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MEETING	Executive
DATE	12 September 2006
PRESENT	Councillors Steve Galloway (Chair), Sue Galloway, Jamieson-Ball, Macdonald, Orrell, Reid, Runciman and Waller
APOLOGIES	Councillor Sunderland
IN ATTENDANCE	Councillors D'Agorne, Fraser (for agenda items 9, 10, 12, 13 & 15) and Hall (for agenda items 1-5, 11 & 14)

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### **53. Declarations of Interest**

The Chair invited Members to declare at this point any personal or prejudicial interests they might have in the business on the agenda.

Councillor Waller declared personal non-prejudicial interests in agenda item 11 (Education Scrutiny Committee – Report on the Extended Schools Service in York), as a governor of Westfield Primary School, and in agenda item 13 (The Bonding Warehouse, Skeldergate), as a member of the Yorkshire Regional Flood Defence Committee.

### **54. Exclusion of Press and Public**

RESOLVED: That the press and public be excluded from the meeting during consideration of Annex 1 to agenda item 12 (Children's Magic Christmas Tree) (minute 64 refers), Annexes 1 and 2 to agenda item 13 (The Bonding Warehouse, Skeldergate) (minute 65 refers) and Annex B to agenda item 14 (51 Bismarck Street, Leeman Road) (minute 66 refers), on the grounds that they contained information relating to the financial and business affairs of particular persons. This information was classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

### **55. Public Participation**

It was reported that there had been two registrations to speak at the meeting under the Council's Public Participation Scheme.

Dave Taylor spoke regarding agenda item 7 (Residual Waste Treatment Procurement) (minute 59 refers) on behalf of York Residents Against Incineration (YRAIN). He highlighted the need to increase rates of reuse and recycling and outlined concerns that the Outline Business Case did

not include a comparison of the reference case with a zero waste strategy. He also reiterated concerns regarding the incineration of waste and made reference to details of Newcastle's experience of incineration, which he had circulated to Members.

Christine Stores spoke regarding agenda item 14 (51 Bismarck Street, Leeman Road) (minute 66 refers) on behalf of York Housing Association (YHA). She identified YHA as the prospective purchaser under Option A and outlined the benefits of relocating to 51 Bismarck Street from their current property. She clarified that the purchase of 51 Bismarck Street was conditional on the sale of their existing property and emphasised that they would endeavour to complete this sale as quickly as possible if Option A was approved.

**56. Executive Forward Plan**

Members received and noted an updated list of items currently scheduled on the Executive Forward Plan.

**57. Minutes**

RESOLVED: That the minutes of the Executive meeting held on 25 July 2006 be approved and signed by the Chair as a correct record.

**58. Minutes of Young People's Working Group and the Social Inclusion Working Group**

Members received the draft minutes of the meeting of the Young People's Working Group held on 13 July 2006 and the meeting of the Social Inclusion Working Group held on 26 July 2006.

RESOLVED: That the draft minutes of the meeting of the Young People's Working Group held on 13 July 2006 and the meeting of the Social Inclusion Working Group held on 26 July 2006 be noted and the recommendations therein be agreed.

REASON: In line with constitutional requirements.

**59. Residual Waste Treatment Procurement**

Members received a report which sought authority to submit an Outline Business Case (OBC) to the Department for Environment, Food and Rural Affairs (DEFRA) for Private Finance Initiative funding, in line with the objectives of the Joint Municipal Waste Management Strategy '*Let's talk less rubbish*' and the Joint Working Agreement with North Yorkshire County Council.

The key features of the OBC were set out in paragraph 2 of the report and the draft Executive Summary of the OBC was attached as Annex 1 of the report.

The report discussed the key issues for consideration, which were the procurement strategy, value for money and affordability of the project, sites and planning issues, the role of Yorwaste and partnership arrangements.

Members restated their commitment that there would not be an incinerator in the City of York Council area and explained that Mechanical Biological Treatment (MBT), involving recycling and digestion, was their preferred option.

Members highlighted the need to work with the Local Government Association, local MP's and other Councils to ensure that core funding recognised the additional financial burdens placed on local authorities.

- RESOLVED:
- (i) That the submission of the Outline Business Case (OBC) to DEFRA as a bid for Private Finance Initiative (PFI) funding, based on the draft Executive Summary of the OBC attached at Annex 1 of the report, be delegated to the Director of City Strategy;
  - (ii) That it be confirmed that the Council recognises the necessity to allocate resources sufficient to make the project affordable over the life of the contracts, subject to any further obligations and financial parameters as directed by DEFRA or any other government department;
  - (iii) That it be confirmed that the residual waste treatment project offers value for money to the City of York Council;
  - (iv) That it be confirmed that Yorwaste be requested not to participate in the PFI residual waste treatment contract;
  - (v) That the approach to sites and planning issues be noted and supported;
  - (vi) That it be noted that the delivery standards for City of York Council collection services will need to be achieved to interface with the PFI contract;
  - (vii) That officers be requested to ensure that City of York Council works with the Local Government Association, MP's in the Council's area and other councils to ensure that core funding recognises the additional financial burdens placed on local authorities.

REASON: In line with the objectives of the Joint Municipal Waste Management Strategy '*Let's talk less rubbish*' and the

**60. Golden Triangle Partnership Homebuy Plus Scheme 2006-2007**

Members received a report which provided an overview of the proposed Homebuy Plus Scheme to be launched by the Golden Triangle Partnership, sought approval for the Golden Triangle Home Buyers Plus policy and requested delegation for Leeds City Council to act as bankers for the scheme.

The report explained that the Homebuy Plus Scheme sought to address issues of housing affordability across the Golden Triangle area (York, Leeds and Harrogate) through use of an equity loan scheme.

The report presented two options for consideration:

- Option 1 – To approve the Golden Triangle Homebuy Plus Policy (discharge of function), attached at Annex 1 of the report;
- Option 2 – To reject the Golden Triangle Homebuy Plus Policy (discharge of function).

- RESOLVED:
- (i) That the Golden Triangle Homebuyers Plus Policy (discharge of function), attached at Annex 1 of the report, be approved;
  - (ii) That authority be delegated to Leeds City Council to act as banker, in accordance with City of York Council's Homebuyers Plus Policy;
  - (iii) That authority be delegated to the Head of Civic, Democratic & Legal Services to sign the delegation arrangements and contract documentation on behalf of the Council.

REASON: To address issues of housing affordability at a local level.

**61. Capital Strategy of City of York Council**

Members received a report which asked them to consider a proposed Capital Strategy for the period 2006 to 2011 and a revised Capital Resource Allocation Model (CRAM) process, which aided the allocation of funding in line with the Council's corporate aims.

The proposed Capital Strategy was attached as Annex 1 of the report and the revised CRAM process was set out at Annex 2.

The Strategy outlined the next steps to be taken by officers and Members in establishing a capital programme of investment that moved the Council and its service provision forward. This would require difficult decisions about the release of existing assets to generate the funding needed to invest in those assets to be retained to support future integrated service provision.

The Capital Strategy also required Directors and Executive Members to take ownership of their priorities for capital investment in their service areas. The CRAM required each Director and Executive Member to approve and present each bid to the Executive for the allocation of capital resource.

Members explained that they wanted to stop short of embracing a revised CRAM process which could inhibit their ability to act flexibly to meet new challenges or to take advantage of new opportunities, and therefore proposed that it be considered as a guide in prioritisation.

- RESOLVED:
- (i) That the report be noted and the strategic approach agreed in principle;
  - (ii) That the output from the CRAM model be viewed as a useful guide for the Executive when determining budget priorities.

REASON: To set out the Council's priorities for capital investment and the framework for the allocation and management of capital resources within the authority.

## **62. Corporate Risk Management Report 2006/07**

Members received a report which detailed the progress made during 2005/06 in deploying risk management arrangements across the Council.

The report provided information on the Council's Comprehensive Assessment score for risk management, the introduction of Audit & Risk Management software, the embedding of risk management across the Council, the key risks identified in the corporate risk register, risk management training and proposals for the further development of risk management arrangements across the Council.

Members thanked officers for their hard work in the area of risk management and drew attention to the reduction in insurance premiums which had been achieved as a result.

- RESOLVED:
- (i) That the contents of the report and progress to date be noted;
  - (ii) That the work now ongoing to populate the 2006/07 Risk Register and the hyper-link address for Members to view the Register and the risks identified to date be noted.

REASON: (i) To raise awareness of the progress made to date in respect of risk management arrangements at the Council and advise Members of the further work now needed to support the effective development of the Council's approach in the future;

- (ii) To advise Members of the risks identified and included in the Council's Risk Register during 2006/07 to date.

**63. Education Scrutiny Committee - Report on the Extended Schools Service in York**

Members received a report which asked them to consider the final report of the Education Scrutiny Committee on the extended schools service in York.

The report presented two options for the Executive to consider, in accordance with its constitutional role:

- Option A – to implement all of the recommendations proposed to it by the Education Scrutiny Committee, without further amendment;
- Option B – to explain the reason for not implementing one or more of the recommendations.

The Chair of the Scrutiny Committee attended the meeting to present the report to the Executive. He thanked Members of the Scrutiny Committee and the officers involved with the scrutiny topic for their work and this was reiterated by the Executive.

RESOLVED: That recommendations 1-7 in the final report of the Education Scrutiny Committee be accepted and recommendation 8 be noted, as listed below:

**Recommendation 1**

The Director of Children's Services will review the model of extended schools provision to align with and reflect the core offer of May 2006. This should be completed by September 2006.

REASON: This review had now been completed by development workers and the results were included at Annex 4 of the scrutiny report.

**Recommendation 2**

The Director of Children's Services will support schools by creating profiles of local community need. This will assist in the development of services for the community. This should be completed by September 2007.

REASON: Work had been undertaken by the Management Information Service (MIS), which had informed schools and added to data supplied by the Health Service. Schools/clusters would use this information to plan services.

**Recommendation 3**

The Government's intention is that every school in the country should be working as an extended school by 2010. Council will support this ambitious target by providing appropriate training and support for school staff and governors.

REASON: This had now been brought into the forthcoming Governor's Training Programme and had been included in briefings to staff. This would continue.

#### **Recommendation 4**

The Council will support the shared foundation partnerships by encouraging the operation of a flexible lettings policy for accommodating extended school and community activities.

REASON: Work was in progress on this recommendation, with schools being encouraged to recover additional costs as part of a reasonable rate to encourage community use.

#### **Recommendation 5**

The Council supports the clustering of schools in order to develop services and business support which extends provision.

REASON: Development Team members were working with clusters of schools and the plans for the new Children's Centres would also develop in this way.

#### **Recommendation 6**

The Council will take up the opportunity to bid to be a Pathfinder authority in order to improve parenting support

REASON: The Directorate of Learning, Culture & Children's Services had started work on this in parallel with the scrutiny. A successful bid for Pathfinder status had been made.

#### **Recommendation 7**

The Council will take up the invitation to bid to be a Pathfinder authority in order to look at developing longer free sessions for 3 and 4 year olds in education, care and play.

REASON: The Directorate of Learning, Culture & Children's Services had been made aware of this proposed recommendation. A bid for this status had been made and was successful.

#### **Recommendation 8**

The extended schools provision will be reviewed by Scrutiny in March 2008.

REASON: Much of the extended school provision would be established by this date and a review would be timely to monitor progress and help inform future developments.

### **64. Children's Magic Christmas Tree**

Members received a report which presented proposals to site an innovative "Children's Magic Christmas Tree" over the fountain in Parliament Street for the duration of the festive period, instead of the traditional 'cross-street' Christmas lighting.

The report presented the following options for consideration:

- Option i) – To carry on with the cross-street lighting being funded through a Council-led sponsorship drive;
- Option ii) – To do nothing and no alternative to the cross-street lights;
- Option iii) – To have a single decorative illumination, a “Children’s Magic Christmas Tree”, funded by public donations via an appeal to be led by The Press.

The report explained that the Tree was a seven metre high, cone shaped frame with a four metre wide base. The frame would be covered completely in white lights. In addition to these lights it would have changing primary coloured lamps coiled around the white lights. These coloured lamps were cherry sized, would change randomly approximately every six seconds and would be in many different colours, creating a spectacular effect during the day and night.

- RESOLVED:
- (i) That the provision of a Children’s Magic Christmas Tree to be paid for in part through sponsorship and a fundraising campaign and to be located in Parliament Street, as detailed in paragraphs 4iii), 5, 6 & 7 of the report, be agreed;
  - (ii) That the financial management arrangements, outlined in paragraphs 3 & 4 of confidential Annex 1, be approved.

REASON: This will be funded by public donations and as a single focus right in the heart of the city the tree will offer an opportunity for the community and visitors to come together, and act as a focal point for a number of events and activities over the Christmas period.

## **65. The Bonding Warehouse, Skeldergate**

Members received a report which asked them to consider what action should be taken to seek a beneficial use for The Bonding Warehouse that would enable the property to be put and remain in a good state of repair.

The report presented the following options for consideration:

- Option A – To commence proceedings to forfeit the lease;
- Option B – To reach a settlement with the tenants.

RESOLVED: That Option B be approved and an agreement be completed with the tenants of The Bonding Warehouse for a settlement of the claims under the lease agreement and a sale of the premises.

REASON: This is the quickest method of ensuring a beneficial use of the premises and should ensure that the Council’s property costs are recovered.



**66. 51 Bismarck Street, Leeman Road**

Members received a report which explained the process which had been followed concerning the disposal of the former children's home at 51 Bismarck Street and recommended the sale of the property.

The report presented three options for consideration:

- Option A – To sell the property to the prospective purchaser, as detailed in confidential Annex B of the report, which would involve a sale at less than best consideration;
- Option B – To sell the property at market value to the highest bidder;
- Option C – To withdraw the property from the market, to allow more time for Housing and Social Services to consider projects for the property.

Officers confirmed that the prospective purchaser under Option A was willing to link their purchase price to the sale price of their existing property so that any benefit from a higher than expected sale price could be transferred to the Council through the purchase price for 51 Bismarck Street (overage payment). They also reported, with regards to Option B, that a further offer had been received since the publication of the report, which was £10k higher than the previous one.

Members expressed some concern about the potential time delay that may occur if they approved Option A, in terms of its impact on the capital programme and the property at Bismarck Street standing empty.

**RESOLVED:** That delegated authority be given to the Corporate Landlord to accept the Option B offer, unless a satisfactory offer can be agreed with the prospective purchaser under Option A within the next 2 weeks, that includes an overage payment and completion of the sale within a reasonable period.

**REASON:** To ensure that the matter is resolved speedily and that the capital receipt is maximised, if the problems associated with Option A cannot be satisfactorily resolved.

**67. York Central Area Action Plan**

Members received a report which sought approval to suspend work on the York Central Area Action Plan (AAP) pending discussions with British Sugar to clarify their intentions for the future use of their site at Plantation Drive, York.

The report presented two options for consideration:

- Option 1 – to continue with the work on the York Central AAP;
- Option 2 – to put the work on the York Central AAP on hold until the position with the British Sugar site has been established.

It was reported that the Directors of British Sugar had expressed a willingness to work with the Council to ensure that their site was used

effectively for the benefit of the City and its economy. They had expressed a strong interest in working jointly with those involved with the York Central site and accepted that there could be benefits for both the City generally and the land owners, if the two sites were developed in a mutually compatible way and to an agreed timetable.

- RESOLVED:
- (i) That the Executive's commitment to the development of the York Central site as quickly as practical and planning considerations allow be reaffirmed;
  - (ii) That the willingness of British Sugar to participate in a partnership arrangement which could lead to the complementary development of both their site and the York Central site be noted;
  - (iii) That, consequently, officers be instructed to move with all speed to prepare a joint area action plan covering both sites.

REASON: To develop the two sites in a mutually compatible way and to an agreed timetable, to provide benefits to the City generally and the land owners.

S F GALLOWAY, Chair

[The meeting started at 2.00 pm and finished at 3.20 pm].