

MEETING	CABINET
DATE	2 APRIL 2013
PRESENT	COUNCILLORS ALEXANDER (CHAIR), CRISP, GUNNELL, LEVENE, LOOKER, MERRETT, SIMPSON-LAING (VICE-CHAIR) AND WILLIAMS
IN ATTENDANCE	COUNCILLORS CUTHBERTSON, DOUGHTY, HEALEY, RICHARDSON, REID, RUNCIMAN, STEWARD AND WARTERS

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## **PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**

### **111. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. The following personal non prejudicial interests were declared in relation to agenda item 9 (Embracing Diversity: A Hate Crime Strategy for York - minute 119 refers):

Cllr Merrett as a member of his family had experienced hate crime abuse and Cllr Crisp as a number of members of her family had also encountered similar abuse.

Cllr Merrett also declared a personal non prejudicial interest in relation to agenda item 11 (Maximising the Opportunities from the Green Deal – minute 121 refers) as a representative on the York Energy Partnership Board.

### **112. MINUTES**

RESOLVED: That the minutes of the last meeting of the Committee held on 5 March 2013 be approved and signed by the Chair as a correct record.

## 113. **PUBLIC PARTICIPATION/OTHER SPEAKERS**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme, and a number of Members of Council had requested to speak on the following items:

### **5. Reinvigorate York: Public Space Improvement Project for Kings Square**

Cllr Reid confirmed that whilst Kings Square would benefit from a facelift, it was felt that an outlay of £500k was not justified in the current economic climate when roads were in need of maintenance. With reference to the application for planning permission for cafe seating it was felt that this should not take place until the works had been completed to ensure that the necessary space was available.

### **6. Waste Services – Service Delivery Options 2012/13 and 2013/14**

Cllr Doughty spoke in respect of the proposals for waste services, again expressing his concerns that residents had not been offered status quo as an alternative in the consultation regarding future service delivery. He reiterated his opposition to proposals including the partial closure of the Towthorpe HWRC and questioned the possible failure in projected income and the likelihood of not reaching recycling targets.

Cllr Reid spoke to reiterate her opposition to the recommendations to charge for additional green bins and cease collection during the winter months leading to more green waste being diverted to landfill. Reference was also made to the proposed exchange of additional green bins, or free bins for a home composter and options for food waste collection which were not included in the recommendations. It was pointed out that 1,850 residents had signed a petition opposing the proposals. Cabinet were asked for a commitment that any reduction in the service at Towthorpe HWRC would not lead to its ultimate closure.

## **7. Neighbourhood Working**

Cllr Warters spoke to request discussion regarding consultation on changes at Hull Road Park.

Cllr Runciman pointed out that Ward Committees and Parish Council's had worked well over a number of years, following a great deal of hard work by ward members and residents. However, over the last two years budget cuts had seen a reduction in resident engagement. Concern was expressed that Officers should work with established infrastructure in wards rather than impose CYC led initiatives.

Cllr Cuthbertson also spoke to express serious concerns regarding the health and wellbeing of ward committees. Reference was made to the current advertising and publicity given to these meetings and to subsequent poor attendance.

## **8. Horses – Enforcement Policy**

Cllr Warters also spoke in respect of the delays in bringing forward a policy for enforcing the removal of horses from Council land. He pointed out that the policy appeared to consist of existing laws which the authority had previously chosen to ignore. He asked the Cabinet Member to implement a zero tolerance policy in relation to horses tethered on verges to prevent further cruelty to horses.

## **9. Embracing Diversity: A Hate Crime Strategy for York**

Ginnie Shaw, spoke as a member of the York Racial Equality Network whose aim was to work in harmony for a just society. The Network had welcomed the opportunity to assist in the refresh of the Hate Crime Strategy as their body was at the forefront against hate crime, being a reporting centre for a number of years, and providing evidence and statistics to assist various strategies and organisations. They had a number of active members who sat on various bodies throughout the city. Although YREN were happy to assist in the delivery of the action plan she questioned how the work would be funded. A request was made that YREN was included in the strategy as a named voluntary partner in all four strategy aims.

## **11. Maximising the Opportunities From the Green Deal in York**

Cllr Healey spoke to request the inclusion of options and costs of these proposals to be provided to enable comparisons to be made prior to participation in this scheme.

### **114. 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.

### **115. REINVIGORATE YORK: PUBLIC SPACE IMPROVEMENT PROJECT FOR KINGS SQUARE**

Consideration was given to a report which summarised the proposed improvements planned for Kings Square. The design options had been developed through an internal CYC working group in partnership with local business stakeholders.

Details of the public consultation undertaken together with a summary of the results were set out at paragraphs 6 to 9 and Annexes 1 to 4 of the report. An analysis of the following design options were also reported at paragraph 13:

Option 1: This was the preferred final design (Annex 5) with the key points being:

- (A) Repaving: Repave the entire area with new materials and create a raised table at the main road junction.
  - (B) Trees: We propose not to replace the two trees on the roadside.
  - (C) Raised Area: We propose to retain and refurbish the Raised Area.
  - (D) Cafe seating: We propose that the council should apply for planning permission for cafe seating in Kings Square<sup>1</sup>
  - (E) Disabled parking: We propose to continue with the consultation design for disabled parking.
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- (F) Paper Mulberry tree: is removed

Option 2: Each of the recommendations of the key points of the preferred final design could have an opposite design approach. The alternative design could therefore be a combination of either Option 1 or Option 2 for each point.

These opposites were:

- (A) Repaving: Do not repave the entire area or create a raised table at the main road junction
- (B) Trees: Replace the two roadside trees with two further out to the road
- (C) Raised Area: Remove the Raised Area.
- (D) Cafe seating: Do not have any cafe seating
- (E) Disabled parking: Apply for a traffic order to restrict disabled parking in Kings Square
- (F) Paper Mulberry tree: is retained

Option 3: Do not implement the improvement project or just implement it in part.

It was confirmed that the Kings Square project, one of six city centre priority improvement projects, would be funded from the overall Reinvigorate York programme.

The Cabinet Member confirmed that it had been 40 years since there had been any major investment in Kings Square. He referred to the difficulties encountered between the competing needs of users in order to gain improvement in the appearance and function of the area. Thanks were expressed to all who had replied to the public consultation and the comments of earlier speakers were acknowledged in relation to an application for pavement cafes.

RESOLVED:

That Cabinet agree to:

- i) The preferred design as set out at Option 1, paragraph 10 of the report, together with a proposed allocated project budget of £490,000 out of the already agreed funds of the overall Reinvigorate York programme.

- ii) The delegation of agreement of the final design details to the relevant Cabinet Member in consultation with the appropriate Director. <sup>1</sup>.

REASON: This is the preferred final design following a thorough analysis of public consultation and discussions with specialist officers and provides an improvement project with an adequate budget and avoids delay and potential risk of not completing the Reinvigorate York programme.

Action Required

1. Implement Option 1, agreement of the final design in consultation with the Cabinet Member. MS, GH

**116. WASTE SERVICES - SERVICE DELIVERY OPTIONS 2012/13 AND 2013/14 FOLLOWING CONSULTATION**

Consideration was given to a report which presented the outcome of consultation undertaken on the options for garden waste collections and the opening hours at Towthorpe Household Recycling Centre (HWRC). This followed an earlier report to Cabinet in February which had set out proposals for further reductions to the annual cost of providing the Council's waste collection services.

The following consultation options for both garden waste and Towthorpe had been consulted on and these had been analysed at paragraphs 8 to 61 and Appendix 1 of the report:

Garden Waste

The options consulted on were:

- a) A subscription charge of around £30 for emptying green bins all year round
- b) A subscription charge of around £15 for emptying green bins in the winter months (November to March), but no charge for the summer months

- c) No green bin collection in the winter months and no charge in the summer months
- d) First green bin supplied free and a one-off charge of around £30 for each extra garden waste bin
- e) The option to swap existing green bins for home composters free of charge
- f) A combined food waste and garden waste collection all year round
- g) Testing the market to see if a lower garden waste disposal cost can be achieved
- h) Assessing the market to see if garden waste has any value as a commodity
- i) Looking at the potential for all or part of the service to be undertaken by a social enterprise or community group

### Towthorpe

The options consulted on were:

- closing regularly on one weekday all year round
- reducing daily opening hours
- opening weekends only in winter
- closing completely in winter

As the final recommended options fell short of the savings target, as set out in paragraph 64 and at Appendices B and C in the report, it was confirmed that this would be mitigated by a reduction in disposal costs achieved by ongoing work.

The Cabinet Member referred to inaccurate information which had been given to residents in relation to closure of the Towthorpe HWRC pointing out that during consultation residents could have chosen to support no reduction in closure or reduction in hours. In answer to earlier speakers the Cabinet Member confirmed that residents would be able to exchange additional green bins or free bins, for a composter.

Following further discussion it was

RESOLVED: That Cabinet agree to:

- (i) Approve the closure of Towthorpe HWRC every Wednesday throughout

the year to take effect as soon as possible. <sup>1.</sup>

- (ii) Approve the removal of the garden waste service between November and March each year with effect from November 2013. <sup>2.</sup>
- (iii) Approve the introduction of an annual charge to residents of £35 for each additional garden waste bin. <sup>3.</sup>
- (iv) Delegate authority to officers to enter into alternative disposal arrangements where this is a financial benefit to the Council. <sup>4.</sup>
- (v) Task officers with preparing a business case for a food waste service. <sup>5.</sup>
- (vi) Task officers with continuing to monitor the potential for garden waste as a saleable commodity and for all, or part, of the service to be undertaken by a social enterprise or community group. <sup>5.</sup>

REASON: To enable the Council to meet its statutory and policy targets and continue to provide a high quality waste collection and disposal service that is financially sustainable and provides a robust base for future growth.

Action Required

- |   |    |
|---|----|
| 1. Implement Wednesday closure.                                     | GD |
| 2. Remove service from November 2013.                               | GD |
| 3. Introduce annual charge for additional garden waste bins.        | GD |
| 4. Enter into alternative disposal arrangements subject to proviso. | GD |
| 5. Prepare business case and continue monitoring.                   |    |

**117. NEIGHBOURHOOD WORKING**

Consideration was given to a report which set out details of a refresh of the Council's approach to Neighbourhood Working,



coming into effect in June, following the current round of annual meetings.

The proposed update included:

- The establishment of Resident Forum meetings in place of Ward Committees
- A refresh of the Community Contract
- A revised mechanism for how ward funding is spent
- A strategy to engage residents
- Priorities for the new Communities and Equalities Team to support members in delivering the new model.

Details of work already undertaken to implement the proposals was set out at paragraphs 2 and 3 of the report, with feedback on consultation and changes made in response at paragraph 5. Support to be given to Members by the Communities and Equalities team in planning, organising and promoting programmes of engagement events and further practical steps was also set out. To facilitate the proposals would also require amendments to the Council's constitution details of which were set out at paragraph 16 together with proposed terms of reference for the Resident Forum meetings in the Annex.

Consideration was then given to the available options to:

- Adopt the new model as proposed
- Retain the status quo or
- Adopt an amended version of the model

The Cabinet Member presented the report in more detail explaining the need for rebranding of the Neighbourhood Management Unit to better reflect the work being undertaken. It was confirmed that the new model was not prescriptive and allowed Members to be freed up and continue with those parts that worked well, whilst developing new flexible ways of working. The earlier speaker's comments were also supported.

RESOLVED:

That Cabinet agree to:

- i) A refresh of the Community Contract as described in paragraph 5 of the report.
- ii) The distribution of ward credits as set out in paragraph 18 of the report.

- iii) The strategy to actively engage residents as described in paragraphs 11 and 12 of the report. <sup>1</sup>.

REASON: To actively engage York's residents in their wards.

Action Required

1. Implement changes to Neighbourhood Working MB, CC as from June 2013.

**118. HORSES - ENFORCEMENT POLICY**

The Cabinet considered a report which set out the proposed policy and route for enforcing the removal of horses from Council land when they were grazing illegally. It also set out how the authority could support private landowners where horses were illegally grazing on private land.

A joint protocol had now been developed following work by a multi agency group setting out responsibilities of all parties and detailing the courses of action to be taken in a number of circumstances, which was set out at Annex 1 of the report. It was confirmed that although a representative of the Travellers Trust had not attend consultation meetings the protocol had been shared with the Travellers community.

The engagement of a Horse Bailiff had been considered important, to ensure that the protocol worked to support the removal of the horses as had securing land adjacent to the current Osbaldwick Travellers site for the provision of grazing land for the travellers.

The options put forward for consideration were:

Option 1 – To agree the joint protocol as set out at Annex 1.

Option 2 - To not agree the protocol and retain the status quo.

The Cabinet Member acknowledged that, although the joint protocol had taken some time to develop with a number of partner organisations, adoption of it would ensure that the

authority had a policy to deal with any future issues also ensuring the welfare of the animals concerned.

Following further discussion it was

RESOLVED: That Cabinet agree the Protocol for the Management of Horses in York as set out at Annex 1 of the report. <sup>1</sup>.

REASON: To ensure that the Council has a robust, yet balanced approach to dealing with tethered horses.

Action Required

1. Implement the Protocol.

SW

**119. EMBRACING DIVERSITY: A HATE CRIME STRATEGY FOR YORK**

Members considered a report which outlined the background to the development of a new Hate Crime Strategy for the City of York. It asked for approval of the strategy and a commitment to the crucial role that City of York Council played to provide the support necessary to bring offenders to justice and protect vulnerable victims.

Since the launch of the first Hate Crime Strategy in 2008, the number of hate crimes reported to the Police had dropped, however consultation had suggested that under reporting of hate crime incidents was a significant factor.

There had been extensive consultation undertaken on the strategy details of which were set out at paragraphs 6 to 11 and at Annex B of the report and a Community Impact Assessment at Annex F. Flow charts showing the current and proposed reporting processes were set out at Annexes C and D and the proposed future model for dealing with hate crime at Annex E.

The options put forward for consideration were:

Option 1 – Endorse the strategy and to give commitment to the key role that City of York Council will play in the implementation of the strategy and its associated work plans.

Option 2 – Ask officers to amend the strategy.

The Cabinet Member confirmed that this appeared to be a growing crime with the reported figures not representing what went on in the wider city. He referred to the need to acknowledge that these issues were being taken seriously and confirmed the important part that YREN played in shaping and assisting the implementation.

Reference was also made to the part the media played in this strategy and to their responsibilities and to the education of staff.

**RESOLVED:** That Cabinet approve Option 1 to endorse the Hate Crime Strategy for York and give commitment to the key role that City of York Council will play in the implementation of the strategy and its associated work plans.<sup>1</sup>

**REASON:** To ensure that the city has an effective approach to preventing Hate Crime and addressing the impacts of Hate Crime in a coordinated and victim centred manner.

Action Required

1. Implement Strategy.

JM

**120. FACING THE CHALLENGE OF POVERTY IN YORK**

Consideration was give to a report which provided the Cabinet with an assessment of the poverty challenge in York, set out details for reducing poverty, the main work programmes in this area and identified additional work required to tackle these issues.

Background information on the meaning of poverty and the national and local picture were set out at paragraphs 5 to 28 of the report. With the following three themes proposed for ongoing work:

- Strategic poverty prevention.
- Work programmes for those most at risk of poverty.

- Work targeting those currently in poverty.

Although the Council was currently addressing some of these issues in the larger work programmes, priority needed to be given to assisting those already in poverty and options for this would form part of a report to Cabinet in June.

The Leader thanked York Press for raising awareness of the effects of the welfare reforms on residents of the city. With limited public resources the reported outlined how the authority could work together with partners to make a difference to the most vulnerable.

All Members went on to acknowledge the importance of this work to improve the lives of many in the city.

Following further lengthy discussion, it was

RESOLVED: That Cabinet:

- i) Note the statistical data provided on the extent of poverty in the city set out in the report.
- ii) Agree to the population of the city-wide framework and to the development of measures/activities to reduce poverty, to be brought back to Cabinet in June as proposals for further work.<sup>1</sup>
- iii) Agree the emphasis in priority to those in poverty.

REASON: To address the issues of fairness and equality in the city.

#### Action Required

1. Continue with population of framework and provide update report to Cabinet on 7 June 2013.

SH

**121. MAXIMISING THE OPPORTUNITIES FROM THE GREEN DEAL IN YORK**

Consideration was given to a report which outlined the business case for the Leeds City Region (LCR) Green Deal and the authorities level of participation within the scheme.

It was reported that the Green Deal (GD) was a Government initiative which would operate by providing energy efficiency and other works at no up front cost to the householder in all tenures and businesses. Details of the improvements costs paid for by a GD loan attached to the property, repayments and proposed savings, were set out in the report. Problems with hard to treat properties and the development of an 'Energy Company Obligation' to assist were also reported.

The options considered and put forward by a team of Officers to maximise the opportunities for the city were set out at paragraphs 9 to 11 and the LCR business case developed in conjunction with consultants.

The options put forward for consideration were:

Option 1: proceed with the LCR scheme as a partner and proceed to full procurement stage (~£41k)

Option 2: not to proceed with LCR GD scheme and look at other local options (currently none are as developed as the LCR model)

A full analysis of the advantages and risks of each option was set out in the report at paragraphs 26 to 28.

The Cabinet Member confirmed that this investment was a crucial stage in contributing to the future economic growth of the city and reducing our carbon footprint. However it was to be seen how much the scheme would deliver as the numbers were well short of what was annually required. It was suggested that Officers would need to look beyond this scheme and further area schemes and common house types would offer potential for a better take up.

Following further discussion it was

RESOLVED: That Cabinet agree to approve Option 1 to proceed with the Leeds City Region scheme as a partner and proceed to full procurement stage. <sup>1</sup>.

REASON: To ensure that the council participate in a trustworthy scheme partnership with other local authorities and benefit from the economies of scale and by doing so improve take up and help to ensure that our more vulnerable residents are offered additional grant funding (through the 'Energy Company Obligation').

Action Required

1. Proceed with scheme and procurement.

SW

## **PART B - MATTERS REFERRED TO COUNCIL**

### **122. NEIGHBOURHOOD WORKING**

Consideration was given to a report which set out details of a refresh of the Council's approach to Neighbourhood Working, coming into effect in June, following the current round of annual meetings.

The proposed update included:

- The establishment of Resident Forum meetings in place of Ward Committees
- A refresh of the Community Contract
- A revised mechanism for how ward funding is spent
- A strategy to engage residents
- Priorities for the new Communities and Equalities Team to support members in delivering the new model.

Details of work already undertaken to implement the proposals was set out at paragraphs 2 and 3 of the report, with feedback on consultation and changes made in response at paragraph 5. Support to be given to Members by the Communities and Equalities team in planning, organising and promoting

programmes of engagement events and further practical steps was also set out. To facilitate the proposals would also require amendments to the Council's constitution details of which were set out at paragraph 16 together with proposed terms of reference for the Resident Forum meetings in the Annex.

Consideration was then given to the available options to:

- Adopt the new model as proposed
- Retain the status quo or
- Adopt an amended version of the model

The Cabinet Member presented the report in more detail explaining the need for rebranding of the Neighbourhood Management Unit to better reflect the work being undertaken. It was confirmed that the new model was not prescriptive and allowed Members to be freed up and continue with those parts that worked well, whilst developing new flexible ways of working. The earlier speaker's comments were also supported.

RECOMMENDED: That Council agree to the alteration of the Constitution to establish Resident Forums in place of Ward Committees, as described in paragraph 12 of the report, to include a revised mechanism to agree the allocation of ward funding, as described in paragraph 15 of the report.  
1.

REASON: To actively engage York's residents in their wards.

#### Action Required

1. Refer recommendation to Council

JP

Cllr J Alexander, Chair

[The meeting started at 5.30 pm and finished at 7.10 pm].