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MEETING	EXECUTIVE
DATE	30 NOVEMBER 2010
PRESENT	COUNCILLORS WALLER (CHAIR), AYRE, STEVE GALLOWAY, MOORE, MORLEY AND RUNCIMAN
APOLOGIES	COUNCILLOR REID

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

### **116. DECLARATIONS OF INTEREST**

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

### **117. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the meeting during any discussion on annexes 9 and 10(b) to agenda item 8 (Award of Long Term Waste Management Service Contract), on the grounds that they contain information relating to the financial 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).

### **118. MINUTES**

RESOLVED: That the minutes of the Executive meeting held on 16 November 2010 be approved and signed by the Chair as a correct record.

### **119. PUBLIC PARTICIPATION**

It was reported that there had been two registrations to speak at the meeting under the Council's Public Participation Scheme, both in relation to agenda item 8 (Award of Long Term Waste Management Service Contract).

Philip Crowe expressed concern that the contract was not for a waste recycling plant but for an incinerator producing energy with only 5% recycling. He pointed out that any increase on this recycling had not been substantiated and went onto refer to the economic aspects of the contract

and risks to the authority. Reference was also made to the wide ranging opposition to the scheme.

Richard Lane made representations on behalf of York Residents Against Incineration, a campaign group formed in 2006 in response to the “what kind of incinerator would you like” consultation. He stated that the group had been concerned that the authority would not consider the no-incineration route seriously which he stated had proved correct. He pointed out that a number of authorities had managed to develop a strategy without incineration, in many cases a cheaper option. He confirmed that he would be submitting a petition to this effect to the Council meeting on 7 December 2010.

## **120. EXECUTIVE FORWARD PLAN**

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

## **121. MINUTES OF WORKING GROUPS**

Members considered a report which presented the minutes of the Young People’s Working Group meeting held on 18 October 2010.

Members were invited to note the minutes, which were attached as Annex A to the report and which contained no specific recommendations to the Executive.

It was reported that the minutes of the meetings of the Local Development Framework (LDF) Working Group held on 6 September, 4 October and 25 October were currently available on-line and would be brought to the Executive in due course as annexes to reports relating to ongoing work on the LDF Core Strategy.

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

- RESOLVED: (i) That the minutes of the LDF Working Group be noted and that:
- a) approval be given to the York Retail Topic paper, as set out in Annex A to the report to the Working Group, for publication as part of the LDF evidence base;
  - b) approval be given to the York Central Retail Assessment Stages 1 and 2, included as background papers to the Topic Paper, for publication as part of the LDF evidence base;
  - c) authority be delegated to the Director of City Strategy, in consultation with the Executive Member for City Strategy and the City Strategy Opposition Spokesperson, to make any other necessary changes arising from the recommendations of the LDF Working

- Group, prior to publication of the documents as part of the LDF evidence base;
- d) the recommended policy approach to future retail development, as set out in paragraphs 95 to 105 of the report to LDF Working Group, be noted as a starting point for developing the approach to retail development in the Core Strategy submission draft. <sup>1</sup>

(ii) That Officers be requested to ensure in future that the minutes of the LDF Working Group are circulated with the report to Executive, that those items which include recommendations for Executive approval are clearly identified and that, to avoid delays in implementing recommendations, draft minutes are tabled as soon as possible. <sup>2</sup>

(iii) That, in line with the resolution made at Full Council on 7 October 2010, Officers be asked to table the requested report on short term let properties as soon as practical. <sup>3</sup>

(iv) That the minutes of the Young People's Working Group (YPWG), attached as Annex A to the report, be noted and that it be agreed that:

- a) the comments of the representatives of the York Youth Council be noted;
- b) members of the YPWG continue to support the development of the Youth Council and its activities;
- c) the YPWG support the notion of 'Change Champions' as a means of bringing together young people of all ages with decision makers and elected Members;
- d) the YPWG support the role of the A Team, engaging with them four to five times per year;
- e) Member attendance at the meetings of the Junior A Team be investigated.

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

Action Required

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|---|--------|
| 1. Publish papers as part of the evidence base.   | MG     |
| 2. Ensure LDF Working Group minutes are circulated with Executive report as soon as possible after their meeting. | FY, JC |
| 3. Present report on long term let properties to the Executive and include on the Forward Plan.                   | MG     |

**122. REVIEW OF FEES AND CHARGES FOLLOWING AN INCREASE IN THE STANDARD RATE OF VAT**

Members considered a report which responded to their request at the last Executive meeting for information on the effects of the pending increase in VAT on the Council's budget (Minute 109 refers).

In view of the Government's announcement of an increase in the standard rate of VAT from 17.5% to 20%, effective from 4 January 2011, it was proposed that the Council increase all its relevant fees and charges to reflect this increase, as set out in Annex A to the report (Option 1). The alternative was to leave fees and charges at their current rate (Option 2); however, this would result in a loss of income of approximately £50k during the current financial year.

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

- RESOLVED: (i) That Option 1 be approved and that all fees and charges be amended as shown in Annex 1 to the report to reflect the increase in the rate of VAT. <sup>1</sup>
- (ii) That it be noted that, whilst fees and charges would increase, the overall level of income retained by the Council would remain the same, as all the increased income will be passed over to HMRC as VAT.

REASON: To ensure that the increase in VAT does not have a negative impact on council revenue.

Action Required

1. Amend fees and charges as agreed.

DM

**123. YORK HOUSING STRATEGY & OLDER PEOPLE'S HOUSING STRATEGY 2011-2015, NORTH YORKSHIRE HOUSING STRATEGY 2010-2015**

Members considered a report which presented for their comments and approval draft versions of the York Housing Strategy (YHS) and York Older People's Housing Strategy (OPHS) for 2011-15 and the North Yorkshire Housing Strategy (NYHS) for 2010-15.

The draft YHS, attached as Annex 1 to the report, summarised progress to date in delivering the previous strategy, identified the challenges ahead and set out six areas of work to be prioritised in order to achieve the vision of '*creating homes, building communities*'. The draft OPHS, at Annex 2, aimed to reflect emerging challenges in delivering appropriate housing options, to ensure that older people could make informed housing choices and to enable older households to remain independent for longer. The NYHS, at Annex 3, had been commissioned by the North Yorkshire & York Housing Board and included five strategic points that closely mirrored those in the YHS.

Officers referred to paragraph 29, the implications section of the report, and confirmed that there would be policy implications in the context of the report. The Equality Impact Assessments (EIA's) undertaken in relation to the Strategies had been now been circulated and would be published with the agenda on the Council's website.

Members were invited to comment on the strategies and either to approve them as written (Option 1), to make amendments before approval (Option 2) or not to approve them (Option 3).

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

RESOLVED: (i) That the refreshed Housing Strategy, Older People's Housing Strategy and North Yorkshire and York Sub-Regional Housing Strategy be approved. <sup>1</sup>.

(ii) That it be noted that the focus of the housing strategies is on priorities and actions that make the best use of existing homes, the prevention of homelessness and timely and comprehensive housing advice, as well as making the strongest possible case for capital investment to build new affordable homes.

REASON: So that the draft strategies can be implemented, together with the action plans that support them.

Action Required

1. Implement strategies and action plans.

PM

**124. DEVELOPMENT MANAGEMENT PRE-APPLICATION ADVICE SERVICE**

Members considered a report which informed them of changes made to the Development Management function, to formalise the provision of a high quality, customer-focused pre-application service, and sought approval to introduce new fees and charges as a contribution towards the cost of the discretionary service.

The changes were associated with the transition earlier in the year from Development Control to Development Management. The proposed new pre-application service, as detailed in paragraphs 11 to 21 of the report, would be more structured, time-bound and customer-focused than the existing arrangements for providing advice before submission of planning applications. It was noted that an increasing number of local authorities now charged for pre-application advice, and some of these were listed in Annex 1 to the report. Details of the new fees proposed for York were set out in Annex 2.

Members were invited to consider the following options:

**Option A** – do not introduce charging for pre-application and other discretionary advice currently provided.

**Option B** – introduce charging for discretionary advice, as set out in Annex 2. This was the recommended option, as it would provide the optimum balance between recovering costs and encouraging pre-application engagement.

**Option C** – introduce charging, but with a generally lower fee rate.

**Option D** – introduce charging, but with a generally higher fee rate.

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

RESOLVED: (i) That Option B be endorsed and that the proposals to introduce the Development Management approach, with charging for the provision of pre-application advice in relation to planning and associated applications, be approved.

REASON: So that Officers can prepare for the implementation of an improved, customer-orientated approach to the provision of discretionary planning advice.

(ii) That the fees and charges outlined in Annex 2 to the report be approved for implementation from 4 January 2011.<sup>1.</sup>

REASON: So that the continued provision of an enhanced pre-application service can be assured.

(iii) That Officers prepare and publish details of guidelines / protocols explaining the nature and operation of the service and that these be publicised before the new arrangements are implemented.<sup>2.</sup>

REASON: So that developers and agents are aware of the reasons for the introduction of the new service arrangements and understand in advance of implementation how they will operate.

(iv) That a review of the service and arrangements for it be undertaken, with a report to be brought to Executive in January 2012.<sup>3.</sup>

REASON: So that the Executive may be advised of the impact of the proposals and consider any revisions to them as may be deemed necessary.

#### Action Required

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|---|--------|
| 1. Implement fees and charges as detailed in Annex 2.                                   | JC, MS |
| 2. Publish explanatory information prior to the implementation of the new arrangements. | MS, JC |
| 3. Add review of the service to the Forward Plan.                                       | SS     |

**125. APPROVAL OF THE CITY'S ANTI SOCIAL BEHAVIOUR STRATEGY 2011 TO 2014**

Members considered a report which invited them to approve the contents of the City's Anti-Social Behaviour (ASB) Strategy, covering the period 2011 to 2014.

The Strategy, attached as an annex to the report, had been developed in consultation with victims of ASB, the Federation of Tenants, Residents' Associations and other stakeholders in the City. It aimed to reduce the effect of ASB on the lives of York residents, with the emphasis on preventative measures. It included a three-year action plan, to be monitored by the ASB task group and the Safer York Partnership Board.

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

RESOLVED: That the Anti-Social Behaviour Strategy and the proposed monitoring arrangements through the ASB Task Group and, ultimately, the Safer York Partnership Board, be approved. <sup>1</sup>.

REASON: To ensure a focused and co-ordinated approach to tackling ASB in York, which is a high priority for the City.

Action Required

1. Implement strategy.

TB

**126. CORPORATE ASSET MANAGEMENT PLAN 2010 - 2016**

Members considered a report which presented for their approval the Council's 5<sup>th</sup> Corporate Asset Management Plan (AMP), setting out the priorities and process for dealing with the effective use and management of the Council's land and property assets.

The Corporate AMP, attached as Annex A to the report, covered the period 2011-2016. Previous versions had been absorbed into the Use of Resources section of the Comprehensive Area Assessment (CAA), which had now been abandoned. However, the Audit Commission's CAA criteria had been used as the basis for assessing performance. It was noted that a revised version of Annex A, incorporating in the introduction a reference to carbon management, clarifying references to the voluntary sector and the access data table, where relevant, related to the last 5 years, had been circulated to Members and would be published with the agenda on the Council's website.

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

RESOLVED: That the Corporate Asset Management Plan 2011-2016 for the City of York Council be approved and adopted. <sup>1</sup>.

REASON: In order to ensure a consistent, council-wide approach to the process of asset management, in conjunction with the Council's partner organisations.

Action Required

1. Adopt the Asset Management Plan.

PC, TB

**PART B - MATTERS REFERRED TO COUNCIL**

**127. AWARD OF LONG TERM WASTE MANAGEMENT SERVICE CONTRACT**

Members considered a report which advised of the outcome of the procurement of a contract for the long term waste management service.

In view of the fact that reliance on landfill as the primary method of waste disposal was not a sustainable strategy for the future, York and North Yorkshire councils had been working together for several years to identify an appropriate solution for the treatment of residual waste. A formal procurement exercise had taken place using the competitive dialogue procedure, beginning in summer 2006 and ending in autumn 2009 with evaluation of the two final tenders and the identification of AmeyCespa as the highest scoring bidder. A second stage review of affordability had then been carried out, followed by a due diligence check on the project by North Yorkshire County Council's Waste PFI Working Group, concluded in November 2010. Details of these processes were set out in the report.

Approval was now sought from North Yorkshire County Council to award the Waste PFI contract to AmeyCespa, from City of York Council to support the award, and from both councils to make sufficient budgetary provision for the term of the contract and to make the necessary delegations to finalise their Waste Management Agreement.

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

RECOMMENDED: That Council agree to:

- (i) support the award of the Waste Private Finance Initiative (PFI) by North Yorkshire County Council to AmeyCespa for the service operation period of 25 years, with an option to extend for up to 5 years;
- (ii) commit to make sufficient budgetary provision (£750k per annum growth from 2011/12 to 2015/16 inclusive) for the contract for its term, and determine the limits of the affordability envelope within which financial close may be agreed, as set out in paragraph 193 of the report;

(iii) delegate authority to the Director of City Strategy (acting in consultation with the Director of Customer & Business Support Services and the Head of Civic, Democratic & Legal Services) to determine the final terms of the Waste Management Agreement between the County Council and City of York Council documents at commercial and financial close, as necessary, subject to the Agreement being within the affordability envelope agreed by Council;

(iv) delegate authority to the Director of City Strategy (acting in consultation with the Leader, the Director of Customer & Business Support Services and the Head of Civic, Democratic & Legal Services) to execute on behalf of the City Council the Waste Management Agreement with North Yorkshire County Council;

(v) authorise the Director of Customer & Business Support Services to issue the certificates under the Local Government (Contracts) Act 1997 to confirm the City Council's powers to enter into the contract referred to in the above paragraph;

(vi) give an indemnity to the Director of Customer & Business Support Services against any claim that may arise out of or in connection with the issue of the certificates under the Local Government (Contracts) Act 1997;

(vii) note that, if the above is agreed, the Executive will take all such decisions as may be required out of or in connection with the implementation of the decision to award the PFI contract to AmeyCespa, including agreeing that financial close may proceed within the limits of the affordability envelope set by the Council.<sup>1</sup>

REASON: In order for Council to determine whether to enter into a long term waste treatment contract.

Action Required

1. Refer to Council.

FY, BW

A Waller, Chair

[The meeting started at 2.00 pm and finished at 2.55 pm].