

**Notice of meeting of
Cabinet**

To: Councillors Alexander (Chair), Crisp, Fraser, Gunnell, Looker, Merrett, Potter and Simpson-Laing (Vice-Chair)

Date: Tuesday, 4 October 2011

Time: 5.30 pm

Venue: Auden House, St Ann's Court, Cemetery Road, York

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 3 October 2011, if an item is called in *before* a decision is taken, *or*

4:00 pm on Thursday 6 October 2011, 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. Exclusion of Press and Public

To consider the exclusion of the press and public from the meeting during consideration of Annex C to Agenda Item 10 (Access to Customer Reception Services in Acomb), on the grounds that it contains information relating to the financial or business affairs of particular persons. This information is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

3. Minutes (Pages 3 - 12)

To approve and sign the minutes of the Cabinet meeting held on 6 September 2011.

4. Public Participation

At this point in the meeting, members of the public who have registered their wish to speak regarding an item on the agenda or a matter within the Cabinet's remit can do so. The deadline for registering is **5:00 pm on Monday 3 October 2011**.

5. Forward Plan (Pages 13 - 16)

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

6. Establishment and Governance of the Local Authority Trading Company (Pages 17 - 60)

This report seeks approval to take forward arrangements for the establishment and governance of a Local Authority Trading Company, as agreed in principle by the former Executive in February 2011.

7. City of York Council: Comments on the draft National Planning Policy Framework (Pages 61 - 112)

This report informs Members of the content of the draft National Planning Policy Framework (NPPF) intended to replace the current planning policy guidance and statements and asks them to consider a potential response from the Council to consultation on the NPPF.

Note: Annex A to the above report is not included in the printed agenda pack and has been made available online only.

8. Establishing York's Health and Wellbeing Board (listed on the Forward Plan as 'Local Implications to Changes in the NHS') (Pages 113 - 138)

This report sets out proposals for the establishment of a shadow Health and Wellbeing Board for York, to meet the requirements of the White Paper *Equity and Excellence: Liberating the NHS* and of the Health and Social Care Bill 2011, which is expected to achieve Royal Assent later this year.

9. Changes to the Welfare System and their Impact on City of York Council (Pages 139 - 164)

This report outlines the changes that Government has brought in and proposes to bring in to reform the Welfare system.

10. Access to Customer Reception Service in Acomb (Pages 165 - 184)

This report suggests options to improve access to Housing and Benefits services in Acomb and across the City through the provision of services in a community setting, as part of the Council's commitment to provide greater choice to residents in accessing services and in preparation for the new single customer reception service at West Offices, due to open in 2013.

11. Review of Severe Weather Response and the Winter Maintenance Policy (Pages 185 - 194)

This report informs Members of the work undertaken to review the Council's severe weather response and the winter maintenance policy in preparation for the winter 2011/12. It outlines the changes recommended to ensure that the issues raised during the prolonged period of bad weather during November and December 2010 are addressed.

12. City of Sanctuary (Pages 195 - 198)

This report asks the Cabinet to support York seeking recognised status as a City of Sanctuary.

13. Urgent Business

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

Democracy 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
- Copies of reports

Contact details are set out above.

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- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

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Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business from a published Cabinet (or Cabinet Member Decision Session) agenda. The Cabinet will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Cabinet meeting in the following week, where a final decision on the 'called-in' business will be made.

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

CABINET

DATE

6 SEPTEMBER 2011

PRESENT

COUNCILLORS ALEXANDER (CHAIR),
CRISP, FRASER (PRESENT FOR AGENDA
ITEMS 6-10 ONLY; MINUTES 36-40
REFER), GUNNELL, LOOKER, MERRETT,
POTTER AND SIMPSON-LAING (VICE-
CHAIR)

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**31. 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 Simpson-Laing declared a personal interest in agenda item 7 (Preliminary Flood Risk Assessment), as a resident of a flood risk area.

Cllr Merrett declared a personal and prejudicial interest in agenda item 10 (Capital Programme – Monitor One), specifically in relation to the request for funding from contingency for St Clements Hall, as a member of St Clements Hall. He left the room during this part of the decision and took no part in any discussion thereon.

32. MINUTES

RESOLVED: (i) That the minutes of the Cabinet meeting held on 19 July 2011 be approved and signed by the Chair as a correct record, subject to the following amendments:

- Minute 14 (Taking Forward the 2011/12 Budget Priorities) – in the preamble, include reference to Members' suggested amendments to the draft Plan at Annex A
- Minute 20 (High Speed Rail Consultation – The Council's Response to the

Government's Consultation) – in the second bullet point of paragraph 2 of the preamble, delete the word '*existing*' and substitute '*proposed*'.

(ii) That the minutes of the Cabinet meeting held on 4 August 2011 be approved and signed by the Chair as a correct record.

33. PUBLIC PARTICIPATION

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

34. FORWARD PLAN

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

It was noted that:

- the York Education Partnership item had now been moved from the 4 October meeting to the meeting on 1 November;
- the practice of bringing combined performance and finance monitoring reports to Cabinet would resume from the next quarter;
- the Forward Plan would be reviewed to ensure that the correct portfolio holder was listed against each item.

35. MINUTES OF WORKING GROUPS

Members received a report which presented the minutes of the meetings of the Young People's Working Group (YPWG) and the Equality Advisory Group (EAG) held on 20 June 2011 and 18 July 2011, attached as Annexes A and B respectively.

Members were invited to consider the advice offered by the working groups in their capacity as advisory bodies to the Cabinet, and in particular:

- a) The YPWG's views in respect of developing their role as a conduit between young people and Members, and their proposal to put further recommendations before a future Cabinet meeting (Minute 6, Annex A) and
- b) The recommendation that Marije Davidson be appointed to the EAG as a representative of the York Independent Living Board (Minute 1, Annex B).¹

RESOLVED: (i) That the minutes at Annexes A and B to the report be noted.

(ii) That the specific recommendations of the Working Groups, as set out in paragraphs 5 to 7 of the report, be approved.¹

REASON: In accordance with the requirements of the Council's Constitution in relation to the role of Working Groups.

Action Required

1. Inform the new EAG member of their appointment

JC

36. ACCESS YORK PHASE 1 BEST & FINAL BID SUBMISSION

Members considered a report which sought approval for the submission to the Department for Transport (DfT) of a 'Best and Final Bid' for the Access York Project.

Details of the original Major Scheme Bid and the Expression of Interest / Interim Bid submitted to the DfT were provided in paragraphs 13-14 of the report. Changes to the DfT funding process introduced since the change in government in May 2010 meant that schemes with a reduced overall cost and a reduced DfT funding contribution were more likely to be approved. Work has already been undertaken to ensure the cost effectiveness of the York project. Therefore the only remaining opportunity to reduce costs was to reduce the number of sites in the bid and focus on the highest ranked locations. Poppleton Bar was considered the highest priority

site in terms of benefit to cost ratio, followed by Askham Bar and finally Clifton Moor.

In the light of the current situation, the following options for site development, and funding options to meet projected 20% and 30% target local contribution levels, were presented:

Option 1 – develop all three sites, with an additional £6m of Council funding (total £9.7m).

Option 2 – develop Askham Bar and Poppleton Bar, with additional Council funding of £0.7m or £2.9m (total £4.4m or £6.6m).

Option 3 – develop Poppleton Bar and Clifton Moor, with additional funding of £0m or £2.7m (total £3.7m or £5.4m).

The advantages and disadvantages of each option were set out in Annex 1 to the report; provisional funding sources were detailed in Annex 2. Members were invited to decide which option to recommend for approval to the Staffing Matters and Urgency Committee, which would then make a final decision prior to the DfT deadline of 9 September 2011.

Officers provided an update at the meeting on the action they had taken to determine what other local authorities were doing to amend their bids in order to enhance their chances of obtaining funding. Members noted the update and the contents of the report and

RESOLVED: (i) That Staffing & Urgency Committee be recommended to approve:

- a) The progression of Option 2b (Askham Bar & Poppleton Bar), with approx. 30% local contribution.
- b) The funding approach identified in Option 2b in Table 1 in Annex 2.
- c) The allocation of £3.305m from within the Council's existing capital programme.
- d) An increased allocation of LTP grant funding (up to £0.7m) to the scheme as part of the local contribution, with the expectation that additional developer contributions will be used when received.
- e) The use of £2.2m from the New Homes Bonus and / or prudential borrowing, with the actual split to be determined at a later date, with a commitment to fund any shortfall in funding prudential borrowing,

and to meet any consequent revenue implications that arise.

f) The use of the £350k value of the Sim Hills tip site as part of the Council's contribution.

(ii) That Staffing & Urgency Committee be recommended to note:

a) the additional risk to the Council, such as funding all cost over-runs, which result from the changes to the DfT funding processes and

b) the increase revenue risk from operating additional Park & Ride services.

REASON: To maximise the likelihood of a successful bid for funds from the DfT.

(iii) That Cabinet record its commitment to achieve the future development of the Clifton Moor site for Park & Ride, separately from the Access York bid process.

REASON: In view of the importance of this site.

37. PRELIMINARY FLOOD RISK ASSESSMENT

Members considered a report which sought approval for the Preliminary Flood Risk Assessment (PFRA) carried out to comply with the Flood Risk Regulations (2009).

The PRFA document, attached as Annex 1 to the report, had been completed following clarification with the Environment Agency (EA) of the number of properties at risk of flooding in the City of York area and had now been agreed with the EA. Of the ten indicative 'Flood Risk Areas' identified nationally by the EA and Defra, none were located in York, and it was not proposed to add a new Flood Risk Area for the purposes of the PRFA.

In accordance with the Flood Risk Regulations, the PRFA would be reviewed on a six-yearly cycle. To support future reviews, the Council would complete its Surface Water Management Plan, further develop its data recording processes and tools, and develop a Local Flood Risk Management Strategy.

RESOLVED: That the Preliminary Flood Risk Assessment document be approved.¹

REASON: To enable the Council to meet its statutory obligation under the Flood Risk Regulations 2009.

Action Required

1. Take any action necessary to ensure use of the MT PRFA and to support future reviews

38. LOCAL GOVERNMENT FINANCE UPDATE

Members considered a report which provided an update on a range of issues relating to local government finance, including the Local Government Resource Review (LGRR), consultation on business rates and a review of alternative forms of capital finance.

Terms of reference for Phase 1 of the LGRR had been published in March 2011 and were attached as Annex A to the report. This phase would look at ways of reducing the reliance of local government on central government funding, increasing local accountability and ensuring that the benefits of economic growth were reflected in authorities' resources. It included a consultation paper, seeking views on government proposals to introduce the local retention of business rates and on options for authorities to carry out Tax Increment Financing within the business rates retention system. Key elements of the proposals were detailed in paragraphs 10 to 24 of the report, and a summary of the consultation questions was provided in Annex B. The deadline for responses to the consultation was 24 October 2011.

Paragraphs 28 to 55 of the report provided an analysis of a number of alternative sources of capital finance that could be available to the Council in the near future. They included:

- Local Asset Backed Vehicles (LABV)
- Joint European Support for Sustainable Investment in City Areas (JESSICA)
- Local Authority Pension Funds

- Tax Increment Funding (TIF)
- Section 106 Planning Obligations and Community Infrastructure Levy
- Business Rates Supplement.

In exploring these alternative funding methods, their benefits would need to be clearly identified and assessed against the cost of borrowing from the Public Works Load Board through the Prudential Code.

In response to questions from Members, Officers outlined the advantages and disadvantages of 'pooling' with other authorities (Component 7 in the consultation) and agreed to provide an update on the issues in due course, including information on the opportunities offered by the renewable energy commitment.

RESOLVED: (i) That it be noted that Officers will continue to examine opportunities for alternative forms of capital and to pursue those options that will be beneficial for the authority.

REASON: To keep Members informed of matters affecting local government finance.

(ii) That responsibility be delegated to the Director of Customer & Business Support Services and the Cabinet Member for Corporate Services to agree the Council's detailed response to the consultation on the localisation of business rates.¹

REASON: To ensure that an appropriate response to consultation is submitted before the deadline.

Action Required

1. Agree response to consultation, together with IF
Cabinet Member

39. 2011-12 FINANCE MONITOR 1

Members considered a report which provided details of the headline financial performance issues for the first quarter of the 2011-12 financial year, covering the period 1 April to 30 June 2011.

The net General Fund budget for 2011-12 was £123,900k, inclusive of £1,025k usage of reserves and balances. Early forecasts indicated that the Council faced financial pressures of £4,288k, as outlined in Table 1, at paragraph 8 of the report.

Key pressures included:

- Increasing demand for Independent Residential & Nursing Care in Adult Social Services
- An increase above forecasts in the number of children in the care of the Council
- A continued shortfall in Building and Development Control income
- Delays in achieving cross-directorate savings in Communities & Neighbourhoods.

Further information on performance within directorates and measures being taken to mitigate the council-wide position was provided in paragraphs 12 to 26 of the report.

On the Dedicated Schools Grant, there was a projected underspend of £306k against a budget of £106,642k, primarily due to lower than expected costs relating to SEN Out of City Placements. An underspend of £82k was forecast against the current Housing Revenue Account balance of £9,543k, due to a decrease in the negative subsidy payment to central government. Reserves on the General Fund were now close to the minimum level of £6.1m (5% of the net budget).

In response to questions from Members, Officers confirmed that progress was being made towards the required savings and delivery of a balanced budget, and that the budget pressures currently faced by the Council were similar to those at the same time last year.

RESOLVED: (i) That the current projected pressures of £4,288k be noted.

(ii) That it be noted that strategies are being prepared to mitigate this position.

REASON: In order to ensure that expenditure is kept within budget.

PART B - MATTERS REFERRED TO COUNCIL

40. CAPITAL PROGRAMME - MONITOR ONE

Members considered a report which informed them of the likely out-turn position of the Council's 2011-12 Capital Programme, based upon the spend profile and information to June 2011, and sought approval for changes to the programme resulting from overspends, underspends or slippage.

The current approved capital programme for 2011-12 amounted to £66.099m, financed by £29.700m of external funding and £36.399m of internal funding. The report detailed an increase of £5.436m to this programme, made up of:

- Adjustments to schemes, increasing expenditure by £1.587m
- Net re-profiling of £3.849m of schemes from future years to the current year.

Variances against each portfolio area were outlined in Table 2 in paragraph 5 of the report and detailed in paragraphs 8 to 30. It was noted that capital spend up to the mid point in August had been £19.95%, representing 19.95% of the revised budget.

Requests for increases and additions to the programme, and for funding from contingency, were presented in paragraphs 15, 16 and 21-30. It was noted that the contingency fund was already included in the capital programme and the revenue implications were supported in the treasury management budget.

Having noted:

- The 2011/12 revised budget of £71.535m, as set out in the report at paragraph 4 and Table 2 and
 - The re-stated capital programme for 2010/11-2014/15 as set out in paragraph 26, Table 3, and detailed in Annex A,
- it was

RECOMMENDED: That Council approve:

- (i) The net adjustments of an increase of £5.436k in 2011/12 and a reduction of £3.849k in 2012/13, as detailed in the report and contained in Annex A.
- (ii) The increase of £38k in the Travellers' electricity units scheme, funded by

prudential borrowing and supported by existing revenue budgets (paragraph 15).

- (iii) The addition to the capital programme of the Howe Hill Hostel scheme at £50k, to be funded from RTB capital receipts not committed elsewhere in the housing capital programme (paragraph 16).
- (iv) The use of the £300k contingency fund to fund the following schemes, totalling £170k:
 - St Clements Hall - £30k (para 23)*
 - 29 Castlegate - £35k (para 24)
 - Decent Homes standard - £69k (paras 25-27)
 - Fishergate Postern - £20k (paras 28-29)
 - Castle Mills Car Park - £16k (para 30)

REASON: To enable the effective management and monitoring of the Council's capital programme.

**Note: a separate vote was taken in respect of the funding to St Clements Hall, during which Cllr Merrett left the room, having declared a prejudicial interest (Minute 31 refers).*

J Alexander, Chair

[The meeting started at 5.30 pm and finished at 6.15 pm].

Cabinet Meeting 4 October 2011

FORWARD PLAN (as at 14 September 2011)

Table 1: Items scheduled on the Forward Plan for the Cabinet Meeting on 1 November 2011		
Title & Description	Author	Portfolio Holder
<p>Funding of the Voluntary Section 2012-2015</p> <p><i>The purpose of this report is to approve grant funding to voluntary sector organisations for the 3 years 2012-2015. (Some of the grants are over £50k and therefore require Cabinet approval).</i></p> <p><i>Members are asked to approve the grants.</i></p>	Adam Gray	Cabinet Leader
<p>Q2 Finance Monitor 2011/12</p> <p><i>Purpose of the report: To provide members with an update on 2011/12 financial performance.</i></p> <p><i>The Cabinet is asked to: Note the issues</i></p>	Louise Branford- White	Cabinet Member for Corporate Services
<p>Q2 Capital Programme Monitor 2011/12</p> <p><i>Purpose of the report: To provide members with an update on the capital programme.</i></p> <p><i>The Cabinet are asked to: Note the issues and approve any variations to the programme as necessary.</i></p>	Louise Branford- White	Cabinet Member for Corporate Services

<p>York Education Partnership</p> <p><i>Purpose of report: The Schools White Paper: “The Importance of Teaching” was published on the 24 November. This paper describes the steps that have taken place between the Local Authority and the school community to respond to the direction of travel described in the document.</i></p> <p><i>Members are asked to consider the recommendations</i></p> <p><i>This item was moved from the Cabinet meeting on 15 March to the Decision Session as consultation was still underway with schools. The move to the Decision Session in June was to allow the response to encompass schools’ views. This item will now be considered by the Executive on 6 September 2011 due to having to wait for the Education Bill to receive Royal Assent.</i></p>	<p>Pete Dwyer</p>	<p>Cabinet Member for Education, Children and Young People’s Services</p>
<p>Treasury Management Monitor and Prudential Indicators 2011/12</p> <p><i>Purpose of Report: To provide members with an update on the treasury management position.</i></p> <p><i>Members are asked to: Note the issues and approve any adjustments as required to the Prudential Indicators of Strategy</i></p>	<p>Louise Branford - White</p>	<p>Cabinet Member for Corporate Services</p>
<p>Article 4 Direction on Houses in Multiple Occupation</p> <p><i>Purpose of the report: To consider representations received in respect of an Article 4 Direction relating to houses in Multiple Occupation made on 15th April 2011 under the Town and Country Planning (General Permitted Development) Order.</i></p> <p><i>Members are asked to: Decide whether to confirm the Direction. This item has been deferred to the November meeting as the report requires additional work.</i></p>	<p>Bill Woolley/ Jonathan Carr</p>	<p>Cabinet Member for City Strategy</p>

<p>Future Provision of Public Toilets</p> <p><i>Purpose of Report: To inform the Cabinet Members of the options for the procurement of the cleaning and maintenance of public toilets.</i></p> <p><i>The Cabinet Members are asked to: Make a decision on which option to use.</i></p>	Russell Stone	Cabinet Member for Communities and Neighbourhoods
<p>The Future of Neighbourhood Working</p> <p><i>Purpose of Report: This report sets out a new model for neighbourhood working in York.</i></p> <p><i>The Cabinet will be asked to approve a new model for neighbourhood working including: the roll out of elements of the "area working" pilot across the city; the introduction of service contracts; a new focus for the Neighbourhood Management Unit; reorganisation of other front-line posts to support the new way of working.</i></p>	Charlie Croft	Cabinet Member for Leisure, Culture and Social Inclusion

Table 2: Items scheduled on the Forward Plan for the Cabinet Meeting on 6 December 2011		
Title & Description	Author	Portfolio Holder
<i>At the present time there are no items scheduled for this meeting</i>	--	--

Table 3: Items slipped on the Forward Plan					
Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p>Article 4 Direction on Houses in Multiple Occupation</p> <p><i>Purpose of the report: To consider representations received in respect of an Article 4 Direction</i></p>	Bill Woolley/ Jonathan Carr	Cabinet Member for City Strategy	4 October 2011	1 November 2011	To enable additional work to be undertaken on the report.

<p><i>relating to houses in Multiple Occupation made on 15th April 2011 under the Town and Country Planning (General Permitted Development) Order.</i></p> <p><i>Members are asked to: Decide whether to confirm the Direction.</i></p>					
<p>The Future of Neighbourhood Working</p> <p><i>Purpose of Report: This report sets out a new model for neighbourhood working in York.</i></p> <p><i>The Cabinet will be asked to approve a new model for neighbourhood working including: the roll out of elements of the "area working" pilot across the city; the introduction of service contracts; a new focus for the Neighbourhood Management Unit; reorganisation of other front-line posts to support the new way of working.</i></p>	<p>Charlie Croft</p>	<p>Cabinet Member for Leisure, Culture and Social Inclusion</p>	<p>4 October 2011</p>	<p>1 November 2011</p>	<p>To allow further time to consider the options.</p>



Cabinet4th October 2011

Report of the Cabinet Member for Corporate Services

Establishment and Governance of the Local Authority Trading Company**Summary**

1. The former Executive agreed in February 2011 to establish a Local Authority Trading Company (LATC), focused primarily upon the services currently provided by the CBSS Directorate. It also agreed the board of directors. Details of the outline business case and risks were presented in that paper. The report made it clear that at this stage no staff would transfer to the company, rather, that any work undertaken for the company by council employees would be recharged into the company on a full cost basis.
2. The drivers behind the establishment of the LATC include the need to address the pace and direction of change being seen in the current climate and the impact of public expenditure reductions. More than ever we, as a local authority, need to provide flexible, service solutions in the most cost effective and appropriate way that will deliver year on year cost efficiencies and increase income in the light of overall reductions being faced across the public sector.
3. This report takes forward the establishment of a local authority trading company; in particular it seeks approval for the governance structures under which the company will operate. It also outlines that the broad scope of services to be traded through the company will be wider than just those provided by CBSS.
4. The *Articles of Association* of the LATC are set out in a background paper (**paper 1**). These set out the rules by which the company will be governed and the decision making processes that will be operated. They have been

developed to comply with the requirements of the Companies Act 2006 and aim to provide the appropriate controls for the council as the shareholder whilst at the same time providing the required independence, flexibility, and commercial decision making for the company. In drafting these documents, expert legal advice has been sought to minimise the risk to the council and to maximise learning from elsewhere.

5. A *Shareholder Agreement* has been drafted which is available as a background paper (**paper 2**). An executive summary of the agreement is included as an Annex to this document. This sets out the rights of the council as the sole shareholder and how it can exercise those rights. It details the powers of the board of the company and how and when the shareholder might influence those powers. It is important to note that the Shareholder Agreement is capable of being developed and added to as the company develops.

Background

6. The power to establish an LATC derives from The Local Government (Best Value Authorities) Power to Trade Order 2009 (the 'Trading Order') which was made under sections 95 and 96 of the Local Government Act 2003. The trading order provides that a 'best value authority' is authorised to do for a commercial purpose anything which it is authorised to do for the purposes of carrying on any of its ordinary functions.
7. Through the establishment of an LATC, a new legal entity is created under the Council's ownership, but with the ability to trade. This is different to only charging for our services in that charging is limited to recovery of the cost of providing those services, while trading can be at a profit. Under the legislative framework, trading is only exercisable through a company.
8. The initial paper in February 2011 outlined that the CBSS Directorate services lend themselves to the development of commercial opportunities in that they are primarily focused on business support activities. However, since then it has become clear that there are a range of other services that could potentially be traded and that the trading company

should be a vehicle for any Council service to potentially trade.

9. The paper presented to the former Executive in February 2011 demonstrated that the formation of an LATC gives the council a range of new opportunities, namely:
 - Delivering services differently by creating a dynamic and entrepreneurial environment that will increase diversity in the range, choice and delivery of public services;
 - Under the legislation, surpluses on commercial operations will be available to use how the council sees fit. In some authorities this has been used to support other services within the authority, invest in new commercial ventures via the company, or to help to keep increases in Council Tax to a minimum.
 - The LATC will create new opportunities for staff to both grow in their current roles and to learn new skills (e.g. customer services, commercial awareness and risk management skills) which may not be open to them elsewhere in the public service.

This compliments the council's stated intentions to achieve efficiency and explore new methods of working with other organisations. The trading company does not preclude the Council from other models of service delivery e.g. shared service, co-operatives, but rather it is seen as adding to the mixed delivery of services based upon business cases.

10. There are a number of examples, especially in private industry where "back office" and/or "business support" services have been divested of the main company and successfully traded. Two such examples are:
 - WNS, which was formed in June 1996 as a "captive" (i.e. a wholly owned subsidiary set up within the company structure to provide services to the parent organisation – in this case, British Airways). By June 2006, WNS was listed on the New York stock exchange. WNS Global Services has, in just a few years, evolved from being a captive company operating in a single industry segment to a flourishing third-party

provider servicing clients across multiple industries and functions.

- In the 1990s General Electric established a support services enterprise called GECIS (GE Capital International Services). They became one of the first companies to offer voice and internet support services from a location outside of the holding company's own borders. In 2004 GECIS was spun off as a separate legal entity by GE, called GENPACT. GE has retained a 40% stake and sold a 60% stake for \$500 million.
11. Whilst the scale of our proposal is somewhat smaller than these enterprises, the basic principle of creating a "back office/support" offering, and applying business practices to it, with a view to then trading those services to other organisations, is one that has proved to be successful.
 12. Research has shown that around 72% of local authorities are considering or are actively engaged in trading activities. The most common services being offered tend to be around grounds maintenance, cleaning and facilities management services and highways and vehicle maintenance.
 13. In terms of the customer base, the latest research available shows that:
 - 75% of LATC's that trade sell to other parts of the public sector, mainly other local authorities (67%);
 - 46% of those LATC's sell to the voluntary and community sector;
 - 34% sell to the private sector.

With the advent of developments such as academy status for schools and the impact of the government spending reviews on other public sector bodies, opportunities to develop traded services are on the increase. It also allows us to fill a niche in the geographical area that no other authorities have yet addressed.

Consultation

14. A paper setting out the intention to establish an LATC was presented to the previous Executive in February 2011 and was approved. The work that has taken place since then has

been to take the steps towards establishing the company as a legal entity. A range of other authorities who have already established trading companies have been consulted in this venture; these have included Kent County Council, Gateshead Council and Stockport Council.

15. Ideas for the name of the company have been sought from the staff of the CBSS directorate – a short list of preferred names was circulated and the name City of York Trading (CYT) Limited is the preferred choice.

Analysis

16. A local authority trading survey conducted by APSE showed that of the authorities that are trading:
 - 72% returned an income (i.e. profit) from trading – while some of these returns were modest, especially in the first year of trading, in order to realise the potential in a trading company it is crucial that it is given time to grow and establish its' presence;
 - There is over £1billion worth of activity in trading by English local authorities;
 - The average annual income from trading (of those authorities that reported trading income) is just over £3 million;
 - Kent Commercial Services which is one of the longest established LATC's had a turnover in excess of £800Million in the last financial year. £400Million of that was in direct sales which yielded just over £8.8Million in post-tax profit. They have over 20,000 trading accounts approximately split as follows:
 - 120 LAs including most of the London Boroughs
 - District, Borough & Parish Councils = 400+
 - Voluntary & Community Sector = 300+ some of these are in partnership agreements.
17. In the baseline survey on the local government procurement agenda (ODPM 2005) nearly half (49%) of the trading authorities responding to the trading survey said that they developed their traded products or services in collaboration with other organisations. So there are clearly opportunities for shared services (where there is the opportunity and it makes commercial sense to engage).

18. The LATC will need to undertake a range of activities to generate business opportunities. In those authorities that are already trading successfully, the key methods of winning business are as follows:
- 49% of authorities win new business by responding to invitations to tender competitively for work;
 - 49% of authorities provide catalogues or menus of services from which prospective customers can make choices;
 - 44% of authorities use advertising with more than 90% having a web presence.
19. One of the main public tender sites currently has nearly 19,000 open tender notices with around 1,700 new ones added each month.

Benefit opportunities of an LATC

20. Besides the potential for a range of new income streams that an LATC will create there are a number of other benefits to the stakeholders of the company:

For the council these will include:

- Reduction in service and delivery costs – as the company will have to cover all of its own costs, any secondment of resources or facilities to the company will be subject to full cost recovery for the council.
- Making surpluses to re-invest - the council is the single shareholder of the LATC, so any dividend is paid back to the council for further investment in services. The increased income streams could also help to off-set council tax burdens in the longer term.
- Service improvement – as the LATC will need to be competitive in order to compete in the marketplace, there is an added incentive to continuously improve service performance and service offerings. As the services would also be free from some of the constraints of the public sector – they can become more adaptable and responsive to ever changing market needs. This will encourage innovation and discourage complacency.

- Developing partnerships with the voluntary and community sector – thereby providing new opportunities for local companies while at the same time increasing competition and contestability in the local economy.
- This in turn encourages a ‘mixed economy’ of supply that enables local authority clients to make the best use of the marketplace to obtain the most appropriate supply solution.

21. While no staff will work in the company in the first instance, there are still benefits to be had for staff which will include:

- Opportunities for staff development and acquisition of new skills.
- The LATC will provide new outlets for the knowledge, skills, and expertise that our staff already possess.
- This should lead to greater job retention, enabling the council to meet its challenging savings targets while preserving employment opportunities for staff. Studies have shown that it is common with many local authority trading companies, that staff who work for those companies have been more motivated with morale increasing and sickness absenteeism decreasing - in one case (Essex Cares) sickness and absenteeism fell in the first twelve months from 16% to 4%.
- Potential opportunities in the longer term for staff to take advantage of pay/rewards models that move away from the constraints of the public sector – encouraging higher performing staff to commit to the organisation rather than seek opportunities elsewhere.
- Providing staff with enhanced motivation and satisfaction through preservation of their commitment to the public service while benefitting from the advantages of private sector terms and conditions.

22. For the customer these will include:

- More effective and efficient services resulting from the need to be competitive, flexible and innovative in their approach.
- Increased opportunities in the local economy, which could lead to greater job creation and employment prospects.

- An LATC encourages a ‘mixed economy’ of supply that enables local authority clients to make the best use of the marketplace to obtain the most appropriate supply solution.
- It creates new opportunities for supply and support services from local companies, especially smaller businesses;
- It has the potential to introduce new providers into the market for local authority services which serves to increase competition and contestability;
- It has the potential for supporting relationships between local government and the voluntary and community sectors;

Proposed structure and mandate of the new company

23. The LATC would be a limited company by shares with the council retaining a 100% shareholding. All decisions regarding business development and any consideration of commercial opportunities which may arise, would be a matter for the board of the new LATC. However the council as the shareholder would be required to approve any decisions which would have an effect on the shareholders’ rights – this will normally be done at a meeting called by the directors of the company.
24. The council, as the sole shareholder will also have certain powers such as removing a director from office or changing the name of the company. In general, the shareholders main role is to ensure that the directors do not go beyond their powers.
25. The *Shareholder Agreement* (**Annex 1** with the full agreement available in **background paper 2**) sets out in detail the powers and responsibilities of the council as the sole shareholder of the company, which will be exercised through the formation of a Shareholder Committee. The Shareholder Committee will be chaired by the Leader of the council and consist of the Leader plus two other appointed members. The committee will be convened at least four times per calendar year. Representatives of the company will attend the committee meetings in order to present management information and other papers as relevant and appropriate.

26. All other aspects, and in particular the day to day operation of the company, development of new business opportunities, staff terms and conditions and the development and implementation of its internal procedures, would rest with the board of directors as detailed in the *Articles of Association* (**background paper 1**).
27. In addition to the above powers, the council will need to consider the transfer of any activities or services from the council control into the company. Such activities are likely to consist of the following:
- **Work done for the council itself** – such work is only likely to be transferred to the company if a decision is made to move a whole activity from the council into the Company. Any such proposal would involve TUPE transfer, and at this stage no proposals are being recommended to the Cabinet. However this situation will be kept under review and be subject of further reports to Cabinet if that situation arises.
 - **Existing services provided to external organisations (new opportunities to trade)** – in respect of work done for other bodies already, this could be “transferred” to the company, with the costs/income going through the company, but without any staff transfer. Instead, as outlined earlier the costs of such staff would effectively be recharged into the company. One example would be the provision of payroll services.

The advantage of moving such work into the company is that it would increase the turnover of the company, develop the brand of the company, and also bring consistent charging/customer services to the variety of trading activities already provided by the council. There are likely to be many potential examples, often small in nature, where existing trading could be moved into the company. Rather than each one having to be reported to the Cabinet, it is recommended that the Cabinet agrees that the Director of CBSS should prepare a business case for any such current trading activities to move into the company, with the approval process to

include :- Council Management Team, the Board of Directors, and the Shareholder Committee.

28. Several of the services in the CBSS directorate lend themselves to trading activities. As was identified in the February paper to the previous Executive, these included:

- Recruitment Pool
- Learning and Development
- Supply agency to schools
- Schools HR/Payroll SLA
- Payroll
- Health and safety
- Customer services
- IT

29. As an example, in 2005 Kent set up a recruitment pool organisation known as Kent Top Temps. Initially, they provided temporary staff and care workers to a range of public sector bodies. Within 12 months they had 600 fully employed agency staff on their books, which generated a £600K saving in Kent CC Social Services alone.

30. Across the council there are a range of services that are either already engaged in a level of charging for their activities or are potentially looking at the opportunities that may exist. The following table (Table 1) summarises the current known position. It should be noted that there is no expectation that all of these would trade through the company, and that in the early stages of the development of the company a step by step approach would be needed, however it gives an indication of potential opportunities over coming years:

Area	Notes
Recruitment Pool	The Pool is currently taking on work that was previously managed by an external firm, and this provides an opportunity to further develop the recruitment pool and develop a commercial approach. This will allow the council to achieve significant savings as well as provide a marketable service to other

	organisations.
Services to Schools	The current Schools Business Services team has traded a range of financial services to schools since the council's inception in 1996. The business manager service, piloted in 2004, is a market leader nationally. A business case is being prepared to show how this could be developed into a commercial model.
Learning and Development	There is a corporate review looking at learning and development across the Council. There exists potential for this to be developed into a trading activity for other organisations – especially in the public sector, but potentially expanding to the private sector in terms of delivering certified courses in recognised subjects or methodologies.
Customer Services	The York Customer Centre (YCC) is being developed towards the delivery of a world class service, in line with the new Customer Strategy. If efficiencies can be achieved to create capacity then the scope for providing contact services, particularly telephony, could be a viable proposition.
Health and Safety	Our Health and Safety Officers have achieved qualifications which would allow them to train other H&S Officers and to carry out assessments on a range of subjects. These services could be attractive to other public sector bodies.
HR and Payroll	The Council is currently running the payroll for 9 organisations, (1 district council - Ryedale, 2 schools - Scalby School/Norton College, the Museums Trust and 5 non profit making organisations - RB Kids Club/Unison/Selby AVS/Community Leisure). With the implementation of

	i-Trent, the ability to offer a comprehensive HR and Payroll solution is significantly increased.
Financial Services	Considering opportunities to trade services through the new Local Authority Trading Company - e.g. debt management services and revenue collection services.
Civils	Services are provided to other council departments and schools on a traded basis. These include specialist craftsman skills and maintenance activities all of which have the potential to be traded.
Highways Infrastructure	City Strategy commission work and CYC bids for it along with other providers. We could bid for work outside CYC area.
Building Maintenance	Mainly for council houses but covers other council buildings (e.g. EPHS, schools) and is provided on a traded basis to other housing associations with homes in the York area.
Building cleaning and general facilities management	Several other councils already trade in these services – it is one of the most common traded services. As far as York is concerned this whole area is subject to an ongoing review.
Grounds Maintenance	Services are provided to other council departments and schools on a traded basis. Could provide these services to other organisations.
Vehicles	Could cover vehicle maintenance for other organisations, or provide MOT service for taxis, the general public, etc.
Commercial Waste	Currently acting as a traded service so could be developed more formally.
Pest Control	Provided to individual members of public and external organisations – could be developed further on a more commercial basis, but is quite a competitive area.
Drainage	Currently acting as a traded service

	so could be developed more formally.
Property Services	Has been developed as a traded service in other councils.
Building Control	Has been developed as a traded service in other councils.
Parking - enforcement	Have previously carried out parking enforcement for the hospital and university so could offer services to other organisations.

-Table 1-

31. The proposed approach is that a gradual phased approach to trading will be developed. This could consist of two to three main activities which are initially developed, and successfully traded through the company. Only once these services are established would further services be considered, as it is felt important to grow gradually and ensure the early services are a success before considering new one.
32. If over time more of these services were to be developed in terms of trading, then it is most likely (but not absolute) that we would look to develop a range of brands that would help to identify, in the customers mind, the place to look for their desired service. This approach would also help us to develop combined and comprehensive offerings which could prove more attractive to potential customers. So, for example, rather than offer services to schools, IT support to schools and HR and Payroll services to schools all as separate offerings, we could look to provide a more comprehensive offering covering all of these options.
33. The council has many brands, the main one, itself, demarked by the council badge. There is also YorOK, Yortime, Energise, and Explore. An important consideration when setting up a brand is to make it future and re-structure proof so that it develops an identity that people become instantly familiar with.
34. Purely as an example of how this may take shape, under the banner of CYT Limited, we could develop branded businesses such as:

- YorBusiness – Business support services covering e.g. financial services, customer services, fleet management, etc;
 - YorPeople – Covering HR and Payroll, learning and development (including training), Health and Safety, and any other people specific services;
 - YorEducation – Around services to schools as described above;
 - YorRecruitment – For the development of the recruitment pool offering;
 - YorDirectServices – Offering a range of commercial services around current CANS services that have trading potential as described in Table 1 above.
35. These ideas would need more formal development and it is anticipated that, due to the time it is expected to take to establish the businesses, it is unlikely that any formal structures, other than the LATC itself as a legal entity, would come into existence within the first twelve months.

Governance and Management structures

36. The governance and management structures and processes are clearly stated in the *Articles of Association* and the *Shareholder Agreement* both of which are available as **background papers (paper 1 and 2 respectively)**. An *Executive Summary* giving the details of the *Shareholder Agreement* is included as **Annex 1** to this paper.
37. Besides the four directors who will make up the Board of the company (as agreed in the paper to the previous Executive in February 2011) it is proposed that a non-executive director also be appointed to the Board to act as Chairman of the board and to represent the shareholder interests. As the company will be wholly owned by the council as the sole shareholder, and due to the anticipated nature of the services that the company will offer, it is proposed that the non-executive director post is filled by the Executive Member for Corporate Services.
38. It is anticipated that further appointments to the Board in the future will need to be considered, both to reflect the type of services being provided, and to provide commercial expertise.

39. **Annex 2** to this document sets out the guidance notes on director duties for those appointed to run the business.
40. **Annex 3** sets out some key operating principles that will be employed to support the successful running of the company.
41. **Annex 4** sets out the intended approach towards staffing and personnel issues that may arise during the establishment and early years of the company's existence.
42. **Annex 5** sets out the business plan for the company, which will be developed/refined on an ongoing basis, and reported to/approved by the Shareholder Committee.

Steps to Start Trading

43. In order to maintain control and ensure that due consideration is given to all potential trading activities –once the company is established as a legal entity and the company board is in place, they will need to approve all new services that trade via the company, subject to necessary Cabinet approvals, and also Shareholder approval via the Shareholder Agreement/business plan of the company. .
44. The process will be as follows:
 - Service area develops a formal business case and business plan detailing the justification for trading and the means by which it will be achieved.

The business case which will need to include details of:

- The current business and any current charging/trading activities that are in place;
- An analysis of the current market including details of any known competitors and the available market share;
- The scope and nature of the proposed business;
- Analysis of the key stakeholders
- A financial analysis showing any required investment appraisal and anticipated financial performance figures;
- A timeline for implementation showing key milestones and resource commitments required to achieve it.

- Legal and staffing implications.
- Both Council Management Team, and the Board of the company will consider the business case and decide whether or not to pursue the proposal. There may be a number of iterations of the business case before a final decision is made. For a defined service area to be accepted as trading via the company will require the Board to sign off the business case, and submit it to the Shareholder Committee for approval.
- If required, the approval of Cabinet will be sought also – this is likely to be in the case of a major decision involving the company e.g. a transfer of a whole service area.
- Once the service is accepted as being traded through the company, the Board of the company will oversee the business development and progress, working with the relevant service area. This will not change the overall managerial responsibilities in most cases, but will require the service area to be accountable to the board of directors for any trading activities.

Council Priorities

45. The LATC will help to support the economy in York by providing new opportunities for staff and companies in the city. Additionally, as a result of increasing competition and competitiveness in the local marketplace, it is usual for the quality of services to improve, providing direct benefits to the customer-base.
46. The LATC may, in the longer term, also provide new prospects for employment either directly in the company, or in the supporting suppliers and customers of that company. This is as well as preserving current staffing roles and enabling staff to develop new skill sets and gain new experience which they may not otherwise have access to within the public sector.
47. The LATC will embrace the council's commitment to:
 - Delivering what our customers want;
 - Providing strong leadership;

- Supporting and developing people;
 - Encouraging improvement in everything we do.
48. The *Key Operating Principles* presented in **Annex 3** will sit alongside these commitments and together they will help to deliver the business objectives of the company.

Implications

49. **Financial** - The Company will need to comply with the regulatory requirements of the Companies Act 2006 and additionally with the regulatory regime for local authority companies under the Local Government and Housing Act 2003. The council must recover the full cost of any accommodation, goods, services, employees or anything else it supplies to the company in pursuance of any agreement or arrangement to facilitate the power to trade
50. **Human Resources (HR)** - As the company will not employ any staff initially, TUPE will not apply to employees. This needs to be monitored on an ongoing basis and would need to be considered further if the trading company were to employ people directly, or council employees were to be transferred to the Company or one of its subsidiaries, at a later date.
51. **Equalities** – A full Equalities Impact Assessment (EIA) will be prepared for the company itself and as part of any business case submitted for services to be considered for trading.
52. **Legal** – Set out in this report. The Assistant Director for Governance and ICT will ensure all legal implications of setting up a wholly owned company are considered and addressed.
53. **Crime and Disorder** - There are no crime and disorder issues arising from this report.
54. **Information Technology (IT)** – The appropriate financial structures will need to be established on the council financial systems. Any new IT applications that the company identifies will be procured through the company but will be hosted on the council's IT platform.

55. **Property** – There are no property implications initially, any property requirements of the company going forward will need to be established and/or funded through the company itself.

Risk Management

56. There will be a need for clear operational control procedures and monitoring. All risks and uncertainties affecting the council's and the Trading Company's position will be identified and mitigation will be put in place. An initial risk assessment was defined in the original paper to Exec in February 2011. A full risk log is now maintained and constantly monitored via the LATC board.

Recommendations

57. Cabinet are asked to approve:

1. The establishment of the local authority company (CYT Ltd), the approval of the Business Case (**Annex 5**) and the general principles of governance and operation as set out in the report. This includes the appointment of the Executive Member for Corporate Services as a non-executive director to act as Chairman of the Board.

Reason: To allow the establishment of the company.

2. To grant delegated power to the Executive Member for Corporate Services to approve the final *Articles of Association*.

Reason: To formally agree the detailed *Articles of Association*.

3. To grant delegated powers to the Leader of the council to formally agree and sign off the *Shareholder Agreement*.

Reason: To enable the establishment of a Shareholder Committee that will regularly review the activities of CYT Ltd., and to monitor its performance.

4. To approve the establishment of a Shareholder Committee, to be made up of the Leader of the Council,(who will chair

the Committee) and two other Members of the council as chosen by the Leader of the Council.

Reason: In order to properly exercise the council's powers and responsibilities as the sole shareholder of the LATC.

5. To agree that the Director of CBSS prepares proposals on which **current** activities provided to external organisations should be considered for trading through CYT Ltd. All such instances will be subject to business case approval by the Council Management Team, the Board of Directors, and the Shareholder Committee.

Reason: to allow a mechanism for existing trading activity with external organisations to move into the Company.

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Wards Affected Not applicable			All
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Background Papers

- Paper 1 - City of York Council local authority trading company articles of association
- Paper 2 - City of York Council local authority trading company shareholder agreement

Annexes

- Annex 1 Shareholders agreement executive summary
- Annex 2 City of York Council guidance notes on directors duties
- Annex 3 Key operating principles
- Annex 4 Staffing, personnel and employment issues
- Annex 5 Initial Business Case



CITY OF YORK COUNCIL

SHAREHOLDERS AGREEMENT

EXECUTIVE SUMMARY

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CITY OF YORK COUNCIL

Shareholders Agreement – Executive Summary

Words and expressions used in this executive summary (“**Summary**”) have the means ascribed thereto by the Shareholder’s Agreement (the “**Agreement**”), a copy of which is appended to this Summary.

This Summary sets out details of what we believe are the key provisions of the Agreement. We have sought to identify the key issues of which the City of York Council (the “**Council**”) should be aware, However this Summary is not exhaustive and consequently the Council should read the Agreement in its entirety and not just this Summary in isolation.

1 COVENANTS

The provisions of Clause 3 of the Agreement provide that each of the Company and the Council covenant with each other in the terms of Part 1 and Part 2 of Schedule 2.

Covenants provided by the Company to the Council include:

- Shareholder Consents – these include matters on which the Company must seek the prior written consent of the Council before it takes any of the actions listed. Such actions include the allotment of further shares in the Company (whether to a third party shareholders or the Council), entering into or establish any joint venture with a third party, incurring certain levels of material expenditure or financial indebtedness or making any amendments to the Business Plan;
- Decision making by the Board – paragraph 3 of Part 1, Schedule 2 provides that any material decisions made by or on behalf of the Company are either approved at a properly convened Board meeting or by a written resolution approved by all of the Directors unanimously;
- Information and reporting obligations – the Company must provide certain information to the Council at regular intervals, for example the provision of a quarterly information pack containing management accounts, as well as the ongoing obligation to keep the Council informed of matters relating to the progress of the Business. We can discuss with the Council any further requirements it may have in this regard.

The covenant given by the Council is such that the Council undertakes to the Company that it will generally act in a manner that will promote the Business and the best interests of the Company at all times acting in good faith, subject always to its statutory and common law duties.

2 **PURPOSE AND MANAGEMENT**

This Clause 6 of the Agreement sets out the primary purpose of the Company, being the development of the Business in accordance with the Business Plan. It provides that the Company will at all times operate policies which are consistent with the Company Mission Statement and the Council Mission Statement (the Company Mission Statement being a term to be defined upon further discussion between Cobbetts and the Council) and that the Company will conduct the Business and its affairs in a proper and efficient manner, for its own benefit and in accordance with the Business Plan.

Consideration should be given as to whether any other specific requirements should be included in this Clause.

3 **BOARD AND MEETINGS**

Clause 7 details the constitution of the Board of directors. As per our instructions, the Board is to be made up of at least four directors, including at least one non-executive director. It is envisaged that such a non-executive director will be a representative of the Council in its capacity as a shareholder.

A Chairman is to be appointed to the Board, who may be an executive or non-executive director. Any such Chairman shall not have a casting vote.

The provision also deals with the frequency of such Board meetings, being quarterly.

4 **SHAREHOLDER COMMITTEE**

Clause 8 provides for the establishment of a Shareholder Committee. It is envisaged that the Shareholder Committee will be made up of representatives from the Council.

As currently drafted the Shareholder Committee is not to take an operational role but will be the means by which the Council will appoint and remove Directors, review the Annual Business Plan, discuss and review the financial performance of the Company and its performance as a whole.

5 **DIVIDENDS**

Clause 9 sets out the dividend policy to apply to the Company. To the extent that the Company has any surplus contributions available, such cash it to be applied to the provision of working capital for the Company and the retention of appropriate levels of profits in the Company, with any balance being distributed to the Council as shareholder.

We would recommend that the Council seeks the appropriate tax advice in relation to any dividends it is seeking to take from the Company.

6 TERMINATION

Clause 16 deals with the duration of the agreement and what will happen in the event that the Agreement is terminated (which can be either at the mutual agreement of the Council and the Company, or in the event that a resolution is passed or an order is made for the winding-up of the Company).

7 RECLASSIFICATION

We have not included provisions as to the classification or subsequent reclassification of the Council from a "Best Value" authority. Given the changes in legislative requirements as a result of the 2009 Trading Order, the Council may consider that such provisions are not necessary. However, appropriate provisions can be included as to the termination of the agreement and the winding up of the Company in the event that the Council is reclassified from Best Value status if so required.

8 BUSINESS CASE AND BUSINESS PLAN

The Agreement has been drawn on the basis that the Business Case, as required by the 2009 Trading Order, has been prepared and approved by the Council prior to the entry into the Agreement.

It is envisaged that the Company shall prepare, and agree with the Council, a Business Plan setting out, amongst other matters, the proposed business activities of the Company and the expected financial performance of the Company for the coming year. Any material deviation from the Business Plan is to be at the prior written approval of the Council (please see Covenants 1.2.1 and 1.1.1).

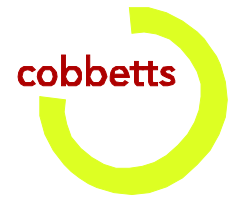
Cobbetts LLP

27 June 2011

APPENDIX

The Shareholder's Agreement

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DIRECTORS' DUTIES : CONFLICTS OF INTERESTS

GUIDANCE NOTE

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LZL/GWM/YO96-1

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1 **DEFINITIONS**

“**Council**” City of York Council;

“**Company**” the newly incorporated Company, established as a wholly owned subsidiary of the Council for the purpose of trading in certain function related activities.

2 **INTRODUCTION**

2.1 A director of a company owes various duties to that company.

2.2 Until recently there was no codified list of directors’ duties as they had largely evolved through case law.

2.3 One of the most significant changes introduced by the Companies Act 2006 (the “**Act**”) was the codification of the **general duties** owed by directors and these are now set out in sections 171 to 177 of the Act. There are, however, other duties contained in other parts of the Act and also some that remain uncodified.

2.4 This note provides a summary of the duty owed by directors to avoid any potential conflicts of interest. Such a duty may be particularly relevant to the directors of the Company who are also employees and/or members of the Council. Should the Council require further guidance as to the other duties owed directors under the Act, we would be more than happy to circulate a note dealing with those issues.

2.5 Given that the Act is a relatively new piece of legislation it is not yet clear how many of its provisions (including those regarding directors’ duties and conflicts of interests) will be interpreted and applied. What has been made clear, however, is that in interpreting the new codified duties regard must still be had to the existing case law on director’s duties.

2.6 It should be noted that the duties are cumulative and where more than one duty applies the directors must comply with each applicable duty.

3 **GENERAL DUTIES UNDER THE ACT**

Most of the general duties under the Act came into force on 1 October 2007, however the duty to avoid conflicts of interest with the company came into force on 1 October 2008.

3.1 **Duty to avoid conflicts of interest** (section 175)

3.1.1 A director must avoid situations in which his direct or indirect (eg through his family) interests conflict or may conflict with those of the company.

3.1.2 This duty is particularly relevant in relation to the exploitation of property, information or opportunities.

- 3.1.3 The duty does not apply to a conflict relating to a transaction or arrangement with the company (these situations are dealt with elsewhere in the Act).
- 3.1.4 The duty is not infringed if:
- 3.1.4.1 the situation cannot reasonably be regarded as likely to give rise to a conflict of interest; or
 - 3.1.4.2 the matter is authorised by the directors (but see 3.1.5 and 3.1.6 below).
- 3.1.5 A private company formed on or after 1 October 2008 that wishes to take advantage of the ability of directors to authorise conflicts will need to check its constitution to ensure there are no provisions which prevent such authorisation being given. When incorporating the Company, we shall include the appropriate provisions in the Company's articles of association (the "**Articles**") dealing with conflicts of interests and the ability of directors to authorise them.
- 3.1.6 It should be noted that if a conflict is to be validly approved by the directors any interested director may not count in the quorum at the meeting where the authorisation is considered and their votes will not be counted in relation to the vote on the authorisation.
- 3.1.7 It is also important to note that before authorising any conflict the directors must consider their other duties under the Act.
- 3.1.8 Amongst other things the duty may make it difficult for directors to have multiple directorships, especially if the relevant companies are in the same business sector. Directors in this situation should seek advice as it may be necessary to ensure that each relevant company's constitution is altered (or, in the case of a private company formed before 1 October 2008 that its members have passed an appropriate resolution) and that the situation is then authorised by the other directors.
- 3.1.9 **Council members and/or employees proposing to be appointed as directors of the Company should be aware of any potential conflicts of interest that may arise when carrying out their roles for the Council and when acting as directors of the Company.**
- 3.1.10 **Any director who is also a Council member will still be bound by the codes of conduct relevant to the Council, in so far as those codes do not conflict with their legal obligations as directors.**

4 CONSEQUENCES OF A BREACH OF DUTY

- 4.1 All directors' duties are owed to the relevant company and only that company will be able to enforce them (although in certain circumstances members may be able to bring a derivative claim on the company's behalf (see 4.3 below)).
- 4.2 There are a number of potential remedies available in the event of a breach of duty. These include:
 - 4.2.1 injunctions;
 - 4.2.2 damages (which may be payable by the director personally);
 - 4.2.3 fines (particularly in the case of a breach of a duty of internal management); and
 - 4.2.4 the relevant transaction being set aside.
- 4.3 In certain circumstances members may be able to bring a derivative claim on the company's behalf. The Act has widened these circumstances and they include a breach of duty.

5 EXECUTIVE AND NON-EXECUTIVE DIRECTORS

A board of directors acts as a whole and although some directors may be given additional powers or responsibilities by the constitution or by resolution, generally speaking the general duties and responsibilities are the same for executive and non-executive directors.

6 PROTECTION FOR DIRECTORS

- 6.1 The best protection for directors is for them to ensure that they are fully aware of their duties and responsibilities and at all times act in accordance with those duties. Should the Council require additional information and/or training in relation to the duties and responsibilities of directors in addition to the duty to avoid conflicts of interest then we would be delighted to discuss this further.
- 6.2 It is good practice for directors to establish a proper framework for holding board meetings, making decisions and recording those decisions. Such a framework has been contemplated in the initial draft of the Shareholder's Agreement we have provided for the Council, however the Council should consider those provisions further to ensure that it and the directors are comfortable with that framework.
- 6.3 The GC100 has produced a note on best practice for directors of public limited companies and directors would be well advised to review that note. An extract from the best practice note is attached at the Appendix.
- 6.4 There is a provision in the Act (section 239) that allows a company (by an ordinary resolution of the members) to ratify any conduct of a director which amounts to negligence, default, breach of duty or breach of trust. Ratification will bar the bringing

of a derivative claim. However, the votes of the relevant director and any person connected with him have to be disregarded for the purpose of determining whether the resolution has been passed.

6.5 Under section 1157 of the Act a court may also relieve a director from liability if it considers (amongst other things) that:

6.5.1 the director has acted honestly and reasonably; and

6.5.2 considering all the circumstances, he ought fairly to be excused.

6.6 It may be possible for a company to take out an insurance policy to cover its directors from any claims for negligence, default or breach of duty or trust (section 233 of the Act). We would recommend that the Council makes enquiries in order to put in place the appropriate insurance(s).

Cobbetts LLP
10 June 2011

APPENDIX

**EXTRACT FROM THE GC100 GUIDANCE ON DIRECTORS' CONFLICTS OF INTEREST
AUTHORISATION PROCESS (AUGUST 2008)**

Directors' briefing

1 Background

The statutory duties relating to conflicts of interest under the Companies Act 2006 come into force on 1 October 2008, namely:

- Duty to disclose any interest in a proposed transaction or arrangement with the Company and a separate and independent duty to disclose any interest in an existing transaction or arrangement with the Company (transactional conflicts)
- Duty to avoid conflicts of interest (situational conflicts) unless authorised

The Act allows Board authorisation of situational conflicts where the directors have the relevant powers.

2 Directors' own responsibility

It is emphasised that the above duties are the personal responsibility of each director and not the Company. Only directors will ultimately be aware of any actual or potential situational conflicts. Directors should ensure that they keep these duties under review and inform the Chairman and Company Secretary (to the extent such person is appointed) on an ongoing basis of any change in their respective positions.

Transactional conflicts are not the same as situational conflicts and different rules apply to each (see below for more information). Situational conflicts require prior authorisation to avoid a breach of duty. Transactional conflicts require directors to declare their interest and under the Company's Articles of Association they cannot vote on a Board resolution relating to the relevant transaction. Failure to declare an interest in an existing transaction or arrangement with the Company and another party is a criminal offence whereas a breach of the other duties could only give rise to civil claims against a director.

3 Duty not to accept benefits from third parties

A director has a duty not to accept a benefit from a third party conferred by reason of his being a director or doing (or not doing) anything as a director. This duty does not apply if the benefit cannot reasonably be regarded as likely to give rise to a conflict of interest. If a director is in doubt whether any benefit is permitted, s/he should seek clarification from [the Group Company Secretary] before acceptance.

4 **Duty to disclose any interest in a proposed or existing transaction or arrangement with the Company and another party (transactional conflict)**

Directors continue to have a duty to declare an interest in a proposed transaction or arrangement with the Company and another party and also in an existing transaction or arrangement with the Company and another party. Their interest may be direct or indirect and interests of their connected persons may also be captured. These duties are broadly similar to the requirements of the existing law.

It should be noted that:

- transactional conflicts include auctions and **tender processes**;
- a transactional conflict where the transaction results in an ongoing relationship between the Company and another party may become a situational conflict.

If a director becomes aware that s/he has a direct or indirect interest in an existing or proposed transaction with that party, s/he should notify the Board at the next Board meeting or by a written declaration. Interests in proposed transactions should be notified before the transaction is entered into and directors have an ongoing duty to update any changes in these interests.

5 **Duty to avoid conflicts of interest (situational conflicts)**

From 1 October 2008 directors have a duty to avoid a “situation” in which there is, or may be, a conflict between the interests of the Company and the direct or indirect interests of the director or between the director’s duties to the Company and to another person. The 2006 Act has introduced a new statutory power for a board to authorise such situational conflicts, provided this is done in advance. Boards of public companies and existing private companies must be authorised to deal with conflicts before directors can approve these.

This change in the law will require the Company to operate more formal procedures regarding conflicts of interest but provided a potential situational conflict has been authorised, the change should not result in directors having to behave in a different way than they would at present.



Annex 3

Key operating principles

1. In order to be able to operate successfully in the marketplace, it will be important for the company to develop its own image and values by which it will do business. The following are draft principles that the Company will seek to adapt. These principles will ultimately be agreed by the Company, and the Shareholder committee.
 - **Bold decision making and Leadership**– from both the council and the Company – to seize the opportunities, take risks, and maximise benefits. This will be enabled through:
 - The provision and presentation of good quality and accurate information at all key decision making points;
 - Clarity around risk management – with regular reviews of risks and their planned mitigation;
 - Translating decisions into actions – detailed plans supported by well documented business cases will be developed for all approved company ventures.
 - Monitoring and transparency – the production and regular reporting of management information to board
 - Personal leadership and accountability from the Board of Directors
 - **Business Focussed** – the LATC needs to be able to make decisions, develop business opportunities, and other operational practices, in a commercial manner. This will be done through:
 - Sound financial management, and business planning

- Adapting to change - to meet changes in operational challenges and business opportunities.
 - Identifying new Opportunities, new products or services to existing and potentially new customers
 - Embracing a commercial approach to the work of the company
 - Establishing reputation
- **Ambition and Vision** – we should aim to create something that in 5-10 years is hugely successful. We will achieve this through:
- The development of sound and challenging business plans containing relevant targets for business growth, financial measures, customer satisfaction, staff development, etc;
 - Having clear strategies for developing the business and engaging with customers – these will take the form of a Customer Charter and a Business Development Operational Model;
 - Constantly reviewing all the elements of developing and running the business to ensure firstly, that we measure whether objectives are being met and secondly, to ensure that we are constantly in a position to reevaluate any strategy that is ineffective;
- **Employee Focused** – Through the release of employee capabilities – with an emphasis on personal accountability and reward, training and development, and staff involvement.
- We will look to provide a working environment which supports and enables employees to make the best of their skills and experience;
 - We will also look to open up new opportunities for staff to learn and develop – involvement in a commercial venture like this will present new challenges and

openings, which are different from the more “normal” public sector environments;

- Staff will be consulted at all stages of the company development – as an early example, the naming of the company has been conducted as a consultation exercise, with ideas and proposals sought from all staff and comment invited back on the final choice.

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Annex 4

Staffing, personnel and employment issues

1. In the first instance there is no intention to transfer any staff into the company.
2. All staff who carry out work on behalf of the company will have their time recharged to the company at a rate commensurate with their costs to the council. The business will be operated under the auspices of the *UK Corporate Governance Code*, produced by the Financial Reporting Council (FRC) and endorsed by the European Corporate Governance Institute (ECGI).
3. A key issue for directors will be the management of any conflict of interests which may be brought about by a Director, AD or other employee of the council also being a Director of the company. While situational and transactional conflicts of interest are catered for in the *Articles of Association*, An explanatory note dealing specifically with the nuances of conflicts of interest in our environment in the public sector is presented for clarity in **Annex 2** of the report to Cabinet on the establishment and governance of the local authority trading company dated 6th September 2011.
4. In the medium to longer term future, where it is identified that staff who are employed wholly or mainly in a service that is proposed to transfer to the LATC, TUPE regulations and the *Code of Practice on Workforce Matters in Local Authority Service Contracts* would apply and staff would be transferred on their existing terms and condition of service. It is likely that staff and trade unions would want assurances that the LATC is being granted admitted body status to the Local Government Pension scheme, which is

normally a chief concern to them – this will be sought through discussion and negotiation with the Pension Scheme Trustees.

5. The council's TUPE protocol and all other related policies and procedures must be followed, particularly the duty to consult with both, trades unions and staff. The business plan as well as the *Articles of Association* of the LATC are subject to such consultation, and involvement of trades unions and staff from an early stage is planned.
6. At all stages of the company's development, timely and full consultation will take place with all identified stakeholders, including Unions and staff as well as any partner agencies and organisations who may need to be kept informed of progress.
7. The terms of Directors will be for the company, and ultimately the Shareholder Committee to determine.



Annex 5

Establishment of the City of York Trading Company (CYT Limited) - Initial business case

1. Cabinet have approved the setting-up of a generic trading company through which the Council will be able to provide services and carry out works for profit on behalf of other public bodies and private organisations. Any income generated will be considered for re-investment to support other council initiatives or for the trading company development.
2. The setting up of a company will allow the council to trade services with a view to income generation, to develop customer focussed services that offer value for money.
3. The proposals for the establishment of the company as a legal entity and the governance and management structures that will be set in place to run the company are presented in the Establishment and Governance paper to which this document forms an Annex.

Proposed Governance

4. As part of the previous decisions made, it has already been agreed that the Council will appoint directors to the board of the company lead by the Director of Customer & Business Support Services. Additionally, the Executive Member for Resources will be invited to sit on the board as a non-executive director and Chair of the board, to represent the shareholders interests and ensure that any conflicts of interest that the directors may experience are suitably managed.
5. Further Directors, including independent directors who are neither members nor officers, may be appointed in future if it is believed they may benefit the business of the company.

Proposed Establishment and Potential Structures

6. It is proposed that in its early stages of operation, employees from the Council's services will be seconded in to the trading company as and when required to carry out individual projects or tasks. A Charging Policy will be developed which will be used to determine the charge out rates for resources attributed to delivering the company business. All charges incurred by the company will be accounted for in their totality, thus a transparent and auditable pricing structure will be maintained.
7. The initial financial arrangements of the company will be managed through existing resources. Costs incurred may include items such as insurance, professional indemnity, taxation advice, auditor fees, finance fees, legal fees etc., but these can be minimised by taking an "off the shelf" company as a basis and then renaming it to reflect the nature of the business. Any costs will be accounted for initially as a cost to the Council but will ultimately be recharged to the company. The financial structures to support this will ensure that all company accounts are separately identifiable and reportable. These arrangements are in line with how other authorities have addressed these issues.
8. Ongoing costs associated with business development and running costs of the company will be provided through the surplus generated from trading activities.

Initial Financial Projections

2011/12		2012/13 £'000	2013/14 £'000	2014/15 £'000
Although the work to establish the company is taking place in 2011/12 the opportunity to create any significant income will be limited until the company exists and trading is developed	Income	300	1,000	2500
	Expenditure, including direct overheads	250	800	2000
	Company costs (see below – Table 2)	10	22	22
	Gross Profit	40	178	478

-Table 1-

Assumptions

9. Year 1- minimal business, likely to include aspects of the recruitment pool and possibly some opportunities in learning and development, work done in CANS (e.g. fleet) transfer across of some existing trading activity.
10. Year 2 – further expansion of pool, some work for schools, opportunities for business support, fleet, and other council activity expanded
11. Year 3 – potential full placement of some areas, e.g. recruitment pool, major contracts for external partners, schools, other organisations, potential consideration of staff transfers into company.

Estimate of on-going company costs per annum

12. The company will have a number of costs that will be incurred due to its nature of being a company. The table below gives indicative estimates of these costs taking into account the experience of setting up Veritau and using information from other councils.

	Indicative Value	
	Year 1 £	Ongoing £
Company Secretariat	2,000	2,000
Company Accounting	500	2,000
External Audit	4,000	4,000
Legal Support – Contracts	500	3,000
Insurance	2,000	6,000
Marketing etc	1,000	5,000
	10,000	22,000

-Table 2-

13. The costs above show that in year 1, with only small level of trading the company costs should be in the region of £10k. However as further services are included it is anticipated these will rise to approximately £22k but this will be dependant on the size, scale and nature of the services traded.

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Cabinet

4th October 2011

Report of the Cabinet Member for City Strategy

City of York Council: Comments on the draft National Planning Policy Framework

Summary

1. National planning policy, in the form of Planning Policy Statements (PPSs) and their predecessors the Planning Policy Guidance Notes (PPG) is extensive. It is proposed that this will be replaced by a single, succinct document the National Planning Policy Framework (NPPF). Consultation on the draft framework began on the 25th July 2011 and will end on 17th October 2011.
2. The purpose of this report is to inform Members of the content of the draft framework and ask them to consider a potential response to the consultation from the Council. Given the significance of this document, a copy of the National Planning Policy Framework is included as Annex A (available on-line). A draft response from Officers is attached as Annex C.

Background

3. The incoming Coalition Government in 2010 indicated early its intention to reform planning. It stated that localism and community were to be at the heart of its plans and it has demonstrated this through its approach to the regional planning framework and the expressed intention of the creation of a neighbourhood level of plan making through the Localism Bill. It also expressed its intent to streamline and simplify national planning policy.
4. National guidance currently includes 11 Planning Policy Statements (plus various appendices and supplementary documents), 9 Planning Policy Guidance Notes plus specialist policy and guidance on minerals and waste planning and various good practice notes and other guidance. This amounts to over 1,400 pages of policy and 5,700 pages of advice. It varies from

very detailed guidance (for example in PPS25: Development and Flood Risk) to the very generic guidance set out in PPS1: Delivering Sustainable Development. It is of varying ages, with PPG2: Green Belts published in January 1995 under the previous Conservative Government. The NPPF itself will replace much of this advice in a document of less than sixty pages (excluding glossary). Some policy areas are not covered by the Framework, these include advice relating to Waste Management and Eco-towns.

5. In addition the Government's consultation on new draft planning policy for traveller sites 'Planning for Traveller Sites, April 2011' ended on 3 August, with the intention that a new Planning Policy Statement for traveller sites would be published as soon as possible, following due consideration of the consultation responses. However, it is now planned to incorporate this new planning policy on traveller sites into the final National Planning Policy Framework. Annex B sets out the Council's response to consultation questions posed in relation to 'Planning for Traveller Sites, April 2011', and will be submitted alongside the Council's response to the NPPF.

NPPF Summary

Key Aim

6. The objectives of the NPPF are set out succinctly in the Foreword to the document, where it is clear that the Coalition Government considers that the planning system can do better in terms of outcome as well as speed. It is clear from the outset that the objective for the planning system should be to promote growth and the document states that the basis for every plan should be a presumption in favour of sustainable development. The concern that Planning has constrained development in the past is not necessarily accepted. At City of York, over the past five years, over 70% of applications have been determined within the target date and nearly 80% of these have been approved.

The NPPF – Plan making

7. The NPPF identifies three levels of plan making: National planning policies as set out in the NPPF; Local Plans prepared by Councils in consultation and association with the community; and Neighbourhood plans prepared by communities themselves.

The Local Plan

8. The Local Plans should set out the strategic priorities for the area, namely housing and economic development requirements, the provision of retail, leisure and other commercial development, the provision of infrastructure and other local facilities. Housing requirements should be supported by Strategic Housing Market Assessments and Strategic Housing Land Availability Assessments, whilst business needs should be established in co-operation with neighbouring authorities and Local Enterprise Partnerships. The NPPF is clear that Local Plans should plan positively for development and should allocate and identify sites to promote development and flexible use of land; where restrictions are proposed these should be justified. The Local Plan should also address climate change mitigation and adaptation and protect and enhance the natural and historic environment. It states that the Local Plan should:

“...identify land which it is genuinely important to protect from development, for instance because of its environmental or historic value ...” (para 24)

9. It also advises that:

“Local planning authorities should have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment.” (para 37)

10. The NPPF sets out requirements relating to viability and deliverability, indicating that development should not be subject to such a scale of planning obligations that their ability to be developed is compromised. It does not provide specific guidance on the acceptable level of contribution, but advises that when devising these the Local Plan should ensure that:

“when taking account of the normal cost of development and on-site mitigation, (a scheme should) provide acceptable returns to a willing landowner and willing developer to enable the development to be deliverable.” (para 39).

The removal of the level of guidance included in previous national advice clearly leaves terms such as ‘acceptable returns’ open to interpretation. This is a common problem throughout the guidance

and may ultimately cause problems for Development Management.

11. In developing Local Plans, the NPPF indicates that the Local Planning Authority (LPA) should work closely and collaboratively with neighbouring authorities to ensure that strategic priorities across boundaries are properly co-ordinated and clearly identified and evidence of such cross-boundary working will need to be demonstrated when Local Plans are presented for examination.
12. The framework reference to Local Plans rather than LDFs could represent a fundamental change. Although it isn't completely clear if these plans would incorporate allocations and some development management policies as well the overall strategic approach and vision i.e. would potentially combine elements of our emerging Core Strategy, Allocations DPD and some elements of SPDs. Further clarification is needed to explain what form will be taken by proposed Local Plans. A transitional period would clearly be expected but no information is provided.
13. The NPPF highlights that SPDs must not be used to add to the financial burden on development. The general approach would also seem to limit the use of SPDs. Given the role of SPDs in the Development Management process and in securing planning gain this would represent a significant change.
14. In terms of the duty to work with neighbouring authorities this was previously obviously covered through the need to be in conformity with the Regional Plan. This also therefore represents a fundamental change but with little advice or detail about the extent of this work or how potential conflicts will be resolved.

The Neighbourhood Plan

15. The NPPF identifies the opportunity provided for local communities to prepare a statutory Neighbourhood Plan. It advises that the Neighbourhood Plan is a tool whereby communities can promote and encourage development. The Neighbourhood Plan should be in conformity with the strategic policies of the Local Plan, and may promote more development than set out in the Local Plan. It will be subject to independent examination to ensure compliance with the NPPF and general conformity with the Local Plan and will be subject to a local referendum prior to adoption. Following adoption it would become the precedent plan where there is conflict with the Local Plan. It is noted that given the requirement to be in general

conformity with the Local Plan, any conflict can be over matters of detail only.

16. As in the case of the Local Plan the introduction of Neighbourhood Plans also represents a key change to the planning system. Although further information on the form they would take and therefore their extent is required to evaluate their likely effect on decision making.

The NPPF – Development Management

17. The NPPF makes it clear that the primary objective of the development management process is to foster the delivery of sustainable development; it must not hinder or prevent development. The benefits of economic and housing growth must be given significant weight in decision making. Whilst the NPPF advises that the system remains plan-led, there is a presumption in favour of sustainable development. An LPA should seek to approve proposals wherever possible. Where a Plan is absent, silent, indeterminate or out-of-date in respect of any particular proposal, the LPA should grant planning permission. This is an example of a more positive approach to development that underpins the whole document and appears to represent a movement away from the current balanced approach that exists in guidance.
18. The guidance gives no information on the transitional arrangements including how long LPAs will have to get Local Plans in place. Clarification of this is important given the role of the NPPF if a plan is absence.
19. In seeking to achieve high quality outcomes and prompt decision making, emphasis is given to the value of pre-application advice and engagement and this is encouraged. The role and importance of statutory consultees and stakeholders in the pre-application process is recognised and the need for their early involvement highlighted.
20. The NPPF highlights the role of existing legal mechanisms for either increasing or reducing control over development locally such as Article 4 Directions. It also outlines the new provision of Neighbourhood Development Orders which can grant planning permission, and Community Right to Build Orders, which similarly promote development. These were previously announced in the

draft Localism Bill in December 2010. Further information is provided in Annex D.

Sustainable Development

21. Sustainable development is identified as having three components:

- An economic role – planning for prosperity
- A social role – planning for people
- An environmental role – planning for places

The document states that these three components should be pursued in an integrated way and that there is no necessary contradiction between increased levels of development and protecting and enhancing the environment.

Planning for Prosperity

22. The emphasis in the NPPF in respect of the economic component of sustainable development is on securing sustainable economic growth. Through Local Plans, LPAs are required to set out a clear economic vision, identify sites for inward investment and priority areas for economic regeneration, support existing business sectors and positively plan for expansion of more modern industrial sectors. LPAs are advised against adopting policies which seek the long-term protection of employment land, but instead to be flexible. Current guidance is far less flexible seeking to effectively ensure employment sites are kept for that use. This has been seen as important in places like York where there can be substantially differing land values between different end uses. In addition this may compromise the ability to deliver concentration of certain types of development to deliver sustainable transport outcomes.
23. Town centres are identified as being at the heart of communities and their vitality and viability is to be supported, including through town centre expansion, although edge of centre sites must be identified where there is insufficient town centre land available for expansion. The contribution of residential development to vitality in town centres is recognised and LPAs are to encourage such development. A sequential approach is to be taken to applications for retail and leisure uses but appears to be removed for office development. This is a clear departure from current guidance that seeks to direct offices to town centres. This has been seen as important to ensure that offices are located in areas well served by

public transport and services thus reducing congestion and helping to achieve wider sustainability objectives.

24. In terms of the rural economy, the NPPF indicates planning policies should support sustainable economic growth, including promoting the development and diversification of agricultural businesses, along with appropriate sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which respect the character of the countryside.
25. Transport policies are identified as having a key role to play in facilitating development and whilst there is reference made to the need to favour sustainable transport modes overall. The NPPF takes a strategic rather than local approach. In taking this approach, it also recognises that different policies and measures will be required in different communities and between urban and rural areas. The emphasis remains on supporting economic growth and it advises:

“... development should not be prevented or refused on transport grounds unless the residual impacts of development are severe, and the need to encourage increased delivery of homes and sustainable economic development should be taken into account.”
(Para 86).

26. As the NPPF stands, with its emphasis on economic growth rather than broader sustainability objectives, it deviates considerably from the current PPG13 guidance.
27. Minerals development should, as far as practicable, ensure that sufficient reserves are available from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites.

Planning for People

28. The key issue identified in respect of the social component of sustainable development relates to the provision of housing and the NPPF sets out that the Government's key housing objective is to increase significantly the delivery of new homes. It states:

“Everyone should have the opportunity to live in high quality, well designed homes, which they can afford, in a community where they want to live. This means:

- *Increasing the supply of housing;*
- *delivering a wider choice of high quality homes that people want and need;*
- *widening opportunities for home ownership; and*
- *creating sustainable, inclusive, mixed communities, including through the regeneration and renewal of areas of poor housing.” (Para 107)*

Current guidance gives considerable emphasis to affordable housing and it is noted that this isn't picked up in the objectives highlighted above.

29. LPAs through their Local Plans must ensure that they can meet the full requirements for market and affordable housing in their area over the Plan period through the provision of a five years supply of housing land, plus a 20% additional allowance to provide choice and competition. They must also identify sites or locations for growth for years 6 -11 and, where possible, years 11 – 15. This should comprise a mix of housing types and tenures to meet existing and future needs. In terms of affordable housing the NPPF indicates:

‘where they have identified affordable housing is required, set policies for meeting this need on site, unless off-site provision or financial contribution of broadly equivalent value can be robustly justified ...and the agreed approach contributes to the objective of creating mixed and balanced communities’ (Para111)

30. Again, the removal of the level of guidance included in current national guidance clearly leaves much of the terminology used open to interpretation. This may ultimately cause problems for Development Management.
31. In terms of design, the NPPF is supportive of policies which seek to promote good design, but cautions against an overly prescriptive approach or the imposition of particular architectural styles or particular tastes.
32. The role of planning in the creation and retention of strong communities through a good quality built environment with a range of local services is acknowledged and supported. The NPPF confirms the need for policies to safeguard against the loss of facilities and services which support communities. It outlines that through the Local Plan or the Neighbourhood Plan process communities should be able to identify areas of open space which

are important to them and for these to be designated Local Green Space which will then be protected from development unless in exceptional cases. There are criteria to be met to qualify for designation, including that the green space is in reasonably close proximity to a centre of population and is demonstrably special to a local community and holds a particular significance due to its beauty, historic importance, recreational value, tranquillity or richness of its wildlife, and where the green area concerned is local in character and is not an extensive tract of land.

33. The NPPF places great emphasis on Green Belt policy and proposes to retain the existing policy approach although it states that it should not be necessary to designate additional Green Belts, it sets out the criteria which would need to be met in order to justify such a designation.

Planning for Places

34. The key issue identified in respect of the environmental component of sustainable development is that:

“planning should fully support the transition to a low carbon economy in a changing climate, taking full account of flood risk and coastal change”. (Para 148)

The removal of the level of guidance included in previous national advice clearly leaves terms such as ‘taking full account of flood risk’ open to interpretation.

35. To achieve this objective the NPPF outlines a number of key aims of the planning system, including that it should:

“...secure, consistent with the Government’s published objectives, radical reductions in greenhouse gas emissions, thorough the appropriate location and layout of new development, and active support for energy efficiency improvements to existing buildings and the delivery of renewable and low-carbon energy infrastructure ... avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk or where development is necessary, making it safe without increasing flood risk elsewhere.” (Para 148)

36. The NPPF identifies the primary means of achieving these objectives as being through the location of new development and the use of sustainability standards for new buildings.

37. In terms of renewable and low-carbon energy, LPAs are required to develop a positive strategy to promote energy from such sources, to design policies to maximise such development and to consider identifying areas suitable for such development.
38. With regard to development and flood risk, the NPPF broadly maintains the sequential, risk-based approach set out currently in PPS25: Development and Flood Risk which seeks to locate development in areas of the lowest risk of flooding, but in one respect goes further and states that:

“where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.”
(Para 156)

39. In terms of protection of the natural environment, the NPPF advises that:

“The Government’s objective is that planning should help deliver a healthy natural environment for the benefit of everyone and safe places which promote wellbeing.

To achieve this objective, the planning system should aim to conserve and enhance the natural and local environment by:

- *protecting valued landscapes*
- *minimising impacts on bio-diversity and providing net gains in bio-diversity, where possible; and*
- *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of land, air, water or noise pollution or land instability”* (Paras 163 and 164).

40. In order to meet these aims, Local Plans should set out a strategic approach to planning positively for bio-diversity, taking into account the economic and other benefits of the best and most versatile agricultural land and giving great weight to the protection of landscape and scenic beauty in National Parks, the Broads, and Areas of Outstanding Natural Beauty. It also states that the conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight

in National Parks and the Broads. It advises that planning permission should be refused in such areas for major development, other than in exceptional circumstances, where such development can be demonstrated as being in the public interest.

41. With respect to bio-diversity and geo-diversity, it advises that planning policies should plan for bio-diversity at a landscape scale across local authority boundaries, identify and map components of the local ecological network, promote preservation, restoration and re-creation of priority habitats, networks and species linked to local and national targets and aim to prevent harm to geological conservation interests.
42. In terms of preventing unacceptable risks from pollution and land stability, the NPPF advises taking a planning-based approach and considering only the acceptability of the location in principle, having regard to, for example, the effects of pollution on health, the natural environment or general amenity, but assuming that the complementary permitting regimes of other regulators will operate effectively. How this will work from the point of view air quality uses linked to transport isn't however defined. Concurrently, policies should seek through reduction and mitigation to prevent noise from new development having a significant adverse impact on health and quality of life. There is also provision to identify and protect areas of tranquillity which are prized for their recreational and amenity value for this reason.
43. With regard to the historic environment, the NPF advises that:

“The Government’s objective is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

To achieve this, the Government’s objectives for planning for the historic environment are to:

- *Conserve heritage assets in a manner appropriate to their significance; and*
- *Contribute to our knowledge and understanding of our past by capturing evidence from the historic environment and making this publicly available, particularly where a heritage asset is to be lost.” (Paras 176 and 177)*

44. In order to achieve the above, the NPPF advises that LPAs should set out a strategy for the conservation and enjoyment of the historic environment, including assets at risk, and taking into account factors including the desirability of new development making a positive contribution to local character and distinctiveness. Guidance is given on the treatment of applications which affect a heritage asset, including the level of information which should be provided, and it advises that:

“.. considerable importance and weight should be given to its (the assets) conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens and World Heritage Sites, should be wholly exceptional” (Para 183).*

45. Conservation Areas are themselves treated as heritage assets, therefore non-listed buildings in Conservation Areas which make a positive contribution to the Conservation Area are themselves treated as sensitive; a similar approach is taken to non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments. The NPPF also advises that opportunities should be sought to enhance Conservation Areas and World Heritage Sites.
46. Finally, guidance is provided on the treatment of applications for enabling development – i.e where an otherwise unacceptable development is proposed as a mechanism to generate revenue to conserve a heritage asset. The LPA is advised to consider whether the benefits to the heritage asset would outweigh the harm of departing from established policies.

National Reaction to the Draft National Planning Policy Framework

47. Reaction to the Draft National Planning Policy Framework (NPPF) has been mixed across the planning, development and business industry and environmental and countryside groups.

48. The Royal Town Planning Institute consider the NPPF to be a 'missed opportunity and there is concern that it will not secure balanced economic and housing growth across the country.' Although the Government's framework seeks to simplify and streamline planning policy it is considered by the Town and Country Planning Association that in doing so there is a vagueness around some of the key concepts, such as the presumption in favour of sustainable development, which may need to be subject to clarification through the courts. Whilst the Association shares the Government's ambition of making planning more accessible to communities it is suggested that making something shorter does not automatically make it clearer. Planning has to deal with complex problems and sometimes needs detailed policy responses.
49. In contrast, those in the business and development industry have welcomed the draft NPPF, with the Home Builders Federation calling the framework 'the most important planning document since the Town and Country Planning Act of 1947'. There is strong support across the industry for the draft framework being a significant step forward in unlocking the planning system to deliver the growth required by the UK. It is suggested by the British Chambers of Commerce that businesses will welcome the concept of shorter, simpler planning rules, but will need to see more than just a new policy document to regain confidence in the planning system. They indicate that a pro-growth approach must fast become reality on the ground, with local councils saying 'yes' to business growth and expansion far more than they do at present.
50. The draft NPPF has been criticised widely by environmental and countryside groups for placing too much emphasis on economic growth over environmental concerns. Many have signalled that they will be calling for major changes to the framework. The Campaign to Protect Rural England have said the draft NPPF would put rural areas under increasing threat through the loss of the national brownfield target, excessively long housing supply pipelines, removal of offices from the town centre sequential test, weaker advertising controls and changes in Green Belt policy. Friends of the Earth have suggested that the draft Framework 'puts the interests of business ahead of people and the environment'.

Consultation

51. Internal consultation has been undertaken with colleagues from relevant professional disciplines to allow the compilation of a draft response. This is attached as Annex C to this report. It is also briefly summarised below.

Commentary

Delivering Sustainable Development

52. The Council welcomes in principle the commitment to Sustainable Development but in terms of the definition used have some concerns. Whilst the Council understand and support that planning has a key role in encouraging economic growth in applying 'significant weight' to the need to support economic growth through the planning system the NPPF does not allow for a balanced assessment of whether development is genuinely sustainable. This could lead to economic growth at the expense of local social and/or environmental objectives.
53. There is also concern that a general presumption in favour of sustainable development 'wherever possible' could undermine plan preparation. The development plan produced for an area should be the definition of what is sustainable development for that area based on a local evidential approach and an understanding of local economic, social and environmental issues.
54. The Council therefore disagrees that the current draft of the NPPF has the balance right in establishing and defining sustainable development. The Council believe that the starting point for defining sustainable development be the principles and priorities set out in the UK Sustainable Development Strategy – Securing the Future (2005):

Principles:

- Living within environmental limits.
- Ensuring a strong, healthy and just society.
- Achieving a sustainable economy.
- Promoting good governance.
- Using sound science responsibly.

Priorities:

- Sustainable production and consumption.
- Climate change and energy.

- Natural resource protection and environmental enhancement.
- Creating sustainable communities.

These principles and priorities should then be developed through a local development plan.

Plan Making

55. With regard to 'Plan Making' it is considered to be of key importance that transitional arrangements are established to ensure that the gap between the new NPPF being in place and the adoption of Local Plans does not result in damaging or inappropriate developments being approved. It is not doubted that it is the Government's intention to put transitional arrangements in place but no information is provided.
56. The issue of transition is also important from the point of view of SPDs. They have an important role in York in the Development Management process and in securing planning gain for example for renewable energy and in sustainable design and construction. The proposed approach in the NPPF could prevent the use of SPDs in this way.
57. It is also considered that further clarification is required on the additional test for local plans to meet objectively assessed development and infrastructure requirements and in relation to meeting unmet requirements from neighbouring authorities.
58. It will also be difficult for Local Authorities to accurately assess infrastructure and requirements for the whole plan period and it is suggested that a flexible approach to infrastructure be adopted.
59. Whilst the requirement for Local Authorities to work collaboratively is welcomed, the Council **disagree** that the NPPF provides a clear framework for planning strategically across local boundaries. Further guidance on how to undertake joint working when neighbouring Local Authorities are at different stages (particularly where there are authorities where a plan is already adopted) would be helpful.

Development Management

60. The Council **disagree** that the level of detail in the policies on development management is appropriate. Given the scope of the draft NPPF, without further guidance, the lack of clarity will lead to more appeals, and determination by the courts which will lead to delay and increased costs.
61. The Council consider further guidance to be needed, given the level of detail in the NPPF. Also if prepared by the government it would have a balanced approach. As such, the Council **disagree** that any guidance needed to support the new framework should be light-touch and could be provided by organisations outside Government.

Planning for Prosperity

Business and Economic Development

62. The Council **neither agree or disagree** that the 'planning for business' policies will encourage economic activity and give business the certainty and confidence to invest. For economic growth to be truly sustainable, it must be a medium/long term process to ensure that the right type of growth occurs in the right locations. This needs to be made clear in the NPPF. It is considered that the role of the Employment Land Reviews/Retail Studies in plan and decision making are recognised. They allow Local Authorities to balance market conditions against other sustainability factors.
63. The Council **disagree** that the town centres policies will enable communities to encourage retail, business and leisure development in the right locations and protect the vitality and viability of town centres. The removal of the sequential test for office development is of particular concern and could lead to such development in inappropriate locations that aren't well served by public transport and services.

Transport

64. The Council strongly disagrees that the policy for transport takes the right approach. Sustainability is achieved through a balanced consideration of economic, social and environmental aspects that comprise sustainability. Placing a presumption on one – in this case 'Economy & Growth' and planning a transport system to realise this without giving due consideration to the other aspects

could lead to development that is unsustainable. This is particularly relevant for edge of centre or out of centre development, which, in the past, has proven to be difficult to access by the more sustainable forms of transport such as walking cycling and public transport. Linked to the point made in paragraph 63 regarding the need to control office development.

65. The framework, as it stands, will seriously dilute the ability of the Council to realise sustainable transport objectives through the planning process. The NPPF needs to reinstate the objectives in PPG13, give more practical guidance, such as a 'policy toolkit', be more compelling and give more guidance as to who is responsible for establishing 'local criteria'.

Minerals

66. The Council **disagree** that the policies on minerals planning adopt the right approach. It is considered that minerals planning should be assessed at the regional and sub regional level. There is no reference to prudence, conservation of supplies or limits of the environment, all of which are critical for sustainable development.

Planning for People

Housing

67. The Council **agree** that the policies on housing will enable communities to deliver a wide choice of high quality homes in the right locations, to meet local demand. However, the position taken on windfall sites and the need for an additional 20% to be added to the five year supply is considered to be overly prescriptive. It is considered that this decision should be left to Local Authorities to take a local approach to reflect local circumstances

Sustainable Communities

68. The Council **neither agree or disagree** that the policy on planning for schools takes the right approach. Although feel it is essential that adequate protection is given to recreational land such as school playing fields.

Design

69. The Council **agree** that the policy on planning and design is appropriate and useful, albeit the subjective approach to advert control is not supported. However, given the lack of detail in the draft guidance it is difficult to understand how Local Plan and Neighbourhood plans will fit together on this issue. It is clearly important that neighbourhood plans don't undermine the strategic

approach of Local Plans, but it is all important that local distinctiveness is recognised.

Green Belt

70. The Council **agree** that the policy on planning and the Green Belt gives a strong clear message on Green Belt protection. The more positive view towards enhancing the beneficial uses of Green Belt supports the Council's approach to Green Infrastructure which recognises that the Green Belt should be viewed as more than a planning constraint. The importance of recognising the principle of York's Green Belt given the abolition of RSS is highlighted in the response.

Local Green Space

71. There is a concern that the introduction of a Local Green Space designation will not provide complete protection from development and could also prevent their registration as a Town and Village Greens. Further clarification is needed, given the recent consultation by Defra on changes to Town and Village Green registration. The Council feels that Local Green Space should be given adequate protection recognising their values to local communities.

Planning for Places

Climate Change, Flooding and Coastal Change

72. The Council **strongly disagree** that the policy relating to climate change takes the right approach, as cutting carbon emissions as it appears to be a secondary goal to facilitating economic growth. The Council feel that the framework should advocate sustainable economic growth which recognises the importance of economic prosperity alongside the critical importance of combating climate change. Also whilst the Council supports a local led approach to renewable energy it is considered that Development Management will find it difficult to enforce local targets with no national backing.
73. Whilst the key principles on flood risk remain unchanged from PPS25 there is little in the way of guidance and as such the Council **disagree** that the policy on flooding and coastal change provides the right level of protection.

Natural Environment

74. The NPPF lacks strength from a nature conservation perspective and will provide little support for wildlife/biodiversity protection policies at the local level. As such, the Council **strongly disagree**

that policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.

Historic Environment

75. The draft generally encompasses the spirit of current national guidance which the Council supports. The balance however is hugely in favour of nationally designated assets. In York locally designated assets are of considerable importance and this should be recognised. There is also a need to recognise the relationship between the historic character and setting of a place such as York and economic success. In addition as elsewhere in the document some of the terminology requires further definition. The Council therefore **disagrees** that this policy provides the right level of protection for heritage assets.

Options

76. There are two options identified in relation to this report.

Option 1: Approve the response to consultation statement attached as Annex C for submission to Department of Communities and Local Government.

Option 2: Request that amendments be made to consultation statement attached as Annex C prior to submission Department of Communities and Local Government.

Corporate Priorities

77. The option outlined above accords with the following Corporate Priorities

- Sustainable City
- Thriving City
- Safer City
- Learning City
- Inclusive City
- City of Culture
- Healthy City

Implications

78. The following implications have been assessed:

- **Financial** – None
- **Human Resources (HR)** - None
- **Equalities** - None
- **Legal** - None
- **Crime and Disorder** - None
- **Information Technology (IT)** - None
- **Property** - None
- **Other** – None

Risk Management

79. In compliance with the Council's Risk Management Strategy, there are no risks associated with the recommendations of this report.

Recommendations

80. Members are asked to:
- i) approve the attached response to the consultation on the NPPF for submission to Department of Communities and Local Government; and
 - ii) delegate to the Director of City Strategy in consultation with the Cabinet Member City Strategy the making of any changes to the submission that are necessary as a result of the recommendations of the Cabinet.

Reason: So that representation can be made in an appropriate timescale on the NPPF.

Contact Details

Author:

Cabinet Member Responsible for the report:

Martin Grainger
Head of Integrated Strategy
Tel: 551317

Cllr D M Merrett

Report Approved



Date 23/09/11

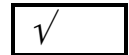
Rebecca Harrison
Development Officer
Tel: 551482

Specialist Implications Officer(s)

N/A

Wards Affected: *List wards or tick box to indicate all*

All



For further information please contact the author of the report

Background Papers:

Annex A: Draft National Planning Policy Framework (2011).

Annex B: Response to consultation questions posed in relation to 'Planning for Traveller Sites, April 2011.

Annex C: City of York's Council Response on the NPPF.

Annex D: Definitions of Planning Orders.

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Annex B : Planning for Traveller Sites

DCLG consultation

To be incorporated into National Planning Policy Framework

General summary of draft policy statement, and comments relating to CYC position.

Local Authorities will:

- continue to undertake assessments of need, but without the structure of formal national guidance (GTAA guidance is to be removed). Duty will be on LAs to maintain an up to date understanding of likely permanent and transit accommodation needs of their areas over the lifespan of the plan, in light of historic demand;
- set pitch/plot targets for permanent and transit sites, and establish criteria based policy and strategy to guide continuous delivery of sites for at least 15 years from adoption;
- increase site provision by improving delivery – LPAs to identify sufficient deliverable supply to accommodate 5 years supply, within 6 months of PPS's adoption. If supply is not identified, LPAs are guided to look favourably on granting temporary consents;
- monitor and critically analyse decisions on applications for sites for Travellers compared to other types of residential applications;
- undertake cross-boundary working (refers to Localism Bill duty on LPAs to work together to address need).
- consider Rural Exceptions policy to provide sites solely for affordable traveller sites (although not for mixed-use sites, therefore excluding Showpeople);

York's Core Strategy states that the Council will identify sites through the Allocations DPD and AAP for at least 36 additional G+T sites in the plan period, and land to accommodate at least 13 permanent plots for Showpeople by 2019. Both targets are based on current sub-regional evidence base. No phasing has been established as yet.

5-year supply in York is equivalent to 9 Gypsy and Traveller sites and an additional 8 plots for Showpeople. Likely to be challenging given previous difficulties in site identification – 6 month period to establish first term's delivery is unrealistic, and dependent on Allocations DPD timeframe. Given established need and lack of deliverable sites, applications submitted in the short term are likely to receive a more favourable policy response, at least in terms of temporary consent.

Other issues:

- £60 million allocated by Government to provision of Traveller sites, through ‘National Affordable Housing Programme 2011-15’;
- Every new traveller pitch owned or managed by local authorities or registered partners will get 6 years of matched council tax funding plus affordable housing supplement through New Homes Bonus;
- More power to tackle unauthorised development, incl: strengthening temporary stop notices (no details yet) and allowing only an enforcement appeal or retrospective planning application, not both;
- Draft PPS brings the description of development in line with other housing, by removing ref to traveller sites being ‘normally’ inappropriate in the green belt.
- Gypsies, Travellers and Showpeople are brought under the same banner of Travellers, using the definitions that currently exist in Circulars 1/2006 and 4/2007.

Comments in relation to Consultation questions

<p>Q1</p> <p>Do you agree that the current definitions of “gypsies and travellers” and “travelling showpeople” should be retained in the new policy?</p>	<p>Generally yes - identifies distinctive groups with differing needs / customs which are not necessarily compatible</p> <p>Perhaps consideration could be given to further refining the definitions to reflect the diversity of groups <i>within</i> these broad categories, e.g. Irish travellers.</p>
<p>Q2</p> <p>Do you support the proposal to remove the specific reference to <i>Gypsy and Traveller Accommodation Needs Assessments</i> in the new policy and instead refer to a “robust evidence</p>	<p>No – consider that without a common methodology, likely to lead to additional time/financial cost of developing methodology locally, and testing this prior to appraising sites. There is likely to be significant increase in appeals, based on each authority’s local definition of need. Leaves potential for under estimation of need in areas where provision of sites has been difficult in the past/is politically unfavourable.</p> <p>There is a lot to be said in support of consistency of approach between neighbouring authorities when assessing needs, especially where sub regional or regional approaches are being developed/sought.</p> <p>In any case, we do not normally find that nationally imposed targets are the contentious issue, but that, in general, people are unwilling to have sites located close to</p>

base”?	<p>where they live.</p> <p>If move is towards G+T housing need aligning with overall housing need, how does the process of <u>establishing</u> need compare.</p> <p>There is a need to clarify what is meant by ‘...monitor and critically analyse decisions on applications...’ as set out in paragraph 6.</p>
<p>Q3</p> <p>Do you think that local planning authorities should plan for “local need in the context of historical demand”?</p>	<p>Do not support in isolation. Historic trends do not offer a sound basis on which to only base future provision – areas which have tended to underprovide in the past could maintain this position, leaving need to be provided for elsewhere. Reliance on historic need is problematic as it will simply reward LPAs that have never made any provision but sought to rely on enforcement. Historic demand should be set against each authority’s history of site provision, at the very least.</p> <p>Note that through examination, policy and evidence base will be tested to determine its soundness.</p> <p>Presumably, in areas constrained (by green belt or other locally defined factors), development is unlikely to take place, but would be soaked up by neighbouring authorities? This would be a concern.</p>
<p>Q4</p> <p>Do you agree that where need has been identified local planning authorities should set targets for the provision of sites in their local planning policies?</p>	<p>Yes in order to ensure provision</p>
<p>Q5</p> <p>Do you agree with the proposal to require local planning authorities to</p>	<p>Gypsy and traveller sites should be treated in the same way as housing but how would this be robustly established? Support the intention to monitor provision and have a robust timescale for supply, rather than allow need to be pushed to the end of the plan period, but would suggest that instead, focus should be on establishing a strategy and policies steering provision of sites to address evidenced need, and that reference is made to providing</p>

<p>plan for a five-year supply of traveller pitches/plots?</p>	<p>sites in line with evidence base, which is kept up to date. BUT ensure provision is achieved within framework.</p> <p>It is not clear if the inclusion of windfalls would be approached in the same way as they are for housing.</p>
<p>Q6</p> <p>Do you agree that the proposed wording of Policy E (in the draft policy) should be included to ensure consistency with Planning Policy Guidance 2: <i>Green Belts</i>?</p>	<p>Need to clarify that there will be no change to the way in which Gypsy and Traveller sites in the Green Belt are considered – such development is currently inappropriate and this will remain the case.</p> <p>Many green belts will already contain established Traveller sites, and extensions to such sites may provide more sustainable options to provide for evidenced need compared to other available land. Travellers sites are very different from other housing sites, and would not lead to the urban sprawl that Green Belts are drawn up to avoid.</p>
<p>Q7</p> <p>Do you agree with the general principle of aligning planning policy on traveller sites more closely with that for other forms of housing?</p>	<p>Significant differences in the way extended families live together compared with settled community;</p> <p>Need to allow for living and working on-site, particularly in the case of Showpeople.</p> <p>Also significant discrimination against gypsy and travellers – need to ensure that any planning policy when correctly followed enables the provision of sites</p>
<p>Q8</p> <p>Do you think the new emphasis on local planning authorities consulting with both settled and the traveller communities when formulating their plans and</p>	<p>Agree, but feel this is already a significant part of our role.</p> <p>Should note that early consultation can result in co-ordinated opposition, which could impact on site provision.</p>

<p>determining individual planning applications will reduce tensions between these communities?</p>	
<p>Q9</p> <p>Do you agree with the proposal in the transitional arrangements policy (paragraph 26 of the draft policy) that asks local planning authorities to “consider favourably” planning applications for the grant of temporary permission if they cannot demonstrate an up-to-date five-year supply of deliverable traveller sites to ensure consistency with Planning Policy Statement 3: Housing?</p>	<p>Difficult to understand how this would sit alongside green belt policy, and could lead to confusion when appraising whether ‘special circumstances exist’. Prefer current wording, which allows balance in weight of individual cases.</p> <p>Support the principle of consenting temporary use of land to provide for need while longer term strategies are developing, however acknowledge that this can lead to upheaval and uncertainty for families involved, although this needs to be balanced against having no provision at all.</p>
<p>Q10</p> <p>Under the transitional arrangements, do you think that six months is the right time local planning</p>	<p>Setting an arbitrary timescale is inappropriate as authorities are at different stages in preparing their Core Strategies and Allocations DPDs. In this context 18 months would be more appropriate for York, although this is likely to vary for different authorities.</p>

authorities should be given to put in place their five-year land supply before the consequences of not having done so come into force?	
Q11 Do you have any other comments on the transitional arrangements policy?	See below
Q12 Any other issues	See below
Q13 Equalities impacts	See below

Other comments

Support retention of the general policy principle that Local Authorities should assess the need for Gypsies, Travellers and Showpeople in their areas and make provision for that need.

Suggest merging paras 20 and 23 to provide basis for local criteria based policy.

In York, regional targets have led to the provision of sites, but solely on appeal, where inspectors have permitted applications on the basis of the needs argument put forward.

Difficult to maintain 'continuous delivery of sites' against a long-term target given transient nature of travellers.

Need for recognition of differences between sites for Gypsies and Traveller and Showpeople (likely to accommodate living and working on site)

There will be tension between the need for more pitches and each community's expectations that they will set their own planning frameworks through Neighbourhood Plans.

Para 1.3	<p>“There is a perception among many that currently policy treats traveller sites more favourably than it does other forms of housing”</p> <p>The converse is also true – our own evidence base (GTAA) suggests that the recognised shortage of pitches is in part due to the discrimination and prejudice faced by Gypsy and Traveller communities. Gypsies and Travellers are the most socially excluded group in society and are particularly susceptible to a range of inequalities relating to health, education, law enforcement and quality of accommodation.</p>
Para 2.3	<p>“It is ‘unauthorised developments’ that concern the planning system...”</p> <p>The Planning system is concerned with the provision of homes, not just breaches of consent!</p>
<p>Para 2.8</p> <p>Para 2.9</p>	<p>“However, too often the planning system pits communities against development of all kinds”</p> <p>“Ultimately, the regional strategy targets that were imposed on local area were more effective at generating resentment than at getting homes built”</p> <p>Don’t like tone of these throwaway statements</p>
Para 3.10	<p>The document suggests regional targets have been imposed, but in reality they have always been based on understanding of local circumstances and housing need.</p>

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Annex C:

**City of York Council Response to
The draft National Planning Policy Framework**

General Comments

- (i) The Council supports a local evidential approach to assessing and meeting local development needs and the emphasis on this in the draft guidance is welcomed.
- (ii) The streamlining of national guidance is also welcomed in part and it is accepted that there is a need to make national policy more concise and readable as a whole. However, in achieving this aim the NPPF has become over-reliant on concepts which have not been clearly defined.
- (iii) It is considered essential that the transitional arrangements are established to ensure that the gap between the new NPPF being in place and the adoption of Local Plans does not result in damaging or inappropriate developments being approved. It is not doubted that it is the Government's intention to put transitional arrangements in place but this information would be useful when evaluating the effects of the proposed changes.
- (iv) The issue of transitional arrangements is also important from the point of view of SPDs which have a key role in terms of Development Management and securing planning gain. It is important that this role is recognised and if the position of SPDs are to be diminished the appropriate allowances are made for transitional arrangements.
- (v) With regard to both the Natural and Historic environment we support the protection afforded to designated assets, but have concerns that undesignated assets have not been afforded the necessary level of protection. While we accept that much of this could be established through preparation of Local and Neighbourhood plans, we feel the current policy gap could result in damage to locally significant assets.

Delivering Sustainable Development

1(a) The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.

Do you:

Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly

Disagree

1(b) Do you have comments?

Paragraphs 9 and 10 - The Council welcomes in principle the commitment to Sustainable Development but these paragraphs together provide a limited definition of the elements of sustainable development (with the exception of references made to paragraph 13 below) but we do support paragraph 11 which sets out the Government's intention to pursue sustainable development in an integrated way. Generally, the Council welcomes reference to the planning system playing an active role in guiding sustainable development but the Council believe that the starting point for a definition of sustainable development should be the principles and priorities set out in the UK Sustainable Development Strategy – Securing the Future (2005):

Principles:

- Living within environmental limits.
- Ensuring a strong, healthy and just society.
- Achieving a sustainable economy.
- Promoting good governance.
- Using sound science responsibly.

Priorities:

- Sustainable production and consumption.
- Climate change and energy.
- Natural resource protection and environmental enhancement.
- Creating sustainable communities.

Paragraph 13 - The Council understand and support the view that planning has a key role in encouraging economic growth. However, it is concerned that in applying 'significant weight' to the need to support economic growth through the planning system the NPPF does not advocate a balanced assessment of whether development is sustainable. The Council feel particularly that the definition of sustainable development is limited in relation to environmental capacity, and is concerned that this could lead to economic growth at the expense of local social and/or environmental objectives.

Paragraph 14 - The Council would like to emphasise their strong concern that the general presumption in favour of development 'wherever possible' could undermine plan preparation. This is particularly important given that the NPPF indicate that permission is to be granted

where plans are absent. The development plan produced for an area should be the definition of what is sustainable development for that area based on a local evidential approach and an understanding of local economic, social and environmental issues. This needs to have reference to longer term objectives – an individual development decision may initially appear to deliver sustainability objectives, but may in the longer term generate long term costs.

Paragraph 17/18 - The Council welcomes Neighbourhood Plans. The organisational structures required to effect neighbourhood planning are not clear, particularly in terms of achieving appropriate levels of participation and involvement etc.

Plan-making

2(a) The Framework has clarified the tests of soundness, and introduces a useful additional test to ensure local plans are positively prepared to meet objectively assessed need and infrastructure requirements.

Do you:

Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

2(b) Do you have comments?

Paragraphs 40 and 43 - Viability and deliverability are important elements of plan making, however they can vary over the short, medium and long term and can be influenced by factors beyond planning. Whilst the Council supports the broad principle of ensuring that there is a reasonable prospect of infrastructure being delivered, seeking to undertake detailed infrastructure planning (requirements, timescales, costs and setting CIL rate) as part of the production of the Local Plan may be difficult when preparing a 15 year plan. For example, development costs will change over this timescale. The Council therefore consider that the NPPF should acknowledge the difficulties in assessing infrastructure requirements over the longer term and a more flexible approach to infrastructure planning be adopted which takes account of the changing economic cycle.

Paragraph 48 - It is considered that the reference to unmet needs in neighbouring authorities requires further clarification. For example, in

what circumstances would it be appropriate for a Local Authority to have 'unmet demand'. This could be clarified through additional guidance or by adding in reference to the 'planning strategically across boundaries' section of the NPPF, and in particular paragraph 47. It would also be helpful to refer to joint working under the 'positively prepared' test of soundness.

Joint Working

The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.

2 (c) Do you:

Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

2(d) Do you have comments? (please begin with relevant paragraph number)

Paragraph 45 - The Council welcomes the requirement for Local Authorities to work collaboratively to ensure that strategic priorities across boundaries are properly coordinated and reflected in Local Plans; albeit, this will be harder for those areas that do not have a history of working across boundaries. It is presumed from the limited detail that it will be for Local Authorities to establish ways of joint working.

Paragraph 46 and 47 - The Council feels that it may also be difficult for some Local Authorities to demonstrate evidence of having successfully cooperated. Local Authorities are at varying stages in preparing their development plans and as such it may be difficult to properly coordinate joint working. It may also be the case that neighbouring authorities have competing priorities, which cannot be negotiated. Further guidance on how to undertake joint working when neighbouring Local Authorities are at different stages (particularly where there are authorities where a plan is already adopted) would be helpful. The Council also considers that the objectives, policies and principles within the Framework have not yet been set out clearly enough to guide collaboration.

Development Management

Decision Taking

3a: In the policies on development management, the level of detail is appropriate.

Do you:

Strongly Agree / Agree / Neither Agree or Disagree / **Disagree** / Strongly Disagree:

3b: Do you have comments? (Please begin with relevant paragraph number)

General - The Council consider that the level of detail in the draft NPPF is not useful in directing Development Management. The resource implications of speeding up process and entering into pre-application discussions should be recognised.

Paragraphs 65 and 66 - conformity with the overall objectives of the Local Plan should be made a stated aim of all aspects of Development Management.

4a: Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government:

Do you:

Strongly Agree / Agree / Neither Agree or Disagree / **Disagree** / Strongly Disagree

4b: What should any separate guidance cover and who is best to provide it?

General - Given the size and scope of the draft NPPF and level of detail it contains, there will need to be supplementary guidance to many of the sections in order for it to provide useful guidance for local planning authorities. Without further guidance, the lack of clarity will lead to more scope for appeals, and determination by the courts.

The status of extra guidance should be made clear especially if published by external organisations. If external organisations were to produce separate guidance, they may not have the same consistency as

current PPGs/PPSs. If additional guidance is produced externally it is important that it does not reflect the interests of specific organisations and is subject to wide consultation and stakeholder involvement.

Business and Economic Development

5a *The ‘planning for business’ policies will encourage economic activity and give business the certainty and confidence to invest.*

Do you:

Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

5b *Do you have comments? (Please begin with relevant paragraph number)*

Paragraph 72 - refers to achieving ‘sustainable economic growth’. The Council considers that for economic growth to be truly sustainable, it must be a medium/long term process to ensure that the right type of growth occurs in the right locations and is developed and constructed in a sustainable way. This needs to be made clear throughout this section.

Paragraph 73 - The economic development policies need to protect what’s unique to the Local Authority that gives it its niche or marketability. For example, in York, the Council would want to avoid developments that risk changing the unique selling point which makes York attractive to investors – its historic character and setting.

Paragraph 73 - The NPPF should encourage local authorities to identify and plan for new or emerging sectors that are *needed* in the area e.g. more skilled, better quality jobs.

Paragraph 74 - suggests that planners should be assisting developers in bringing forward sites and helping them overcome any issues. Para. 75 goes on to suggest that employment land/floorspace should not be protected in the long term – The Council feels that this conflicts with earlier paragraphs which set objectives to plan proactively (72) and identify strategic sites (73) and will bring extra transport and environmental impacts and costs. Most local authorities will have undertaken employment land reviews or similar studies which identify a collection of potential employment sites to meeting the need of future economic growth; these are then adopted in an Allocations DPD and are protected for that use for the length of the plan period. If we remove this

aspect of planning for economic development, it will make planning proactively very difficult, including the identification and delivery of infrastructure and take away the certainty for businesses to invest.

Paragraph 75 - Contemporary “market signals” can be an unreliable basis for medium to long term planning. This should be recognised in guidance.

5c *What market signals could be most useful in plan making and decisions and how could such information be best used to inform decisions?*

General - The Council considers that the following information should aid plan/decision making:

- Information currently included in employment land reviews. This shows an understanding of market preferences in terms of locations for types of employment. Using this information, the local planning authority can balance market conditions against other sustainability factors.
- The use of retail studies will assess the capacity for convenience and comparison retail alongside the health of existing centres.

6a *The town centre policies will enable communities to encourage retail, business and leisure development in the right locations and protect the vitality and viability of town centres.*

Do you:

Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

6b *Do you have comments?*

Paragraph 76 - The expansion of city centres should not compromise the vitality and viability of the existing centre – it needs to be made clear in the policy that a phasing approach should be taken. It should also be highlighted that functional links need to be established between the existing city centre and any expansion. There is little incentive to redevelop derelict land in town centres or to adapt the existing stock for reuse if relaxations are allowed in peripheral areas which have fewer development constraints. Short term gains particularly will be at the cost of real “sustainable development” damaging the quality of town centres.

The document fails to recognise the importance of sustaining and enhancing the quality of town centre environments.

Paragraph 77/78 - Office developments no longer need to apply the sequential test although they seem to be recognised as a town centre use elsewhere in the framework. The Council feels that this will encourage edge/out of centre office parks which could be damaging to the vitality and viability of city centres and are significantly less sustainable in terms of public transport and access to facilities. This will therefore have a negative effect on wider climate change objectives and could lead to traffic problems.

Paragraph 79 - The Council considers that the requirement for out of centre retail proposals to undertake an impact assessment only if the floor space exceeds a locally set threshold (or, if this is not available, a default threshold of 2,500 sq m) has the potential to be very damaging to the vitality and viability of city centres. It is often the out of centre smaller units that will compete directly with city centre. Furthermore, stating a default threshold is overly prescriptive given the locally-driven direction of the NPPF.

Transport

7(a) The policy on planning for transport takes the right approach

Do you:

Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

7(b) Do you have any comments?

General

The council strongly disagrees that the policy for transport takes the right approach. Sustainability is achieved through a balanced consideration of economic, social and environmental aspects that comprise sustainability. Placing a presumption on one – in this case ‘Economy & Growth’ and planning a transport system to realise this without giving due consideration to the other aspects could lead to development that is unsustainable. This is particularly relevant for edge of centre or out of centre development, which, in the past, has proven to be difficult to access by the more sustainable forms of transport such as walking cycling and public transport. City of York Council (through its Local Transport Plan and emerging Local Development Framework) is seeking

to implement strategies and policies that seek to:

- Minimise the need to travel
- Maximise the use of more sustainable forms of transport to travel (if travel is necessary)
- Ultimately tackle congestion, fulfil its obligations to reduce CO2 emissions and improve local air quality

The framework, as it stands, will strongly dilute the ability of the council to realise these objectives through the planning process. Therefore, it needs to:

- Restate the objectives in PPG13 to:
 - promote more sustainable transport choices for both people and for moving freight
 - promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and
 - reduce the need to travel, especially by car
- Give more practical guidance, such as a 'policy toolkit' for example to demonstrate how these could be realised (in York)
- Be more compelling - i.e. use 'must' rather than 'shall' or 'should' (see Para. 85) or use 'take full account of' rather than 'consider' (see Para. 89).
- Give more guidance as to who is responsible for establishing 'local criteria' etc.
- The more flexible approach put forward will potentially make it more difficult to assess overall infrastructure requirements for specific areas and then create effective funding mechanisms

Communications Infrastructure

8a Policy on communications infrastructure is adequate to allow effective communications development and technological advances.

Do you:

Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

8b Do you have comments?

No comments

Minerals

9a *The policies on minerals planning adopt the right approach.*

Do you:

Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

9b *Do you have comments?*

General - Mineral planning guidance is very well established through the Mineral Policy Statements, Minerals Policy Guidance and the Planning and Minerals Practice Guide. It has provided strong guidance for many years. The intention is that Local Planning Authorities will have sufficiently robust Local Plans and Neighbourhood Plans to provide local interpretation and detail. The document gives little guidance on how to achieve the desired position. The Council suggests that, due to its nature, minerals planning should be assessed at the regional and sub-regional level. This should be highlighted in the NPPF.

Paragraph 100 - There are no references to prudence, conservation of supplies or limits of the environment, and the focus on material input growth above all factors; all imply an acceleration of extraction, without concern for prudence or conservation, and without concern for the natural limits set by geology. This could be seen to be promoting an unsustainable approach to minerals, in effect a presumption in favour of unsustainable development in this field. It is felt that prudent management of mineral resources is a critical part of sustainable development. It is considered that the recycling of suitable minerals to minimise the requirement for new primary extraction should be a first principle as apposed to the other way around which is currently being proposed.

Paragraph 102 - the Council welcomes the reference to safeguarding areas of local minerals of importance to heritage assets.

Paragraph 103 - The Council considers that this should refer to enhancement and after-use as well as restoration, and should make

reference to obligations as well as conditions, which would ensure good quality restoration and after-use over time.

Housing

10(a) The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand.

Do you:

Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

10(b) Do you have comments?

General

The Council supports the ambition to increase the delivery of new homes where this is in line with a local evidential approach. The Council strongly supports the emphasis on an evidence based approach (i.e. an ongoing role for SHMA, SHLAA etc) and would welcome the publication of more practice/methodological guidance to help steer a more consistent approach to evidence and studies such as the SHMAs to allow for greater comparability between areas (i.e. comparable data sets etc).

Current guidance gives considerable emphasis to affordable housing and it is noted that this isn't picked up in the objectives highlighted. Given the importance of this issue, in achieving the social objectives of sustainability this appears to be a substantial omission.

Paragraph 107 - It is important that funding is available to support the regeneration and renewal mentioned in this paragraph.

Paragraph 109 - The position taken on windfall sites is overly prescriptive. The Council considers that this decision should be left to Councils to take a local approach to reflect local circumstances, and may reduce the burden on Greenfield sites. The paragraph could also usefully include a statement on empty and underused homes, including space above shops.

Sustainable Communities

Planning for schools

11(a) The policy on planning for schools takes the right approach.

Do you:

Strongly Agree/Agree/**Neither Agree or Disagree**/Disagree/Strongly Disagree

11(b) Do you have comments?

Paragraph 129 – Whilst agreeing with the broad approach it is felt essential that adequate protection is given to recreational land such as school playing fields. The Council feels that the development of open space or recreation land (such as school playing fields) should only ever happen in exceptional circumstances, and where alternative facilities are provided. The Council also would suggest that it should be acknowledged where such facilities are deficient this should be addressed.

Design

12(a) The policy on planning and design is appropriate and useful.

Do you:

Strongly Agree/Agree/**Neither Agree or Disagree**/Disagree/Strongly Disagree

12(b) Do you have comments or suggestions?

Paragraph 114 - there should be an additional clause promoting the use of local materials as a way of stimulating the local economy. The link between design, construction and training apprentices should also be made.

Paragraph 116 - The Council supports the reference to underpinning design policy through better understanding of local character, which reflects York's stance on Heritage policy, but suggest the removal of 'optimise the potential of the site to accommodate development', as this is unnecessary and should be determined by local characteristics and site circumstance. Policy should refer to amenity space, high quality architecture and urban design as part of well designed places, reflecting

a local sense of place. The Council suggests alternative text, as follows: “...while not constraining creativity or discouraging new architectural additions to the townscape or rural landscape”.

It is difficult to gauge how a two tier system will work in the case of general design policy. For example, a local plan may establish policy supporting new and innovative design, and a neighbourhood plan within the same authority could enforce a conservative representation of local style or vice versa.

Paragraph 123 - The Council does not support the subjective approach taken to controlling advertisements. Leaving the requirement for a detailed assessment to an individual’s definition of ‘appreciable impact’ is not sufficient, and could lead to the harmful degradation of centres. The character of conservation areas can be significantly damaged by such signage – control of advertisements is justifiable on conservation as well as amenity grounds.

Green Belt

13a *The policy on planning and the Green Belt gives a strong clear message on Green Belt protection.*

Do you:

Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

13b *Have you comments to add?*

Paragraphs 130-132 - The introduction of a Local Green Space designation will not provide complete protection from development and could also prevent their registration as a Town and Village Greens. Further clarification needed, given the recent consultation by Defra on changes to Town and Village Green registration. The Council feels that Local Green Space should be given adequate protection recognizing their values to local communities.

Paragraph 135 - The Council supports the Government’s approach to Green Belt which remains largely the same as in previous national guidance, although the Framework takes a more positive view towards enhancing the beneficial uses of Green Belt, which is a welcome addition. This supports the Council’s approach to Green Infrastructure, which recognises that Green Belt should be viewed as more than a

planning constraint.

Paragraph 136 - The Council recognises that, as the general extent of Green Belts across the country are already established, it should not be necessary to designate new Green Belts except in exceptional circumstances. However, the Framework includes a list of criteria that LPAs should meet when proposing new Green Belts – this is welcomed particularly given the York context.

Paragraph 144 and 145 - The Council supports the inclusion of a list of exceptions/forms of development appropriate for the Green Belt. It provides a clear direction for LPAs on which to base decisions.

General

York's Green Belt has existed since the 1950s with its general extent recognised through relevant sub regional and regional plans. Its detailed inner boundaries have however never formally been adopted. York's ongoing LDF process will lead to adopted boundaries for the first time. Given the abolition of RSS the Council's feel it is important that the principle of York having a Green Belt is acknowledged.

Climate Change, Flooding and Coastal Change

14a The policy relating to climate change takes the right approach.

Do you:

*Strongly Agree/Agree/Neither Agree or Disagree/ **Disagree**/Strongly Disagree*

14b Do you have comments?

General - Within the strong focus of facilitating economic growth, this Council feels that cutting carbon emissions appears to be a secondary goal. For example, the core principles (paragraph 19) have no reference to climate change adaptation or mitigation. It is considered that this is a major omission. There seems to be an objective to help to deal with climate change but no delivery mechanism to make sure it happens.

There seems to be very little reference to air quality and low emissions within the Climate Change section.

14c *The policy on renewable energy will support the delivery of renewable and low carbon energy.*

*Do you: Strongly Agree/Agree/Neither Agree or Disagree/
Disagree/Strongly Disagree*

14d *Do you have comments?*

Paragraph 150 - Whilst the Council supports a local led approach, it is useful to have national standards for renewable energy and sustainable design and construction. The second bullet point indicates that, to support the move to a low-carbon economy, local planning authorities should set the local requirement for building's sustainability. The intention is that Local Planning Authorities will have sufficiently robust Local Plans and Neighbourhood Plans to provide local interpretation and detail. Development Management will find it difficult to enforce local targets with no national backing. There is also a need to strengthen non-domestic targets. This framework could be a key tool in undertaking this.

Paragraph 151 - The heritage protection review (which resulted in PPS 5) urged a more holistic approach to the environment i.e. that undesignated heritage assets should be given more consideration and protection, especially if recognised as being of local value. This draft Framework goes against this intention in giving weight only to designated assets (in most clauses).

Paragraph 152&153 - The Council feels that it should be recognised that some areas are not suitable for this type of development and that an assessment of local character and setting should be undertaken.

14e *The draft Framework sets out clear and workable proposals for plan-making and development management for renewable and low carbon energy, including the test for developments proposed outside of opportunity areas identified by local authorities.*

*Do you: Strongly Agree/Agree/Neither Agree or Disagree/
Disagree/Strongly Disagree*

14f *Do you have comments? (Please begin with relevant paragraph number)*

The Council considers it is important that the approach to renewable energy is considered strategically through the Local Plan for an area and this gives clear direction on how an authority will address its energy needs in a sustainable way. It is also essential that this approach is evidential.

14g *The policy on flooding and coastal change provides the right level of protection.*

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

14h *Do you have comments?*

General - Flood risk is covered by what is essentially an executive summary of PPS25 comprising 14 short paragraphs and 3 footnotes. Given the importance of flood risk this seems inadequate. The key principles are unchanged and seek to steer development away from flood risk areas. The Council welcomes this approach, however there is little in the way of detailed guidance. This replaces PPS25, which has generally been regarded as a practical and useful working document.

Paragraph 155 - Currently the City of York Council's SFRA is read in conjunction with PPS25, providing local and more detailed interpretation of the flood risk information provided by the Environment Agency. With the withdrawal of PPS25 and the absence of detail in the NPPF it seems likely that this Council will have to review its SFRA and specifically incorporate those parts of PPS25 into it which we consider relevant to make it a freestanding document.

Natural Environment

15a *Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.*

*Do you:
Strongly Agree/Agree/Neither Agree nor Disagree/Disagree/Strongly Disagree*

15b *Do you have comments?*

General - The Council considers that the NPPF lacks strength from a nature conservation perspective and will provide little support for wildlife/biodiversity protection policies at the local level. The emphasis (weight) given to national and international designations comes at the apparent expense of locally important sites, which contradicts the laudable statements in paras 164 and 167 (see below). The framework places a lot of emphasis on LPAs setting policies and making judgements, which is good on one hand, however the lack of national backing and defined national policy will make it harder for Development Management to defend decisions.

Paragraph 164 (& 167) - The Council considers that the framework's coverage of 'valued landscapes' relating just to National Parks, AONB's etc is not wide enough. The document should aim to promote landscape protection, management and planning in the wider sense. The document should refer to the European Landscape Convention (ELC), which suggests that all landscapes are valuable and should receive a measure of protection. A policy to support landscape character assessment/recognition and strategy to promote landscape management, protection, enhancement and creation (in addition to green infrastructure and designated landscapes) should be included.

Paragraph 167 - requires LPAs to give great weight to protecting certain landscapes. However, the Council feels that the suggested approach is weaker than previously, as the term 'overriding public interest' is replaced with 'public interest', and where detrimental effect on the environment used to have to be 'overcome', it now just needs to be 'moderated'. There is also no mention of Landscape Character Areas or the desirability of enhancing degraded landscapes (eg former industrial landscapes).

Paragraph 166 - The requirement that LPAs should make distinctions between the hierarchy of wildlife sites could be potentially damaging to other important wildlife sites that are not nationally designated. The Council considers that all designated sites should be given equal protection when it comes to development proposals.

In order for Green Corridors to be established and to function as they should, they require protection. This is important in order to maintain the wildlife network. New sites provide and enhance linkages/stepping stones with existing sites. These are essential to many species.. The Council consider that there should be a presumption against the development of existing locally designated sites except in exceptional

cases. This is referred to within the Governments recent White Paper on the environment and the supporting documents with regard to offsetting, but is lost here.

Historic Environment

Q16a This policy provides the right level of protection for heritage assets.

Do you:

Strongly Agree/Agree/Neither Agree nor Disagree/Disagree/Strongly Disagree

Q16b Do you have comments?

General - This draft generally encompasses the spirit of PPG5 and picks up one or two of its elements that were dropped from the published versions, which this Council supports. However, as with the natural environment, the balance is hugely in favour of nationally designated assets. Locally designated or recognised assets are hugely important, especially to a place like York, and should be recognised in policy. Reference should be made to the historic environment planning practice guide for how to implement the stated approach.

The important of the historic environment to the economy is also not mentioned, although was in PPS5 – PPS5 in HE7.4 explains that LPAs should take account of the positive contribution that conservation of heritage assets and the historic environment generally can make to the establishment and maintenance of sustainable communities and economic vitality by virtue of the factors set out in HE3.1).

Paragraph 177 -_we note the weight given to Historic Environment Records, though this would clearly have resource implications. Other means of securing the information would need to be explored.

Paragraph 183 - to assist with determining harm in conservation areas, the Council feel that appraisals should be a requirement.

Paragraph 185 -_the loss of the “presumption in favour of conservation” of valued non designated assets would make assets vulnerable to local political agendas especially in view of the strong presumption in favour of development through-out the document.

Paragraphs 187 and 188 -The Council supports this reintroduced reference to ‘substantial harm’, which elevates the significance of non-designated assets that contribute to the character of conservation areas. The reference to enhancement for Conservation Areas is also positive, and should be extended to cover the approach to all heritage assets.

The Council suggests using English Heritage’s stated ‘Conservation Principles, Practice and Guidance’ as the basis for describing significance. The lack of reference to communal value in particular could mean that the significance of locally valued assets is overlooked. This change should also be made to the Glossary.

Paragraph 191 - could be taken to mean that assets which have not been subject to recording are more open to degradation. Suggest that rewording should instead explain (as is intended) that an asset’s record should not be considered as an appropriate substitute for maintaining that asset in all cases. This paragraph has also dropped mention of publication as part of mitigation through recording and dissemination of results. HE12.3 of PPS5 states, “developers should publish this evidence...”. The Council feels this should be reinstated.

Impact Assessment

17a The Framework is also accompanied by an impact assessment. There are more detailed questions on the assessment that you may wish to answer to help us collect further evidence to inform our final assessment. If you do not wish to answer the detailed questions, you may provide general comments on the assessment in response to the following question:

Is the impact assessment a fair and reasonable representation of the costs, benefits and impacts of introducing the Framework?

Q B.3.1. What impact do you think removing the national target for brownfield development will have on the housing land supply in your area? Are you minded to change your approach?

The removal of the national brownfield target should not be damaging in itself provided that the general approach states that brownfield sites should be reused ahead of Greenfield. The approach on this should be clear in order to create a level playing field. This would obviously be open to scrutiny through the public examination process.

Q B 3.2. Will the requirement to identify 20% additional land for housing be achievable? And what additional resources will be incurred to identify it? Will this requirement help the delivery of homes?

The requirement to identify an additional 20% of sites against the housing target in the first five years to ensure choice and competition is overly prescriptive. Although the Council recognises the importance of maintaining a degree of flexibility, it should be left to the local planning authority to decide the amount based on local circumstances. Again the approach taken would be open to scrutiny through the public examination process.

Q B 3.4. Will you change your approach to the delivery of affordable housing in rural areas in light of the proposed changes?

We agree with the proposed approach in principle and think this could go some way to enhance the mix on rural sites.

Annex D: Definitions of Planning Orders

Community Right to Build Orders


The Community Right to Build gives groups of local people the power deliver the development that their local community wants, with minimal red tape.

Communities may wish to build new homes or new community amenities, providing they can demonstrate overwhelming local support, the Community Right to Build will give Communities the powers to deliver this directly.

Neighbourhood Development Orders:

Communities will be able to use neighbourhood planning to permit the development they want to see - in full or in outline – without the need for planning applications.

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Cabinet	4 October 2011
Report of the Cabinet Leader	

Establishing York's Health and Wellbeing Board

Summary

1. This paper sets out proposals for the establishment of a shadow Health and Wellbeing Board (H&WB) for York to meet the requirements of the White Paper *Equity and Excellence: Liberating the NHS*, and of the Health and Social Care Bill 2011 which is expected to achieve Royal Assent later this year. It outlines the proposed membership and constitution for the H&WB, which will formally be a Committee of the Council.

Background

2. The Government's health reforms are far-reaching. GPs will in future be responsible for commissioning the majority of health services, resulting in the abolition of Primary Care Trusts (PCTs) and Strategic Health Authorities. Local authorities will have a new, direct accountability for health improvement, and the public health function will transfer from PCTs in 2013. LAs will also have responsibility for ensuring that the commissioning of health and social care is "joined up". Finally, the patient voice will be championed through a new "Healthwatch" body that will replace the Local Involvement Networks (Links). A briefing note on some of the key new bodies is attached at **Annex A**.
3. Although 2013 is still some way away, as a pathfinder area, York will be expected to have many of the components of the new arrangements in place in "shadow" form from April 2012. Preparations for this have so far been overseen by a multi-agency Transition Board, jointly chaired by the Chief Executives of the Council and of the PCT. The purpose of this paper is to present the Board's recommendations in relation to the H&WB; however as all aspects of the reforms are interlocking, it may be worth first offering a brief update on the other key components:

- Work to establish the new **joint commissioning arrangements** has been led by the PCT and the GPs who form the proposed Vale of York “Clinical Commissioning Group” (CCG). The local CCG is a strong and self confident body with whom we have excellent links, to the extent that it has been provisionally agreed that its key staff will be co-located with our own within West Offices. Its boundaries as currently proposed are based on the catchment area of York Hospital, which means that it includes around 120,000 people in North Yorkshire (in a rough doughnut shape beyond our own boundaries) plus 20,000 people in East Yorkshire (Pocklington). This issue is still under discussion, and the final configuration will need approval by the new NHS Commissioning Board.

In fact the boundary issue is not strictly relevant to the subject of this paper, since H&WBs, as committees of local councils, will clearly be responsible only for the population within their own boundaries. Our position in CYC has been to acknowledge the difficulties of having to work across boundaries, but to make clear our preparedness to make the arrangements work, whatever the outcome.

- Work is also under way to establish early pilot arrangements for the **transfer of public health functions**, which will be the subject of a separate Cabinet paper. Current tasks include considering some of the resource implications such as finance and staffing, (local authorities will receiving a shadow allocation of the ring fenced funding for public health by the end of the year) and possible models and scales of service delivery. Future work will include breaking down current commissioning responsibilities and how the demand relates to York and North Yorkshire and mapping any complementary work already happening in existing roles and responsibilities within City of York Council.
 - It has been agreed that our new Healthwatch body will need to be established through a formal commissioning process, and a paper about this will be presented to a future Cabinet meeting later this year.
4. A consistent theme running through all of the health reforms is the enhanced role for councils. This will be most obviously visible through the establishment of the Health and Wellbeing Board: a new statutory partnership set up, unusually, as a Committee of Full Council. This will give a key role for elected Members in helping to improve the health of the local population,

complementing the responsibilities of the Health Overview and Scrutiny Committee (OSC). The H&WB's focus will be strategic, whilst the Health OSC will continue to call partners to account for the delivery of the strategy, and to focus on key areas for improvement. This is an important distinction.

5. The H&WB's key functions, as set out in the Bill, will be to:
 - *encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner,*
 - *provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements in connection with the provision of such services,*
 - *encourage persons who arrange for the provision of health-related services in its area to work closely with the health and wellbeing board,*
 - *encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health-related services in its area to work closely together.*
6. Another way of putting it is that the key function of the H&WB will be to oversee the production of the local Joint Strategic Needs Assessment (JSNA); to ensure that all relevant partners sign up to the JSNA and a strategy for improving health and wellbeing; to monitor progress towards its delivery (identifying key risks and challenges); and to ensure that we have the right local arrangements for integrated commissioning and delivery. Indeed, an exercise to refresh our existing JSNA has already been commissioned by the Transition Board, and staff from across the Partnership are working to enable this to be presented to an early meeting of the shadow H&WB, with a draft Health and Wellbeing strategy being put forward next Spring.
7. We also believe the H&WB will need to take over from the Transition Board in due course the further oversight of the preparations for full live running of all of the components of the NHS reforms from April 2013. The H&WB may decide to retain the Transition Board for a temporary period to assist it in this task.
8. Each clinical commissioning consortium (CCG) will be required to consult with H&WBs when drawing up its annual plan "setting out how it proposes to exercise its functions in that year". Additionally the Bill says H&WBs may group together to discharge their functions. It is however perhaps important to make clear that the

H&WB will not of itself be a commissioning body, except to the extent that functions may be delegated to it from Council.

9. The Bill prescribes a core minimum membership for each H&WB: at least one elected Member, a representative of the Clinical Commissioning Group, the Director of Public Health, the Director of Adult Social Services, the Director of Children's Services, a representative of local Healthwatch, and, where appropriate (probably on an ad hoc basis) the participation of the NHS Commissioning Board.

Consultation

10. Officers have consulted a range of partners over the summer on the provisional recommendations of the Transition Board. A summary of the responses received so far is attached at **Annex B**. The PCT Board will be considering the recommendations in late September, and their views will be conveyed orally to Cabinet
11. The main views expressed so far have been supportive of the notion of keeping the Board slim and strategic. However some expressed the view that the initial proposition for including only one elected Member gave insufficient weight to the democratic voice, a thought reinforced by the Government's own guidance following its "strategic pause". In addition, the CCG requested two places. These views have been incorporated in the revised proposals below.
12. Other commentators suggested enlarging the H&WB further to include direct representation by patients (which we believe should be discharged via Healthwatch) or other bodies such as pharmacists (whose views we believe should be accommodated by other means). Some of our key partnership bodies expressed concern as to how they will engage with the H&WB. Others again wanted to get straight into some of the issues that will no doubt be on the H&WB's agenda in due course.

Options and Analysis

13. In developing proposals for establishing the Board there are not really discrete options, but rather a series of principles to consider, which are outlined below.
14. One key principle is the *size of the Board*. Some LAs have gone for very broad, inclusive bodies of 20+ Members. Our

recommendation is that the Board will function better if it is kept relatively small and strategic. We also feel it will have more credibility if it is not dominated by CYC representatives, and we have had in mind models such as the successful YorOK Board. A *quid pro quo* of such an approach is that representation will need to be at a senior level.

15. A further important issue is whether or not to include *provider representatives* on the Board. A number of LAs have deliberately not done so; however, we believe that the York H&WB's discussions will be greatly enhanced by having regard to the provider voice. Any conflicts of interest that may arise can be handled in the normal way through appropriate declarations, and by leaving the meeting if necessary. Our proposals therefore include representation from York Hospital Foundation Trust, from Leeds Partnerships Foundation Trust (the new local mental health provider, shortly to change its name to refer to York) and from the Independent Care Group.
16. We have also considered the H&WB's *strategic positioning*. No one wants to see an unnecessary proliferation of Boards and other bodies, and our proposal is that the new H&WB replaces both the Healthy City Board and the YorOK Children's Trust, as a key overarching strategic body immediately underneath the Local Strategic Partnership, and alongside other bodies such as the new Education Partnership and the existing Economic Partnership. We believe it will be for the Board itself to develop proposals for the infrastructure underneath it, proposals which will have to take account of the possibility of some commissioning decisions needing to be considered on the basis of geography that covers the whole Vale of York area. However our provisional proposals are for the creation of two key partnership subgroups: an Adults' Commissioning Group based on existing mechanisms, and a Children's Commissioning Group incorporating the YorOK Board. Other Partnership bodies (eg Valuing People, Mental Health, Older People, Carers, NEET etc) can relate to these key subgroups. Further work will be needed in this area in the coming months.
17. At **Annex C** is a first attempt to depict these proposed relationships in diagrammatic form.
18. Taking account of these principles, our proposed Membership for York's H&WB is as follows:

Body	Proposed Membership	Comments
City of York Council	<ul style="list-style-type: none"> • Chair of the Board: Leader or his nominee • Relevant Portfolio Holder • Opposition Spokesperson • Chief Executive • Director of Adults, Children and Education • Director of Public Health 	Increased from 1 Elected Member following consultation
Clinical Commissioning Group	<ul style="list-style-type: none"> • 2 representatives 	Increased from 1 following consultation
Providers	<ul style="list-style-type: none"> • Chair or CE from York Hospital Trust • Senior Representative from Leeds Mental Health Partnership • Chair or CE from Independent Care Group 	Not all LAs are including providers; we feel the advantages well outweigh any possible conflicts of interest
Partners and Patients	<ul style="list-style-type: none"> • CEO of York Council for Voluntary Services • CEO of local Healthwatch 	Although not required by statute, we feel having the voluntary sector represented on the Board offers huge advantages, and is in keeping with York's culture.
Others	<ul style="list-style-type: none"> • CEO of NHS North Yorkshire (the PCT) until 2013 • Representatives from the NHS Commissioning Board on an ad hoc basis 	There is clear advantage in having senior transitional support from the PCT

This implies a total membership of 13 individuals in “normal” operations post 2013.

19. There are many other detailed issues to be decided, such as frequency of meetings; quoracy; nomination of Vice Chair; deputising and so forth. Our proposals are set out in the draft Constitution attached at **Annex D**. Cabinet will in particular want

to confirm that in principle, in common with all such CYC meetings, meetings of the H&WB will be held in public, with the right to address the meeting subject to the normal rules.

20. We suggest all these arrangements start to take effect from April 2012 in shadow form. However, in the six months prior to that, we propose that the Board meets several times in less formal mode (and not in public) to work on its own development and ways of operating, and to lay the groundwork for some key early priorities, including:

- Communications and engagement with external stakeholders;
- Development of the key Sub-groups and relationships with other Partnership bodies;
- Preparation of a refreshed Joint Strategic Needs Assessment for York;
- Response to the financial review of NHS North Yorkshire;
- Oversight of the next stages of the other components of the reforms, including the transfer of public health and the commissioning of Healthwatch.

Corporate Priorities

21. This report is particularly relevant to the corporate priorities of building strong communities and protecting vulnerable people.

Implications

(a)**Financial** (Contact – Richard Hartle) Although some aspects of the health reforms, especially the transfer of public health, may have significant financial implications, the costs arising from the establishment of the H&WB are minimal and can be accommodated within existing budgets.

(b)**Human Resources (HR)** *None.*

(c)**Equalities** The new H&WB will be expected to promote equality of outcomes for all groups, especially those for whom there are at present demonstrably unequal health outcomes.

(d)**Legal** (Contact – Andy Docherty) *As the report makes clear the underpinning legislation is still passing through Parliament. Until the legislation comes into force the Shadow Health and Well Being Board will have no formal legal status but will, in effect,*

act as a working group. The Bill proposes that the H&WB will be a committee of the Council. It will be unique though in that its membership will include Officers and representatives of other agencies. In addition the Councillors on the H&WB will be nominated by the Leader rather than by Council and the Leader or the Board.

The Bill includes Regulation making powers which will be used to disapply or amend other legislation which normally applies to Committees. The current draft Constitution assumes that the public will have the same rights of access to meetings as they do for other Council meetings. It assumes that the law will allow specific provisions in relation to quorum so as to require representation from the Council, the Commissioning Group and Healthwatch. Board members will be subject to similar rules as to conduct as apply to Councillors. There will be a need to review the draft Constitution once the legislation is finalised and any regulations issued to ensure that it remains compliant.

(e) **Crime and Disorder** None

(f) **Information Technology (IT)** None

(g) **Property** None arising from the establishment of the Board; the possibility of incorporating CCG staff in West Offices will be considered separately.

(h) **Other** None

Risk Management

22. The risks arising from the contents of this report are low. Failure to establish a credible Health and Wellbeing Board, in good time, would lead to significant reputational damage.

Recommendations

23. Cabinet is asked to approve the arrangements for establishing a shadow Health and Wellbeing Board for York as set out in this paper, especially:

- The proposed membership at paragraph 18
- The draft constitution at Annex C
- The principle that from April 2012, meetings of the H&WB should be held in public.

Reasons:

- To discharge our new obligations under the Health and Social Care Bill 2011 (expected to receive Royal Assent shortly)
- To further our corporate objectives.

Contact Details

Author:	Cabinet Member responsible for the report:		
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	Report Approved		Date 05-09-11
		✓	
Specialist Implications Officer(s) <i>Legal</i> Andy Docherty Assistant Director, Governance and ICT Andy.docherty@york.gov.uk			
Wards Affected: <i>List wards or tick box to indicate all</i>			All ✓
For further information please contact the author of the report			

Background Papers:

There are many relevant documents on the Department of Health Website including in particular:

The NHS White Paper:

http://www.dh.gov.uk/en/Healthcare/LiberatingtheNHS/DH_122624

The Health and Social Care Bill:

<http://www.dh.gov.uk/en/Publicationsandstatistics/Legislation/Actsandbills/HealthandSocialCareBill2011/index.htm>

Frequently Asked Questions on the Bill:

http://www.dh.gov.uk/en/Publicationsandstatistics/Legislation/Actsandbills/HealthandSocialCareBill2011/DH_129797

The Government's response to the "strategic pause":

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_127444

Elsewhere, the "Marmot" review into health inequalities:

<http://www.marmotreview.org/>

Annexes:

Annex A – Briefing Note on three new national NHS bodies

Annex B – Summary of responses to consultation

Annex C – Diagrammatic Illustration of the position of the H&WB

Annex D – Draft Constitution

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POLICY BRIEFING

for Cabinet

4th October 2011**Background**

To support the new organisation of the NHS as part of the Government's health reforms a few new organisations are being established to take on new roles and responsibilities – some of which would have previously been held by those organisations which are being dissolved.

Below is a briefing on the key new organisations which will be established over the next 12 months:

1. The NHS Commissioning Board

The NHS Commissioning Board will be responsible for commissioning health services within England. Local Government will be a critical partner to lead together on emergency resilience and joint commissioning. A representative from the NHS Commissioning Board will also attend the Health and Wellbeing Board when agreeing the Health and Wellbeing Strategy and approving the local Clinical Commissioning Group Commissioning Plan.

The key roles and responsibilities will:

- support, develop and hold to account an effective and comprehensive system of clinical commissioning groups,
- commission some health services on a national scale,
- hold responsibility for the overall architecture of the health system commissioning,
- oversee a commissioning support infrastructure.

The NHS Commissioning Board will operate in shadow from October 2011.

2. Public Health England

Public Health England will bring together a fragmented system, strengthen the national response on emergency preparedness and health protection and support public health delivery across the three domains of public health through information, evidence, surveillance and professional leadership.

Public Health England will:

- generate information on the state of public health and be a source of information, advice and support for local authorities,

- report on local government in improving population health outcomes as part of the public health outcomes framework,
- providing robust surveillance and local response capabilities to respond to threats to public health and ensure health is protected,
- Hold the joint appointments for Directors of Public Health with local authorities and will provide professional support for Directors of Public Health.

Public Health England will operate in shadow form from October 2011.

3. **HealthWatch**

HealthWatch will be the take on the existing responsibilities of the current Local Involvement Networks and will be public and patient voice for health and social care. HealthWatch will also have a statutory seat on the Health and Wellbeing Board.

HealthWatch will be responsible for:

- Engaging and championing patients and service users, ensuring their views and opinions are considered in local decision making about services,
- signposting people to health and wellbeing services in York,
- from April 2013, HealthWatch will also be responsible for providing advocacy for complaints about healthcare.

HealthWatch will be established by October 2012.

Annex B

Consultation Responses to City of York Council draft constitution for the shadow Health and Wellbeing Board

1. Graeme Murdoch, Deputy Principal (QA and Support), York College
 - Question regarding the ability of the HWB to hold partners to account. Suggestion that the wording (9.10) may not be strong enough.
2. Vale of York Commissioning Group (VOYCCG)
 - Request to have additional VOYCCG representative to balance representation and help ensure quoracy.
3. Lisa Winward, Safer Neighbourhood Commander York
 - How the police service would link in with the work of the Board as it doesn't appear to be explicit in the current model?
4. Richard Flinton, Chief Executive North Yorkshire County Council
 - Supportive of the principle of having a tight strategic core board and agree that in order to get work done the Board has to be limited in numbers.
 - Question regarding the balance of elected members on the proposed board as post the listening exercise the guidance suggested the board might have a strengthened elected voice.
5. Peter Simpson, Chief Executive Hambleton and Richmondshire District Councils
 - Noted the proposed overlap of VOYCCG boundaries into the Hambleton area. Questions were raised regarding:
 - The relationship between the York and North Yorkshire Boards
 - How Joint Strategic Needs Assessments will be coordinated as effectively the Vale Commissioning Group will relate to two separate assessments
 - What relationships you envisage with Hambleton District Council
6. Janet Waggot, Chief Executive of Ryedale District Council
 - Collective response on behalf of the NY Districts.
 - Supportive of having a tight strategic core board. The main thrust of the comments from NY centre around the proposal to ensure joined up provision within the Y & NY Sub Region on the Health & Wellbeing

Transition Boards and shared intelligence on the Joint Strategic Health Needs Assessment.

- In relation to the Vale of York Commissioning Group overlaps with the Districts of Selby, Ryedale, Hambleton, How will the communication work?

7. Rachel Johns, Associate Director of Public Health and Locality Director - York

- The York Shadow Health and Wellbeing Board Draft Constitution was considered by the PCT Directors team and we are supportive of the way forward. It was suggested that under the membership section that m) and n) could be combined as they relate to the same organisation and merely set out when they are expected to attend.
- It should be noted that we will take this formally to the PCT board on 27th September, so this response should be seen as interim.

8. Nigel Hutchinson, Chief Fire Officer

- Noted a recent a recent meeting to explore the extending of links between the Health & Wellbeing Boards, YNYSCF and the future role of the Police & Crime Commissioner.
- There is a concern that there appears to be no reference to the YNYSCF in the draft TOR and it was agreed that our preference would be for a consistent approach across York and North Yorkshire. The YNYSCF being an essential part of the Health & Wellbeing Board's Network and would like to see this reflected in the draft governance proposals for York's Health and Wellbeing Board.
- YNYSCF understand and support the proposal to have a tight strategic health and well-being board but would, in the absence of a seat on the board, wish to see the Safer Communities Forum clearly linked into the board as an essential element of its networks.
- Note a concern that the Health & Wellbeing Board's agenda may be focused on the 'health' element i.e. treatment and admissions rather than that of the wellbeing of communities.
- Note a need for ownership of agenda's such as alcohol, perceptions of crime and disorder, road safety etc among the competing demands, and that the 'investment' approach in the future Joint Health and Wellbeing strategy should work to ensure a shift from investment in acute services to more of a community focus.
- Note there is a need to ensure there is clear linkage between the JSNA and JSIA and presume the Health and Wellbeing Board will want to understand at the beginning of its annual cycle the story of place from a

JSIA perspective and at the end of its annual cycle as it seeks to report on progress on what has changed, hopefully for the better, within that period.

9. Caroline Blackburn on behalf of North Yorkshire Police

- Would welcome further clarity as to how local policing issues will be submitted to the Board (i.e. what is the "reporting in" mechanism given North Yorkshire Police is not represented on the Board).
- Also, on a broader issue, the local Community Safety Partnership's are also the Drug and Alcohol Addiction (DAAT) Boards who deal with many health and wellbeing related issues associated with drug and alcohol dependency along with the treatment and support of these individuals in our communities.
- We would therefore ask that as North Yorkshire Police is one of the responsible authorities in the Community Safety Partnership's. What will the reporting mechanism, accountability and scrutiny methodology for Community Safety Partnership's in relation to the Shadow Health and Wellbeing Board be?

10. Rita Sanderson, Director, York Racial Equality Network

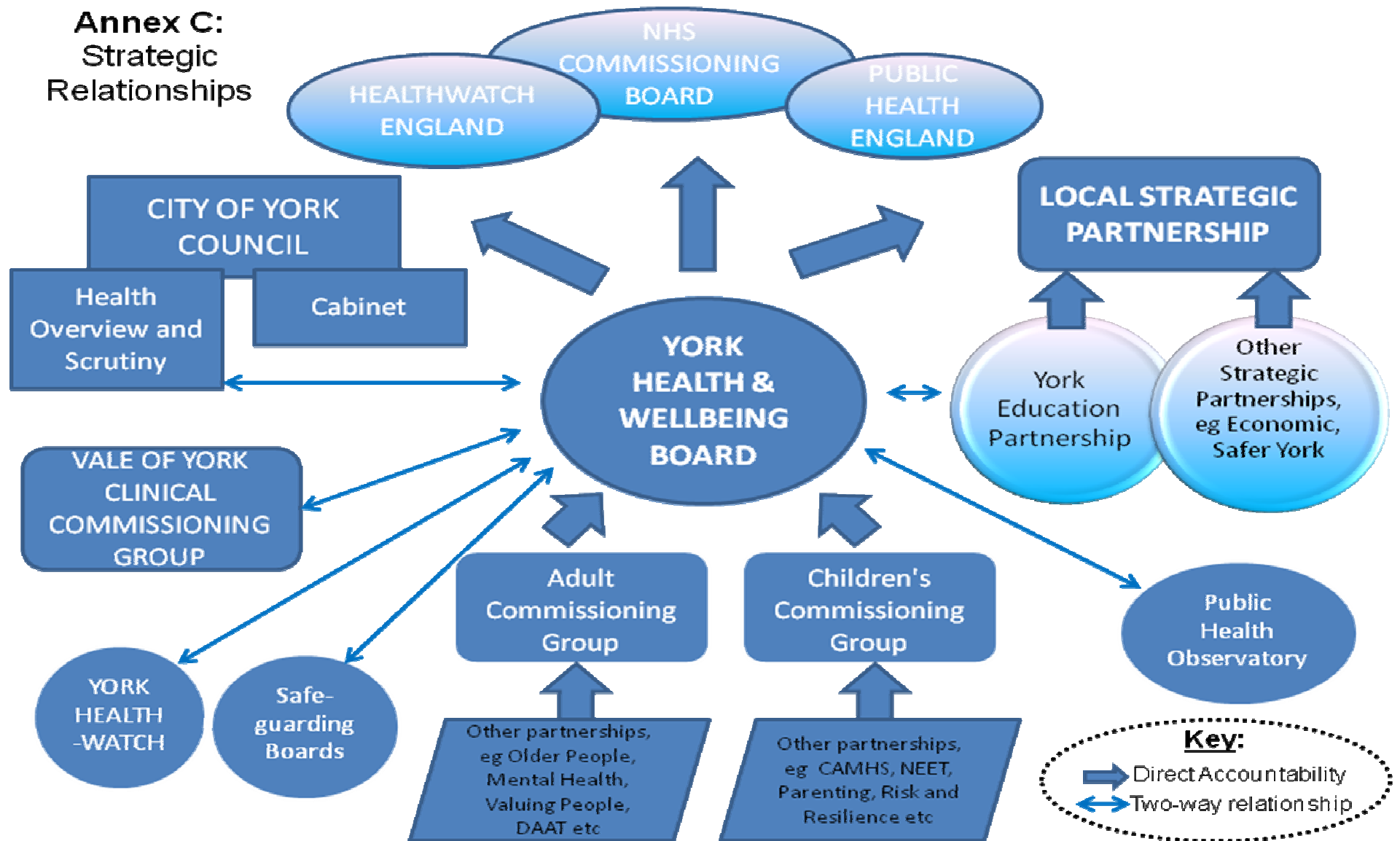
- Request for further information on the procedure for giving feedback from board members to their respective organisations and the customers they serve.
- Point 9.9. Further clarification requested. What is meant by 'lead cultural and behavioural change'? Are we looking at taking the lead on identifying 'cultural' in its broadest sense or are we looking at changing demographics, i.e. ageing population, BME population, increase in disabled people?
- Suggestion to define the period of time after which the constitution is reviewed i.e. 'annually'.

Suggested amendments:

<i>Amendment A:</i>	4.1 Change to City of York Council
<i>Amendment B:</i>	8.1 Remove the word "the"
<i>Amendment C:</i>	9.2/9.3 – Decision required regarding the wording for integrated working
<i>Amendment D:</i>	9.10 Confirm whether colleagues are happy to use the word encourage

<i>Amendment E:</i>	9.12 Confirm how frequently will the Board's constitution be reviewed?
<i>Amendment F:</i>	2.1(d) To confirm number of VOYCCG representatives
<i>Amendment G:</i>	To make explicit a commitment to work with key public sector organisations and how
<i>Amendment H:</i>	To confirm the number of elected member representatives and quoracy of the board
<i>Amendment I:</i>	2.1 (m) and (n) to be combined as they relate to the same organisation

**Annex C:
Strategic
Relationships**



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Shadow Health and Wellbeing Board - York

Draft Constitution

1. Name

- 1.1 The Board will be known as the York Shadow Health and Wellbeing Board (“the Board”) until such time it fulfils its statutory duty to become the York Health and Wellbeing Board.

2. Membership

- 2.1 Board members will be required to represent their organisation with sufficient seniority and influence for decision making. The Membership of the Board will consist of:
- a. The Leader of the City of York Council (“the Council”) or a Councillor nominated by him and 2 other elected representatives
 - b. The Chief Executive of NHS North Yorkshire and York or a nominated representative of the board until such time the organisation ceases to have accountability for delivery of health services
 - c. The Chief Executive of City of York Council
 - d. Two representatives of the Vale of York Clinical Commissioning Group
 - e. A representative of York Local Involvement Network until such time HealthWatch is established
 - f. The Director of Public Health
 - g. The Director of Adults, Children and Education
 - h. A representative of York Council for Voluntary Services

- i. A representative of the York Teaching Hospital NHS Foundation Trust
- j. A representative of Leeds Partnerships NHS Foundation Trust
- k. A representative of the Independent Care Group
- l. A representative of the NHS Commissioning Board where the Board is preparing its joint strategic needs assessment or joint health and wellbeing strategy, or where the Board is considering a matter that relates to the exercise or proposed exercise of the commissioning functions of the National Health Service Commissioning Board (*pending statutory status*)
- m. Other members appointed by the Board or the Leader of the Council after consultation with the Board.

3. Legal Status

- 3.1 The Health and Wellbeing Board is a Committee of the Council and will adhere to the Constitution of the Council (*pending statutory status*).

4. Quorum

- 4.1 The Quorum shall be 7 members including as a minimum a representative of the City of York Council and a representative of the Vale of York Clinical Commissioning Group.

5. Chair

- 5.1 The Chair of the Board shall be the Leader of the Council or his or her nominated representative.
- 5.2 The Vice Chair of the Board shall be elected by the Board at its first meeting.
- 5.3 If the Chair is not present at a meeting the meeting shall be chaired by the Vice Chair. In the absence of both the Chair and

Vice Chair the Board shall elect a Chair for the meeting from those members present.

- 5.4 The Chair of the Health and Wellbeing Board will be required to hold a named delegate list for board representatives including deputies.

6. Frequency of Meetings

- 6.1 The Board shall meet no less often than four times a year.

7. Access to Meetings

- 7.1 The public shall have the same right of access to meetings, agendas, reports and background papers as apply to any other meeting of a Committee of the Council.

- 7.2 The public shall have the same rights to address the meeting as apply at meetings of the Cabinet of the Council.

8. Sub Groups

- 8.1 The Board may establish subgroups required to deliver the its agenda and agree their membership and terms of reference.

- 8.2 The Working Groups will report to the Board.

- 8.3 The board may also establish working arrangements with other working groups.

9. Functions of the Board

- 9.1 To advance the health and wellbeing of the patients and residents in York and to address health inequalities by fulfilling its public health duties.

- 9.2 To encourage persons who arrange for the provision of any health or social care services to work in an integrated manner.

- 9.3 To provide such assistance or other support as it thinks appropriate for the purpose of encouraging the making of

arrangements under section 75 of the National Health Service Act 2006 between the Council and NHS bodies in relation to the exercise of NHS functions or health related functions of the Council.

- 9.4 To exercise the functions of a local authority and its partner commissioning consortia under sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 relating to joint strategic needs assessments, and health and wellbeing strategy *(pending statutory status)*.
- 9.5 To exercise any other functions of the Council which the Council has determined should be exercised by the Board on its behalf *(pending statutory status)*.
- 9.6 Where it considers it appropriate to do so, or when so requested by the Council, to give the Council its opinion on whether the Council is discharging its duty under section 116B of the 2007 Act to have regard to the joint strategic needs assessment and joint health and well being strategy *(pending statutory status)*.
- 9.7 To oversee the development of local commissioning plans and, where necessary, to initiate discussions with the NHS Commissioning Board if an agreed concern exists.
- 9.8 To lead cultural and behavioural change to support a joint approach to meeting local need.
- 9.9 To hold all partners to account for their role in the delivery of joint commissioning and overall stewardship of the health and wellbeing outcomes for patients and residents.
- 9.10 To work alongside local strategic partnership arrangements to ensure the coordination of city wide ambitions, all of which impact on the health and wellbeing of patients and residents.

9.11 To periodically review the York Health and Wellbeing Board constitution.

10. Conduct

10.1 The Board and its members will commit to respecting the principles of Standards in Public Life promulgated by the Nolan Committee.

10.2 The Board will declare interests at meetings in accordance with the rules applicable to Councillors declaring interests at meetings of the Council. No member will have a prejudicial interest in a matter as a result purely of the matter affecting the sector that they represent.

10.3 Board members will recognise their role as trustees of health and wellbeing and will act collectively in the best interests of the local population.

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Cabinet

4 October 2011

Report of the Chief Executive and the Director of Customer Business and Support Services

Changes to the welfare system and their impact on City of York Council**Summary**

1. This paper outlines the changes that Government has brought in and proposes to bring in to reform the Welfare system.

Background

2. The Coalition government has introduced a wide-ranging programme of changes to the welfare system. Some changes are already in force with more to come as legislation goes through Parliament, under the Localism Bill and the Welfare Reform Bill, that will create further alterations to the current benefits system.
3. Council Tax Benefit is to be replaced and “localised” with local authorities expected to cut expenditure by 10% and there are changes in the pipeline for the benefits of those living in supported accommodation.

Initial analysis

4. This is the biggest shake up of the Welfare system since its inception. Every element of the system is being changed and support reduced. Those people in receipt of multiple benefits face possible reductions in Housing Benefits, Incapacity Benefits and out of work benefits. The cumulative impact of this will be huge for some families and individuals.
5. Just taking into account changes to Housing Benefit and Local Housing Allowance, people in York will be £2.9million a year worse off. Calculating figures for changes to DWP-administered

benefits such as Incapacity Benefit and the cap on the new Universal Benefit is harder, as is working out the impact of the benefits link to the Consumer Prices Index: these will undoubtedly push the £2.9million figure higher.

6. What can be said is that:
 - Residents on lower incomes will face additional financial and housing pressures which will lead to greater pressure on the Housing Options Team, Benefits Team and Customer Contact Centre.
 - The requirements for council housing stock will change with more call for HMOs and smaller properties.
 - These changes will have an impact on the balance of the city, particularly as the impact of Local Housing Allowance (LHA) rates being based on the lowest 30% of rents is felt and people have to move to specific low rent areas rather than being dispersed across the city.

The changes and their impact

7. This report looks at the impact of changes so far, changes to come and possible s in the pipeline. Where CYC is responsible for delivery, Housing Benefit for example, detailed figures are available giving an idea of impact. Where CYC is not responsible, Incapacity Benefit for example, figures are less readily available and so impact is based more on judgement.

Changes introduced so far and their impact on York

8. Some of these changes, to housing benefit in particular, have already been n place and are beginning to take effect. These are:
 - a) An end of the £15 excess Local Housing Allowance (LHA) payment. (Previously if the rent you paid was less than the weekly LHA rate, you could keep up to £15 of the difference.) This will result in further pressure on household budgets.
High Impact: Around 800 customers with average reduction of £9.71 a week. In some cases could lead to rent arrears. TOTAL per year: £413k.
 - b) LHA rates now based on the lowest 30% of rents rather than 50%. This is and will continue to push people into very specific areas of

low rent, rather than spreading lower income households across the city.

High Impact: 91% (around 1,950 people) of existing LHA customers will lose on average £12.57 a week. Based on new LHA claims made April – July 2011 827 customers have received on average £11.79 a week less than under the older scheme (around £500k across the city a year) TOTAL per year: £1.28m.

c) Increased levels of non-dependent deductions (NDDs) for Housing Benefit (HB) and Council Tax Benefit (CTB). It is possible that this change, along with the other changes being introduced, will result in an increase in the number of parents asking their children to leave the family home once they reach working age. Youth Homelessness is already an issue in York.

Medium impact: affects around 600 existing customers, both in social and private housing sector. NDDs have increased by 26.9%. For CTB this amounts to around £25,000 a year for around 500 customers. (£50 a year average) For HB this amounts to around 400 customers and around £103,000 a year or around £252 a year each. TOTAL per year: £128k.

d) Local Housing Allowance only covers up to 4 bedroom houses. An absolute cap is introduced so that, no matter the rent, the LHA weekly rate cannot exceed set figures.

Low impact: The caps are well above LHA rates for CYC and in excess of market rents. This change will have no impact locally. The removal of the 5 –bed rate will adversely affect one customer. TOTAL per year: £5k.

e) Incapacity benefits are going through a re-assessment programme for those claiming incapacity benefits, in an attempt to reduce the numbers of claimants. Initial indications are that the rates of appeal have been high, and the nature of the assessment has failed to recognise the problems of those with mental illness and relapsing conditions such as multiple sclerosis.

Impact unknown in York: The removal of incapacity benefit reduces the income of the recipient from a current level of £94.25 (for the long-term disability) to (up to) £67.50 for those over 25, in other words a drop of roughly £30 a week. TOTAL per year: not yet known.

Changes still to come and their impact on York

9. Other changes take full effect in April 2013, including more changes to Housing Benefit, that will mean:

a) In April 2013 the new Universal Credit will be introduced, rolling employment support allowances, incapacity allowances, child tax credits and housing benefit into one credit. Universal credit will be subject to much more stringent caps than previously. The maximum amount of credit will be capped at £500 per week for all benefits, including housing benefit.

Medium impact: likely to affect larger families in high cost homeless accommodation. However, there are individual customers resident in high rent hostel and supported accommodation who may be affected by this dependent on rent level, total benefit income and the actual amount of the cap in 2013. Government figures say it will affect 50,000 households saving £225m in 2013/14 with average loss at £93 per week.

b) The cumulative effect on disabled people could be significant. Coupled with potential reductions in housing benefit, many disabled people will lose a large percentage of their current income. There is a potential risk that those in receipt of personal budgets for social care may resort to using such individual budgets simply to meet basic living costs rather than their social care needs. TOTAL per year: not yet known.

c) For tenants of social landlords, HB will only cover the size of property a tenant is judged to need using the current LHA size criteria (pensioners protected from this). People in properties deemed too big for their need will have to either find the extra money to top up the HB or move, so there is a risk of rent arrears and homelessness. Families are likely to have to move out of the family home once children leave. All of this will put pressure on Council Housing Team and on housing stock.

High impact: CYC has 2,948 LA tenants of working age on HB, 715 would be under occupied applying the LHA room criteria. We are more limited in gauging its effect on tenants of Registered Social Landlords (RSLs) but there would be an impact. Unlike with other changes, there seems to be no transitional protection. This will have implications for the types of housing stock required, and this could lead to an undersupply of one and two-bedroom properties in the social rented sector.

DWP estimate savings of £440m nationally in 2013/14 with some 70,000 tenants being affected in Yorkshire and Humber, with average loss of £11 a week. TOTAL per year: at least £409k for CYC tenants with an unknown amount for RSL tenants.

- d) Increases in LHA rates from 2013 are to be linked to Consumer Price Index rather than the higher Retail Price Index. This sounds like a technicality but it is far more than that. In the last 10 years CPI has been 20% lower than RPI, and this link will lead to an increasing gap between LHA rates and market rents. Figures from Shelter suggest that York is likely to become unaffordable for people on benefits by 2026.

High impact: The precise impact of this change is not known yet. Nationally, savings are expected to be £255m by 2014/15 affecting 1.4m customers. Government estimates rents will rise by 4% a year with CPI at 2% a year.

Based on historic trends since 1999 to 2007 the CPI increased by 15% whereas average private rents have increased by 44% which leaves a significant gap. TOTAL per year: not yet known.

- e) Single people under 35 in the private sector will be expected to share a house (it was 25), and their benefit entitlement will reduce to reflect this. This is likely to increase the number of people seeking a house in multiple occupation and reduce the ability of people in this age group to access affordable accommodation. For those already in larger properties they will have to find the difference themselves, move or face rent arrears.
- High impact:** The difference between the current shared room LHA and a 1-bed self-contained is just over £30 a week but individual losses will be as high as £51.61 a week depending on the single room rate. Current estimates indicate 122 LHA and 11 pre-LHA customers would face reduced HB. TOTAL per year: £295k.

Replacement of Council Tax Benefit

- 10 The government has announced that Council Tax Benefit will not become part of the Universal Credit but will be replaced from April 2013 by fundamentally different local 'support' schemes to be administered by local authorities. These schemes have to find a 10% reduction based on 2011/12 expenditure.

11. How LAs might find this 10% reduction is unclear and there seems to be no flexibility on the 10% if circumstances in an area change rapidly – population growth for example.
12. In York more than 13,000 people get CTB; however pensioners will be protected from these changes. In York around half of CTB recipients are pensioners and therefore the 10% will have to be found from fewer people. This will have an impact on the council tax collection rate. For CYC the 10% reduction is £1.04m based on 2010/11.

Other possible changes in the pipeline

13. **Supported living accommodation** - A current consultation on supported housing and Housing Benefit (closes 9 October) may cause further changes and reduced income for vulnerable people. The intention is to assess the cost of supported housing in line with Local Housing Allowance (LHA) levels, which may leave a number of people living in supported housing unable to cover their accommodation costs. See link.
<http://www.dwp.gov.uk/consultations/2011/supported-housing.shtml>
14. Clearly there is general support for the proposal to separate the rental element of the service so that specialist needs are separate from general market rent. Although the principal is sound the method proposed to implement these changes goes against the personalisation agenda because of its broad brush approach. Having a standard national rate for conventional supported housing also goes against the localism agenda.
15. Officers propose an alternative approach that provides more flexibility, dresses individual needs, simplification and realises local decision making. The approach is set out in the reply to the consultation response question 7 annex D.
16. **The Localism Bill** - once passed will add further complexity to changes that have already taken place:
 - An end to an automatic 'home for life' for council tenants (pensioners are protected). Local authorities will be able to offer new flexible tenancies, with a minimum term of five years.
 - Changes to housing homeless people. Councils will be able to discharge their duty with an offer of suitable private sector

accommodation, without requiring consent. (From April 2012 once the Localism Bill is passed.)

Changes to Legal Aid

17. Changes to the legal aid system mean that those wishing to appeal against benefits decisions will no longer have access to legal aid, and would therefore have to represent themselves in court. The legal profession believe this will lead to longer hearings, and a slower court system. Sources of independent advice, like CABs, are facing a future of reduced funding, so at the point of greatest change, there is the least access to support and advice. The legal aid reforms are likely to take effect from April next year.

Consultation

18. The government is currently consulting on some elements of welfare reform, in particular on changes to the allowances for supported housing, and on changes to council tax benefit. Other elements of change, for example to housing benefit, have already been made under existing legislation. See Annex D for the proposed response to the consultation on supported housing allowances.

Options

19. Given the impact of these changes on City of York Council and its residents, lobbying government to consider changing parts of The Welfare Reform Bill should be considered. Other local authorities in the region are likely to be facing similar and possibly greater impact. Therefore it may be possible to work with them in an approach to government; such a joint approach may prove more successful. CYC will also need to reconsider current strategies, including the existing housing strategy in light of the proposed changes, particularly regarding housing supply (for example, the supply of one and two bedroom homes).

Analysis

20. The analysis of the effect of the changes is set out in the body of the report above.

Corporate Priorities

21. The impact of the government's proposed changes is likely to affect a number of the council's priorities, in particular relating to social inclusion and economic prosperity.

Implications

22. **Financial** – Included in the body of the report, where known.
 - **Human Resources (HR)** – Not currently quantifiable – will be affected by the final legislation.
 - **Equalities** – Included in the body of the report, where known
 - **Legal** - None known.
 - **Crime and Disorder** - None known, but see Annex B.
 - **Information Technology (IT)** - Changes to benefits systems may require changes to the council's existing systems.
 - **Property** - None known.
 - **Other** – See Annex B for impacts by cabinet portfolio.

Risk Management

23. There are no known risks in responding to government consultations and changes in legislation. However, the nature of the changes proposed are substantial, and the Benefits and Housing teams in particular will need to plan to be ready for these changes. See Annex B for potential impacts..

Recommendations

24. The recommendations to the Cabinet are as follows:
 - That they consider the cumulative impact of these changes on CYC and any further mitigating actions that might be needed.
 - That they consider whether to lobby government as part of a regional response.

- That they endorse the response to DWP consultation document on proposals to amend Housing benefit for supported housing in annex E.

Reason: In order to respond to government changes to welfare legislation.

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Kersten England
Chief Executive

Report
Approved



Date 22.9.11

Ian Floyd
Director of Customer Business and
Support Services

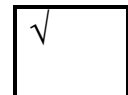
Report
Approved



Date 22.9.11

Wards Affected: *List wards or tick box to indicate all*

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For further information please contact the authors of the report

Annexes

Annex A – Welfare Reform – Housing Stock Context

Annex B - Welfare Reform - Cabinet Portfolio Implications

Annex C - Welfare Reform – Worked Examples

Annex D – Supported Housing – Response to government consultation

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CABINET

4/10/11

Annex A – Housing stock context

Housing overview – September 2011:

- There are around 85,243 dwellings in York, the vast majority in the private sector.
- Just over 12,300 homes are owned by the council and housing associations and classed as affordable rented properties.
- The proportion of social rented homes in York is low compared to many other areas at just 14%.
- There are also around 500 homes in York that have been purchased under low cost home ownership initiatives such as discounted sale and shared ownership.
- There are 2,880 households currently on the housing register waiting for a social rented home.

When last measured in 2008, we found there are almost 13,000 private rented homes. The sector is largely geared towards the professional and student markets and lower income households can often find access difficult. We anticipate planned changes to local housing allowance (i.e. reduced rates) could make things worse. The average price of a private rented property is around £187.00 per week compared to a council average rent of £63.00 per week.

The sector has grown over the past five years as high house prices and lack of mortgage finance has shut many out of home ownership. We expect this growth to continue so working with landlords to ensure high standards across the sector must be a priority. There is growing scope for 'intermediate' tenure options such as 'shared ownership' and 'discounted sale'.

All council homes now meet the Decent Homes Standard (2010). Housing conditions within the private sector are relatively good (19% non decent against 37% nationally), but some poor condition is evident particularly in parts of the private rented sector, such as houses in multiple occupations and older converted properties.

In proportionate terms the levels of households classified as overcrowded are very low at just over 2% but like many other areas under-occupation is high at around 33% of all homes. This is particular the case amongst older households. There are very low levels of long-term empty homes, 0.5%, signalling the very high demand for property in York.

High demand fuels high prices. There is a significant gulf between average house prices and average earnings. York's average house price is £205,000 (Q1 2011), with lower quartile prices averaging £143,000. This is against median annual household incomes of around £22,000.

Much of the housing stock is not suitable for an ageing population. Home adaptations and help with repairs and maintenance will be important if we want to help people remain independent in their own home for longer. Specialist housing for older people must increasingly be geared

towards those with higher level needs.

Rates of homelessness have declined significantly in recent years thanks to focussed and determined prevention work, though the past 12 months has seen a slight reversal in this trend. Likewise, the number of people in temporary accommodation is significantly below what it was a few years ago. There were only two people sleeping rough when last counted in December 2010. The main causes of homelessness in York are exclusion by parents, relationship breakdown and end of assured short-hold tenancy.

Author:	Chief Officer Responsible for this report:
Paul McCabe, Policy and Planning Manager, Housing Team	Chief Executive



CABINET	
Report of the Council Management Team	

Annex B – Impact on Cabinet Portfolios

Although the main paper covers the wide range of impacts of the welfare reform on York and CYC, it seemed worthwhile to also consider the implications for individual Cabinet Members' Portfolios.

These are not detailed at this stage but they give an idea of how directorates might be affected and issues that may need to be picked up.

Economic Development

- As is picked up in the options paper – it is likely that the city's Economic Strategy may need to be looked at again to reflect the impact of the Welfare reforms.
- Pin-pointing the precise economic impact is difficult at this stage but it is a reasonable assumption that social mobility could be restricted. The impact on levels of child poverty will need to be monitored. The impact on low income young people could be significant, as a combination of an end to EMA and benefit changes reduces the numbers going into further education. This could result in a lower skilled population with all the associated economic impacts.

Corporate Services

- Less income from Council Tax Benefit and because of increasing arrears and cost of debt collection – putting pressure on already tight budgets.
- Pressure on service delivery – particularly Housing Options, Benefits and Customer Contact Centre.

City Strategy

- As pressure increases for shared housing for those single under 35s (rather than just under 25s) there are likely to be more HMO applications – with all the associated issues these bring for the planning team.
- Maintaining the 'balance' in the city with people of different incomes in the same communities will be harder as the 30% threshold bites.
- The housing mix needed against what York has and can provide will become increasingly challenging.

Education, Children and Young People's Services

- Welfare changes and reductions in benefits are compounded for young people and their families by changes to what was the Education Maintenance Allowance. Those who did receive the highest level of support last year, £30 a week, now get £20 (for families on less than £20,817). Those just entering further education can only apply to the Bursary fund which is restricted to those on income support, people in care or leaving care and disabled young people.
- Those young people who would have received the £30 a week are likely to be in families facing other cuts including larger Non-Dependent Deductions (NDD) they may feel

unable to continue their education) could lead to an increasing number of young people in York considered to be NEETs. Combined pressures on family budgets may also mean that more young adults are asked to leave the family home, increasing youth homelessness in the city.

- Shifting demand for schools is also likely as families on low income are affected by the 30% LHA rate threshold. As low income families become concentrated in specific areas of the city, schools performance and resourcing needs could change.
- In general the effect on rates of child poverty in the city will need to be monitored.

Health, Housing and Adult Social Services

Health and Social Services

- As incapacity and disability benefits changes begin to be felt there is a greater risk of more people struggling to pay for personal care, putting pressure on council services and budgets.
- Other benefit changes could result in disabled people having to move to poorer housing stock, with knock on impacts for their care.
- Changes to supported accommodation will also have an impact but the severity is difficult to assess at this point.

Housing

Clearly a big impact on the Housing team with:

- Pressure on housing stock.
- Changing demands on housing stock particularly smaller properties.
- More people having to move and requiring a variety of support to do that.
- Changes in local authority housing tenure will need careful management.
- Increased pressure on the homelessness team and their services.

Leisure, Culture and Social Inclusion

- As those on low incomes have to move to fulfil the 30% threshold, there is a risk that particular communities will become increasingly marginalisation of from the rest of the city.
- Issues of financial inclusion and social mobility will be increasingly important in the city.

Communities and Neighbourhood Services

- Increased pressure on the neighbourhoods team.
- More pressure on services in specific communities.
- Continuing concern around loan sharks/access to finance.

Crime and Community Safety

- There is no evidence at this point of an impact on crime and community safety, however experience tells us that crimes can become an issue where are concentrations of poverty.

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**CABINET**

Report of the Council Management Team

Annex C – Worked examples of HB/LHA changes

Below are examples of real potential losses to individual customers currently on HB (based on known current LHA rates where applicable).

A: Single people under 35 in the private sector will be expected to share a house.

- (1) Single woman aged 34 currently receives £90 per week HB, will reduce by £27.65 to £62.35;
- (2) Single man, aged 32 currently receives £109.62 per week, will reduce by £47.27 to £62.35.

B: For tenants of Social Landlords HB will only cover the size of property a tenant is judged to need (pensioners protected from this) using the current LHA size criteria. The rent eligible for HB will be reduced by a yet to be determined percentage – lower amount for 1 room and higher amount for more than 1 room. Figures of 10% and 20% have been mentioned but not fixed yet.

- (1) Single woman age 49 with grown up daughter aged 20 both in work. Her full rent is £80.08 and current HB is £27.59. She is deemed to have 1 room too many. If there were a 10% reduction her HB would be reduced by £8.00 per week;
- (2) Couple, aged 23/24. On Income Support and DLA. HB covers the full rent of £66.23. They have 2 rooms too many. If there were a reduction of 20% HB would reduce by £13.25 per week.

C: The general reduction in LHA rates from 50th to 30th percentile.

- (1) Lone parent aged 44 with child aged 14 on earned income and child benefit will see her HB reduce by £17.31 per week from 2/10/12;
- (2) Single man aged 39 on Income Support will see HB reduce by £17.01 per week from 20/7/12.

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John Madden Benefits Manager	Chief Executive

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Annex D – Supported Housing consultation

Consultation questions

We want your views on the issues discussed in this consultation.

City of York Council is in principal in agreement with the proposal to separate the rental element of the service so that specialist needs are separate from general market rent.

However comprehensive feedback is problematic due to more detailed clarification of the proposals being required.

Although the principal in correct the method proposed to implement these changes goes against the personalisation agenda due to the broad brush approach. Having a standard national rate for conventional supported housing also goes against the localism agenda.

The feedback in this document shows how the aims of the proposal can be achieved while also recognising the localism and personalisation agenda by providing the required level of flexibility to implement individual rent levels above the standard LHA rate.

This is a list of questions which we would particularly like your views on.

Conventional supported housing

Question 1. What types of supported housing are available and how do you suggest they should be identified and grouped?

These are the types of supported accommodation that is available in York:

Temporary or short term accommodation (up to two years) – this is predominantly for excluded groups with resettlement provision. Services are categorised into three tiers:

Independence tier 1 – this consists of front line hostels and refuges. This normally consists of the most vulnerable customers and will normally have 24 hour staffing with more than one member of staff on site at any one time. Support is normally for around 6 months but can be up to two years. These services tend to have both the highest support and rental charges and are usually a multiple occupancy provision. The main client

groups are: homeless; ex-offenders: domestic violence; mental health and young people.

Independence tier 2 – these are supported housing schemes of multiple occupancy. This service is predominantly for people from hostel provision once they have started to develop independence skills. Services normally have day cover only, with one member of staff. Support and rental costs would expect to be less than independence tier 1. The main client groups are: homeless; offenders: domestic violence; mental health and young people.

Independence tier 3 – this is floating or visiting support. Where this is the end of a resettlement process it would be anticipated that there is little or no difference to the market rent. However allocated properties are used to meet specific needs of customers that have not gone through the resettlement process eg/ trainer flats for young people; dispersed homelessness properties; perpetrators of domestic violence to remove them from the family home. These can have significantly higher rental charges to meet the risk of evictions, abandonments, damages etc.

Longer term more intensive supported housing

These are predominantly for people with long term needs and include the following client groups: Learning Disabilities and Physical or Sensory Disabilities. These services can be multiple occupancy or individual properties. Normally these properties have specific adaptations and mobility requirement which effect the level of rental charge. Most of this service include both support and care with many requiring 24 hour provision.

Long term low level supported housing (sheltered)

This usually consists of a cluster of properties either with a shared front door or individual properties. The provision will have a communal room as well as other provision like a laundry, hairdressing and staff office. Some sheltered properties are classified as sheltered with extra care which will normally include a greater quantity of communal facilities and a shared entrance. Level access and mobility standards may affect the core rent with the service charges reflecting the level of communal provision.

However, for the purposes of defining suitable rent levels, we do not feel there is any merit in grouping services. To do so would go against the personalised agenda and put more unique or smaller services at risk.

York's proposal is to use the LHA across all supported housing services with an addition fixed percentage that would apply to any supported housing scheme (for example 10%). The remaining supported housing rents above this cap is pooled per LA. The LA would then administer any additional provision on a case by case basis through transparent assessment criteria which will be determined locally or nationally.

Question 2. Should there be different geographical rates for each type of mainstream supported housing, such as hostels, sheltered housing or refuges or should a single rate be applied?

There will be geographical considerations to be made between provisions for the same client group. However there are many other factors to consider which affect the difference in rental charges.

If this question is referring to the rent less the specialist provision then there will still be difference in core rent for example: size of the schemes; size of rooms; capital funding of the service etc.

Question 3. What types of additional activities or resources are typical of supported housing and how should these be quantified into a weekly amount per unit?

The report identifies there are over 400 different charges made in the allocation of core rent for supported housing. There will also be significant variances between these elements of charge from one service to another. Also the level of detail in the breakdown of these charges will vary tremendously from scheme to scheme. Some of these categories you have rightly identified as:

- providing 24 hour housing management cover
- providing more housing related support than in mainstream housing
- organising more frequent repairs or refurbishment
- providing more frequent mediating between tenants;
- providing extra CCTV and security services

Other key areas that would create a difference in rent to general needs accommodation would include:

- Meeting mobility requirements

- Court costs/voids/ notice procedures/ behavioural agreements etc.
- Communal/office areas for meetings and development of lifeskills

It would not be possible to create a fixed cost for each category.

Question 4. Should an amount for the additional help be worked out using a flat rate addition representing typical additional costs or should a different method be used? Please tell us what you think are the advantages of your preferred option.

If there is a flat rate then this can only be at the lowest denominator. Anything above this then needs to be done on an individual or scheme basis.

Scheme specific – this would be a LA determined rate regardless of the current customer/s individual needs. This would be based on the type of service commissioned (eg the requirement for a communal room for learning lifeskills). However the rate would need to be determined per specific property and therefore can only realistically be assessed by the LA using either local or national criteria.

Individual – this will not apply in all cases but there may be an additional figure required to meet the specific and individual needs of the customer. This could be done on an exceptional basis with an assessment made through the LA based on local or national criteria. This for example could be part of an individual budget assessment and could include for example that the rooms are all of a size to meet mobility standards.

Some examples of the reasons why having a fixed rate for the full rent would be inappropriate and would put services at risk are:

- Some services are not furnished, part-furnished or fully furnished
- Some services have shared kitchens, some are self-contained
- Some services have shared entrances with or without alarms some have their own front door
- Size of the scheme
- Levels of security equipment and cover vary tremendously
- There is a significant variety in required communal provision including: laundry; meeting rooms; offices; treatment rooms; hair dressing, lifts, ramps etc

- The throughput of services varies tremendously from scheme to scheme effecting void levels, as well as time and expense in getting the unit ready for the next person.

Specialist individual housing

Question 5. What types of supported housing would fall into this group and how do you suggest they should be identified?

N/A as we are proposing that there is not a specific benefit in dividing services up, particularly in the way specified. If there is a consensus that services should be divided up then I would suggest this is done as specified in question 1.

If implemented in this way they could have a specific baseline:

Independence tier 1 – LHA + 40%

Independence Tier 2 – LHA + 10%

Independence tier 3 – LHA + 10%

Long term support – LHA + 20%

Long term low level support – LHA + 15%

(these are only guide percentages to demonstrate the approach)

Any additional requirements to the cap would then be assessed by the LA using the pooled budget.

Question 6. What types of higher housing costs are typical of this type of supported housing that are over and above adaptations or specialist equipment, which have funding sources elsewhere and how should these be quantified?

There are higher housing costs associated with what we have termed 'long term more intensive' and 'individual tier 1' categories. These properties would have, for example,

- specific adaptations for mobility and access,
- additional security (e.g. for domestic violence refuges) and/or CCTV,
- lifts if more than one floor,
- 24 hour staff cover (an element of which is related to the accommodation as well as ineligible support),

- Communal facilities/provision,
- More intensive repairs/replacement of furniture
- More intensive communal cleaning

These would need to be quantified on a property by property basis taking into account the specific needs of the occupants/client group. A flat rate approach would not work but local knowledge and experience could help establish comparative benchmarks to ensure local continuity.

Question 7. Would the additional help for those with very individual housing needs be better met from separate funding administered by local authorities, expert in providing housing and/or care in the community?

Yes, however this should be across both your specified categories as the rent levels for, for example hostels can often be as high or higher than specialist individual accommodation for, for example a person with learning disabilities.

If a fixed rate (section 7 of your report) is going to be determined for additional rent above LHA then this will need to be set at a lower denominator with an additional variable rate based on service or individual need. This will create a more flexible, responsive and cost effective process.

There is no benefit therefore in separating these two types of provision. The simplest and most effective approach would be to have a standard national approach of LHA+x% for all supported housing. The remaining excess should be pooled and allocated to each LA based on a cost neutral approach. LA's will then allocate addition provision based on scheme and/or individual need and to fit into the local commissioning approaches.

Any growth in service provision may need to be met though efficiency savings achieved by the LA in rationalising these processes.

There is unidentified risk of un-commissioned support services and the rent levels attributed to these. This is potentially a wider issue to the brief of this consultation but needs to be taken into consideration with respect to budgets if administration is localised.

There may need to be some recognition in the increased administrative requirement of each LA to introduce and monitor this process.

Question 8. Which tier of local government should have responsibility for deciding how extra help should be allocated? And, which department within a local authority do you think is best placed to manage the allocation of this funding?

York is a unitary authority so the first question does not apply.

The adult services commissioning team (Integrated Commissioning) would be best placed in York but this needs to be determined by each LA. For example some LA's Supporting People teams are separate from adult services and are in the housing department.

Question 9. Should a different method be used? If so please explain.

Please see question 1 & 7

Question 10. How can funding be made sufficiently flexible to changing caseloads and demands without being unlimited or increasing unit costs compared to the existing system?

Please see question 1 & 7.

Wider reform

Question 11. Is there a case for considering housing costs more fundamentally within a wider context by having the additional costs associated with supported housing taken out of Housing Benefit altogether and administered locally in the same way as Personal Budgets?

Yes this would be the most effective approach across both categories of provision. However as stated previously, in York, we would need the flexibility of using individual budgets and/or scheme payments depending on service provision.

Question 12. Would this sort of approach only be appropriate for those that live in more specialised or adapted properties?

No this could work across both categories of provision as long as the LA had flexibility in how they developed their assessment processes.

Supported housing of registered providers and social landlords

Question 13. Should the supported housing of registered providers be treated in the same way, for Housing Benefit purposes, as their mainstream housing?

Yes.

Question 14. What do you think of the proposed categorisation of supported housing; is there a sound basis for treating these three types of supported housing differently? (registered providers, those who can be identified by their accommodation type and those with more intense, individual needs)

This question is not clear to us as the report previously has two categories. There is a wide and complex plethora of services for vulnerable people to meet people's specific needs. Categorising these for the purpose of approved rental levels is not helpful. The LHA will determine the standard rent level and the commissioning teams of each LA should then assess the service using their own criteria to determine what additional payments should be made. This would create a transparent, needs based approach which will maximise value for money.

Question 15 Is the process of rent-officer referral sufficient to ensure that only 'reasonable' supported accommodation costs are met in the registered provider sector? Are there ways in which the rent referral process could be improved?

Referral to the Rent Officer could provide a degree of independence and continuity if certain safeguards were built in to the process. Presently rents from social landlords can be referred to the RO if the HB section regards the rent as being 'unreasonably high'. There would be a concern, if referrals were not compulsory but was dependant upon local 'tests', that some LAs could refer all rents by default to the RO. An appeal process would be useful to allow a claimant or landlord to challenge the decision to refer to the RO.

Any RO valuations must take into account the market rent for comparable supported accommodation services and not just those of the general needs market. They should reflect all the services included.

There would also be a case for not restricting their market analysis to the present BRMAs because there may not be a sufficient sample size of similar rentals available to make a comparison/arrive at a valuation. A regional approach may be more appropriate (for example, using the Yorkshire and Humberside cluster of LAs for LAs within that region).

Transitional arrangements

Question 16. How do you think the new rules should be introduced?


The approach used with the introduction of Supporting People should be used as a good practice approach. There was a interim period to enable LA's to assess and determine all the services effected by these changes and the current funding arrangements. Based on the current LHA, this will provide an "As Is" value.

The LA's can then consult on a localised assessment tool and carry out prior assessments so they are ready to implement any changes.

It would be beneficial to facilitate a benchmarking club that would help LA's to identify what type of services need to looked at more closely and what charges are "reasonable".

Clarification is required in respect to how these proposals effect service charges as these are not part of the core rent but can be predominantly eligible for HB. With a large proportion of services being of multiple occupancy there are frequently higher levels of service charges to general needs accommodation.

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Cabinet	4 th October 2011
Report of the Cabinet Member for Corporate Services	

ACCESS TO CUSTOMER RECEPTION SERVICES IN ACOMB

Summary

1. As part of our commitment to improve and provide greater choice to residents in how they can access the council's services and in preparation for the new single customer reception service at West Offices due to open in 2013, work has been ongoing to consider how we continue to provide excellent customer access for customers in Acomb.
2. This report sets out the details of the service that is provided within Acomb and how that compares to the rest of the city along with the results of recent customer surveys. It also suggests options to improve forms of access for Housing & Benefits services through provision of services in a community setting, which will also help to inform plans for all customers across the city. These will deliver the council's ambitions to 'Build Strong Communities' and is completely aligned to its approach to neighbourhood working which includes the delivery of well co-ordinated services at a local level.
3. Members are asked to consider how these services can best be provided in future to meet the continuing needs for local residents whilst ensuring that the model can be replicated across the city, choice is maximised and there is efficient use of council property.

Current Service Provision

4. The council currently provides three customer facing customer access points within Acomb, two from the current Acomb Office: Housing Services and Housing & Council Tax Benefits Service, both these receptions also deal with signposting of wider council inquiries. A general information and signposting enquiry desk is also provided at Acomb Explore. Acomb is the only area within the

city to have a stand alone council reception service. Residents in all other areas of York use facilities in the city centre if they wish to speak to someone in person.

5. The current Acomb Office is occupied by Housing Services, Tenancy and Asset Management teams and Occupational Therapy (OT) staff. The Housing Tenancy team work predominantly at that side of the city, the Asset Management team and the Occupational Therapists work city wide. The OT teams do not provide a service through the public reception at Acomb Office.
6. The reception functions are provided by the Housing & Benefits services and staff rotate to provide a daily service. There are normally two staff on site to cover each reception.

Future Service Provision

7. Housing Services has for some time been looking at relocating the asset management and maintenance staff to a single service co-located with the building works team at the Eco Depot that carry out the responsive repairs service. This will provide a more efficient and consistently provided service to all housing residents in York. The team planned to move week commencing 26th September 2011, vacating approximately 43% of the back office accommodation.
8. As part of their preparation for the move to West Offices, Housing Services have for some time been looking at how it delivers the whole housing service in the future. A key focus of their review is how to make the service more local through delivery in a community setting whilst at the same time reaping the benefits from a single co-located team in West Offices. The current space planning for Housing Services includes housing staff based in the Acomb office following the opening of West Offices. When the tenancy team move out this will result in 70% of the back office space not being utilised.
9. Work is currently underway to consider more flexible ways of working, whereby key customer facing staff can work more within the communities from existing community buildings, for example community centres and children's centres. It is proposed that housing staff will hold weekly surgeries in the communities thereby providing a more localised service to customer.

10. Discussions with the Adults, Children's & Education directorate have highlighted that the longer term plans for the Occupational Therapists are still not totally clear, there is a desire for the team to be in West offices, alongside their other management teams, however there are still significant issues that need to be resolved relating to accessing cars (to transport small equipment to customers homes) and we may have to look at an alternative options for them.

Opportunities for Future Service Delivery in Acomb

11. The council is refocusing its Customer Strategy 'to ensure that we value every customer transaction', we need to ensure that our customer services strategy delivers what local people value. It must provide a framework to enable us to be proactive and responsive to changing demands, as well as providing focus and drive on key priorities. In addition, in the current financial environment it must ensure we make the most of every penny we spend.'
12. Within our revised strategy we set out that we will deliver face to face facilities that:
 - Ensure effective use of all local touch points across the city
 - Deliver joined up service delivery with partners under one roof
 - Provide a convenient city centre location, with access to all touch points and all tiers of service
 - Maximise local assets and touch points through our libraries and family & community centres.
13. The telephone is an important access channel for the majority of our customers and we need to ensure the service provided is quick and effective and that everything can be dealt with in one place and we have plans in place to deliver this as a priority over the coming year.
14. The digitising of services allows for delivery in ways that are more convenient for our customers, thus making life easier for busy people and those people who may have difficulty in accessing face to face or voice services This includes use of web and mobile phone technologies.

Consultation

15. To ensure that any decision made with regards to the future delivery of reception services within Acomb has customers at the heart of the process, a face to face consultation exercise was undertaken for a period of 10 days, between 30th August and up to and including 12th September 2011. The consultation took the form of a face to face exit interview at both the existing Acomb office and Acomb Explore (copies of the questionnaires are available on request).
16. As part of its ongoing service improvements work, Housing Services regularly carry out analysis of the customer foot fall to its reception. Over the first 24 weeks of the current financial year, the foot fall has been on average 25 customers a day.
17. On average the Housing & Council Tax Benefits service footfall is 17 per day. This would give a total average of 42 customers a day, however during the survey period when the majority of customers were surveyed, the numbers averaged at around 25 a day¹. The city centre receptions receive an average 255 customers a day, 140 relating to housing and benefits (based on August 2011 figures during a holiday period), with an appointments system in place for benefits services.
18. In total 509 interviews were carried out, 190 at Acomb Office and 248 at Acomb Explore and 64 via telephone. 7 further surveys were completed by parents attending children's centres in the area. When considering the statistical reliability of the result, the overall results are accurate to within +/- 4.4%, within the industry accepted standard of +/- 5%. The map at Annex A shows the postcode distribution of those interviewed at Acomb Office, and almost exclusively customers were from the immediate local area. The sample size for the map was 210, as not all customers provided their postcodes.
19. When considering the frequency of visits to the Acomb Office, 32% were visiting for the first time, and 49% visited less than once a month, 49% of customers walked to the office and just over three quarters, 76% of customers also visited the local shops at the same time.

¹ It is acknowledged that the consultation period was during the holiday period and this may have affected the number of customers visiting the office.

20. The level of customer satisfaction with the council's ability to deal with their enquiry was high with 79% of enquiries been fully dealt with at that visit, and 14% partially dealt with arrangements made for a member of staff to contact the customer.
21. Customers were asked to identify their preferred method of contact with the council, when considering their first choice, 62% of customers stated face to face, 29% Telephone, 9% Online / internet. When combining first and second preference, 82% stated face to face contact.
22. Where customers had expressed face to face contact as their preferred method of contact, customers were then asked to identify which was more important, that it was available in the centre of Acomb, that it was available along side other council services or available in the city centre (customers were able to highlight more than one). Of the total sample, 73% of customers stated available in the centre of Acomb, 43% said along side other council services and 19% felt that it could be in the city centre.
23. Customers who visited the Acomb office were asked if they used Acomb Explore, only 43% said yes. On the reverse, when customers of Acomb Explore were asked if they used the Acomb office, only 9% said yes.
24. Additional telephone interviews were also held with Housing/Benefits customers with protected characteristics under equalities legislation, and a separate focus group held with local residents associations. The equalities impacts are contained in an Equalities Impact Assessment for this review and residents associations broadly reflected the desire for continued face to face contact in Acomb.
25. As can be seen, the customer consultation described above indicates a strong preference for a retained face to face service; the key question is therefore how this is delivered. When considering the potential for a stand alone customer access / reception service, the foot fall in the current Acomb office is low, and as a result is expensive to deliver. The existing plans for Housing Services is for the service to be delivered more locally in a community setting with estate based surgeries. Proposals are now also being developed for the Housing & Council Tax benefit service to be delivered more

locally and in a joined up way with other services as part of the council's emerging neighbourhood working approach.

Options

26. **Option 1** – To continue to provide the reception services at the existing office and utilise the back office space for other council services.
27. **Option 2** – To provide these same face to face services more locally in other community based buildings and/or by appointment . To maximise the development of other channels of access as summarised in Annex B.
28. **Option 3** – Provide alternative and different channels to accessing those services with face to face services provided in or from the city centre.

Analysis

29. **Option 1** – Customers who currently use the Acomb Office have clearly set out their preference for continuing to access council services face to face in Acomb.
30. The current Acomb Office provides a reception service which is highly valued by local residents and the continued delivery of a face to face reception within the existing Acomb office would continue to meet the needs of the current customer base. However, as can be seen the foot fall is small and in value for money terms, this is an expensive way to provide the service.
31. Given the future plans to relocate the back office staff out of the building into the Eco Depot and West Offices, resulting in 70% of the back office space not being utilised, continuation of the services in the current building will result in the council having office capacity that is over and above its long term requirements.
32. **Option 2** – Locally based council services in Acomb would be delivered by providing regular surgeries for Housing Benefits and Council Tax and Housing Management services in community buildings like the childrens' and community centres and the library. Estate Managers would spend more of their time locally based in the communities they service. This is consistent with the neighbourhood

based approach being developed for Acomb and already in place in other pilot areas.

33. Acomb Explore will continue to provide a general Information / sign posting service and in supporting people to access information online.
34. Given that the majority of the Acomb Office building will be unused following the relocation of staff into existing council buildings in preparation for the move to the new West Offices, this would present the council with the opportunity to terminate the lease on the building and make significant cost savings some of which will be used to reprovide the local customer access arrangements identified above.
35. **Option 3** – The consultation response clearly shows that customer preference is for a locally based service. Only 13% of customers have stated that they would use a face to face service in the city centre.

Corporate Priorities

36. The Council Plan sets out the ambition to ‘Build Strong Communities’ and the approach to neighbourhood working is maturing to underpin the delivery of well co-ordinated services at a local level including the services in this report.
37. In addition under this priority new ways for residents to interact with the council are being developed , including better ways to request services through a 24 hour hotline and self service access via the website.
38. The proposals in this report will help deliver the emerging Customer Strategy (see paragraph 12 above) which is an integral element in developing our ‘Core Capabilities’ in the Council Plan.

Implications

39. The implications arising from the report are:

- (a) **Finance** - Acomb Office, as the report indicates, is predominately used by housing services. Currently, 75% of the annual costs related to the property are therefore recharged to the Housing Revenue Account and only 25% of the costs are charged to the general fund (council tax payer).

This will result in a reduction in the savings that will be made by moving out of Acomb office as only 25% saving would be attributable to the general fund. However, it should be noted that if Housing Services move from Acomb Office as planned and in accordance with the space planning exercise for the new council offices this would substantially increase the costs to the council taxpayer if only general fund services remain.

Acomb Office is currently in the administrative accommodation portfolio project with the assumption that the council would remain in this property. Therefore, it is suggested that the affects of the decisions being made on Acomb Office, are incorporated into the overall administrative accommodation project model, increasing the overall savings of the project.

If **Option 1** is chosen, the council would continue to be liable for the full running costs associated with the office and a 25% charge to the general fund would be £28k per annum. However, if Housing Services did not occupy their current space then the total cost to the general fund of remaining in Acomb Office would be £110k per annum. This would be an additional cost to the general fund per annum of £83k per annum.

If **Option 2** is preferred and the Acomb Office building is no longer needed as part of the council's property portfolio then a dilapidation cost will be incurred and relocation costs of £40k . See Exempt Annex C for details.

25% of the total will be charged to the general fund and will be funded initially from the venture fund reserve.

75% of the total cost will be charged to the HRA and will be funded from the existing HRA budget no longer required for Acomb Office accommodation.

If a community based service was delivered from alternative locations in Acomb, the maximum estimated cost is £15k per annum, which would be funded from the existing general fund budget for the facility at £28k. The balance of the annual savings at £13k per annum would be used to repay the dilapidation / relocation costs with the ongoing saving (once this is paid off) to contribute to the administrative accommodation savings model. This would generate a saving to the model over 25 years including inflation of £389k.

If **Option 3** is chosen, as set out above, the current Acomb Office would be surplus to requirements and 25% savings to the general fund would be £28k per annum. Also associated with Option 3, like in Option 2, are the costs of dilapidation / relocation .

A 25% charge to the general fund will be funded initially from the venture fund reserve. The annual savings of £28k from no longer occupying Acomb office will be used to repay the dilapidation / relocation costs , with the ongoing saving (once this is paid off) to contribute to the administrative accommodation savings model. This would generate a saving to the model over 25 years including inflation of £834k.

A 75% charge of the total dilapidation / relocation cost will be charged to the HRA and will be funded from the existing HRA budget no longer required for Acomb Office accommodation

- (b) **Human Resources (HR)** - Affected staff groups and local union representatives have been informed of the public consultation and possible outcomes. Any changes to the way staff carry out their roles would be subject to full consultation.
- (c) **Equalities** - An Equalities Impact Assessment has been completed and planned action to address any known issues or issues arising from the customer survey will be made available on the council's website.
- (d) **Legal** - None except compliance with the Equalities Act.

- (e) **Crime and Disorder** - None
- (f) **Information Technology (IT)** - there is likely to be a need for extra terminals within the Explore centre to deal with an increased number of enquiries.
- (g) **Property** - The current Acomb Office is held by the council on a 10 year Lease from 13 May 2007, however, a clause within the lease gives the council the opportunity to break the lease on 12 May 2012 by giving 6 months notice. If the council were to do so, dilapidations works would be required to be carried out.
- (h) **Other** - There are no other implications.

Risk Management

- 40. **Accessibility** - careful planning of alternatives placed in readily accessible buildings in Acomb will be needed at the same time as maximising the availability of other channels in the public area such as self service terminals and telephone facilities, which should keep risks affecting access at a medium level to be monitored on an ongoing basis.
- 41. **Financial** - costs of relocating the services may be greater than currently envisaged. However, the ratio of savings against potential costs is so great that the risk is considered to be low .
- 42. **Logistical** - that the property can not be handed back to the landlord within the timescale prescribed, thus losing the opportunity to break the Lease. At present, by good project management this risk is again assessed at low.

Recommendations

- 43. Members are asked to:
 - (a) Approve Option 2, to provide customer access to services more locally in a community setting, with a view to ensuring alternative face to face facilities are in place prior to vacating the current Acomb Office.

- (b) Approve the use of the venture fund reserve to fund 25% of the dilapidation / relocation costs attributable to the general fund.
- (c) Approve the use of the existing general fund budget at £28k no longer required at Acomb office to fund community based services to a maximum of £15k.
- (d) Approve the use of the remaining balance on the existing general fund budget, after funding alternative community based services, to repay the venture fund and then contribute to the overall savings of the administrative accommodation project.
- (e) Approve the use of the existing HRA budget no longer required for Acomb Office accommodation to fund the 75% dilapidation / relocation costs.
- (f) That the Director of City Strategy be authorised to serve the lease Break Clause and to negotiate the dilapidations settlement with the Landlord up to the maximum amount listed in the Exempt Annex C.

Reason: To ensure that services continue to be delivered locally to customers and to secure cost savings related costs through the vacation of the back offices.

Contact Details

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Wards Affected: Acomb/All			All √
For further information please contact the author of the report			

Background Papers:

All relevant background papers must be listed here.

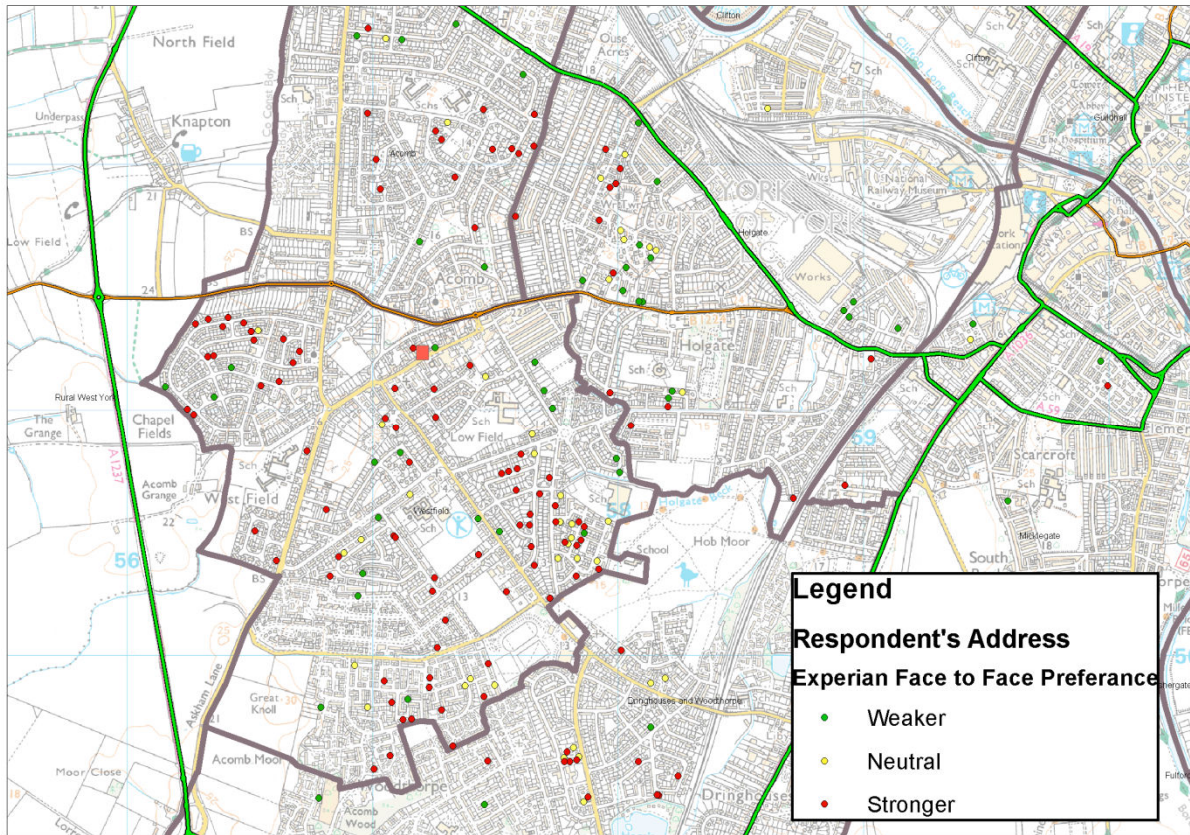
Equality Impact Assessment – Access s to Council Services in Acomb
Survey Questions and summary responses Acomb 2011.

Annexes

- Annex A Post Code distribution of visitors to Acomb Office
- Annex B Alternative methods of delivering services
- Annex C Exempt financial information

Annex A

Post Code distribution of visitors to Acomb Office



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Annex B

Survey respondents told us that a high level of transactional (low value) requests were being made at Acomb Office, many which could be made by phone, email or internet as many customers across the city do now.

Other alternative methods of providing services in place or being considered for development:

On-line services

1. Reporting repairs online

Reporting repairs is 22% of activity at Acomb. Prioritisation of developing solution to allow customers to report repairs online is being planned for as part of the work to deliver the Customer Strategy. This could be made available for home use and as part of self service in libraries.

2. Use an online 'Tracker' for customers to find out for themselves the progress of repairs, claims etc.

This would allow the customer to log onto their 'account' and see the visible progress of their activity for both services. This could be offered online and customers could either access it at home or using the facilities in the libraries.

3. Reporting a change of circumstances

This could be offered online by a simple e-form or a form completed and scanned in by library staff.

4. Rent account online

To give customers access to their rent accounts online. This could either be accessed at home or at the library. Customers already have the ability to pay rent online but this would expand the service to cover statements and setting up direct Debits.

5. Home Swapper

Currently customers can put up a paper advert to swap their home. This is a card placed on a notice board in the Acomb office. The paper option can be removed and direct customers to a Home Swapper online

6. Choice Based Lettings

This service has only been running two months and gives customers online access to complete choice based lettings on line and bid for properties online. The library staff can be used to explain how to bid as that seems to give some confusion to customers.

Telephone

In additional to the existing Benefits and housing contact centres there are other options for developing voice based solutions within the community:

1. Tele Talk in Acomb Explore

Is a software module that uses desktop video conferencing for remote transactional interviewing. It is used in other Local Authorities and could sit within the libraries, but is a very expensive option. We already offer Skype in Explore.

2. Dedicated telephone line in Acomb Explore

Confidential telephone line access points could be placed in Explore and other libraries. For some benefits claim advice this can only be given if they have the ability to speak to an advisor. This can be achieved via the telephone and does not necessarily need a face to face option.

Other channels:

1. Looking Local

This option uses digital TVs, mobile phones (smart, android etc). It can be used for reporting for example repairs or accessing Choice Based Lettings. We already have access to Looking Local.

2. Provision of proofs

To complete benefits applications on site, customers need to provide evidence of identification, payslips, bank accounts etc. this service which would mean checking the evidence, stamping it as received and scanning the documents. There is already established training for this, and it could be combined with the drop off box service.

3. Drop in sessions held at libraries or other community facilities for customers to attend

Advertised sessions to give the customer a face to face service but based at the libraries, community centres and so on. These could be cascaded throughout the City but not everyday.

4. Drop off box

Locate a drop off box in Explore for customers to put in their documents. This would need to be couriered up to the city centre office.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Cabinet**4th October 2011**

Report of the Cabinet Member for Communities and Neighbourhoods

Review of Severe Weather Response and the Winter Maintenance Policy**Summary**

1. This report informs the Cabinet of the work undertaken to review the council's severe weather response and the winter maintenance policy in preparation for the winter 2011/12. The report outlines the changes recommended to ensure the issues raised during the prolonged period of bad weather during November and December 2010 are addressed. These amendments will be piloted and reviewed during the winter season 2011/12, with a view to making them permanent policy for 2012/13.

Background

2. Last winter, the city experienced the worst weather conditions for around 25-30 years, including heavy snow falls and extremely cold conditions over a sustained period. These conditions placed services delivered by the council under extreme pressure, and limited day to day activity in the city.
3. At the time, a cross council winter maintenance group was established and chaired by a senior officer. This group met on a daily basis when conditions were most challenging and monitored impact on service delivery, including:
 - Closure of some schools
 - Limited travel in the city
 - Customer contact centre and out of hours arrangements
4. The winter maintenance service came under significant pressure but still successfully:

- Carried out 111 grit runs on the primary network over the full winter period compared to an average of 60-70
- Identified and treated secondary routes on eight occasions
- Placed 50 self help salt bags at agreed locations
- Used 6,000 tonnes of salt compared to an average of 2,500-3,000 tonnes

Resources used

- 10 gritting vehicles
- 1 trailer gritter
- 1 Euromech machine for cycle tracks
- 2 'Husky' small snow plough/gritters (now beyond economical repair)
- Hire small snow plough
- 2 loan 4x4's for Social Services visits

5. In addition:

- The winter maintenance group worked well and will be re-established during future extreme weather conditions.
- The response from the communities themselves was truly astounding, supporting the vulnerable and ensuring their wellbeing, the offers of help from people with four-wheel drive vehicles, people coming out of their homes armed with shovels, farmers with their tractors pulling cars to safety – the examples are endless and inspirational.
- The parent texting system used by schools and the general communications on the internet and local radio had a positive impact on keeping residents informed.

Proposals for 2011/12

6. Improvements have been made to the customer contact centre, including access to information; opening hours; out of hours cover; email handling; engagement with vulnerable groups and organisations.

7. The winter maintenance service has reviewed its resources for 2011/12 with some additional pieces equipment that will be hired in on trial with a view to evaluating and testing before consulting and making a recommendation for 2013/14. These are listed below.

- 10 gritting vehicles
- 1 trailer gritter
- 2 snow ploughs attachments purchased for Grounds Maintenance tractors
- 1 Euromech machine for cycle tracks
- 4 footpath snow blowers procured during the summer
- 3 large tow behind salt spreaders
- 3 small tow behind salt spreaders

Additional resources for trial period winter 2011/12

8. Four mini tractors with mechanical snow brushes and rear salting attachment will be hired in for the winter period.

Carriageway Salting

9. The existing primary routes, which can be accessed on the council website, maximises the use of our resources and have been tested over the years, therefore there are no proposals to make changes to the existing primary carriageway routes.
10. It is proposed to identify and record in the Winter Maintenance Manual, the designated secondary routes, using information from last winter. Treatment of these secondary routes will be at the discretion of the Winter Maintenance Group (WMG) who will give due regard to the vulnerable people of the city. These routes will be clearly defined within the Manual for 2011/12 and will be serviced in a systematic way. At this stage, it should be considered that all other roads will not be treated during the initial period of heavy snow.

Routine Footpath Treatments

11. Designated footpaths will be treated on the first day of a predicated period of three or more consecutive days where the temperature at midday is forecast remain below freezing. A list of these can be found in the Winter Maintenance Manual on the council's website at

<http://www.york.gov.uk/transport/roads/gritting/grit/>. The need for repeat treatment will be assessed on a daily basis by the duty officer (WMDO) with knowledge of the weather forecast, resources and salt availability.

12. It is proposed to undertake treatments with the four mini tractor units, supplemented by minimum manual spinners. The usual starting time is 04:30 hrs. Estimated treatment time for completion of all designated priority footpaths is 2 hours.

Heavy Snow Footpath Treatments

13. It is proposed to undertake treatments using the four mini tractors and the Euromech with snow brush attachments and rear salt spreaders. An initial clearing pass with the units will leave a usable surface with further passes as resources are available.
14. A full list of elderly person's homes and sheltered accommodation which will receive treatment during heavy snow is also available in the Winter Maintenance Manual. Access to 4x4 vehicles for mobile wardens to maintain visiting access to vulnerable people will be managed on request.
15. All post offices are identified in the Winter Maintenance Manual and are routinely treated for gritting, salting and snow clearance.
16. On completion of the designated foot path routes, the WMG will meet and decide how best to deploy resources based on known and predicted conditions.

Routine Off-Road Cycle Track Treatments

17. It is proposed to use the same trigger as the footpaths to determine treatments for off-road cycle tracks. A list of these can be found in the Winter Maintenance Manual. The four mini tractors and the Euromech machine will be utilised to undertake the treatment, as the footpaths will be completed by 06:30-07:00 hrs. All designated off road cycle tracks will be treated by 12:00 hrs.

Heavy Snow Cycle Track Treatments

18. The routes set out in paragraph 13 above will be treated first. It is envisaged that during periods of heavy snow, the WMG will meet and decisions regarding treatments will be taken by the group.

19. It is proposed to undertake treatments using the four mini tractors and the Euromech with snow brush attachments and rear salt spreaders. An initial clearing pass with the units will leave a usable surface with further passes as resources are available.
20. It is not possible to use metal snow ploughs on some off road cycle routes, due the raised centre cyclist pedestrian demarcation line. It should be noted that during periods of prolonged heavy snow it will not be possible to maintain a constant “back to tarmac” running surface. During these periods cyclist will need to use the treated carriageway network.

Salt Bins

21. Currently 307 salt bins are placed in agreed locations in early November. During the prolonged period of heavy snow last winter, 50 1-ton self-help bags were placed in designated locations throughout the city. On collection it was found that minimal use had been made of the majority of the bags. This may have been due to the timing of the placements. It is proposed to replace these bags with 50 extra standard salt bins taking the total salt bins to 357. These will go out with the other bins in early November.

Snow Wardens

22. As part of the Council’s priority to Build Strong Communities, a Snow Warden Scheme has been introduced and we currently have in excess of 80 volunteers for Snow Wardens. This also works well with the Love Where You Live campaign. Please see **Annex 1** for scope and proposals. The appropriate training is scheduled before the start of the winter period.

Salt Deliveries

23. This winter we will be trialling an electronic stock control system linked to our suppliers that will ensure continuation of supply based on weekly usage, and ensure adequate stocks over the Christmas break. This is subject to the national position on salt stock, availability of supply and advice from government (The Winter Salt Network Group, formally ‘Salt Cell’).

Consultation

24. Consultation has been undertaken with the council's cycling officer. The report had been positively received as it allows cyclists to identify their own safe routes.

Options

25. The cabinet are asked to note the amendments to practices and proposed trials of the trigger points and utilisation of alternative equipment for secondary routes, footpaths and cycle tracks for the winter period of 2011/12 with a view to receiving a full report on these trials by September 2012, ready for future years.

Analysis

26. All equipment, supplies and timings must respond to the weather conditions facing the City at any one time. This report builds on the lessons learnt from previous years and looks to deliver some certainty to the residents of York so they fully understand the likely road conditions in extreme weather. These trials are being backed up with the availability to the public, of real time visual conditions, transmitted from two cameras directly to our web site.

Implications

27. It is important that all the new equipment is tested in real conditions and that the service is capable of achieving the service targets set out in this report.
 - a) **Financial:** It is proposed to hire the equipment this year, before making a commitment to purchase. All costs are within the winter maintenance budget.
 - b) **Human Resources (HR):** Whilst the previous two winters have tested our resources, it was not declared as an emergency, so all working time directives and terms and conditions were applied. As part of this years trial, all services will be delivered within the statutory employment guidelines.
 - c) **Equalities:** A great deal of consultation was carried out on last year programme. These proposals are looking to enhance the service previously experienced. All outcomes of the trials will be full consulted upon before the final recommendations are presented to Cabinet.

- d) **Legal:** The certainty of salt suppliers has been made more robust through a procurement partnership with North Yorkshire.
- e) **Crime and Disorder:** No implications.
- f) **Information Technology (IT):** The current vehicle tracking devices will continue to be used to ensure the correct routes and spread rates are maintained. Information regarding this service is available on the website.
- g) **Property:** No implications.
- h) **Other:** No implications.

Risk Management

- 28. The equipment used previously has reached the end of its natural life. Replacement with modern equipment is necessary. There are many alternatives currently on the market. To minimise the risk to the council, equipment capable of achieving our needs has been identified, but this proposed trial will be carried out before the final commitment to purchase. All the equipment proposed is being used by other local authorities so the risk of failure is minimal.

Recommendations

- 29. Cabinet is asked to note the improvements made to service delivery, the introduction of the Snow Warden scheme and the equipment trial and request a report back during the summer of 2012.

Reason: To ensure the proposed equipment is capable of meeting our expectations, the effectiveness of the Snow Wardens are reviewed and the response to heavy snow is effective.

Contact Details

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	Report Approved	✓	Date 22 nd September 2010
Specialist Implications Officer(s): Graham Titchener Programme Manager - Cycling City York 01904 551495			
Wards Affected:		All	
For further information please contact the author of the report			

Background Papers:

None

Annexes:**Annex 1** - Snow Warden Scoping document

Snow Warden Scoping

July 2011

Background

The severe heavy snow of November/December 2010 stretched resources up to and beyond manageable limits. The decision was taken to follow the example of Sheffield Council and investigate the use of volunteer snow wardens (SW) within the CYC area. The exercise to collate the information and details of interested residents was undertaken by the Neighbourhood Management Unit (NMU), and to date in excess of 80 people, of varying age, ability and gender have put themselves forward. It is envisaged that following initial briefings and training from winter maintenance officers, the SW will work autonomously with minimal input from officers.

Duties

Once trained, the SW will be responsible for safely removing snow from footpaths and possibly some small areas of carriageway in their local area. It is not expected that SW's will move round the city to adjacent wards. When resources permit, some mechanical assistance from operatives engaged in snow clearing duties may be made available to help the SW in removing snow and ice.

Training

Training will be given to all volunteers, it will be a requirement of the SW to undertake any such training as deemed necessary to carry out the role. This training will be delivered in house by the Highway Maintenance Services training officer, with input from the Head of Service and Operations Manager. It will involve Health and Safety, Manual Handling, Traffic awareness, etc. It is expected that the SW will work on his/her own initiative once trained.

Equipment

Each SW will be issued with a high visibility vest (snow warden on back?), gloves, and snow shovel, (metal or plastic). They will be responsible for the maintenance of the equipment. The supply of grit to SW will depend on availability of supplies and suitable locations for drops.

Contact Procedure

Each SW has provided details of either mobile phone, land line or email. These will be held on a database and contact will be made via officers to individuals as necessary. The SW will be included on the round robin text notification that is sent to key staff and members on a daily basis through the winter period. This will ensure the SW's are kept in the loop and are familiar with the communications and terms of reference if the severe weather arrives.

Equalities Impact Assessment

An EIA will need to be carried out for this area of work.

**Cabinet**

4 October, 2011

Report of the Cabinet Member for Leisure, Culture and Social Inclusion

City of Sanctuary

Summary

1. This report asks the Cabinet to support York seeking recognised status as a City of Sanctuary.

Background

2. City of Sanctuary is a movement to build a culture of hospitality for people seeking sanctuary in the UK. Many towns and cities are seeking recognition as places of safety and welcome. Sheffield, Bradford, Coventry, Bristol and Swansea already have that status; others like Hull and Oxford are working to attain recognition.
3. The movement is intended to be from the ground upwards; therefore support from individuals, local community groups, schools, universities, sports organisations, voluntary and statutory bodies is essential. The organising committee aims to gather pledges of support from all sectors of the city and will then ask the Council to seek recognition from the national organisers of City of Sanctuary, so that York may officially receive that status.

Consultation

4. A meeting took place in September 2010 at which a large number of people from many organisations in York came together. They were addressed by the Revd. Inderjit Bhogal who set up the first initiative in Sheffield. The meeting ended with those present declaring their support for the principles of the City of Sanctuary movement. A small working group was set up from those in attendance.

Why a City of Sanctuary in York?

5. We want York to become a City of Sanctuary where local people and community groups work to make York a place of welcome, safety, and security for anyone in need of welcome all who need to claim sanctuary.
6. York has a long history of providing help. In the late 1930s the York Refugee Committee found work, housing, and school places for dozens of Jewish families fleeing persecution in Europe. In the 1970s and 1980s, a small number of Asian families expelled from Kenya and Uganda found refuge in York. Many now play a significant part in the local business and commercial world. In the 1990s, York provided accommodation for refugees from the atrocities unfolding in Bosnia and the surrounding Balkan States.
7. Currently, Refugee Action York (RAY) mainly provides support to refugees, asylum seekers, and migrants from the Turkish speaking community, including Kurdish people. The problems they face are those encountered by refugees across the UK and Europe, namely:
 - Extreme poverty and hardship
 - Severe social exclusion from local communities
 - High risk of mental health issues such as anxiety and depression
8. We want to celebrate the contribution of the many people from across the world that bring their skills, cultures, and experiences to enrich our city. Some have come here to escape danger or threats to their lives. They offer their work to assist the building of our local economy.
9. Many who make the journey here feel isolated and fearful on their arrival in York. We want to spread the culture of hospitality and support throughout the whole of the city, so that welcome and support can more easily be found.

Analysis

10. The Council is asked to provide a resolution of support including a specific commitment to becoming a welcoming City for refugees and people seeking sanctuary, as well as co-operation with the local City of Sanctuary movement in developing the initiative. Early thinking through a City of Sanctuary workshop has identified a number of practical needs that will shape initiatives that the Council is likely to be able to contribute to, for example:
 - ⇒ Providing access to information and signposting

- ⇒ Providing meeting space with resources such as PCs and telephones
 - ⇒ Displaying signs to welcome people seeking sanctuary
 - ⇒ Creating a central drop-in as a focal point for friendship, food, support and practical advice
 - ⇒ Facilitating access to leisure and cultural activity
 - ⇒ Creating fact sheets for officers, members and the public
 - ⇒ Encouraging positive media coverage
 - ⇒ Creating a pool of people with a range of languages to act as voluntary interpreters.
 - ⇒ Instituting a 'Diversity Day'
 - ⇒ Ensuring access to good quality legal support
 - ⇒ Facilitating community conflict resolution services for areas experiencing tension over new arrivals (already happening)
 - ⇒ Civic receptions for new arrivals in the City (already happening)
 - ⇒ Designing workshops for schools on sanctuary issues
 - ⇒ Facilitating speaker events for local people to hear from those seeking sanctuary directly about their experiences.
 - ⇒ Providing ways for people to feel involved in the community
11. It is proposed that the Council's response is co-ordinated through the Neighbourhood Management Unit.

Corporate Priorities

12. This initiative will contribute to the Council Plan ambition to Build Strong Communities and in particular the key outcome of safer, more inclusive communities.

Implications

13. **Financial:** The initiative will be taken forward by partners across the city working directing existing resources as appropriate to further the City of Sanctuary aims. There are therefore no additional financial implications for the Council in signing up to the initiative.
14. **Equalities:** Signing up to this initiative will provide practical opportunities to promote fairness and inclusion especially amongst key groups identified within the One City Strategy. There will be links to the work of the Fairness Commission.

Risk Management

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

Recommendations

16. The City Council is asked to pledge its support for the City of Sanctuary initiative and in so doing to:
- recognize the contribution of refugees, asylum seekers, migrants, and all seeking sanctuary to the city of York
 - resolve to welcome and include them in our activities
 - support York seeking recognised status as a City of Sanctuary
 - agree to support the kind of practical initiatives set out in paragraph 10

Reason: So that York may become a City of Sanctuary

Contact Details

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	Report Approved	✓	Date 22.9.11.
Specialist Implications Officer(s)			
Wards Affected:			All ✓
For further information please contact the author of the report			

Background Papers: File held by the author