme and current Energy initiatives.
2. Display Energy Certificates have been received and are now clearly visible to the public in 51 of our buildings. This equates to around 82% of the council's major buildings and compares favourably with compliance across the country of around 60%.
3. Completed projects such as the recycling of waste in schools has contributed a saving of 477 tonnes of carbon and the completed Yearsley Pool refurbishment saved 230 tonnes of carbon towards the council's annual target for 2013.
4. Ongoing projects have the potential to save around 3100 tonnes per annum, of particular note are York High and Oaklands (904), Joseph Rowntree School (250), the council HQ (800) and recycling waste in offices (113)
5. New projects emanating from ICT relating to the replacement of 1100 computers with low energy, thin Clients and 200 eco PC's and the replacement of monitors will generate savings of around 256 tonnes
6. The appointment of a Data Analyst and Sustainability Projects Officer to the team and the planned investment in smart metering for our major buildings will contribute to improved information and greater progress with these important initiatives and programmes.
7. The report also provides a proposed action plan for behavioural change within the council. This will include the new staff awareness campaign 2009/10 - 'Save Us'

Background

8. In April 2007 City of York Council (CYC) was selected for the Local Authority Carbon Management Programme. This one year programme, run by the Carbon Trust, created the City of York Carbon Management Programme Strategy and Implementation Plan (CMP SIP) which was presented and approved by the Executive in April 2008 and set the target *'The City of York Council will reduce its CO₂ emissions*

by 25% on 2006/07 baseline by 2013' (excluding housing). Over the CMP SIP five-year period, CYC will need to save approximately 5800 tonnes of carbon (this equates to approximately 1160 tonnes of carbon per annum being saved).

9. A report was submitted to the Executive in March 2009 to provide an update on the Carbon Management Programme (CMP). The report also outlined completed projects and identified future projects to be implemented. It also explained the forthcoming Carbon Reduction Commitment (CRC).
10. In response to that report Members noted the good progress that has been made to date.
11. Members noted that a full progress report, with forecasted potential carbon savings over the remaining 4 years, project plans and timetables for implementation would be supplied to the Executive once a full year of energy data was available. The appointment of a Data Analyst and Sustainability Projects Officer is in progress.
12. Members acknowledged the creation of a CRC internal officer group that will investigate CRC and create a proposal for managing it by October 2009.

Update

13. This update will focus upon
 - a. the receipt of DISPLAY certificates for council buildings
 - b. progress on the agreed programme
 - c. identified new projects from across the directorates

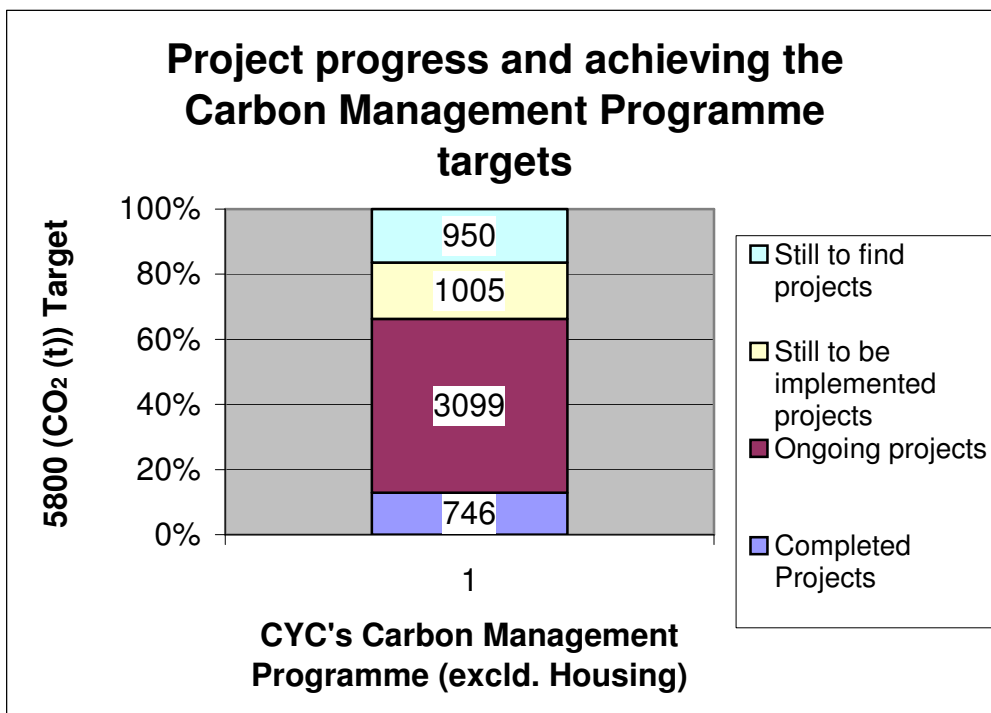
Display

14. Display Energy Certificates (DECs) show the actual energy usage of a building (the Operational Rating) and help the public see the level of energy efficiency for a building. This is based on the energy consumption of the building as recorded by gas, electricity and other meters. The DEC should be clearly displayed at all times and clearly visible to the public.
15. A DEC is always accompanied by an Advisory Report that lists cost effective measures to improve the energy rating of the building. An action plan will be developed for all properties from that report, and subject to available resources will be prioritized and implemented.
16. Display Energy Certificates are only required for buildings with a total useable floor area over 1,000m² that are occupied by a public authority and institution providing a public service to a large number of persons. The DECs are valid for one year. The accompanying Advisory Report is valid for seven years.
17. The requirement for Display Energy Certificates came into effect on 1 October 2008.
18. The attached annex A lists all of the properties and their DISPLAY ratings.

- 19. The attached annex B provides an example of a DISPLAY certificate.
- 20. The attached annex C provides an example of an Advisory report

Progress on the agreed programme

- 21. The bid has been made for £250k SALIX loan to match the £250k already provided for within the council’s capital programme. If successful we should receive the loan in 4 instalments over a two year period.
- 22. Progress on the Carbon Management programme is scheduled in annex D



23.

Identified new projects from across the directorates

- 24. The attached annex E schedules all of the new projects that will contribute to both energy savings and carbon reductions.
- 25. Metering, Monitoring and Targeting using Smart Meters
- 26. Smart metering is a new technology to provide relatively low cost meters that can be read automatically and which output energy consumption data. The data can be accessed and manipulated via the internet. Significant energy savings through deploying smart meters, using the data for energy management and reducing the organisation’s carbon footprint can be achieved.
- 27. City of York Council’s current electricity provider Npower have provided a modification to our existing energy contract for installation of smart meters. The smart meters will cost £89 per meter per year. For the entire portfolio the total cost would be approx £26,000 per year.

28. New contracts are to be let in November for the supply of energy for a five-year period. The need for smart metering is being written into those contracts and the costs will be spread over the five years and be included as a marginal addition to the quarterly tariffs and bills.
29. In effectively using the smart meters through our network of Energy Champions City of York would save as a minimum 3% of electricity consumption. Effective monitoring of energy use is the key to identifying target sites for improved energy efficiency, quickly spotting sudden increases in energy use on particular sites, and verifying whether actions taken are successful. Monitoring also provides an essential accompaniment to energy training by providing feedback to building users on whether they are achieving their targets for energy savings.
30. Further advantages include:
 - a. A maintenance free automated meter reading system on all our sites (If it breaks the supplier will fix it at no additional cost to us)
 - b. Our end users would get energy consumptions available on line through the web (what you see on the screen will match the energy bill exactly)
 - c. It would eliminate estimated readings
 - d. It would be advantageous for the Carbon Reduction Commitment (CRC)
 - e. A minimum 3% reduction in Energy consumption is estimated with savings of:
 - i. £41,000 per annum (based 2007/08 energy prices)
 - ii. 190 tonnes per annum (Carbon Savings)
31. The smart-metering as an initiative would be even more beneficial if run in parallel with a campaign to change behaviour within the council.
32. Consultation is ongoing with building users, particularly schools, before final implementation.

Action Plan for Behavioural Change

33. It needs to be recognised that there is no cheap technical fix that can be used to slash energy costs for an organisation like the City York Council. Reducing electrical use for lighting in buildings, for example, requires major investment in new light fittings and controls.
34. This is one reason why energy management actions – such as persuading building occupants to switch the lights off when not needed – are of such value.
35. It should be also noted that this action plan would prove most effective and measurable once the proposed Data Analyst is in post.
36. A target has been established to make a saving of £75,000 in energy spend (5% of energy spend in the central CYC buildings not including Schools) in 2009/10.

37. Investment provision of £40,000 has been budgeted for in 2009/10.
38. The proposed action plan for saving and investment is attached at Annex F.

Staff awareness campaign 2009/10 – “Save Us”

39. The CMP Core Team have devised an internal communication campaign for 2009/10 to raise awareness amongst staff and to encourage them help the authority to reduce it's energy consumption and carbon footprint. A **'Save Us'** strap-line is being developed with accompanying marketing materials such as promotional stickers and posters. A major article was published in News In Depth in July, and will be followed by regular articles (and online updates) at frequent intervals across the year. Future articles will also focus on schemes that are already saving carbon across different directorates. The council's new intranet will also be used to hold and share information on the carbon management programme for all staff. The Sustainability Officer and Energy Manager will also be doing walkabouts in major buildings, and encouraging staff to support the campaign. Campaign stickers, posters and advice will also be issued through these events which are starting in the Guildhall and 9 St Leonard's Place.
40. In addition to this communication campaign, consumption data will also be collated in sites where meters are already installed, and this will enable the council to measure the success of, and to promote further, actions to reduce the building's energy consumption and carbon footprint. Once all 300 sites have on-site metering, internal performance league tables and incentives will be available to help the council continue to reduce consumption and carbon emissions.
41. Building managers will also be receiving an energy toolkit and will be invited to attend an 'energy saving' workshop.
42. Senior managers will be attending a 'Tackling Climate Change' event in September 2009.
43. The Core Team will continue to hold workshops to identify further carbon saving projects across the council.

Consultation

44. The Executive approved the Carbon Management Programme Strategy an Implementation Plan in April 2008. This progress paper has been created by the senior officer/members Carbon Management Board

Options

45. This is an update paper only.

Financial Implications

46. City of York Council's current electricity provider Npower have provided a modification to our existing energy contract for installation of smart meters. The smart meters will

cost £89 per meter per year. For the entire portfolio the total cost would be approx £26,000 per year.

47. This £89 per year will need to be paid by devolved account holders' budget from 2010/11 onwards. Therefore details of these changes will need to be consulted upon and notified to all schools and other affected budget holders.
48. Under the Carbon Reduction Commitment (CRC) (as mentioned in the April Executive Update paper on the Carbon Management Programme) CYC will need accurate energy data from all sites in order to comply with this mandatory legislation. It is therefore essential that the council installs and utilises smart meters.

Corporate Priorities

49. The CMP meets the following corporate and partnership objectives.
 - a. 'Without Walls' – the Sustainable Community Strategy which provides the sustainable framework for York;
 - b. 'Environmental Sustainability Strategy and Action Plan towards a Climate Change Strategy for the City' – *The City of York Council will reduce its CO₂ emissions by 25% on 2006/07 baseline by 2013*.
 - c. Contributes to achieving a 'Sustainable City'

Implications

50. **Financial** none other than those referred to and included in the report.
51. **Human Resources (HR):** none
52. **Equalities:** none
53. **Legal :** none
54. **Crime and Disorder :** none
55. **Information Technology (IT):** none
56. **Property :** included in this report

Risk Management

57. Without the use of energy meters CYC will not have accurate data to forecast and manage the forthcoming CRC and could face annual financial penalties. The Carbon and Energy Management Plan is at the heart of the council's response to the Use of Resources Assessment for 2008/09 as part of the Comprehensive Area Assessment (CAA) and demonstrates how we are effectively managing our use of natural resources. Ineffective plans and progress may affect the auditor's judgement when scoring the relevant Key Lines of Enquiry (KLOE) within the assessment for future years. Conversely good performance and clear outcomes and impacts will have a positive effect on overall Use of Resources and CAA performance.

Recommendations

58. Members are asked to note the progress to date of the CMP.

Reason: To be fully aware of the coordinated approach CYC is taking in order to manage carbon emissions from council activities.

Contact Details

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Bill Woolley
Director of City Strategy
Tel (01904) 551330

Report Approved



26 Aug 2009

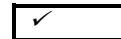
Specialist Implications Officer(s)

Jacqueline Warren
Sustainability Officer
Tel (01904) 551666

Gary Christie
Carbon and Energy Officer
Tel (01904) 553317

Wards Affected:

All



For further information please contact the author of the report

Annexes:

A - lists all of the properties and their DISPLAY ratings.

B - provides an example of a DISPLAY certificate.

C - provides an example of an Advisory report

D - progress on the Carbon Management programme

E - schedules all of the new projects that will contribute to both energy savings and carbon reductions.

F - The proposed action plan for saving and investment

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Sheet 1

Site	Client	Date Lodged	Banding
Yearsley Swimming Pool	City of York Council	27/03/09	B
York Central Library	City of York Council	13/10/08	C
Poppleton Ousebank Primary School	City of York Council	03/03/09	C
Fordlands Road EPH	City of York Council	13/03/09	C
Clifton Green Primary School	City of York Council	27/11/08	C
Haxby Road Primary School	City of York Council	23/02/09	C
Haxby Hall EPH	City of York Council	13/03/09	C
Robert Wilkinson Primary School	City of York Council	04/12/08	D
Grove House EPH	City of York Council	13/03/09	D
Oliver House	City of York Council	24/04/09	D
Manor CE School	City of York Council	14/10/08	D
Fishergate Primary School	City of York Council	26/11/08	D
Scarcroft Primary School	City of York Council	28/11/08	D
Oakhaven EPH	City of York Council	24/04/09	D
All Saints RC Lower School	City of York Council	28/11/08	D
Tang Hall Primary School	City of York Council	23/02/09	D
Canon Lees School	City of York Council	21/11/08	D
10-12 George Street	City of York Council	23/02/09	D
Knavesmire Primary School	City of York Council	23/02/09	D
Poppleton Road Primary School	City of York Council	03/03/09	D
Guildhall	City of York Council	13/03/09	D
18 Back Swinegate	City of York Council	13/03/09	D
Badger Hill Primary School	City of York Council	30/03/09	D
Huntington School (Green Building)	City of York Council	30/09/08	D
Huntington School (Main Building)	City of York Council	30/09/08	D
Park Grove Primary School	City of York Council	27/02/09	D
Huntington Primary School	City of York Council	03/03/09	D
Acomb Primary School	City of York Council	27/03/09	D
Ralph Butterfield Primary School	City of York Council	27/03/09	E
Carr Junior School	City of York Council	23/02/09	E
St Aelred's RC Primary School	City of York Council	27/03/09	E
20 George Hudson Street	City of York Council	13/03/09	E
Dunnington CE Primary School	City of York Council	27/03/09	E
Wigginton Primary School	City of York Council	27/03/09	E
Copmanthorpe Primary School	City of York Council	23/02/09	E
Burton Green Primary School	City of York Council	30/03/09	E
Headlands Primary School	City of York Council	27/03/09	E
St Oswalds C of E Primary School	City of York Council	23/02/09	E
Carr Infant School	City of York Council	23/02/09	E
Burnholme Community School	City of York Council	21/11/08	E
Derwent Infant and Junior School	City of York Council	27/03/09	F
Applefields School	City of York Council	21/11/08	F
Hobmoor Children's Centre	City of York Council	26/11/08	F
Dringhouses Primary School	City of York Council	27/02/09	F
Windsor House EPH	City of York Council	24/04/09	F
Morrell House EPH	City of York Council	24/04/09	F
St Wilreds RC Primary School	City of York Council	27/03/09	F
Woodthorpe Primary School	City of York Council	24/02/09	F
Lakeside Primary School	City of York Council	27/03/09	F
Fulford School	City of York Council	13/03/09	G
Joseph Rowntree School	City of York Council	23/02/09	G (Default)

Rating	RRN
34	0650-0711-8380-4229-6006
60	9900-6001-0118-2040-9060
62	0180-0418-9060-8622-5096
64	0740-0611-8370-5797-0002
66	9700-9033-0108-5000-1074
70	0524-1032-0384-0390-1725
74	0321-1017-0413-0300-7891
77	0700-7299-7710-0590-2803
77	9220-3073-0118-9150-6060
77	0770-2036-0121-4000-4024
81	0001-9507-1610-7790-5803
82	0010-0318-4260-4070-3096
82	0860-0018-8300-4129-6092
85	0220-9079-0141-7870-3004
88	0232-1040-0389-0890-0575
88	0200-7797-1210-0700-1103
93	0185-1020-0685-0890-0875
93	0920-4099-0171-5150-2080
95	9220-6049-0188-0100-1024
96	0690-0311-2930-1522-0002
96	0880-0111-5510-2822-4006
96	0203-7499-5410-0400-3103
98	0790-1084-0151-6080-6000
99	0704-0706-0410-9790-3813
99	0930-0718-6700-4400-7092
100	0605-2120-1810-6300-2103
100	9020-8047-0178-3460-9090
100	0880-0711-8560-9392-2006
101	0900-9271-2510-3300-9103
105	0529-1062-0912-0400-1691
105	0330-0511-4910-9427-6006
109	0740-0511-7410-4197-0002
109	0290-6050-0111-1060-7074
111	0880-0211-7180-8422-6002
114	0920-2052-0101-4190-4090
119	0438-1072-0283-0090-6625
120	0220-8073-0181-6830-5064
122	0150-0811-4760-9192-4002
124	0180-0711-3750-0492-7006
125	0804-7100-3010-0490-7803
126	0306-7590-4810-0700-8103
129	9700-3029-0178-8070-8010
130	0040-0718-8930-6670-1096
133	0000-7398-8210-0100-5103
133	0011-0811-4970-1877-0006
133	0508-7472-5810-0300-1103
134	0790-2092-0111-2000-1000
142	0920-6037-0161-3110-7020
142	0270-2007-0111-9360-2080
173	0558-1087-0613-0300-7005
200	0323-1072-0717-0400-1095

Display Energy Certificate



How efficiently is this building being used?

City of York Council
City of York Council
18 Back Swinegate
YORK
YO1 8ZD

Certificate Reference Number:
0203-7499-5410-0400-3103

This certificate indicates how much energy is being used to operate this building. The operational rating is based on meter readings of all the energy actually used in the building. It is compared to a benchmark that represents performance indicative of all buildings of this type. There is more advice on how to interpret this information on the Government's website www.communities.gov.uk/epbd.

Energy Performance Operational Rating

This tells you how efficiently energy has been used in the building. The numbers do not represent actual units of energy consumed; they represent comparative energy efficiency. 100 would be typical for this kind of building.

More energy efficient

A 0-25

B 26-50

C 51-75

D 76-100

◀ **96**

100 would be typical

E 101-125

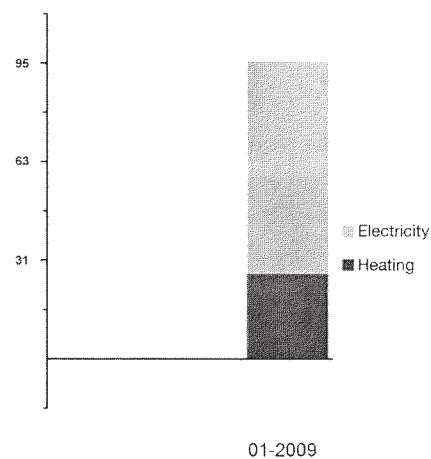
F 126-150

G Over 150

Less energy efficient

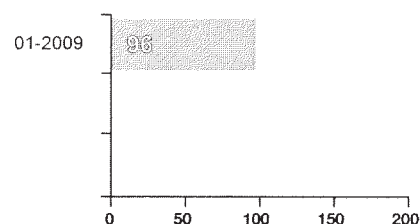
Total CO₂ Emissions

This tells you how much carbon dioxide the building emits. It shows tonnes per year of CO₂.



Previous Operational Ratings

This tells you how efficiently energy has been used in this building over the last three accounting periods



Technical information

This tells you technical information about how energy is used in this building. Consumption data based on Estimated

Main heating fuel: Natural Gas

Building Environment: Heating and Natural Ventilation

Total useful floor area (m²): 1278

Asset Rating: 0

	Heating	Electrical
Annual Energy Use (kWh/m ² /year)	111	97
Typical Energy Use (kWh/m ² /year)	130	95
Energy from renewables	0%	0%

Administrative information

This is a Display Energy Certificate as defined in SI 2007/991 as amended.

Assessment Software: TEAMSIGMA V4

Property Reference: 335424490000

Assessor Name: Simon Wynne

Assessor Number: LCEA120724

Accreditation Scheme: CIBSE Certification Limited

Employer/Trading Name: TEAM (Energy Auditing Agency) Ltd

Employer/Trading Address: 34 The Forum, Rockingham Drive, Milton Keynes, MK14 6LY

Issue Date: 13-03-2009

Nominated Date: 30-01-2009

Valid Until: 29-01-2010

Related Party Disclosure: N/A

Recommendations for improving the energy efficiency of the building are contained in the accompanying Advisory Report.

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Advisory Report

Report Reference Number: 0970-3042-0251-9740-4034

Building Occupier

City of York Council

Address

City of York Council

18 Back Swinegate

YORK

YO1 8ZD

Building Type(s): General Office

ADMINISTRATIVE INFORMATION	
Issue Date:	13/03/2009
Valid Until:	12/03/2016
Total Useful Floor Area (m ²):	1278
Assessment Software:	TEAMSIGMA V4
Property Reference:	335424490000
Type of inspection:	Desk

ENERGY ASSESSOR DETAILS	
Assessor Name:	Simon Wynne
Employer/Trading Name:	TEAM (Energy Auditing Agency) Ltd
Employer/Trading Address:	34 The Forum, Rockingham Drive, Milton Keynes, MK14 6LY
Assessor Number:	LCEA120724
Accreditation scheme:	CIBSE Certification Limited

Table of Contents

1. Background..... 3

2. Introduction..... 3

3. Recommendations..... 4

4. Next Steps..... 6

5. Glossary..... 8

1. Background

Statutory Instrument 2007 No. 991, *The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007*, as amended, transposes the requirements of Articles 7.2 and 7.3 of the Energy Performance of Buildings Directive 2002/91/EC.

This report is an Advisory Report as required under regulations 16(2)(a) and 19 of the Statutory Instrument SI 2007/991.

This section provides general information regarding the building:

Total Useful Floor Area (m ²):	1278
Building Description:	Local government office
Building Environment:	Heating and Natural Ventilation
On-site renewable energy sources:	Not applicable
Separable energy uses discounted:	Not applicable

Fuel Types:	Quantity used (kWh)
Natural Gas	142457
Electricity	123803
Not used	0

2. Introduction

This Advisory Report was produced in line with the Government's approved methodology and is based on assessment software TEAMSIGMA V4. This advisory report was developed based on desk-based or prior knowledge of the building.

In accordance with Government's current guidance, the Energy Assessor did not undertake a walk around survey of the building prior to producing this Advisory Report.

3. Recommendations

The following sections list recommendations selected by the energy assessor for the improvement of the energy performance of the building. The recommendations are listed under four headings: short payback, medium payback, long payback, and other measures.

a) Recommendations with a short payback

This section lists recommendations with a payback of less than 3 years:

Recommendation	Potential impact
It is recommended that energy management techniques are be introduced. These could include efforts to gain building users commitment to save energy, allocating responsibility for energy to a specific person (champion), setting targets and monitoring.	MEDIUM
Consider installing automated controls and monitoring systems to electrical equipment and portable appliances to minimise electricity waste.	LOW

b) Recommendations with a medium payback

This section lists recommendations with a payback of between 3 and 7 years:

Recommendation	Potential impact
Consider introducing or improving loft insulation	MEDIUM
Consider introducing/improving wall insulation (internal lining) to solid single skin structures.	MEDIUM
Consider engaging experts to review the condition of the building fabric and propose measures to improve energy performance. This might include building pressure tests for air-tightness and thermography tests for insulation continuity	MEDIUM
Consider with experts implementation of an energy efficient equipment procurement regime that will upgrade existing equipment and renew in a planned cost-effective programme.	LOW
Consider implementing regular inspections of the building fabric to check on the condition of insulation and sealing measures and removal of accidental ventilation paths.	LOW
Engage experts to propose specific measures to reduce hot water wastage and plan to carry this out.	LOW

c) Recommendations with a long payback

This section lists recommendations with a payback of more than 7 years:

Recommendation	Potential impact
----------------	------------------

Engage experts to review overall heating strategy and propose an investment programme for upgrading and/or switching to alternative solutions.	MEDIUM
Engage experts to review the building lighting strategies and propose alterations and/or upgrades to daylighting provisions, luminaries and their control systems and develop an implementation plan.	MEDIUM
Consider replacing or improving glazing.	MEDIUM

d) Other Recommendations

This section lists other recommendations selected by the energy assessor, based on an understanding of the building, and / or based on a valid existing energy report.

Recommendation	Potential impact
-----------------------	-------------------------

4. Next Steps

a) Your Advisory Report

As the building occupier, regulation 16(2)(a) of SI 2007/991 requires that you have in your '*possession or control at all times a valid advisory report*'. Regulation 16(4) specifies that '*an advisory report is valid for a period of seven years beginning with the date it is issued*'.

You must be able to produce a copy of this Advisory Report within seven days if requested by an Enforcement Authority under regulation 39 of SI 2007/991.

This Advisory Report has also been lodged on the Government's central register. Access to the report, to the data used to compile the report, and to previous similar documents relating to the same building can be obtained by request through the Non-Dwellings Register (www.epcregister.com) using the report reference number of this document.

You must commission a new Advisory Report in seven years from the date this Advisory Report is issued. However, a new Advisory Report may be commissioned earlier.

b) Implementing recommendations

The recommendations provided within this Advisory Report have been selected by the accredited assessor from a central list of recommendations, based on his / her knowledge of the building fabric, building services, the operation of plant and equipment within the curtilage of the building, and the general management of the building.

The accredited assessor may have inserted additional measures in section 3d (Other Recommendations). The recommendations are provided as an indication of opportunities that appear to exist to improve the buildings energy efficiency.

The building has been identified as being: one of special architectural or historical interest, in a conservation area, in a designated area of special character or appearance (e.g. a national park, an AoNB), or of traditional construction. Some of the recommendations provided with this report may not be suitable for such a building, some may need special consents, and other measures may be available. Further information and guidance is available on the English Heritage website ([www.helm.org.uk/\[TBA\]](http://www.helm.org.uk/[TBA])).

c) Legal disclaimer

The advice provided in this Advisory Report is intended to be for information only. Recipients of this Advisory Report are advised to seek further detailed professional advice before reaching any decision on how to improve the energy performance of the building.

d) Complaints

Details of the assessor and the relevant accreditation scheme are on this report and the display energy certificate. You can get contact details of the accreditation scheme from our website at www.communities.gov.uk/epbd, together with details of their procedures for confirming authenticity of a report and for making a complaint.

5. Glossary

a) Payback

The payback periods are based on data provided by Good Practice Guides and Carbon Trust energy survey reports and are average figures calculated using a simple payback method. It is assumed that the source data is correct and accurate using up to date information.

The figures have been calculated as an average across a range of buildings and may differ from the actual payback period for the building being assessed. Therefore, it is recommended that each suggested measure be further investigated before reaching any decision on how to improve the energy efficiency of the building.

b) Carbon impact

The High / Medium / Low carbon impact indicators against each recommendation are provided to distinguish, between the suggested recommendations, those that would most effectively reduce carbon emissions from the building. The carbon impact indicators are determined by the assessor based his / her knowledge of the building. In most instances, the carbon impact has not been calculated accurately.

c) Valid report

A valid existing report is defined at the Energy Assessor's discretion.

Annex D - Carbon Management Programme – SIP Project

Progress Update – August 2009

Project		Lead Officer	Anticipated CO ₂ Savings (tonnes)	Actual CO ₂ Savings to date	Estimated Completion date of project	Updated Progress May 2009	Status of completion - RAG (RED, AMBER, GREEN)
1	Integrated transport	Keith Best / Ross Brown	70		Oct 2010	Ongoing	GREEN
2	Joseph Rowntree new build	George Sands	250		Feb 2010	On course with biomass boiler now installed	GREEN
3	Recycling of waste in offices and Schools	Elizabeth Wray	111	477	Ongoing in 2009/10	During 2009/10 we will expand recycling collections to all CYC buildings (potentially a further 40 buildings). Saving estimates will be calculated.	GREEN
4	York High and oaklands	George Sands	904		Nov 2008 School Nov 2009 Pool	School open but no complete data needs 12months to get meaningful data	GREEN

5	Staff behaviour changes, energy champions, smart meters	Gary Christie/ Jacqui Warren/ Annette Clark	820		July 2009 – onwards	There is a 2009 CMP communication campaign commencing from July 2009	GREEN
6	Turn heating down to 19°C in admin buildings, alter heating system time clocks	Gary Christie	120		TBC	This is ongoing and is anticipated to save 120 tonnes year through adjustments made to heating controls. Yet to be implemented.	GREEN
7	Extend EMS/BMS in schools	Gary Christie	204		TBC	Pending Salix Funding	AMBER
8	Improve insulation	Gary Christie	251		TBC	Pending Salix Funding	AMBER
9	Powerperfactor voltage power optimisation	Gary Christie	430		TBC	Monitoring equipment installed at 4 sites. Awaiting results of <u>confirmed</u> savings from Powerperfactor. Completion of projects still pending Salix funding.	AMBER
10	Renewable energy in bollards trial	Ricky Watson	0.15 per bollard	3	ongoing	Trials are on-going and will continue to be piloted. Technologies are being assessed and replacements dealt with on a site by site basis to get best value from investment.	GREEN

11	Renewable energy in bollards potential	Ricky Watson	120		TBC	Trials are on-going and will continue to be piloted. There is a unknown possibility of 100% energy saving from such systems. However costs are prohibitive at this point	AMBERr
12	Efficiency of streetlights trial	Ricky Watson	0.12 (t) 0.0067(t)	0.12	This scheme will be completed by September 2009	Currently CYC is replacing old stock with 1300 mercury vapour lanterns which result in financial savings of 50% per lantern. Total saving of 223080 kw per year or 0.12 tonnes of CO2. Also CYC are trialing The replacement of 32 250 watt lanterns with 150 watt white light on virtual metering and monitoring systems. These systems will give a minimum energy saving of 12480kw for the year or 0.0067 tonnes of CO2	GREEN
13	Efficiency of streetlights potential	Ricky Watson	(24)	Available Late 2009	2008 - 2040	CYC are moving onto a half hourly system to take advantage of using more accurate photocells saving 50 hours a year burning time and more accurate data on consumption.	GREEN

14	Satellite tracking of vehicles trial	Chris Slade	10		TBC	There are currently issues with this contract which are being worked on with the supplier	RED
15	Loft insulation DHP	Mark Grandfield / via Andy Hudson	211		To remove all decent homes failures- October 2009	At the 1 st of April 2008 there were 1650 properties with inadequate loft insulation (less than 250 mm). By 1 st April 2009 this was reduced to 12559 and at present the number is 1023. However the number of homes failing decent homes on thermal comfort is considerably lower. With only 199 properties failing, down from 383 at 1 st of April 2008.	GREEN
16	Replacement boilers TC & DHP	Mark Grandfield / via Andy Hudson	2,926		April 2010	67 Boiler fails at present. Gas inspections to be carried out annually and information is updated from the data on the CP12's. Refferals to be replaced.	GREEN
17	Render 11 blocks of flats DHP	Mark Grandfield / via Andy Hudson	83		August 2010	11 Blocks on rendering programme to be completed before Decent Homes deadline.	GREEN

18	Admin Accom	Peter Appleby/ George Sands	800		TBC	The project will need to have revised carbon saving figures calculated. No details available as yet	AMBER
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Annex E - Identifying present and forthcoming carbon saving projects across CYC

Directorate	in CMP?		Planned actions	Lead officer / contact	EST CO2 saving
	Y	N			
Resources					
Procurement		N	Print Management Strategy for new admin accom	Zara Carter	TBC
Procurement		N	Incorporating and utilising Procura+ principles into CYC procurement. This would create cost-effective sustainable public procurement.	Zara Carter	TBC
IT		N	Replacement of 1100 computers with low energy, thinClients and 200 eco PC's	N Oates	188
IT		N	Replacement of 97 physical servers with 6 large capacity virtual servers	N Oates	13
IT		N	The replacement of CRT monitors to LCD	N Oates	55
City Strategy					
	Y	N	Planned actions	Lead officer / contact	EST CO2 saving
Transport Planning			TBC	I Stokes	
Property Services		N	Clifton with Rawcliffe School. Design at initial stage. No energy calcs available as yet	G Sands	

256

Property Services		N	OLEM school (new Build)Design at initial stage. No energy calcs available as yet	G Sands	
Property Services		N	New condensing boilers Archbishop of York.Design at initial stage. No energy calcs available as yet	G Sands	
Neighbourhood Services	in CMP ?		Planned actions	Lead officer / contact	
	Y	N			
Recycling / Waste min		N	Recycling team to roll out collections to all CYC buildings planned for 2009/10. CO2 savings projections for 2009/10 will be calculated for inclusion in CMP	E Parker	TBC
Learning, Culture and Children's Services	in CMP ?		Planned actions	Lead officer / contact	EST CO2 saving
	Y	N			
Sustainabel Schools Corporate Strategy		N	The Council is creating a strategy that will reduce carbon emissions in schools. These figures will feed into the CMP once the strategy is finalised.	J Philpot	TBC
Housing and Adult Services	in CMP?		Planned actions	Lead officer / contact	EST CO2 saving
	Y	N			
Social housing		N	Housing are developing a green business plan which will identify carbon saving measures that will help housing to reach their CMP 25% reduction target by 2020.	A Wilcocks	TBC

Annex F: Investment and Savings (Behavioural) Plan

The priority actions detailed in this Annex have been selected based on the assessment of current practices within City of York Council both corporately and at site level. They address key areas where work is needed to improve the overall balance of the energy management practices, and consequently the impact on City of York Councils energy saving capability.

The potential savings from the energy management recommendations proposed need to be considered together as they overlap each other.

The action plan to review the corporate sustainability and energy policies, to implement further energy management and awareness training, and the good housekeeping programme are estimated to save in the region of 3 to 5% of gas and oil costs giving a reduction of £38,000 to £63,000 based 2007/08 energy prices.

The improved metering and monitoring of energy use is estimated to give a minimum 3% reduction in electricity consumption with estimated savings of £41,000 per annum also based 2007/08 energy prices.

The estimates provided of potential cost and energy savings show that, once implemented, the specific recommendations given in this report should lead to the target reduction of £75,000

The action plan includes:

- (1) **Review the Corporate Sustainability and Energy policies** to confirm priorities for action, clarify management and departmental responsibilities for energy management, and set targets for future achievements.
 - i. The energy policy should also include clear criteria for purchasing equipment and electrical goods, and energy performance standards for new and refurbished buildings.
 - ii. The energy policy would also need to incorporate the council's obligations towards renewable energy targets and home energy conservation, and could form part of an overall environmental policy.
 - iii. It could include the following key attributes:
 1. Implementation (how the objectives will be met)
 2. Applicability to different parts of CYC (Carbon Management Program)
 3. Directorate commitment

4. Allocation of responsibilities
 5. An on-going review process
- iv. A significant reduction in energy use across the properties managed by the authority will not be possible without action being taken by staff in a wide range of departments. An energy policy, once agreed at executive level, can create the framework to make this possible by clarifying both aims and responsibilities.

(2) Energy Management and Awareness Training

- i. Establish a programme of training for key staff.
- ii. Building Managers and caretakers: General awareness training, correct setting of controls, making use of monitoring information.
- iii. School Caretakers: Focusing on correct setting of heating controls, time clock, etc, along with general awareness training on "good housekeeping" practices.
- iv. Building users – including school staff and pupils: general awareness and good housekeeping
- v. Whilst technology can provide – at a cost – the means for reducing energy use in buildings, it is ultimately people who determine how much energy is saved or wasted.
- vi. Experience has shown that active energy management by building users significantly cuts energy consumption and is the key to ensuring any new technology is used to its full potential

(3) Improved Metering and Monitoring of energy use

- i. Complete installation of low cost smart metering at all sites
- ii. Establish method for transferring monthly energy use figures to individual building managers
- iii. Effective monitoring of energy use is the key to identifying target sites for improved energy efficiency, quickly spotting sudden increases in energy use on particular sites, and verifying whether actions taken are successful.
- iv. Monitoring also provides an essential accompaniment to energy training by providing feedback to building users on whether they are achieving their targets for energy savings.

(4) Implement Good Housekeeping programme

- i. Disseminate clear advice to building users in all the different sectors of the council's activities
- ii. Set up network of Building Managers/Green Champions
- iii. Set up league table of good performing buildings/directorates.
- iv. Promote / incentives for building manager – reduce budgets by 5%, tie into Carbon Trading Proposals
- v. This should include:
 1. Training for energy champions
 2. Switching off computers when not in use and enabling energy management software.
 3. Using energy save options on photocopiers and other office equipment.
 4. Switching off lights in empty rooms or when daylight provides sufficient light.
 5. Correct use of thermostats for heating and air conditioning.
 6. Closing windows and external doors in winter.
 7. Purchasing energy efficient goods including lamps, computer monitors, catering equipment, refrigeration equipment, laundry equipment and general office electrical equipment.

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Executive**8 September 2009**

Report of the Director of Housing and Adult Social Services

Locality Home Care Contracts**Summary**

1. To seek the agreement of the Executive to extend three of the four Locality Home Care Contracts by an additional year to December 2010.

Background

2. The current Locality Home Care Contracts were tendered in 2006 and awarded with a commencement date of 4 December 2006, apart from one, which was 23 July 2007. All are due to expire in December 2009 but with a variation option to extend for a further year.
3. Contracts were awarded to Riccall Carers and Goldsborough in the West of York, Carewatch in the South and Springfield Healthcare (York Helpers) in the North of the city.
4. Locality providers offer personal care to any customer needing ongoing care after a six week initial enabling service but who do not require a specialist care response because of complex needs.
5. The specifications for the contracts were developed following a review which involved users, carers, and providers, following on from the Best Value Review of 24 Hour Care for Older People. The contracts are block contracts, based on three localities, from which care managers can call off services for individual customers' needs. The contracts are time and task based rather than primarily outcome focussed.
6. Future contracts will need to be outcome focussed, and take account of the Putting People First agenda, which is transforming social care to offer more choice and control to customers. New specifications will need to be developed therefore, and these would need to take account of changes that are still under development with regard to 'personalisation' of services.
7. If we were to re-tender the contracts for December 2009, the process for specifying and procuring would need to start immediately to meet procurement regulations and guidelines. However the timetable would take us past the existing expiry dates and interim extensions would need to be agreed with the

Locality Providers. For this reason the report recommends that three of the four locality contracts be extended until December 2010 to give sufficient time for that work to be done. This will also give time for the full involvement of the More For York team in the procurement process.

Performance

8. Throughout the life of the contracts regular monitoring of performance and quality has been undertaken of all the locality home care services, by the Commissioning and Contracts Team. This has included quarterly telephone surveys with a proportion of the customers to seek their feedback.
9. Recent customer satisfaction surveys, which contact 25% of each provider's customers, show the percentage of customers who are happy with the quality of care they receive:

Provider	Oct 2008	May 09
Goldsborough	100%	93%
Riccall Carers	90%	91%
Carewatch	88%	71%
York Helpers	93%	85%

10. Carewatch has been the subject of an Improvement Plan and so their customers have been surveyed further in July 09. This showed some improvement, with 80% of surveyed customers now satisfied with the quality of their care
11. There are no significant concerns about the quality of services provided by the other providers, all of whom have been inspected by the regulator, the Care Quality Commission (CQC) and judged to be good or excellent. Contract monitoring and customer satisfaction surveys confirm this position.

Consultation

12. Discussion with Riccall, Goldsborough and York Helpers has indicated that they are willing to extend the contracts for an additional year.
13. Members are advised that there have been detailed discussions with Carewatch and by mutual agreement the contract with this company will not be extended. This means that arrangements will need to be made to offer an alternative service to those council customers using Carewatch.
14. Both Carewatch and the Council have agreed it is of the utmost importance to work together to ensure a smooth transition for customers.

Options

15. **OPTION1:** To re-tender the Locality Home Care Contracts, in line with the original plan, with new services starting in early 2010 having agreed interim contract extensions with existing providers.

16. **OPTION 2:** To utilise the variation option to extend three locality contracts for a further year with Goldsborough, Riccall Carers and York Helpers
17. Whichever option is agreed alternative care provision will need to be put in place for Carewatch customers. Plans are being developed to achieve this, and customers will be contacted to consult with them about their options. Customers will be offered the opportunity to transfer to a Direct Payment if they wish, or the Council could commission additional care from current providers.

Analysis

18. **Option 1:** This option would bring risks:

- We would have limited time to develop our specification for the services. This would mean that we could be committed to contracts where the service purchased is less likely to be fit for the future. To develop new specifications we need to understand more fully what support customers are wanting to access as part of more personalised services and we need to reshape any specifications to deliver services that are more outcome focussed rather than time and task focussed.
- We need to quantify the amount of service that we are likely to need to purchase once customers are offered the opportunity for individual budgets. If we do not do this there is a risk that we will contract for more care hours than customers want to access from locality providers.
- Limited time will also bring a higher risk that any change in a provider for customers will be more difficult to plan and to manage, and this could cause both distress to customers and reputational risk to the Council.
- There would be a financial risk that the cost of home care could increase through a re-tender exercise. This has not been allowed for within the budgets for the coming financial year.

19. **Option 2:**

This option would mean that we continue with service contracts that are not primarily outcome focused for a further year, but it will allow the time to plan our requirements more robustly, and thus reduce the risks identified with Option 1.

Corporate Objectives

20. The provision of good quality, cost effective home care services contributes to the Corporate Strategy objective *“to be a city where residents enjoy long, healthy and independent lives. For this to happen we will make sure that people are supported to make healthier lifestyle choices and that health and social care services are quick to respond to those that need them.”*

Implications

Financial

21. The budget for 2009/10 reflects the current contractual agreements with the locality providers. Extending the contracts will not impact on these budgets, but a re-tender could lead to a change in costs.

Human Resources (HR)

22. There are no HR Implications for the council in this report.

Equalities

23. The re-tender timetable does not have any equality implications

Legal

24. The current contracts allow for an extension for an additional year

Crime and Disorder

25. There are no crime and disorder issues

Information Technology (IT)

26. There are no IT implications

Property

27. There are no property implications.

Other

28. There are no other implications.

Risk Management

29. Option 1 would bring risks that would be higher than 16. These have been outlined in the analysis section of this report.
30. Option 2 would reduce these risk to below 16

Recommendations

31. It is recommended that Option 2 is agreed to reduce the risks identified and to allow for better planning to ensure we commission services that better meet customers needs, and which can offer more choice and control to customers

Contact Details

Chief Officer responsible for the Author:
report:

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01904-554099

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers: None

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Executive**8 September 2009**

Report of the Director of Resources

Treasury Management Monitor 1 Report**Summary of Report**

1. This report updates the Executive on the Treasury Management performance for the period 1 April 09 to 31 July 2009 compared against the budget presented to Council on 21 February 2009.
2. The report highlights the economic environment for the first four months of the 2009/10 financial year and in relation to this reviews treasury management performance covering:
 - Short-term investments,
 - Long-term borrowing,
 - Venture Fund,
 - Treasury Management Budget.

Background

3. The Council's treasury management function is responsible for the effective management of the Council's cash flows, its banking, money market and capital transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.
4. The Council approved the Treasury Management Strategy, budget and Prudential Indicators on 21 February 2009. The report monitors the Treasury Management activity for the first 4 months of 2009/10 and shows the change in the Treasury Management budget to 31 July 2009 and the forecast outturn position for the year.

Consultation

5. This report is for information and reporting on the performance of the treasury management function. The budget was set in light of the prevailing expenditure plans and economic conditions, based on advice from the Council's Treasury Management advisors.

Corporate Priorities

6. The Council has a priority to ensure value for money and efficiency of its services. Treasury Management aims to achieve the optimum return on investments commensurate with the proper levels of security, and endeavours to minimise the interest payable by the Council on its debt structure.

Economic Background and Analysis

7. The Council's short term investment and long term borrowing decisions have been affected by the following economic conditions:
 - a. The first quarter of the financial year of 2009 saw:
 - i. The 'green shoots' of recovery emerge; Consumer confidence continue to pick up; Industrial production rose, the first time since Nov 2007; Nationwide house price index rose leading to the first quarterly rise since Q4 2007;
 - ii. The rate of contraction in the economy ease considerably compared to the last quarter of 2008/09 when GDP contracted by 2.4%, the largest fall for over 50 years.
 - iii. Monetary policy loosen further via the extension of the Bank of England's quantitative easing programme, but lending growth is still slow;
 - iv. Unemployment rise and earnings growth fall;
 - v. Inflation fall further, but oil prices rise;
 - vi. Bond yields and equity prices rise in response to the improved economic outlook;
 - vii. Sterling appreciate, but only to a level well below its 2007 peak; at the beginning of Aug 2009 sterling is \$1.6399 and 0.86 against the Euro.
 - viii. Activity strengthen to a similar extent in the US, but a much weaker extent in Europe.
 - b. April's Budget announced an injection of £5.2bn in 2009/10, but a tightening of £5.2bn in 2011/12. The Chancellor forecast that public sector net borrowing would increase to 12.5% of GDP in 2009/10 and that net debt as a percentage of GDP will leap from 41.2% in 2008/09 to 62.9% in 2009/10, before peaking at 94.2% in 2015/16. This may have a significant impact on the UK economy.
 - c. After rapidly cutting official interest rates to a record low of 0.5%, the MPC increased the amount of asset purchases under the Bank's quantitative easing (QE) programme from £75bn to £125bn in May. The MPC still retained the option to extend these purchases by a further £25bn. However on 6 Aug 2008, the Bank of England announced an increase to quantitative easing of a further £25bn to £175bn. This decision seems to be driven by the downside risk to inflation as a result of uncertain domestic and global demand. In May, the headline rate of CPI inflation fell to 2.2% and RPI inflation fell to -

1.1%. While QE does at least seem to have been successful in improving liquidity in financial markets, its impact on the real economy remains limited.

- d. Figure 1 shows the actual and projection of the base rate, which shows that the bank rate will remain at an historical low level until midway through 2010. The Sector forecast (the Council’s Treasury management Advisors) is more positive than the other economic forecast and growth could continue to be slow throughout 2011. This will result in a less aggressive rise in the base rate than shown below.

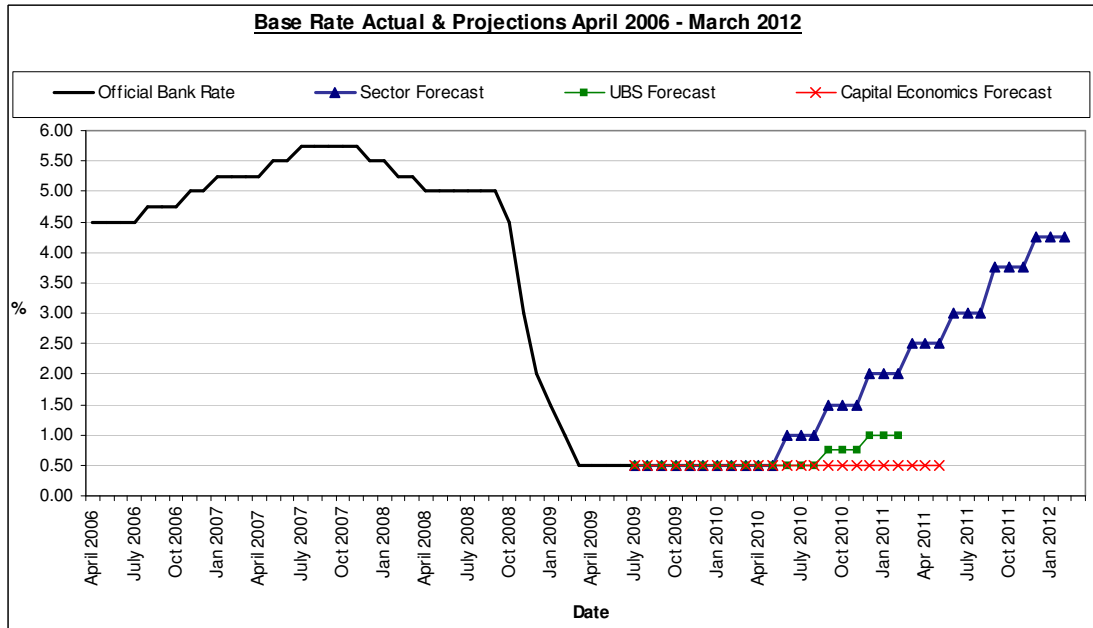


Figure 1 - Base Rate 2006 –2012 as at July 2009

- e. Table 1 provides the Council’s Treasury Advisers, Sector, forecast of the base rate and Public Works Loan Board (PWLB) rates as at 13 July 2009:

	Sep-09	Dec-09	Mar-10	Jun-10	Sep-10	Dec-10	Mar-11	Jun-11	Sep-11	Dec-11	Mar-12	Jun-12
Bank rate	0.50%	0.50%	0.50%	1.00%	1.50%	2.00%	2.50%	3.00%	3.75%	4.25%	4.50%	4.75%
5yr PWLB rate	2.70%	2.75%	2.85%	3.10%	3.30%	3.45%	3.75%	4.00%	4.40%	4.70%	4.85%	5.00%
10yr PWLB rate	3.65%	3.70%	3.70%	3.80%	3.95%	4.15%	4.40%	4.65%	4.85%	5.00%	5.05%	5.20%
25yr PWLB rate	4.40%	4.40%	4.50%	4.50%	4.55%	4.70%	4.80%	4.95%	4.95%	5.10%	5.20%	5.30%
50yr PWLB rate	4.55%	4.55%	4.60%	4.65%	4.75%	4.85%	4.95%	5.05%	5.10%	5.25%	5.25%	5.35%

Table 1 – Sector’s forecast interest rates at 13 July 2009

- f. With regard to long term borrowing, the Public Works Loan Board (PWLB) 45-50 year rate started the year at 4.57%. Rates have risen steadily up to a high of 4.85% at the beginning of June 09 with rates dropping back to the lowest level in 09/10 of 4.39% by mid August 09. The medium term PWLB 9-10 year rate started the year at 3.36%, saw

its lowest point at 3.3% in early April and by mid August the rate had risen to 3.96%.

- g. Investment rates have fallen since the beginning of the financial year when the 1-year rate was at 2.15% to a level of 1.43% by the end of the July 09. Rates in the 1-year range continually fell in the first 4 months of the year.
- h. A number of large UK banks keen to accept Local Authority investments continue to offer competitive rates on call accounts paying 0.25% to 0.3% above the Bank of England base rate as a minimum. In the first four months of 09/10 call accounts were paying rates equivalent or higher than could be achieved through 1 to 2 months fixed term money market investments. The Council takes advantage of such accounts and currently actively operates 3 call accounts:
 - i. Bank of Scotland instant access call account has been fixed at 0.25% above base during the period.
 - ii. Alliance and Leicester call account has been between 0.30% and 0.38% (averaging 0.31%) above base rate.
 - iii. Yorkshire Bank call account fixed at 0.30% above base rate.During 2008/09, 6 call accounts were operated but currently in the first 4 months of 2009/10 they do not add value to the investment portfolio.

Investment Policy

8. The Treasury Management Strategy Statement for 2009/10 was approved by Council on 21 February 2009. The Council's Annual Investment Strategy, which is incorporated in the Strategy, outlines the Council's investment priorities as follows:
 - Security of Capital
 - Liquidity
9. The Council will also aim to achieve the optimum return on investments commensurate with the proper levels of security and liquidity. In the current economic climate it is considered appropriate to keep investments short term, and only invest with highly credit rated financial institutions using the Sector suggested creditworthiness matrices, including Credit Default Swap (CDS) overlay information provided by Sector, the Council's Treasury Management advisors.
10. Investments held at 31 July 2009 in accordance with Sector's Creditworthiness matrices, and changes to Fitch and Moody's credit ratings since Quarter 4 of 2008/09 remained within the Council's approved credit criteria limits contained in the Annual Investment Strategy and were not breached during the first 4 months of 2009/10.

Short Term Investments

11. Investment rates available in the market are at an historical low point. The average level of funds available for investment purposes in the first

four months of 2009/10 was £51.507m. These funds were available on a temporary basis, and the level of funds available was mainly dependent on the timing of the Council's cash flow as a result of precept payments, receipt of grants and progress on the Capital Programme. The average balance is lower than in previous years due to the timing of grants received in advance of need being shorter. The authority holds some core cash balances for investment purposes, i.e. funds available for a year or more.

12. Treasury Management investment activity during the first four months earned interest £459k, equivalent to a 2.39% rate of return. This is 1.91% better than the average 7 day London Inter-Bank Deposit rate (LIBID) of 0.48% and 1.89% higher than the average base rate for the period of 0.50%. The high rate of return on investment activity compared to the average LIBID rate and base rate for the period is due to the treasury team monitoring the market and taking advantage of longer term rates out to a year when they become available. The level of activity compared to treasury management indicators is positive, however the market interest rates in the first 4 months of the year have been lower than anticipated.
13. Taking into account the direct cost of dealing, the in-house team is forecast to achieve a net trading surplus in 2009/10 of £877k. This will be equivalent to a return of 1.70%, which is 1.20% above the estimated average rate to be paid by the bank on credit balances held in the Council's main bank account. The bottom line added by the Council's money market trading activities taking off the direct cost of dealing is estimated at £619k for 2009/10.
14. The Council has made 8 investments via the money market brokers during the first 4 months of 2009/10. Of these 4 have been for a month or less, in accordance with the Treasury management Strategy keeping investments short. 4 have been invested for a period of greater than one month. Investments are made in accordance with the security of the Council funds, the cash flow position (Liquidity) and consideration to most favourable investment rates available.
15. Figure 2 shows the investments for periods over 1 month in duration in comparison to the range of rates (between 1 month and 1 year) being offered on the money markets at the time investments were made. It shows the investment rates obtained are in line with the interest rates which are available when security of funds are of prime importance.

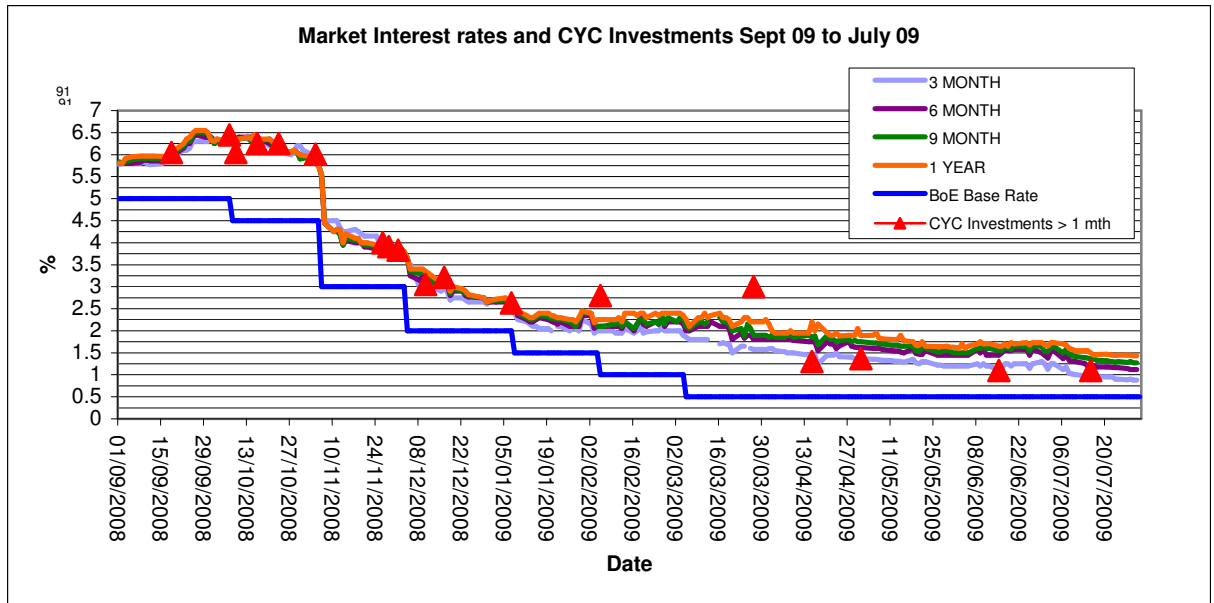


Figure 2 CYC Investments vs Money Market Rates

Long Term Borrowing

16. The Council undertakes long term borrowing in accordance with the investment requirements of the capital programme, and all borrowing is therefore secured against its asset base. The majority of Council borrowing is funded by the Government through the Revenue Support Grant (RSG), which provides the Council with revenue funding to allow it to meet the interest and repayment costs of borrowing. The introduction of the Prudential Code in April 2004 has given the Council the flexibility to borrow without Government support. Under the Code Councils are free to borrow up to a level that is deemed prudent, affordable and sustainable and within their prudential indicator limits.
17. The Councils long-term borrowing started the year at a level of £102.1m. One loan of £5m with a maturity date in May was duly repaid and a £3m loan at a rate of 3.83% was taken for 10 years on 10 August 09. The majority of loans taken are of fixed term duration, with the principal amount borrowed being repaid at the maturity date and interest payments made bi-annually.
18. A further £6m can be taken in 2009/10 to meet the remaining financing requirement and also to match the Councils level of borrowing to the Capital Finance Requirement (the Councils underlying need to borrow for capital expenditure purposes). In addition, the Council can borrow in advance of need in line with its future borrowing requirements in accordance with the Capital Financing Requirement. The Administrative Accommodation project will substantially increase the Council's need to borrow over the next 3 years and therefore the markets will be closely monitored to ensure that advantage is taken of favourable rates and the increased borrowing requirement is not as dependant on only interest rates over a 3 year period.

19. The Council's borrowing strategy is to borrow from the PWLB when rates are low and hold off from taking new borrowing when rates are high following advice taken from the Councils contracted treasury management advisors (Sector Treasury Services) subject to cash flow constraints. Long term borrowing rates started the year at a level of 4.57% and have since fluctuated between 4.39% and 4.85%. Figure 3 shows the PWLB rates since April 2006 and details when new borrowing has taken place.

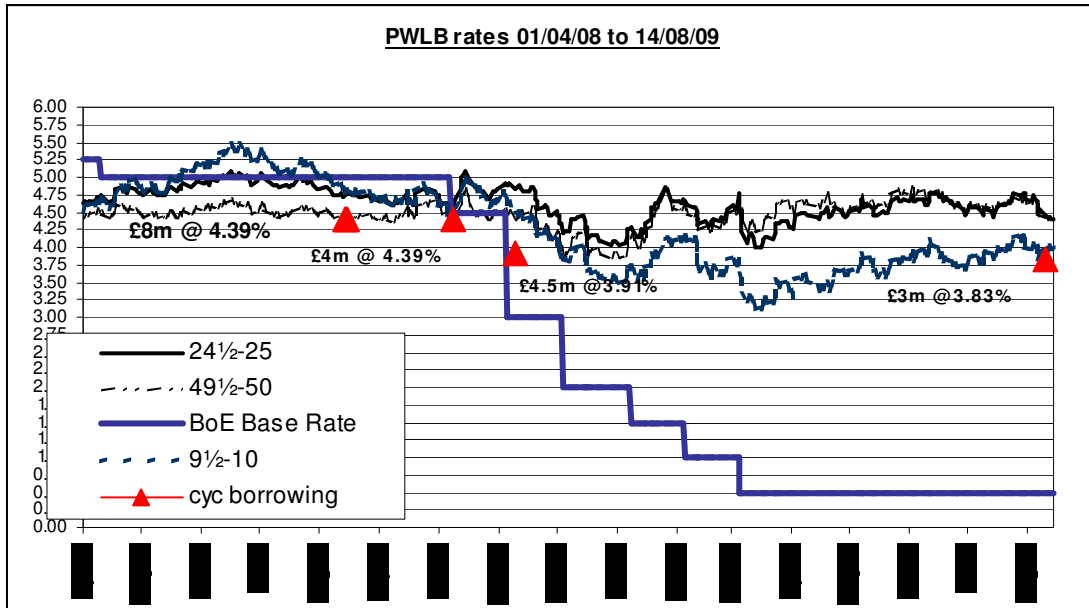


Figure 3 – PWLB rates vs CYC Borrowing Levels

20. Figure 4 illustrates the 2009/10 maturity profiles of the Council's debt portfolio updated to reflect the borrowing this year.

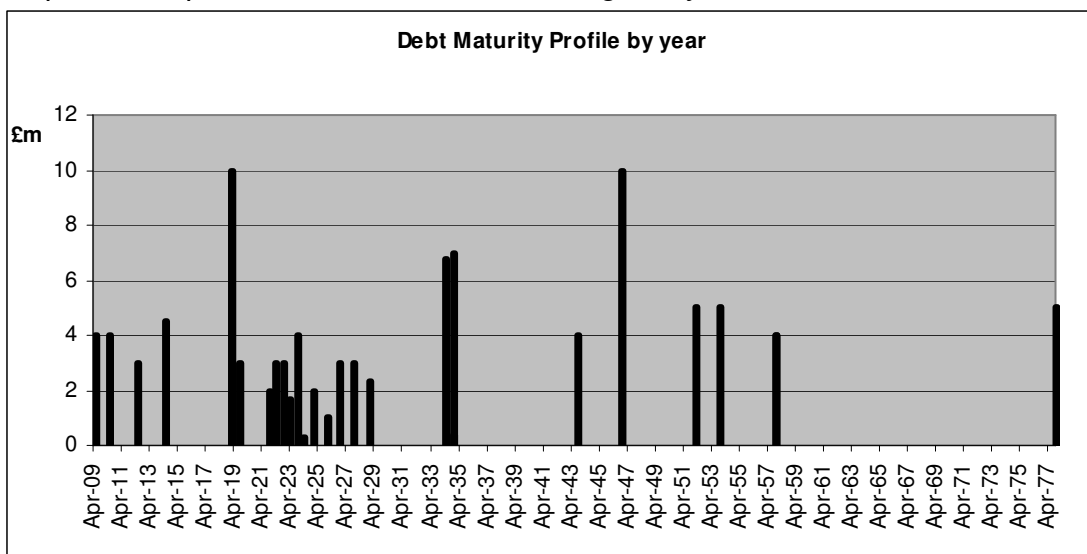


Figure 4 – Debt Maturity Profile 09/10

Venture Fund

21. The Venture Fund is used to provide short to medium term investment for internal projects which provide new revenue streams or generate budget savings and contribute to operational benefits of policy objectives. The projected movements on the Venture Fund for the year are shown in table 2 below.

	£'000
Balance at 1st April 2009	2,275
New Loan Advances	(750)*
Loan Repayments	678
Net Interest Received	18
Balance at 31st March 2010	2,221

Table 2 – Projected Venture Fund Movement 2009/10

22. The asterisk above indicates there are approvals for the loan advancements of £650k for the easy programme which reflects funding required for internal resources associated with the transformation programme – More for York - work and £100k for the street lighting capital scheme approved by Council on 21 February 2009. The easy programme loan is a prudent estimate of the amount which will potentially be required by year-end. 7 schemes contribute to loan repayments of which five will be completed at the end of 2009/10.

Treasury Management Budget

23. Treasury Management activity had a Corporate Budget approved at Council on 21 February 2009 of £7,727k. In August 2009, the current approved budget was £8,557k. The projected outturn is £9,086k resulting in an estimated overspend of £529k. Table 3 details the individual components that make up this overspend.

	(Under)/Over Spend £000
Increase in financing expenditure (interest paid)	150
Provision to repay debt	0
Decrease in interest receivable	379
Total Overspend	529

Table 3 – Treasury Management Budget 2008/09

24. The expected Treasury Management overspend is driven by the two main areas listed above:

- a. The increase in financing expenditure is due to an increase in the interest rates available for new borrowing being higher than was estimated in February 2009 as a result of unpredictable market conditions. Also the timing of when new borrowing in 09/10 will be

undertaken has been brought forward as potential interest rates will be lower in the first half of the year. The market is continually monitored to obtain most favourable rates available.

- b. The decrease in interest receivable is due to the continued fall in market interest rates available for investment with the 1-year rate starting the year at 2.15% and continuing to fall to 1.43% in the first 4 months. Also there are lower cash balances than originally anticipated, therefore the majority of cash is being invested in line with cash flow requirements with only 4 investments occurring for greater than 1 months in the first 4 months.

25. There is little action that can be taken to mitigate the overspend during 2009/10 due to the current economic environment. It is expected that growth will be slow until 2010/11, resulting in lower market interest rates being available for investments. This is evidenced by the increased quantitative easing announced by the Bank of England to a further £175bn at the beginning of August. Lower interest rates on investments will therefore be earned for the foreseeable future. This is compounded by the prudent Council's approved credit criteria limits set for the security of funds, which reduces the favourable interest rates available for investment.

26. In the longer term, the economy is forecast to recover and interest rates will become more favourable for investment purposes. The market environment will improve and cash balances should grow with the increase of capital receipts. The borrowing market is continually monitored and in the future there maybe the opportunity to restructure the debt portfolio to make savings overall. It should be noted that this is not an ongoing problem but one caused by the current economic market environment.

Prudential Indicators Update

27. It is a statutory duty for the Council to determine and keep under review the "Affordable Borrowing Limits". Council's approved Prudential Indicators (affordability limits) are outlined in the approved Treasury Management Strategy. Prudential Indicators are attached at Annex A. Prudential Indicators were not breached during the first 4 months of 2009/10.

Human Resources Implications

28. There are no HR implications as a result of this report.

Equalities

29. There are no equalities implications as a result of this report.

Legal Implications

30. Treasury Management activities have to conform to the Local Government Act 2003, which specifies that the Council is required to adopt the CIPFA Prudential Code and work to its Treasury Management Policy and Treasury Management Practices. As a result the Council can only invest and borrow from approved institutions as set out in sections 1 and 12 of the Act.

Crime and Disorder Implications

31. There are no crime and disorder implications as a result of this report.

Information Technology Implications

32. There are no IT implications as a result of this report.

Property Implications

33. There are no property implications as a result of this report.

Risk Management

34. The treasury management function is a high-risk area because of the level of large money transactions that take place. As a result of this there are procedures as set out in the Treasury Management Practices statement that aim to reduce the risk associated with high volume high value transactions.

Recommendations

35. Members are requested to:

- Note the performance of the Treasury Management Activity;
- Note the projected overspend of £529k.

Reason – to ensure the continued performance of the Council's Treasury Management function.

Contact Details

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Director of Resources

Keith Best
Assistant Director of Resources (Finance)

Report Date 26/8/09
Approved

Wards Affected: n/a

Specialist Implication Officers:

None

For further information please contact the author of the report

Background Papers

Cash-flow Model 09/10, Investment Register 09/10, PWLB Debt Register, Capital Financing Requirement 09/10, Venture Fund 09/10, Statistics 09/10.

Annexes

Annex A – Prudential Indicators

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PRUDENTIAL INDICATORS		2009/10 Budget	2009/10 Monitor 1
		estimate	estimate
1) Capital Expenditure To allow the authority to plan for capital financing as a result of the capital programme. To enable the monitoring of capital budgets to ensure they remain within budget	Non - HRA	£'000 57,019	£'000 60,052
	HRA	6,971	6,982
	TOTAL	63,990	67,034
2) Ratio of financing costs to net revenue stream This indicator estimates the cost of borrowing in relation to the net cost of Council services to be met from government grant and council taxpayers. In the case of the HRA the net revenue stream is the income from Rents and Subsidy	Non - HRA	6.98%	7.16%
	HRA	3.00%	3.37%
3) Incremental impact of capital investment decisions - Council Tax Shows the actual impact of capital investment decisions on council tax. The impact on council tax is a fundamental indicator of affordability for the Council to consider when setting forward plans. The figure relates to how much of the increase in council tax is used in financing the capital programme and any related revenue implications that flow from it.		£ p	£ p
	Increase in Council Tax (band D) per annum	19.51	12.50
4) Incremental impact of capital investment decisions - Hsg Rents Shows the actual impact of capital investment decisions on HRA rent. For CYC, the HRA planned capital spend is based on the government's approved borrowing limit so there is no impact on HRA rents.		£ p	£ p
	Increase in average housing rent per week	0.00	0.00
5) Capital Financing Requirement as at 31 March Indicates the Council's underlying need to borrow money for capital purposes. The majority of the capital programme is funded through government support, government grant or the use of capital receipts. The use of borrowing increases the CFR.	Non - HRA	89,068	94,229
	HRA	13,035	12,235
	TOTAL	102,103	106,464
6a) Authorised Limit for external debt - The authorised limit is a level set above the operational boundary in acceptance that the operational boundary may well be breached because of cash flows. It represents an absolute maximum level of debt that could be sustained for only a short period of time. The council sets an operational boundary for its total external debt, gross of investments, separately identifying borrowing from other long term liabilities for 3 financial years.	borrowing	186	186
	other long term liabilities	0	0
	TOTAL	186	186
6b) Operational Boundary for external debt - The operational boundary is a measure of the most likely, prudent, level of debt. It takes account of risk management and analysis to arrive at the maximum level of debt projected as part of this prudent assessment. It is a means by which the authority manages its external debt to ensure that it remains within the self imposed authority limit. It is a direct link between the Council's plans for capital expenditure; our estimates of the capital financing requirement; and estimated operational cash flow for the year.	borrowing	145	145
	other long term liabilities	0	0
	TOTAL	145	145
7) Adoption of the CIPFA Code of Practice for Treasury Management in Public Services Ensuring Treasury Management Practices remain in line with the SORP.	TM Policy Statement 12 TM Practices Policy Placed Before Council Annual Review Undertaken		
8a) Upper limit for fixed interest rate exposure The Council sets limits to its exposures to the effects of changes in interest rates for 3 years. The Council should not be overly exposed to fluctuations in interest rates which can have an adverse impact on the revenue budget if it is overly exposed to variable rate investments or debts	Net interest re fixed rate borrowing / investments	150%	150%
	Actual Net interest re fixed rate borrowing / investments	146%	113%

8b)	<p>Upper limit for variable rate exposure</p> <p>The Council sets limits to its exposures to the effects of changes in interest rates for 3 years. The Council should not be overly exposed to fluctuations in interest rates which can have an adverse impact on the revenue budget if it is overly exposed to variable rate investments or debts</p>	<p>Net interest re variable rate borrowing / investments -50% -50%</p> <p>Actual Net interest re variable rate borrowing / investments -17% -13%</p>																									
9)	<p>Upper limit for total principal sums invested for over 364 days</p> <p>To minimise the impact of debt maturity on the cash flow of the Council. Over exposure to debt maturity in any one year could mean that the Council has insufficient liquidity to meet its repayment liabilities, and as a result could be exposed to risk of interest rate fluctuations in the future where loans are maturing. The Council therefore sets limits whereby long term loans mature in different periods thus spreading the risk.</p>		£10,000 £10,000																								
10)	<p>Maturity structure of new fixed rate borrowing during 2009/10</p> <p>The Council sets an upper limit for each forward financial year period for the level of investments that mature in over 364 days. These limits reduce the liquidity and interest rate risk associated with investing for more than one year. The limits are set as a percentage of the average balances of the investment portfolio.</p>		<table border="1"> <thead> <tr> <th></th> <th>Upper Limit</th> <th>Lower Limit</th> <th>Mon 1</th> </tr> </thead> <tbody> <tr> <td>under 12 months</td> <td>10%</td> <td>0%</td> <td>0%</td> </tr> <tr> <td>12 months and within 24 months</td> <td>10%</td> <td>0%</td> <td>4%</td> </tr> <tr> <td>24 months and within 5 years</td> <td>25%</td> <td>0%</td> <td>3%</td> </tr> <tr> <td>5 years and within 10 years</td> <td>40%</td> <td>0%</td> <td>14%</td> </tr> <tr> <td>10 years and above</td> <td>90%</td> <td>30%</td> <td>79%</td> </tr> </tbody> </table>		Upper Limit	Lower Limit	Mon 1	under 12 months	10%	0%	0%	12 months and within 24 months	10%	0%	4%	24 months and within 5 years	25%	0%	3%	5 years and within 10 years	40%	0%	14%	10 years and above	90%	30%	79%
	Upper Limit	Lower Limit	Mon 1																								
under 12 months	10%	0%	0%																								
12 months and within 24 months	10%	0%	4%																								
24 months and within 5 years	25%	0%	3%																								
5 years and within 10 years	40%	0%	14%																								
10 years and above	90%	30%	79%																								

Glossary Of Abbreviations

HRA Housing Revenue Account

CYC City of York Council

SORP Statement of Recommended Practice for Local Authorities

CFR Capital Financing Requirement

- In accordance with the Prudential Code, the Prudential Indicators set by full Council on 26th February 2009 for the financial year 09/10 must be monitored and reported through the financial year. The Prudential Indicators are detailed above and some of the key points are explained below:
- Size of the Capital Programme (Indicator 1) - The capital programme expenditure at monitor 1 was estimated to be £67.034m and in the original budget was £63.990m. The increase is detailed further in the Capital Programme Monitor 1. There has been slippage on some projects and other projects have been adjusted due to change in expenditure and funding requirements.
- Net revenue Stream (indicator 2) - This indicator represents how much borrowing for the capital programme will cost as a percentage of the net revenue stream. The General Fund indicator at Monitor 1 is 7.16% compared to a budgeted level of 6.98%, with the increase due to the change in market conditions since the setting of the budget resulting in a reduction in the level of interest to be earned in the year and a slight increase in interest paid on borrowing due to the reprofiling of borrowing to the 2nd and 3rd quarters. The Housing Revenue Account (HRA) version of the indicator at monitor 1 is 3.33% compared to the budgeted level of 3%, the difference is as explained for the General Fund.
- Incremental Impact on the Level of Council Tax (Indicator 3) – This indicator shows the impact of capital investment decision on the bottom line level of Council Tax. The Council can fund its discretionary capital programme from two main sources, from unsupported borrowing or using capital receipts from the sale of surplus assets. The Council's policy is to use capital receipts to fund the Capital programme, however in the current economic environment with reduced capital receipts there is the requirement to use unsupported borrowing to support the capital programme, which has an impact on Council Tax. The unsupported borrowing is not taken unless it is

affordable, sustainable and prudent and can be supported by an existing budget. At monitor 1 the impact on council tax is estimated at £12.50 per Band D charge. This has decreased from the estimate of £19.51 due to the forecast for prudential borrowing being considerably lower than expected when the budget was set in February 2009.

5. Capital Financing Requirement (CFR) (Indicator 5) - The CFR at Monitor 1 is estimated at £106.464m, which is the Council's underlying need to borrow for all capital investment over time. The CFR will fluctuate as new schemes are introduced into the capital programme and the funding position changes (as a result of external contributions, reductions in grants, changes to capital receipts etc) to support the Capital investment of the Council.
6. Authorised Limit / Operational Boundary (Indicator 6) – The Council debt position at 1 April 2009 was £102.064m and currently stands at £101.064m. The Council's Operational Boundary (maximum prudent level of debt) was approved at Council as part of the budget set at £145m, along with the Authorised Limit (maximum allowed debt) at £186.m. The headroom available within these limits allows the Council the ability to borrow in advance of need in accordance with its 3 year forecast Capital programme. If these limits were breached the LG Act 2003 requires full Council approval. Debt levels have remained within the limits set.
7. Adoption of the CIPFA Code of Practice in Treasury Management (Indicator 7) – In accordance with the Prudential Code the Council has adopted the Treasury Management Code of Practice and as detailed in the table has adhered to the requirements.
8. Upper Limit for Fixed and Variable Interest rate Exposure (Indicator 8) – Interest rate exposure on debt is positive due to it being in relation to interest paid and on investments is negative as it is interest being received. When the variable and fixed interest rates are totalled, it will always be 100%. If the majority of the interest received by the Council is fixed and the interest paid on debt is fixed then the closer the actual fixed interest rate exposure will be to 100% and the variable rate exposure to zero. The limits set in the budget were not breached and at Monitor 1 fixed rate exposure was at 113% and variable rate exposure –13%.
9. Upper Limit for total principal sums invested for over 364 days (Indicator 9) – This has been set at £10m and is approximately 25% of the total portfolio. To date in 09/10, no funds have been invested for longer than 364 days due to the uncertainty in the current economic environment and no value to be obtained from longer rates.
10. Maturity Structure of Fixed rate Borrowing in 2008/09 (Indicator 10) – The borrowing portfolio is spread across different time periods to ensure that the Council is not exposed to the requirement to take new borrowing in any one year and be exposed to interest rates in any one year. Currently in 09/10 the borrowing portfolio maturity profile is within the limits set.

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Executive

8 September 2009

Report of the Director of Resources

CAPITAL PROGRAMME – MONITOR ONE

Report Summary

1. The purpose of this report is to:
 - Inform Members of the likely outturn position of 2009/10 Capital Programme based on the spend profile and information to June 2009;
 - Inform the Executive of any under or overspends and seek approval for any resulting changes to the programme;
 - Inform the Executive of any slippage and seek approval for the associated funding to be slipped to or from the financial years to reflect this;
 - To inform Members of the funding position of the capital programme, taking account of the current capital receipts forecasts for the three year capital programme.

2. The 2009/10 – 2013/14 capital programme was approved by Council on 26th February 2009. Since then a number of amendments have taken place as reported to the Executive in the 2008/09 Capital Programme Monitor 3 report and the 2008/09 Capital Programme Outturn report. The changes made as result of the above papers have resulted in a current approved capital programme for 2009/10 of £68.974m, financed by £37.438m of external funding, and internal funding of £31.536m. Table 1 illustrates the movements from the start budget to the current approved position at monitor 1.

	Gross Budget £m	External Funding £m	Internal Funding £m
Original Budget Approved by Council at 26 Feb 2009	64.255	36.483	27.772
Amendments from 2008/09 Monitor 3 report	0.702	0.309	0.393
Amendments from 2008/09 outturn report	4.017	(5.256)	9.273
Current Approved Capital Programme	68.974	31.536	37.438

Table 1 Current Approved Capital Programme

Consultation

3. The capital programme was developed under the Capital Resource Allocation Model (CRAM) framework and agreed by Council on 26 February 2009. Whilst the capital programme as a whole is not consulted on, the individual scheme proposals and associated capital receipt sales do follow a consultation process with local Councillors and residents in the locality of the individual schemes.

Summary of Key Issues

4. An decrease of £1.940m is detailed in this monitor that results in a revised capital programme budget of £67.034m; £8.498m higher than the 2008/09 capital outturn of £58.536.
5. Against the current approved budget post 2008/09 outturn of £68.974m, there is a predicted outturn of £67.034m, a net decrease of £1.940m made up of:
- Adjustments to schemes increasing costs by £3.819m.
 - The re-profiling of budgets from 2009/10 to future years of £5.759m.
- Table 2 outlines the variances reported against each portfolio area.

Department	Current Approved Budget £m	Projected Outturn £m	Variance £m	Paragraphs
Children's Services	33.281	32.378	(0.903)	9 -12
Leisure and Culture	6.139	5.543	(0.596)	13 – 16
Neighbourhood Services	4.657	6.429	1.772	22 - 24
City Strategy	5.299	5.270	(0.029)	17 –19

City Strategy (Admin Accom)	6.894	3.212	(3.682)	33-34
City Strategy (Economic Development)	0.113	0.113	0.000	20
Housing	8.732	8.732	0.000	21
Social Services	0.456	0.711	0.255	29 – 32
Chief Executive	3.043	2.525	(0.518)	27 – 28
Resources	0.000	1.761	1.761	25 - 26
Miscellaneous	0.360	0.360	0.000	
Total	68.974	67.034	(1.940)	

Table 2 Capital Programme Forecast Outturn 2009/10

6. To the end of June there was £11.797m of capital spend representing 17.1% of the approved monitor 1 budget.
7. The 2009/10 capital programme will contribute toward the Corporate Strategy and will deliver:
 - a. Works totalling £1.7m on New Deals for Schools (NDS) modernisation programmes has allowed schools to invest in buildings, grounds and ICT equipment enabling schools to improve their pupils' educational standards.
 - b. Projected spend of £2.275m on the New Deals for Schools (NDS) devolved capital programmes provided schools with direct funding for the priority capital needs of their buildings (capital repair, remodelling or new build) and investment in ICT equipment. Many schools use their allocations to contribute to larger projects at their school within the Children's Services capital programme.
 - c. Further progression of the new £28m Joseph Rowntree Secondary School as part of the Government's One School Pathfinder project, with a projected in year spend of over £18.5m. The school will be ready for occupation in February 2010 and is currently on budget.
 - d. The £6.6m scheme which will see the completion of the new swimming facilities at York High Pool with completion by autumn 2009. New facilities will include a 6 lane 25 metre pool, a learner pool, a hydrotherapy pool and a new changing area.
 - e. Completion of Fulford Road multi-modal scheme providing bus priorities and cycle lanes along Fulford Road between Heslington Lane and Hospital Fields Road (£950k).

- f. Progression of Access York Phase 1 project to develop 3 new Park & Ride sites through Department for Transport approval processes, planning and detailed design stages (£875k)
- g. Provision of approximately 1.2km of on and off-road cycle lanes on Crichton Avenue as part of the Orbital Cycle route being implemented through the Cycling City project (£575k).
- h. Schemes in housing will see over 1850 individual works completed on the Council houses including new heating systems to over 200 homes.

Analysis

- 8. A summary of the key exceptions and implications on the capital programme are highlighted below.

Education and Children's Services

- 9. The current approved capital programme for Education and Children's services for 2009/10 is £33.281m following the adjustments made as a result of the 2008/09 outturn report. As a result of changes made at the second monitor, the 2009/10 capital programme will decrease by £903k to £32.378m. Table 3 gives a summary of the changes on a scheme by scheme basis.

Gross Children's Services Capital Programme	2009/10 £m	2010/11 £m	2011/13 £m	2012/13 £m	2013/14 £m	Total £m
Current Approved Capital Programme	33.281	20.181	0.000	0.000	0.000	53.462
<u>Adjustments:</u>						
DCSF Wave 2 Playbuilder	(1.120)					(1.120)
Home Access Targeted for Groups	0.120					0.120
Aiming high for disabled children short breaks	0.072	0.168				0.240
Various Minor Additions	0.025					0.025
Revised Capital Programme	32.378	20.349	0.000	0.000	0.000	52.727

Table 3 Education and Children's Services Capital Programme 2009-2014

10. The Wave 2 Playfinder funding has been transferred Leisure and Cultural Services and with 11 sites have been identified for 2009/10 and a further 11 earmarked for 2010/11 investment.
11. The Home Access Targeted for Groups is a scheme to fund the provision of home access to technology for learning to specific identified groups of learners, for example - looked after children. This scheme is funded from government grant.
12. The Aiming high for disabled children short breaks is new funding from the DCSF to provide short breaks for disabled children. The 2009/10 budget will be spent on minor adaptations to carers homes and the purchase of equipment.

Leisure and Culture

13. The approved capital programme for Leisure and Culture services is £6.139m following the adjustments made as part of the 2009/10 outturn report. As a result changes made in this monitor, the capital programme will decrease by £596k to £5.543m. Table 4 gives a summary of the changes on a scheme by scheme basis.

Gross Leisure and Culture Capital Programme	2009/10 £m	2010/11 £m	2011/13 £m	2012/13 £m	2013/14 £m	Total £m
Current Approved Capital Programme	6.139	1.100	0.000	0.000	0.000	7.239
<u>Adjustments:</u>						
DCSF Wave 2 Play finder	1.120					1.120
Children's Play Lottery Bid	0.201					0.201
Library Self Issue Equipment	0.098					0.098
Various Minor Adjustments	0.054	0.008				0.062
<u>Reprofiling :</u>						
York Pools Strategy	(1.475)	1.475				0.000
DCSF Wave 2 Play finder	(0.594)	0.594				0.000

Revised Capital Programme	5.543	3.177	0.000	0.000	0.000	8.720
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Table 4 Leisure and Culture Capital Programme 2009 - 14

14. The Wave 2 Playfinder funding has been transferred from Children's Services and re profiled over two years to reflect grant receipt profile. Eleven sites have been identified for 2009/10 and a further 11 earmarked for 2010/11 investment.
15. The addition of the Children's Play scheme is the result of a successful bid to the Lottery Fund in 2008. The overall aim of the programme is to provide a wide range of inclusive and accessible play opportunities for children. Specifically in York the funding is supporting four projects, Rawcliffe Boulders, Leaside Play Area, and two schemes in partnership with Running Wild and Park Grove School.
16. The scheme for self-issue equipment at York and Acomb Explore Centres will be funded by prudential borrowing the cost of which will be met from existing Leisure Services revenue budgets.

City Strategy

17. The current approved capital programme for City Strategy is £5.299m following the adjustments made as part of the 2008/09 outturn report. This report saw the budgets of the schemes for Highways Resurfacing and Reconstruction, Special Bridge Maintenance and Street Lighting transfer to Neighbourhood Services. This was done at the year end to facilitate capital financing. As a result of changes contained in the Monitor 1 report the capital programme will decrease marginally by £29k to £5.270m. Table 5 gives a summary of the changes on a scheme by scheme basis.

Gross City Strategy Capital Programme	2009/10	2010/11	2011/13	2012/13	2013/14	Total
	£m	£m	£m	£m	£m	£m
Current Approved Capital Programme	5.299	4.770	3.617	3.605	3.605	20.896
<u>Adjustments:</u>						
LTP Transfer to Neighbourhood Services	(0.441)					(0.441)
LTP Regional Funding Allocation	0.450	2.327				2.777
Various Minor Adjustments	(0.038)					(0.038)

Revised Capital Programme	5.270	7.097	3.617	3.605	3.605	23.194
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Table 5 City Strategy Capital Programme 2009-14

18. The transfer to Neighbourhood Services of £441k is in relation to Structural Maintenance budgets for Moor Lane roundabout.

19. The Council has been awarded additional Regional Funding Allocations in 2009/10 and 2010/11 totalling £2,777k of which £450k is being profiled into 2009/10, the remainder being profiled into 2010/11. These funds have been transferred from the Yorkshire and Humber Major Schemes block to local authority LTP blocks due to under spends on the Major Scheme block across the region.

Economic Development

20. The approved capital programme for Economic Development is £0.113m. No changes to the projected outturn position are anticipated as part of this monitor. Table 6 confirms the current budget.

Gross Eco Dvpt Capital Programme	2009/10	2010/11	2011/13	2012/13	2013/14	Total
	£m	£m	£m	£m	£m	£m
Current Approved Capital Programme	0.113	0.000	0.000	0.000	0.000	0.113

Table 6 Economic Development Capital Programme 2009 -14

Housing

21. The approved capital programme for Housing services is £8.732m following the adjustments made as part of the 2008/09 outturn report. No changes will be made as a result of this monitor. Table 7 gives a summary of the currently approved budget across the programme years.

Gross Housing Capital Programme	2009/10	2010/11	2011/13	2012/13	2013/14	Total
	£m	£m	£m	£m	£m	£m
Current Approved Capital Programme	8.732	9.121	10.205	9.807	10.888	48.753

Table 7 Housing Capital Programme 2009 - 2014

Neighbourhood Services

22. The approved capital programme for Neighbourhood services is £4.657m following the adjustments made as a result of the 2008/09 outturn report. As a result of this monitor, the capital programme will increase by £1.772m to £6.429m. Table 8 gives a summary of the changes on a scheme by scheme basis.

Gross Neighbourhood Services Capital Programme	2009/10	2010/11	2011/13	2012/13	2013/14	Total
	£m	£m	£m	£m	£m	£m
Current Approved Capital Programme	4.657	3.388	5.555	3.055	3.055	19.710
<u>Adjustments:</u>						
LTP transfer from City Strategy	0.441					0.441
Structural Maintenance	1.320	0.830				2.150
Various Minor Adjustments	0.019					0.019
<u>Reprofiling :</u>						
Various Minor Adjustments	(0.008)	0.008				0.000
Revised Capital Programme	6.429	4.226	5.555	3.055	3.055	22.320

Table 8 Neighbourhood Services 2009 – 2014

23. The transfer from City Strategy of £441k is in relation to Structural Maintenance budgets for Moor Lane roundabout.

24. The addition with regard to Structural Maintenance for drainage and resurfacing in relation to the A19. The £1.320m is for drainage and the £830k is for resurfacing. This takes the highways resurfacing and reconstruction budget for 2009/10 to £4.783m.

Resources

25. The approved capital programme for Resources which contains the acquisition of IT equipment had a zero budget. This is because the decision on how best to finance the acquisitions is taking in year and if the leasing option is chosen it is not classed as capital expenditure. As a result of this monitor, the capital programme will increase by £1.761m to £1.761m. Table 9 states the position of the programme along with movements.

Gross Neighbourhood Services Capital Programme	2009/10	2010/11	2011/13	2012/13	2013/14	Total
	£m	£m	£m	£m	£m	£m
Current Approved Capital Programme	0.000	0.000	0.000	0.000	0.000	0.000
Adjustments:						
IT equipment additions	1.761					1.761
Revised Capital Programme	1.761	0.000	0.000	0.000	0.000	1.761

Table 9 Resources Capital Programme 2009 –2014

26. The decision has been taken to finance the current IT acquisitions from prudential borrowing as oppose to using operating leases. Schemes that make up the £1.761m include the replacement HR/Payroll System (old Delphi), Electronic Documents and Records Management System and upgrade to proxy servers.

Chief Executives

27. The approved capital programme for Chief Executives is £3.043m following the adjustments made as a result of the 2008/09 outturn report. As a result of this monitor, the capital programme will increase by £518k to £2.525m. Table 10 gives a summary of the changes on a scheme by scheme basis.

Gross Chief Executives Capital Programme	2009/10	2010/11	2011/13	2012/13	2013/14	Total
	£m	£m	£m	£m	£m	£m
Current Approved Capital Programme	3.043	0.700	1.250	0.000	0.000	4.993
Adjustments:						
Reclassifying Carbon Mgt Scheme	(0.500)					(0.500)
Various Minor Adjustments	(0.018)					(0.018)
Revised Capital Programme	2.525	0.700	1.250	0.000	0.000	4.475

Table 10 Chief Executives Capital Programme 2009 – 2014

28. In light of further information that has become available in recent months the Carbon Management scheme will need to be removed from the capital programme and the projects will be delivered by a newly created revenue reserve funded by the £250k SALIX externally funding and the £250k revenue contribution that is the Councils financial contribution to the scheme.

Social Services

29. The approved capital programme for Social Services is £456k following the adjustments made as a result of the 2008/09 outturn report. As a result of this monitor, the capital programme will increase by £255k to £711k. Table 11 gives a summary of the changes on a scheme by scheme basis

Gross Social Services Capital Programme	2009/10	2010/11	2011/13	2012/13	2013/14	Total
	£m	£m	£m	£m	£m	£m
Current Approved Capital Programme	0.456	0.351	0.235	0.245	0.255	1.542
<u>Adjustments:</u>						
Telecare Equipment	0.105					
Day Service Modernisation	0.075					
Health and Safety Works	0.075					
Revised Capital Programme	0.711	0.351	0.235	0.245	0.255	1.797

Table 11 Social Services Capital Programme 2009 – 2014

30. The additional £105k is the Telecare scheme to purchase additional warden call equipment and the installation of a digital network in extra care schemes to be able to accommodate the latest technology. This scheme is funded from government grant.

31. The Day Service Modernisation scheme is needed to ensure community based day supports are accessible to customers and is funded by government grant.

32. The Health and Safety Works at Social Services Establishments is a new scheme to ensure key requirements continue to be met within existing buildings and is funded from government grant.

Administrative Accommodation

33. The approved capital programme for Administrative Accommodation is £6,894k following the adjustments made as a result of the 2008/09 outturn

report. As a result of this monitor, this capital programme scheme will decrease by £3,682k to £3,212k. Table 12 gives a summary of the changes.

Gross Admin Accom Capital Programme	2009/10	2010/11	2011/13	2012/13	2013/14	Total
	£m	£m	£m	£m	£m	£m
Current Approved Capital Programme	6.894	10.187	12.274	8.526	0.000	37.881
Reprofiling:	(3.682)	2.341	0.030	1.311		0.000
Revised Capital Programme	3.212	12.528	12.304	9.838	0.000	37.881

Table 12 Admin Accom Programme 2009- 2014

34. The re-profiling of the Administrative Accommodation scheme is as a result of the delay to the start of construction caused by the change to a competitive dialogue process and the timescales imposed by it. There is no change to the overall budget of the project. It is expected that the construction will now commence in FY10/11, the final timings to be finalised and the exact profile to be determined once a contract is signed at the end of 2009.

Summary

35. As a result of the changes highlighted above the revised 5 year capital programme is summarised in Table 12.

Gross Capital Programme	2009/10	2010/11	2011/12	2012/13	2013/14	Total
	£m	£m	£m			£m
Current Programme	68.974	49.798	37.136	25.238	17.803	198.949
Adjustments :						
Children's Services	(0.903)	0.168				(0.735)
Leisure and Culture	1.473	0.008				1.481
Neighbourhood Services	1.780	0.830				2.610
City Strategy	(0.029)	2.327				2.298
Social Services	0.255					0.255
Chief Executives	(0.518)					(0.518)
Resources	1.761					1.761
Re-profiling:						
Leisure and Culture	(2.069)	2.069				0.000
Neighbourhood Services	(0.008)	0.008				0.000

Admin Accom	(3.682)	2.341	0.030	1.311		0.000
Revised Programme	67.034	57.549	37.166	26.549	17.803	206.101

Table 12 Revised five Year Capital Programme

Funding the 2009/10 – 2013/14 Capital Programme

36. The current capital programme is funded from a number of externally funded sources, along with capital receipts raised from the sale of surplus assets.

37. The 2009/10 capital programme of £67.034m is currently being funded from £31.702m external funding and £35.334m of internal funding. The internal funding is comprised of revenue contributions, supported capital expenditure, venture fund, right to buy receipts, capital receipts and prudential borrowing.

38. Table 13 shows the projected call on Council resources going forward.

	2009/10	2010/11	2011/12	2012/13	2013/14	Total
	£m	£m	£m		£m	£m
Gross Capital Programme	67.034	57.549	37.166	26.549	17.803	206.101
Funded by:						
External Funding	31.702	24.873	8.888	8.428	9.603	83.494
Council Controlled Resources	35.334	32.676	28.278	18.122	8.200	122.607
Total Funding	67.034	57.549	37.166	26.549	17.803	206.101

Table 13 – 2009/10 –2013/14 Capital Programme Financing

39. The current economic environment continues to place pressure on the funding of the programme over the 5 year cycle resulting in additional funding pressures based on current projections. The capital programme continues to place reliance on the achievement of a small number of high asset disposals which have been affected by the economic downturn. This funding pressure could be managed using a number of funding sources such as prudential borrowing with the revenue costs being covered from the revenue contributions agreed as part of the 2009/10 - 2013/14 capital programme.

40. Officers are currently undertaking options analysis to address the current projected funding pressures.

Corporate Priorities

41. The capital programme is decided through a formal process, using a Capital Resource Allocation Model (CRAM). CRAM is a tool used for

allocating the Council's scarce capital resources to schemes that contribute toward the achievement of the corporate strategy.

Implications

Financial Implications

42. The financial implications are considered in the main body of the report.

Human Resources Implications

43. There are no HR implications as a result of this report

Equalities Implications

44. There are no equalities implications as a result of this report

Legal Implications

45. There are no legal implications as a result of this report

Crime and Disorder

46. There are no crime and disorder implications as a result of this report

Information Technology

47. There are no information technology implications as a result of this report

Property

48. The property implications of this paper are included in the main body of the.

Risk Management

49. The capital programme is regularly monitored as part of the corporate monitoring process. In addition to this the Corporate Asset Management Group (CAMG) meets regularly to plan monitor and review major capital receipts to ensure that all capital risks to the Council are minimised.

Recommendations

50. The Executive is requested to:

- Recommend to Full Council the net adjustments of £3.819m in 2009/10 and £3.333m in 2010/11 which are set out on a scheme by scheme basis in the above paragraphs and contained in Annex A.
- Note the 2009/10 revised budget of £68.974m as set out in paragraph 5 and Table 2.
- Approve the slippage of £5.759m from 2009/10 to 2010/11.
- Note the restated capital programme for 2009/10 – 2013/14 as set out in paragraph 35, Table 12 and as set out in detail in Annex A.

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

Contact Details

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Chief Officer Responsible for the report:

Ian Floyd
Director of Resources

**Report
Approved**



Date 17/08/09

Keith Best
Head of Finance

Specialist Implications Officer(s)

None

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Budget Control 2009
Departmental Capital Monitoring Updates

Annexes

Annex A – Restated Capital Programme 2009/10 to 2013/14

	2009/10	2009/10	2009/10	2009/10	2009/10	2010/11	2009/10	2009/10	2011/12	2009/10	2009/10	2012/13	2009/10	2009/10	2013/14	Gross Capital Programme To be Funded £000	Gross Capital Programme To be Funded 09/10 - 13/14 £000
	Mon 1 Adj £000	Mon 1 Slippage £000	Revised Budget £000	Mon 1 Adj £000	Mon 1 Slippage £000	Revised Budget £000	Mon 1 Adj £000	Mon 1 Slippage £000	Revised Budget £000	Mon 1 Adj £000	Mon 1 Slippage £000	Revised Budget £000	Mon 1 Adj £000	Mon 1 Slippage £000	Revised Budget £000		
Children's Services																	
NDS Devolved Capital			2,275	-125		2,150			0			0			0	17,419	4,425
- External Funding	0	0	2,275	-125	0	2,150	0	0	0	0	0	0	0	0	0	17,419	4,425
-Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Harnessing Technology			835			528			0			0			0	1,586	1,363
- External Funding	0	0	835	0	0	528	0	0	0	0	0	0	0	0	0	1,586	1,363
-Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Targeted Capital Fund 14-19 Diploma			1,589			5,500			0			0			0	11,107	7,089
- External Funding	0	0	1,589	0	0	5,500	0	0	0	0	0	0	0	0	0	9,864	7,089
-Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,243	0
Huntington School Improvements TCF			100			0			0			0			0	5,675	100
- External Funding	0	0	54	0	0	0	0	0	0	0	0	0	0	0	0	1,690	54
-Internal Funding	0	0	46	0	0	0	0	0	0	0	0	0	0	0	0	3,985	46
NDS Modernisation			1,692	125		2,818			0			0			0	17,589	4,510
- External Funding	0	0	0	125	0	125	0	0	0	0	0	0	0	0	0	9,061	125
-Internal Funding	0	0	1,692	0	0	2,693	0	0	0	0	0	0	0	0	0	8,528	4,385
Schools Access Initiative			560			288			0			0			0	2,133	848
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
-Internal Funding	0	0	560	0	0	288	0	0	0	0	0	0	0	0	0	2,133	848
Sure Start			1,482			1,059			0			0			0	3,136	2,541
- External Funding	0	0	1,482	0	0	1,059	0	0	0	0	0	0	0	0	0	3,136	2,541
-Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Extended Schools			265			137			0			0			0	663	402
- External Funding	0	0	265	0	0	137	0	0	0	0	0	0	0	0	0	663	402
-Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Integrated Children's Centres			361			0			0			0			0	4,871	361
- External Funding	0	0	203	0	0	0	0	0	0	0	0	0	0	0	0	3,961	203
-Internal Funding	0	0	158	0	0	0	0	0	0	0	0	0	0	0	0	910	158
Primary School Strategic Programme			2,910			5,378			0			0			0	8,378	8,288
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	90	0
-Internal Funding	0	0	2,910	0	0	5,378	0	0	0	0	0	0	0	0	0	8,288	8,288
Derwent MUGA			57			0			0			0			0	763	57
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	584	0
-Internal Funding	0	0	57	0	0	0	0	0	0	0	0	0	0	0	0	179	57
Fulford School Science Labs and Classrooms			481			0			0			0			0	1,266	481
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	785	0
-Internal Funding	0	0	481	0	0	0	0	0	0	0	0	0	0	0	0	481	481
Youth Capital Fund			70			70			0			0			0	219	140
- External Funding	0	0	70	0	0	70	0	0	0	0	0	0	0	0	0	219	140
-Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Children's Centres Phase 3			679			679			0			0			0	1,358	1,358
- External Funding	0	0	679	0	0	679	0	0	0	0	0	0	0	0	0	1,358	1,358
-Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DCSF Wave 2 PlaybuilderFunding			-1,120			0			0			0			0	0	0
- External Funding	-1,120	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
-Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Westside Review - Oaklands / York High			189			0			0			0			0	13,870	189
- External Funding	0	0	189	0	0	0	0	0	0	0	0	0	0	0	0	13,870	189
-Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Westside Review - Manor			35			0			0			0			0	3,500	35
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,926	0
-Internal Funding	0	0	35	0	0	0	0	0	0	0	0	0	0	0	0	574	35
Joseph Rowntree One School Pathfinder			18,581			1,574			0			0			0	29,686	20,155
- External Funding	0	0	10,750	0	0	1,574	0	0	0	0	0	0	0	0	0	21,855	12,324
-Internal Funding	0	0	7,831	0	0	0	0	0	0	0	0	0	0	0	0	7,831	7,831
Specialist Schools Status			25			0			0			0			0	25	25
- External Funding	25	0	25	0	0	0	0	0	0	0	0	0	0	0	0	25	25
-Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Home access for targeted groups			120			0			0			0			0	120	120
- External Funding	120	0	120	0	0	0	0	0	0	0	0	0	0	0	0	120	120
-Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aiming high for disabled children short breaks			72			168			0			0			0	240	240
- External Funding	72	0	72	168	0	168	0	0	0	0	0	0	0	0	0	240	240
-Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
- Internal Funding	1,763	0	4,783	830	0	3,685	0	0	2,855	0	0	2,855	0	0	2,855	17,033
Special Bridge Maintenance (Struct maint)			185			200			200			200			200	985
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Revenue Contribution Corporate			75			100			200			200			200	775
- Internal Funding	0	0	185	0	0	200	0	0	200	0	0	200	0	0	200	985
Street Light Modernisation			100			200			0			0			300	300
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
- Internal Funding	0	0	100	0	0	200	0	0	0	0	0	0	0	0	300	300
TOTAL GROSS EXPENDITURE	1,780	-8	6,429	830	8	4,226	0	0	5,555	0	0	3,055	0	0	3,055	23,080
TOTAL EXTERNAL FUNDING	17	0	783	0	0	133	0	0	0	0	0	0	0	0	0	1,177
TOTAL INTERNAL FUNDING	1,763	-8	5,646	830	8	4,093	0	0	5,555	0	0	3,055	0	0	3,055	21,903
City Strategy (Planning & Transport)																
Local Transport Plan (LTP)	-12	0	3,883	2,327	0	5,812	0	0	3,485	0	0	3,485	0	0	3,485	39,265
- External Funding	429	0	2,075	2,327	0	3,822	0	0	1,495	0	0	1,495	0	0	1,495	12,879
- Internal Funding	-441	0	1,808	0	0	1,990	0	0	1,990	0	0	1,990	0	0	1,990	26,386
York City Walls - Repairs & Renewals (City Walls)			110			90			90			78			608	446
- External Funding	0	0	0	0	0	0	0	0	0	0	0	78	0	0	78	0
- Internal Funding	0	0	110	0	0	90	0	0	90	0	0	78	0	0	78	608
York City Walls - Health & Safety (City Walls)	-1	0	33	0	0	0	0	0	0	0	0	0	0	0	99	33
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
- Internal Funding	-1	0	33	0	0	0	0	0	0	0	0	0	0	0	99	33
Road Safety			43			42			42			42			300	211
- External Funding	0	0	43	0	0	42	0	0	42	0	0	42	0	0	300	211
- Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Flood Pump - Elvington	-1	0	0	0	0	0	0	0	0	0	0	0	0	0	141	0
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	122	0
- Internal Funding	-1	0	0	0	0	0	0	0	0	0	0	0	0	0	19	0
Cycling City	-15	0	1,120	0	0	1,153	0	0	0	0	0	0	0	0	2,585	2,273
- External Funding	-15	0	1,120	0	0	1,153	0	0	0	0	0	0	0	0	2,585	2,273
- Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Footpath, Rawcliffe No 1 - Riverbank slip			81			0			0			0			81	81
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
- Internal Funding	0	0	81	0	0	0	0	0	0	0	0	0	0	0	81	81
Highway Resurfacing & Reconstruction (Struct Maint)			0			0			0			0			3,614	0
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
- Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3,614	0
Special Bridge Maintenance (Struct maint)			0			0			0			0			153	0
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	153	0
- Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL GROSS EXPENDITURE	-29	0	5,270	2,327	0	7,097	0	0	3,617	0	0	3,605	0	0	3,605	46,846
TOTAL EXTERNAL FUNDING	414	0	3,238	2,327	0	5,017	0	0	1,537	0	0	1,537	0	0	1,537	15,886
TOTAL INTERNAL FUNDING	-443	0	2,032	0	0	2,080	0	0	2,080	0	0	2,068	0	0	2,068	30,960
City Strategy (Admin Accom)																
Admin Accom	-3,682	0	3,212	0	2,341	12,528	30	12,304	0	1,312	9,838	0	0	0	43,804	37,882
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
- Internal Funding	0	-3,682	3,212	0	2,341	12,528	30	12,304	0	1,312	9,838	0	0	0	43,804	37,882
City Strategy (Community stadium)			0			0			0			0			0	0
Community Stadium			0			0			4,000			0			4,000	4,000
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
- Internal Funding	0	0	0	0	0	0	0	0	4,000	0	0	0	0	0	4,000	4,000
City Strategy (Economic Development)			0			0			0			0			0	0
Small Business Workshops			58			0			0			0			77	58
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
- Internal Funding	0	0	58	0	0	0	0	0	0	0	0	0	0	0	77	58
Visitor/Tourist Information Centre			55			0			0			0			100	55
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
- Internal Funding	0	0	55	0	0	0	0	0	0	0	0	0	0	0	100	55
TOTAL GROSS EXPENDITURE	0	0	113	0	0	0	0	0	0	0	0	0	0	0	177	113
TOTAL EXTERNAL FUNDING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL INTERNAL FUNDING	0	0	113	0	0	0	0	0	0	0	0	0	0	0	177	113
Housing			0			0			0			0			0	0
Modernisation of Local Authority Homes			319			214			1,378			1,412			1,358	4,681

- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	87	0	
-Internal Funding	0	0	319	0	0	214	0	0	1,378	0	0	1,412	0	1,358	8,065	4,681
Repairs to Local Authority Properties	128	0	1,087	0	0	1,052	0	0	701	0	0	729	0	689	10,333	4,258
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	310	0
-Internal Funding	10	0	1,089	0	0	1,052	0	0	701	0	0	729	0	689	10,025	4,260
Assistance to Older & Disabled People	0	0	300	0	0	300	0	0	300	0	0	300	0	300	2,940	1,500
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
-Internal Funding	0	0	300	0	0	300	0	0	300	0	0	300	0	300	2,940	1,500
MRA Schemes	-128	0	5,176	0	0	5,755	0	0	5,976	0	0	5,466	0	6,591	48,689	28,964
- External Funding	-128	0	5,176	0	0	5,755	0	0	5,976	0	0	5,466	0	6,591	48,689	28,964
-Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Housing Grants & Associated Investment (Gfund)	0	0	900	0	0	950	0	0	1,000	0	0	1,050	0	1,100	9,467	5,000
- External Funding	-20	0	880	0	0	950	0	0	1,000	0	0	1,050	0	1,100	8,890	4,980
-Internal Funding	20	0	20	0	0	0	0	0	0	0	0	0	0	0	577	20
Disabled Facilities Grant (Gfund)	0	0	850	0	0	850	0	0	850	0	0	850	0	850	5,517	4,250
- External Funding	0	0	428	0	0	375	0	0	375	0	0	375	0	375	2,696	1,928
-Internal Funding	0	0	422	0	0	475	0	0	475	0	0	475	0	475	2,821	2,322
Energy Conservation in Homes	0	0	100	0	0	0	0	0	0	0	0	0	0	0	100	100
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
-Internal Funding	0	0	100	0	0	0	0	0	0	0	0	0	0	0	100	100
TOTAL GROSS EXPENDITURE	0	0	8,732	0	0	9,121	0	0	10,205	0	0	9,807	0	10,888	85,198	48,753
TOTAL EXTERNAL FUNDING	0	-148	0	0	0	0	0	0	7,351	0	0	6,891	0	8,066	60,672	35,872
TOTAL INTERNAL FUNDING	0	30	0	0	0	2,250	0	0	2,854	0	0	2,916	0	2,822	24,528	12,883
Social Services	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Joint Equipment Store	0	0	105	0	0	105	0	0	105	0	0	105	0	105	850	525
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Revenue Contribution Corporate	0	0	0	0	0	0	0	0	105	0	0	105	0	105	315	315
-Internal Funding	0	0	105	0	0	105	0	0	105	0	0	105	0	105	850	525
Information Management Improvements	0	0	49	0	0	0	0	0	0	0	0	0	0	0	303	49
- External Funding	0	0	49	0	0	0	0	0	0	0	0	0	0	0	303	49
-Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disabled Support Grant	0	0	110	0	0	120	0	0	130	0	0	140	0	150	1,054	650
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
-Internal Funding	0	0	110	0	0	120	0	0	130	0	0	140	0	150	1,054	650
Telecare Equipment	105	0	205	0	0	75	0	0	0	0	0	0	0	0	320	280
- External Funding	105	0	105	0	0	0	0	0	0	0	0	0	0	0	105	105
-Internal Funding	0	0	100	0	0	75	0	0	0	0	0	0	0	0	215	175
Adults Social Care IT grant	0	0	92	0	0	51	0	0	0	0	0	0	0	0	143	143
- External Funding	0	0	92	0	0	51	0	0	0	0	0	0	0	0	143	143
-Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Day Service Modernisation	75	0	75	0	0	0	0	0	0	0	0	0	0	0	75	75
- External Funding	75	0	75	0	0	0	0	0	0	0	0	0	0	0	75	75
-Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Health and Safety Works at Social Services Establish	75	0	75	0	0	0	0	0	0	0	0	0	0	0	75	75
- External Funding	75	0	75	0	0	0	0	0	0	0	0	0	0	0	75	75
-Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL GROSS EXPENDITURE	255	0	711	0	0	351	0	0	235	0	0	245	0	255	2,820	1,797
TOTAL EXTERNAL FUNDING	255	0	396	0	0	51	0	0	0	0	0	0	0	0	701	447
TOTAL INTERNAL FUNDING	0	0	315	0	0	300	0	0	235	0	0	245	0	255	2,119	1,350
Chief Execs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Carbon Management	-500	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
- External Funding	-250	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
-Internal Funding	-250	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dealing with Repairs Backlog	0	0	-42	0	0	0	0	0	0	0	0	0	0	0	513	-42
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
-Internal Funding	0	0	-42	0	0	0	0	0	0	0	0	0	0	0	513	-42
Property Key Components (H&S)	0	0	748	0	0	100	0	0	0	0	0	0	0	0	1,435	848
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Revenue Contribution Corporate	0	0	385	0	0	0	0	0	0	0	0	0	0	0	385	385
-Internal Funding	0	0	748	0	0	100	0	0	0	0	0	0	0	0	1,435	848
Health & Safety / DDA	0	0	98	0	0	0	0	0	0	0	0	0	0	0	419	98
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
-Internal Funding	0	0	98	0	0	0	0	0	0	0	0	0	0	0	419	98
35 Hospital Fields Road	-18	0	0	0	0	0	0	0	0	0	0	0	0	0	346	0
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
-Internal Funding	-18	0	0	0	0	0	0	0	0	0	0	0	0	0	346	0
Fire Safety Regulations - Adaptations	0	0	194	0	0	100	0	0	0	0	0	0	0	0	300	294
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

-Internal Funding	0	0	194	0	0	100	0	0	0	0	0	0	0	0	0	300	294
Removal of Asbestos			19			0										100	19
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
-Internal Funding	0	0	19	0	0	0	0	0	0	0	0	0	0	0	0	100	19
St Clements Hall Refurbishment			1,043			0										1,121	1,043
- External Funding	0	0	977	0	0	0	0	0	0	0	0	0	0	0	0	977	977
-Internal Funding	0	0	66	0	0	0	0	0	0	0	0	0	0	0	0	144	66
Urgent River Bank Repairs			400			0										400	400
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
-Internal Funding	0	0	400	0	0	0	0	0	0	0	0	0	0	0	0	400	400
Acomb Office			0			500										1,750	1,750
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Revenue Contribution Corporate			0			500										850	850
-Internal Funding	0	0	0	0	0	500	0	0	1,250	0	0	0	0	0	0	1,750	1,750
Mansion House External Repairs			65			0										65	65
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
-Internal Funding	0	0	65	0	0	0	0	0	0	0	0	0	0	0	0	65	65
TOTAL GROSS EXPENDITURE	-518	0	2,525	0	0	700	0	0	1,250	0	0	0	0	0	0	6,449	4,475
TOTAL EXTERNAL FUNDING	-250	0	977	0	0	0	0	0	0	0	0	0	0	0	0	977	977
TOTAL INTERNAL FUNDING	-268	0	1,548	0	0	700	0	0	1,250	0	0	0	0	0	0	5,472	3,498
Resources																	
IT Equipment	1,761	0	1,761	0	0	0	0	0	0	0	0	0	0	0	0	4,173	1,761
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
-Internal Funding	1,761	0	1,761	0	0	0	0	0	0	0	0	0	0	0	0	4,173	1,761
Easy @ York			0			0										3,121	0
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,363	0
-Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	758	0
TOTAL GROSS EXPENDITURE	1,761	0	1,761	0	0	0	0	0	0	0	0	0	0	0	0	7,294	1,761
TOTAL EXTERNAL FUNDING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,363	0
TOTAL INTERNAL FUNDING	1,761	0	1,761	0	0	0	0	0	0	0	0	0	0	0	0	4,931	1,761
Miscellaneous																	
Equal Pay Capitalisation			0			0										1,749	0
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
-Internal Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,749	0
Hazel Court Depot			60			0										100	60
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
-Internal Funding	0	0	60	0	0	0	0	0	0	0	0	0	0	0	0	100	60
Contingency			300			0										300	300
- External Funding	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
-Internal Funding	0	0	300	0	0	0	0	0	0	0	0	0	0	0	0	300	300
TOTAL GROSS EXPENDITURE	0	0	360	0	0	0	0	0	0	0	0	0	0	0	0	2,149	360
TOTAL EXTERNAL FUNDING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL INTERNAL FUNDING	0	0	360	0	0	0	0	0	0	0	0	0	0	0	0	2,149	360
Gross Expenditure by Department																	
Children's Services	-903	0	32,378	168	0	20,349	0	0	0	0	0	0	0	0	0	123,604	52,727
Leisure and Culture	1,473	-2,069	5,543	8	2,069	3,177	0	0	0	0	0	0	0	0	0	17,007	8,720
Neighbourhood Services (Environmental Services)	1,780	-8	6,429	830	8	4,226	0	0	5,555	0	0	3,055	0	0	3,055	23,080	22,320
City Strategy (Planning & Transport)	-29	0	5,270	2,327	0	7,097	0	0	3,617	0	0	3,605	0	0	3,605	46,846	23,194
City Strategy (Admin Accom)	0	-3,682	3,212	0	2,341	12,528	0	30	12,304	0	1,312	9,838	0	0	0	43,804	37,882
City Strategy (Community stadium)	0	0	0	0	0	0	0	0	4,000	0	0	0	0	0	0	4,000	4,000
City Strategy (Economic Development)	0	0	113	0	0	0	0	0	0	0	0	0	0	0	0	177	113
Housing	0	0	8,732	0	0	9,121	0	0	10,205	0	0	9,807	0	0	10,888	85,198	48,753
Social Services	255	0	711	0	0	351	0	0	235	0	0	245	0	0	255	2,820	1,797
Chief Execs	-518	0	2,525	0	0	700	0	0	1,250	0	0	0	0	0	0	6,449	4,475
Resources	1,761	0	1,761	0	0	0	0	0	0	0	0	0	0	0	0	7,294	1,761
Miscellaneous	0	0	360	0	0	0	0	0	0	0	0	0	0	0	0	2,149	360
Total by Department	3,819	-5,759	67,034	3,333	4,418	57,549	0	30	37,166	0	1,312	26,550	0	0	17,803	362,428	206,102
Total External Funds by Department																	
Children's Services	-903	0	18,608	168	0	11,990	0	0	0	0	0	0	0	0	0	89,452	30,598
Leisure and Culture	1,375	-594	1,216	8	594	602	0	0	0	0	0	0	0	0	0	3,677	1,818
Neighbourhood Services (Environmental Services)	17	0	783	0	0	133	0	0	0	0	0	0	0	0	0	1,177	916
City Strategy (Planning & Transport)	414	0	3,238	2,327	0	5,017	0	0	1,537	0	0	1,537	0	0	1,537	15,886	12,866
City Strategy (Admin Accom)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

City Strategy (Community stadium)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
City Strategy (Economic Development)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Housing	-148	0	6,484	0	0	7,080	0	0	7,351	0	0	6,891	0	0	8,066	60,672	35,872
Social Services	255	0	396	0	0	51	0	0	0	0	0	0	0	0	0	701	447
Chief Execs	-250	0	977	0	0	0	0	0	0	0	0	0	0	0	0	977	977
Resources	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,363	0
Miscellaneous	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total External Funds by Department	760	-594	31,702	2,503	594	24,873	0	0	8,888	0	0	8,428	0	0	9,603	174,905	83,494
Total Internal Funding required by Department			0			0			0								
Children's Services	0	0	13,770	0	0	8,359	0	0	0	0	0	0	0	0	0	34,152	22,129
Leisure and Culture	98	-1,475	4,327	0	1,475	2,575	0	0	0	0	0	0	0	0	0	13,330	6,902
Neighbourhood Services (Environmental Services)	1,763	-8	5,646	830	8	4,093	0	0	5,555	0	0	3,055	0	0	3,055	21,903	21,404
City Strategy (Planning & Transport)	-443	0	2,032	0	0	2,080	0	0	2,080	0	0	2,068	0	0	2,068	30,960	10,328
City Strategy (Admin Accom)	0	-3,682	3,212	0	2,341	12,528	0	30	12,304	0	1,312	9,838	0	0	0	43,804	37,882
City Strategy (Community stadium)	0	0	0	0	0	0	0	0	4,000	0	0	0	0	0	0	4,000	4,000
City Strategy (Economic Development)	0	0	113	0	0	0	0	0	0	0	0	0	0	0	0	177	113
Housing	30	0	2,250	0	0	2,041	0	0	2,854	0	0	2,916	0	0	2,822	24,528	12,883
Social Services	0	0	315	0	0	300	0	0	235	0	0	245	0	0	255	2,119	1,350
Chief Execs	-268	0	1,548	0	0	700	0	0	1,250	0	0	0	0	0	0	5,472	3,498
Resources	1,761	0	1,761	0	0	0	0	0	0	0	0	0	0	0	0	4,931	1,761
Miscellaneous	0	0	360	0	0	0	0	0	0	0	0	0	0	0	0	2,149	360
Total CYC Funding required	2,941	-5,165	35,334	830	3,824	32,676	0	30	28,278	0	1,312	18,122	0	0	8,200	187,525	122,610
TOTAL GROSS EXPENDITURE	3,819	-5,759	67,034	3,333	4,418	57,549	0	30	37,166	0	1,312	26,550	0	0	17,803	362,428	206,102
TOTAL EXTERNAL FUNDING	760	-594	31,702	2,503	594	24,873	0	0	8,888	0	0	8,428	0	0	9,603	174,905	83,494
TOTAL INTERNAL FUNDING	2,941	-5,165	35,334	830	3,824	32,676	0	30	28,278	0	1,312	18,122	0	0	8,200	187,525	122,610