



Notice of meeting of

Executive

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| To: | Councillors Steve Galloway (Chair), Sue Galloway, Jamieson-Ball, Macdonald, Orrell, Reid, Runciman, Sunderland and Waller |
| Date: | Tuesday, 13 February 2007 |
| Time: | 2.00 pm |
| Venue: | Guildhall |

AGENDA

Notice to Members - Calling In:

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

10:00 am on Monday 12 February 2007, if an item is called in *before* a decision is taken, *or*

4:00 pm on Thursday 15 February 2007, 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 excluding the press and public from the meeting during consideration of Annex B to agenda item 9 (Amber House and Workshop, Galmanhoe Lane – Freehold Disposal) and all the annexes to the report under agenda item 10 (Urgent Business – Administrative Accommodation Project), on the grounds that they contain information relating to the financial or business affairs of particular persons, which is 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.

3. Minutes (Pages 1 - 6)

To approve and sign the minutes of the Executive meeting held on 30 January 2007.

4. Public Participation

At this point in the meeting, members of the public who registered their wish to speak regarding an item on the agenda or an issue within the Executive's remit can do so. The deadline for registering is **5:00 pm on Monday, 12 February 2007.**

5. Executive Forward Plan (Pages 7 - 8)

To receive an update on those items that are currently scheduled on the Executive Forward Plan.

6. Leeds City Region Leaders' Board (Pages 9 - 20)

This report presents proposals for the establishment of a Joint Committee, to be known as the Leeds City Region Leaders' Board, which will enable the Council to play an active part in the development of the City Region agenda.

7. Response to the Recommendations of the Confidentiality and Transparency Scrutiny Panel (Pages 21 - 36)

This report presents an evaluation of the resource and policy implications of the recommendations contained in the final report of the Confidentiality and Transparency Scrutiny Panel, which was brought to the Executive on 17 February 2006.

8. 2nd Annual Progress Report: Implementation of Recommendations from the Executive following the Final Report of the Flood Scrutiny Panel report 2004 (Pages 37 - 50)

This report details progress on the implementation of recommendations agreed in September 2004 in regard to flood prevention work and asks Members to decide whether they wish to receive future annual updates in September/October each year.

9. Amber House & Workshop, Galmanhoe Lane - Freehold Disposal (Pages 51 - 58)

This reports seeks approval for the freehold disposal of Amber House and workshop, Galmanhoe Lane, York.

Note: When this agenda was first published there was a mistake on Annex 1 to this item (the plan). This error was corrected on 12 February 2007.

10. Urgent Business - Administrative Accommodation Project (Pages 59 - 74)

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

The Chair has agreed to consider under this item a report which seeks approval for the appointment of design and construction partners for the Administrative Accommodation Project, in accordance with the requirement in Financial Regulations to obtain Member approval in cases where the preferred bidder has not submitted the lowest priced bid.

Democracy Officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 551024
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact the Democracy 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.

City of York Council

Committee Minutes

| | |
|-----------|---|
| MEETING | Executive |
| DATE | 30 January 2007 |
| PRESENT | Councillors Steve Galloway (Chair), Jamieson-Ball, Macdonald, Orrell, Reid, Runciman and Waller |
| APOLOGIES | Councillors Sue Galloway and Sunderland |

144. 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. Cllr Reid declared a personal and prejudicial interest in agenda item 6 (Future of the City Archives Service: Progress Update), as a member of an organisation which had commented on the archives issue. She left the room during consideration of this item and also during the comments made on the item under Public Participation / Other Speakers. Cllr Waller declared a personal and prejudicial interest in agenda item 8 (Reference: Financial Support to Voluntary Organisations), as a member of the Board of the York CAB. He left the room during consideration of this item.

145. Minutes

RESOLVED: That the minutes of the Executive meeting held on 16 January 2007 be approved and signed by the Chair as a correct record.

146. Exclusion of Press and Public

RESOLVED: That the press and public be excluded from the meeting during any discussion of Annex B to agenda item 6 (Future of the City Archives Service: Progress Report), on the grounds that it contains information relating to the financial or business affairs of particular persons, which is 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.

147. Public Participation / Other Speakers

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme. However, there had been a request to speak from a trade union representative, in relation to agenda item 6 (Future of the City Archives Service: Progress Report). With the permission of the Chair, Andrea Dudding, of UNISON, addressed the meeting on this item. She commented that the Archives staff were happy that they had been properly consulted on the proposals in the report. She then outlined the reasons why UNISON supported the

provision of an in-house solution and urged Members to provide the current service with sufficient resources to enable this to be achieved.

148. Executive Forward Plan

Members received and noted an updated list of items included on the Executive Forward Plan at the time the agenda for this meeting was published.

149. Future of the City Archives Service: Progress Update

Members considered a report which provided an update on the recent procurement exercise for provision of the City's archives services.

The procurement process had been undertaken in accordance with the recommendations of the Leisure and Heritage Scrutiny Board, considered by the Executive in January 2006. Tenders had been received from:

- The University of York Borthwick Institute
- Iron Mountain (UK) Ltd.
- Audata Ltd. and Océ (UK) Ltd.
- Nexus Property Solutions Ltd.

At stage 1 of the process, the tender from Nexus had been rejected as it did not comply with requirements. The remaining tenders had then been taken forward to Stages 2 and 3 (financial appraisal and quality assessment) and scores awarded. Under this process, the Borthwick's bid had attained the highest score. However, since its annual cost was far in excess of the current budget provision, it was not affordable, so the contract could not be awarded.

The relevant EU procurement regulations did not permit post-tender negotiations. Therefore the principle options available were as follows:

Option 1 – re-examine the specification of the service and determine whether it was possible to specify a level of service likely to be procured at a lower cost, then to re-tender the service;

Option 2 – develop proposals for a revised in-house service.

Option 1 was recommended, on the basis that an in-house solution had previously been examined and rejected and that it had been a fundamental conclusion of the Scrutiny Board that the vision set out in their report could only be met in partnership with other bodies.

In response to the comments made under Public Participation / Other Speakers, Officers confirmed that the reason for rejecting the in-house solution had been the lack of the capital sum required to bring the existing premises up to standard. However, the issue could be re-examined in a broader context, and taking into account the Scrutiny Board's requirement for partnership working. Members stressed that no additional funding was available from the Council's budget but that any ideas on how to overcome this problem in order to provide a viable in-house solution would be welcome.

RESOLVED: (i) That it be confirmed that none of the submitted tenders meet the test of affordability and that none can therefore be accepted.

(ii) That Officers be asked to re-examine the specification for the archives service and report back to the Executive, detailing the options for continuing to provide a quality, affordable archives service within the City.

(iii) That Officers also re-appraise any new opportunities that may now be available to continue to provide the service, either 'in-house' or with alternative York partners.

REASON: To try to achieve a satisfactory and affordable solution for procurement of the City archives.

150. Ward Committee Budgets

Members considered a report prepared in response to a Council motion proposed by Cllr Ruth Potter on 5 October 2006 and referred to the Executive under Standing Order 11(ii). The motion had asked "*...that budgets for ward committee funding be restored, making good cuts in this year's budgets.*"

Due to the need to achieve savings targets, the revenue budget for the 2006/07 budget year had been set at £733,570, which was £163,890 less than the 2005/06 allocation. However, the additional "one-off" allocation made by the Leader in July had effectively reduced this cut to £93,890. At their meeting on 16 January, the Executive had agreed to make an additional £70k available for ward committee budgets, subject to sufficient budget underspends being available at the end of the year (Minute 137, Resolution (xii) refers). If these funds were available, then the base revenue budget for 2007/08 would remain at the level set for 2006/07.

The following options were presented for consideration:

Option 1 – restore the entire £163,890 reduction on a recurring, or non-recurring basis;

Option 2 – restore partially the reduction;

Option 3 – maintain the existing budget, giving an 2007/08 budget of £733,570.

Members expressed surprise that the proposer of the motion had not stated how an additional allocation to ward committees could be funded. They also noted that complaints had been received from residents of Heworth Ward that ward committee funds had not been allocated in accordance with the priorities voted for by residents.

RESOLVED: (i) That it be recognised that the allocation of funding, for all activities, forms a part of the budget process.

(ii) That the intention to sustain ward committee budgets in the forthcoming year at the same level as applies in 2006/07 be noted.

(iii) That the mover of the motion be asked to explain from where she would find funding for any additional allocation of resources to ward committees.

(iv) That the Director of Corporate Services be requested to investigate the claims that the actions taken by the Heworth Ward Committee in allocating the 2006/07 devolved budget were inappropriate.

REASON: To ensure that ward committees are adequately funded, in the context of the Council's overall budget, and that the funding is properly allocated in accordance with Constitutional procedures.

151. Reference: Financial Support to Voluntary Organisations

Members considered a report which presented a recommendation referred to Executive by the Executive Leader at the meeting of the Executive Members for City Strategy on 15 January 2007.

The recommendation related to an application for financial support from the Chief Executive's voluntary sector funding budget. This was an application from the York CAB for a new 3-year service agreement. It had been referred to the Executive, in accordance with the requirements of the Council's delegation scheme, because it involved funding in excess of £50k. The application was for an award of £148,697 plus DRR, but it was recommended that an award of £126,618 plus Discretionary Rate Relief (DRR) be granted, in accordance with the existing 3-year agreement with York CAB.

Officers responded to Members' questions about the proposed rent rise for the building occupied by York CAB. The Council had spent £40k on refurbishing the premises and as a result would be increasing the annual rent from £14,500 to £19,610. Although this was considered a competitive rate compared with similar premises in the City, it was recognised that it might be difficult for a voluntary organisation to accommodate such an increase.

RESOLVED: (i) That the recommendation of the Executive Leader, to award a new 3 year service level agreement of £126,618 plus DRR to the York CAB, be approved.

REASON: In accordance with Constitutional requirements and the funding criteria for providing support to voluntary organisations.

(ii) That the level of grant be reviewed in a few months time, once the Council's out-turn for the current financial year is clear.

REASON: To enable additional funding to be provided, if possible, in view of the recent increase in rental for the premises occupied by York CAB.

S F Galloway, Chair

[The meeting started at 2.00 pm and finished at 2.30 pm].

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Executive Meeting 13 February 2007

EXECUTIVE FORWARD PLAN

Table 1: Items scheduled on the Forward Plan which were due to be submitted to this week's meeting

| Report | Author | Current Position | Likely Revised Date |
|---|---------------------|---|----------------------------|
| Parking Review | Damon Copperthwaite | Deferred for further consultation | 27/2/07 |
| Quality Bus Controls | Terry Walker | Deferred for further amendments to report | 27/2/07 |
| Settlement for LTP | Julie Hurley | Deferred for further amendments to report | 27/2/07 |
| Park and Ride Service Provision - Options | Tony Clarke | Deferred due to late receipt of advice from consultants and the need to consult further internally. | 27/2/07 |
| Efficiency Programme, Including Strategic Procurement Programme | Simon Wiles | Deferred for further work | 27/2/07 |
| Scrutiny Report – Guidance on Sustainable Development | Melanie Carr | Deferred, as information not received from departments within required timescales. | 13/3/07 |

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 27 February 2007

| Report | Author | Current Position | Likely Revised Date |
|---|---------------------|-------------------------|----------------------------|
| Parking Review | Damon Copperthwaite | Deferred from 13/2/07 | N/a |
| Quality Bus Controls | Terry Walker | Deferred from 13/2/07 | N/a |
| Settlement for LTP | Julie Hurley | Deferred from 13/2/07 | N/a |
| Park and Ride Service Provision - Options | Tony Clarke | Deferred from 13/2/07 | N/a |

| | | | |
|---|------------------|---|-----|
| Efficiency Programme, Including Strategic Procurement Programme | Simon Wiles | Deferred from 16/1/07 and 30/1/07 | N/a |
| Thin Client / Competition Strategy | Simon Wiles | Deferred from 21/11/06 and 19/12/06 | N/a |
| LDF Scheme | Martin Grainger | On schedule | N/a |
| York Central / British Sugar Area Action Plan | Ann Ward | On schedule | N/a |
| Children and Young People's Plan | Patrick Scott | Deferred from 16/1/07 | N/a |
| Child Protection Policy | Pete Dwyer | Deferred from 5/12/06 and 16/1/07 | N/a |
| Future of Connexions Service | Murray Rose | Previously scheduled for Children's Services EMAP | N/a |
| Sub-regional Governance Framework – Strategic Housing | Steve Waddington | On schedule | N/a |
| Administrative Accommodation Review – Relocation of Dundas Street Ambulance Station | Neil Hindhaugh | On schedule | N/a |
| Acomb Library / Learning Centre | Philip Callow | Deferred from 30/1/07 | N/a |

| Table 3: Items scheduled on the Forward Plan for the Executive Meeting on 13 March 2007 | | | |
|--|-----------------------|--|----------------------------|
| Report | Author | Current Position | Likely Revised Date |
| Corporate Asset Management Plan | Director of Resources | Deferred from 26/9/06, 24/10/06, 5/12/06 and 30/1/07 | N/a |
| Minutes of Social Inclusion Working Group & Young People's Working Group | Dawn Steel | On schedule | N/a |
| Admin Accommodation Project Update Report | Maria Wood | On schedule | N/a |
| Neighbourhood Services Re-structure | Terry Collins | On schedule | N/a |
| Final Report from Highways Maintenance Procurement PFI Scrutiny Review | Dawn Steel | On schedule | N/a |



Executive**13 February 2007**

Report of the Head of Civic, Democratic and Legal Services

LEEDS CITY REGION LEADERS' BOARD**Summary**

1. The Executive is asked to consider recommending to Council that the City of York Council enter into an Agreement to establish a Joint Committee to be known as the Leeds City Region Leaders' Board.

Background

- 2.1 The Leeds City Region is the area covered by the five West Yorkshire Districts – Bradford, Calderdale, Kirklees, Leeds and Wakefield; Craven, Harrogate, Selby and York in North Yorkshire; and Barnsley in South Yorkshire. This area has a culturally and ethnically diverse population of nearly 2.8 million of which 1.4 million are economically active; is home to over 70,000 businesses; sits astride nationally strategic east–west and north–south transport corridors; and has a mix of rural and urban environments and areas of outstanding countryside.
- 2.2 The political Leaders of the 11 Partner Councils (which include North Yorkshire County Council, who have strategic responsibility in three of the districts) made a collective commitment some months ago to work together for the benefit of the City Region and to deliver sustainable economic growth and improved competitiveness. (Considered by City of York Council Urgency Committee on 17 July 2006.) To that end a city region concordat was agreed setting out the mission to “work together differently: to develop an internationally recognised city region; to raise our economic performance; to spread prosperity across the whole of our city region, and to promote a better quality of life for all those who live and work here”.
- 2.3 To enable the ambitions of the city region (set out in the Leeds City Region Development Programme (CRDP), which includes a long-term Vision for Transport) to be pursued, formal governance arrangements are required. Accordingly, the city region Leaders agreed on 11 September 2006 to develop a formal structure.
- 2.4 The new governance proposals are set within the context of a number of key principles, namely :

- The city region agenda should focus entirely on furthering the economic competitiveness of the area, and therefore governance proposals should be constructed solely around economic related matters, based on the CRDP and the long-term Vision for Transport;
- Proposals should focus on identifying what needs to be done/can be done better at a city region level and should not seek to duplicate the existing role/responsibilities of constituent authorities; proposals should also be complimentary to the roles of Yorkshire Forward and the Yorkshire and Humber Assembly;
- The new partnership body should be capable of engaging effectively with Government and Regional Bodies on issues such as regional funding allocations;

3. The Agreement

- 3.1 A copy of the Agreement to establish the Joint Committee (known as the Leeds City Region Leaders' Board) is attached at Annex 1, the details of which have been agreed by City Region Leaders.
- 3.2 The Agreement provides a framework for the Board's operation. Detailed Standing Orders and other documentation dealing with operational matters will be formulated by the Board itself.

Voting Arrangements

- 3.3 The Board will be constituted on a 1 Member, 1 vote arrangement. Decisions will, therefore, be determined by a majority of the representatives present at any meeting.

Local Authority Obligations

- 3.4 Each Partner Authority will appoint their Leader to represent the Authority on the Board. In the event that a Leader cannot attend a meeting of the Board a senior member, such as a Deputy Leader or Executive Member will be allowed to substitute.
- 3.5 Although the Agreement provides for the Board to discharge the function of promoting the improvement of economic well being in the City Region this will not preclude or constrain member authorities from promoting economic well being in their own areas even where this entails the adoption of a position at variance with that of the City Region.

Panels

- 3.6 Whilst the Board will be empowered to appoint and delegate powers to sub-committees and officers, Leaders are of the view that all executive decision-making should be reside with the Board at first instance. Accordingly, it is likely that the Board will appoint theme-based Working Groups (to be referred to as Panels) to oversee specific city region work.

- 3.9 The Panels will be chaired by a member of the Board and will primarily comprise of Board Members/Member representatives, although senior representatives of relevant organisations may be invited to join them. The Panels will be able to establish multi-agency task groups to support them and the Board.

Review

- 3.8 The operation of the Agreement will be reviewed by the Board after twelve months and annually thereafter.

Support Services Authority

- 3.9 Leeds City Council will be the initial support services authority for the Board, continuing the existing City Region support arrangements.
- 3.10 The new arrangements for the Leeds City Region Leaders' Board are proposed to take effect on 1 April 2007. The first meeting of the Board will take place on 2 April 2007.

Consultation

4. All participating Partner Councils have been consulted on the proposed terms of the Agreement and the governance arrangements. All Partner Councils are in agreement with the proposals.

Options

5. The Executive can either recommend to Full Council that City of York Council enter into the Agreement as detailed in this report or may choose not to participate.

Analysis

6. Members are referred to the detail contained in the report to Urgency Committee on the 17 July 2006, which sets out the background to City Regions and the benefits of developing the City Region concept.

Corporate Priorities

7. The proposals detailed in this report assist in strengthening and diversifying York's economy and to improve the employment opportunities for residents by collaborating with Regional and Sub-Regional Partners in providing a complimentary approach to infrastructure provision, including new and improved transport/communication links, to generate new business activity.

8. Implications

- Financial

It is not envisaged that any additional resources would be required in the next financial year 2007/08, as ongoing arrangements can continue to be utilised. The Board will consider the longer-term resource requirements and it has been agreed that any future Council contributions should be in proportion to respective population levels as set out in the Agreement attached at annex 1.

- Legal

The Council has powers under Sections 101 and 102 of the Local Government Act 1972 and Part II of the Local Government Act 2000 to participate in a joint committee. These powers are recognised in Article 12 of the Council's Constitution which specifically authorises the establishment of joint committees with one or more local authorities.

The legal implications have been considered and legal officers are satisfied that the Agreement is one which the Council can enter into.

There are no Human Resources, Equalities, Crime and Disorder, Information Technology, Property or Other Implications.

Risk Management

9. There are no specific risks with the proposals contained in this report. The development of the Agreement and the activities of the Board will be kept under review.

Recommendations

10. The Executive are asked to recommend to Full Council that they approved the terms of the Agreement attached.

Reason: To enable the Council to play an active part in the development of the City Region agenda.

Contact Details

Author:

Chief Officer Responsible for the report:

Suzan Hemingway
Head of Civic, Democratic and
Legal Services
Chief Executive's Department
Tel No. 01904 551004

Suzan Hemingway
Head of Civic, Democratic and Legal Services

Report Approved

Date 23 January 2007

Specialist Implications Officer(s)

N/a

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Report to Urgency Committee on 17 July 2006 entitled 'Leeds City Region'

Annexes

Annex 1 - A copy of the Agreement to establish the Joint Committee (known as the Leeds City Region Leaders' Board)

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Annex 1

THIS AGREEMENT is dated the day of 2007 and provides
for an agreement BETWEEN

- 1) Barnsley Metropolitan Borough Council
- 2) City of Bradford Metropolitan District Council
- 3) Borough Council of Calderdale
- 4) Craven District Council
- 5) Harrogate Borough Council
- 6) Kirklees Metropolitan Council
- 7) Leeds City Council
- 8) North Yorkshire County Council
- 9) Selby District Council
- 10) City of Wakefield Metropolitan District Council
- 11) City of York Council

(The parties are hereinafter referred to collectively as “the Councils”)

WHEREAS

The Councils have agreed to establish a joint committee with a view to the promotion of economic growth, competitiveness and well being within the geographic area covered collectively by the Councils listed above (“the City Region”). In relation to North Yorkshire, this only applies to the geographical areas covered by Craven District Council, Harrogate Borough Council, and Selby District Council.

THIS AGREEMENT IS AS FOLLOWS:-

1. (a) In exercise of their powers under Sections 101 and 102 of the Local Government Act 1972, Part II of the Local Government Act 2000 and all other powers enabling them in that behalf, the Councils shall participate in a joint committee to be known as "The Leeds City Region Leaders' Board" (hereinafter referred to as "the Board") which shall be constituted and which shall conduct its business in accordance with the Procedure Rules / Regulations approved by the Support Services Authority as provided for in clause 4 and accepted by the Board.

(b) Each Council shall appoint one member of the Board who shall be its Leader for the time being.

2. (a) The Board is empowered to discharge on behalf of the Councils the function of doing anything it considers likely to achieve the promotion or improvement of the economic well being of the City Region together with such additional functions as the respective Councils may determine from time to time ALL WHICH said functions are hereinafter referred to as "the functions".

(b) The Board is empowered to arrange for the discharge of the functions or any of them by any Sub-Committee, including the determination of the composition and terms of reference of any Sub-Committee, or by an officer of the Councils so appointed and subsections (2) and (5) of Section 101 of the Local Government Act 1972 shall apply in relation to the functions of the Board as it applies in relation to the functions of the Councils PROVIDED that

any such Sub-Committee may only be appointed in accordance with Procedure Rules as already referred to in clause 1(a).

(c) The Board is empowered to set up such working parties (hereinafter referred to as Panels) for the purpose of providing advice to the Board on any matter and such Panels shall report direct to the Board and shall not have power to exercise on behalf of the Board any authority.

(d) A Panel shall comprise members of the Board or their representatives, and other such senior representatives of other organisations as may be co-opted onto the Panels by Agreement of the Board. A Panel may set up multi-agency task groups to advise the Panels and the Board.

3. Staff required for the purposes of carrying out the functions of the Board shall be employed by the Support Services Authority or seconded thereto as provided for in clause 4, subject to the requirements of the Board.

4. (a) Support Services as determined by the Board shall be provided by one of the Councils in accordance with arrangements agreed by the Councils.

(b) At the time of the making of this Agreement the Support Services Authority is Leeds City Council.

(c) If any conflict of interest shall arise in terms of the provision of support services by the Support Services Authority it shall be open to the Board to make alternative arrangements with one of the other Councils.

5. Until such time thereafter as the Councils may determine otherwise all revenue costs necessarily incurred by the Board in discharging the functions shall be shared by the Councils in the following percentage proportions:-

| | |
|-----------------|-------|
| Leeds | 25.9% |
| Bradford | 16.9% |
| Kirklees | 14.1% |
| Wakefield | 11.4% |
| Barnsley | 7.9% |
| Calderdale | 7.0% |
| York | 6.6% |
| Harrogate | 2.7% |
| Selby | 1.4% |
| Craven | 1.0% |
| North Yorkshire | 5.1% |

6. The Support Services Authority will cooperate with each Council by providing relevant information on request relating to the provision of support services.
7. (a) This Agreement shall come into force on the 1st day of April 2007 and shall continue in force until one year's notice in writing is given by any of the Councils to the Chief Executive of the Support Services Authority for the time being and to the Chief Executive of each Council expiring on the 31st day of

March in any subsequent year of the intention of that Council to withdraw from this Agreement.

(b) Upon receipt of such a notice from a Council to withdraw from this Agreement, the Councils shall determine terms for the withdrawal of that Council from this Agreement or for the termination of this Agreement and more particularly in relation to how future obligations and liabilities of the Board ascertainable prior to the withdrawal or termination shall be met by the Councils

(c) Subject to clause 8, notwithstanding the withdrawal of a Council from the Agreement, the Agreement will continue in respect of the other Councils.

8. Notwithstanding the provisions of Clause 7 hereof, if all the Councils remaining in membership of the Board at any particular time so agree, this Agreement may be determined or varied on the 31st day of March in any year upon terms agreed by all the Councils. In agreeing to determine the Agreement ,the Councils shall agree the terms for doing so including how obligations and liabilities of the Board ascertainable prior to the termination or subsequently arising shall be met by the Councils

IN WITNESS whereof the Councils have

SIGNED

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Executive

13 February 2007

Report of the Head of Civic, Democratic and Legal Services

RESPONSE TO THE RECOMMENDATIONS OF THE CONFIDENTIALITY AND TRANSPARENCY SCRUTINY PANEL

Summary

1. The implications of the recommendations presented to the Executive on 17th February (deferred from the Executive meeting on 7th February) have been considered.
2. This report contains officer comments on the implications of the recommendations.

Background

3. The Confidentiality and Transparency Scrutiny Panel final report was considered by the Executive on 17th February 2006. The report contained a number of recommendations that did not have an appraisal of the implications of approving them.
4. The Executive resolved to refer the report to the Chief Executive with a request that officers evaluate the resource and policy implications of the recommendations prior to the report being returned for further consideration by the Executive.
5. There has been some delay in undertaking the appraisal by officers due to the significant number of recommendations proposed (48 in total), staffing issues within the scrutiny team and that a number of the proposals were under consideration as part of the review of the Council's Constitution and needed to be considered in the context of implementation of the new arrangements.

Implications of the Recommendations.

6. These are set out in the annex attached to this report.

Consultation

7. Officers in have been asked to consider the recommendations of the Scrutiny Panel and submit their comments and observations.

Options

8. Executive are asked to consider the recommendations of the Scrutiny Panel having regard to the officer comments.

Analysis

9. The analysis of the recommendations is set out in the annex attached.

Corporate Priorities

10. The report puts forwards proposals to improve the Council's approach to Confidentiality and Transparency and, as such, promotes the Council's priority of improving leadership at all levels to provide clear, consistent direction to the organisation.

Implications

11. The Financial, HR, Equalities, Legal, Crime and Disorder, IT, Property or other implications are set out in the Annex attached.

Risk Management

12. There are no significant risk management issues in respect of the proposed recommendations.

Recommendations

13. Members are asked to consider the recommendations in the report of the Confidentiality and Transparency Scrutiny Panel and have regard to the officer comments in the annex attached to this report.

Reason: To ensure members are able to fully assess the implications of the Scrutiny Panel's recommendations

Contact Details

Author:

Suzan Hemingway
Head of Civic Democratic &
Legal Services

Tel (01904) 551004

Chief Officer Responsible for the report:

Suzan Hemingway
Head of Civic Democratic & Legal Services

Tel (01904) 551004

Report Approved

Date 2/2/07

Specialist Implications Officer(s)

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Final Report of the Confidentiality and Transparency Scrutiny Panel 17th February 2007

Annexes

Annex 1 – Officer comments on the Scrutiny Panel’s recommendations

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Annex 1

| | Recommendation | Comments |
|---|---|---|
| 1 | That the use of confidentiality in tendering and contracting for high-risk procurement is reconsidered as a topic for scrutiny within two years of the completion of the restructure of Property Services. | This recommendation, if approved would need to be referred to Scrutiny Management Committee for consideration in accordance with new agreed procedures for registration of new scrutiny topics. |
| 2 | The Panel recommends, in order to improve transparency of practice, that the opportunity of the Constitutional Review be taken to achieve consistent standing orders for all Council bodies, to establish conventions for Officer contributions to Committee business, and to review the terms of reference of the <i>Urgency Committee</i> . | Standing Orders and the terms of reference for the Urgency Committee have both been reviewed as part of the review of the Council's Constitution to achieve consistency where possible but recognising the quasi-judicial function of some committees. Officers will keep the operation of Standing Orders under review and propose changes where appropriate to members. The terms of reference for the Urgency Committee now includes a definition of decisions which are considered appropriate for consideration by this committee. |
| 3 | The Panel recommends, in relation to the <i>Statement of Community Involvement</i> , that a) The comments of individuals as well as groups be sought, and reasoned argument analysed b) Increased 'marketing' of the consultation exercise be undertaken, to improve response rates | The Statement of Community Involvement (SCI) has been finalised and the comments of the panel were considered. a) The SCI relates to both individuals and groups setting the standards of engagement for all b) With any consultation exercise the Council endeavoured to maximise the response rate. The level and form of consultation reflected the resources available. The document is subject to three stages of |

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| | <p>c) Established representative groups be targeted, but with clear invitations to respond being extended to the widest range of interested parties</p> <p>d) The communication networks of city employers be used, to encourage employees to participate as individuals or groups, at their choice</p> <p>e) The use of independent facilitators be encouraged for consultations on specific schemes</p> <p>f) The public benefit of <i>S106 agreements</i>, both locally and city-wide, be clearly articulated in the presentation of planning decisions</p> <p>g) That the disbursements and outstanding balances of <i>S106 agreements</i> be shown in the financial accounts at the fiscal year end and published in the local press</p> | <p>consultation, when this is considered over five documents it equates to 15 consultations within 3 years.</p> <p>c) Agreed - this has been done</p> <p>d) Agreed – this has been done.</p> <p>e) This has been used on a number of major schemes such as Castle Piccadilly and Hungate but has resource implications that would need to be considered in each case.</p> <p>f) This can be done but must be in the context of commercial sensitivity and would need to take into account the provisions of the Local Government Act 1972 Schedule 12 (as amended).</p> <p>g) In line with the accounting Statement of Recommended Practice these figures are already provided. For 2005/06 they are shown as Developers Contributions at Note 24 to the Consolidate Balance Sheet on page 63 of the annual Statement of Accounts. From these figures it can be shown that:</p> <table data-bbox="1131 1241 1579 1353"> <tr> <td></td> <td style="text-align: right;">£'000s</td> </tr> <tr> <td>Opening Balance</td> <td style="text-align: right;">2,770</td> </tr> <tr> <td>In Year Expenditure</td> <td style="text-align: right;">-2,336</td> </tr> </table> | | £'000s | Opening Balance | 2,770 | In Year Expenditure | -2,336 |
| | £'000s | | | | | | | |
| Opening Balance | 2,770 | | | | | | | |
| In Year Expenditure | -2,336 | | | | | | | |

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| | <p>h) The inclusive engagement of the public in the planning process be developed through improved communication by the Council, especially through a <i>'No Surprises' policy</i>.</p> | <p>In Year Income <u>3,273</u> 3,707</p> <p>The Council's Statement of Accounts are considered by Full Council and are available to residents and other stakeholders either in a printed form (for which a small charge is normally levied) or via the council's website. In addition, each year a public notice is placed inviting individuals to inspect the accounts, such queries could include the breakdown of developers contributions which are currently held of have been applied. As such the publication of additional isolated details is not supported at this time.</p> <p>h) Agreed but suggest this is addressed through a review of procedures undertaken for processing planning decisions rather than developing an additional policy.</p> |
| 4 | <p>The Panel recommends that, in relation to high-profile planning applications</p> <p>a) The Development Control department publish the criteria for reference, by any party, of such applications to <i>Government Office</i> for determination</p> <p>b) Public education in the planning process be sustained</p> | <p>a) The Secretary of State has the power to call in planning applications. It is entirely within his discretion whether or not an application is called in although there are several categories which are liable. This may make it difficult to produce a definitive criteria.</p> <p>b) Agreed, however this will have HR & Finance resource implications.</p> |

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| | <p>c) The professional role of Development Control officers be carefully explained when formal and informal advice is given to applicants, and when planning committees receive advice</p> <p>d) Members should declare, at Committee, their other relevant Committee memberships</p> | <p>c) Agreed</p> <p>d) Members are required to make declarations of any personal or prejudicial interest at the commencement of any committee meeting. However, membership of another committee does not of itself represent a personal or a prejudicial interest. Such additional declaration could lead to confusion as to the nature of the declaration. Membership of committees is a matter of public record and is now more widely available to the public through the electronic committee management system which publishes this information on the Council's web site.</p> |
| 5 | <p>The Panel recommends that, in relation to current developments in the planning system,</p> <p>a) The City of York Council accord to the completion of the <i>Local Development Framework</i> the first priority, in order to achieve the essential robust and stable planning environment for the city</p> <p>b) Local area development plans and management plans should be expected to preclude new proposals arising only from unanticipated funding allocations</p> <p>c) The Executive Member for Resources should not be a</p> | <p>a) Agreed</p> <p>b) "Unexpected" proposals arising out of unanticipated funding allocations will be determined in accordance with the existing planning policy framework.</p> <p>c) Any member of any committee is required to consider</p> |

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| <p>member of any planning committee</p> <p>d) Development in which the Council has an interest should continue to be considered under identical processes to those covering private interests</p> <p>e) The importance attached to design quality should be reinforced by the appointment of an independent professionally qualified <i>Design Champion</i> for York.</p> <p>f) Performance monitoring should include systematic surveys of regular users of the planning system.</p> <p>g) If as a result of the Government's consultation on planning fees, the level of fees is raised, the income from this should be 'ring-fenced' for the processing of</p> | <p>what, if any, declarations need to be made at the commencement of any committee meeting. In addition members must also consider whether there is previous involvement in a matter such that they may be deemed to have "prejudged" the issue. It is therefore dealt with on a case by case basis.</p> <p>Whilst this may be more pertinent for certain members in certain roles eg the Executive Member for Resources in a planning context it applies equally to all members. As such to ensure consistency the Council could not implement this recommendation without undertaking a review of membership of all committees. This may impact on the ability of minority parties to participate in committee decisions.</p> <p>d) Agreed</p> <p>e) Agreed, this has been successfully pursued by other important historic cities such as Edinburgh. If this recommendation is approved it will need to be considered and approved by Full Council</p> <p>f) Agreed this should include plan making as well as development control.</p> <p>g) The Head of Finance advises that the ring fencing of income in this manner should not be supported. While the local development framework is undoubtedly an</p> |
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| | <p>applications, compliance and enforcement of planning conditions.</p> | <p>important requirement for York, as with any service area its funding needs to be considered and assessed against the other pressures and priorities which the council faces in the short to medium term. Such decisions need to be undertaken as part of the council's annual budget process. It should be noted that at its meeting on 16th January 2007 the Executive recommended to council that the 2007/08 to 2009/10 budgets should contain the following additional funding for the local development framework and related works.</p> <table border="1" data-bbox="1131 614 1935 837"> <thead> <tr> <th></th> <th>2007/08 £'000s</th> <th>2008/09 £'000s</th> <th>2009/10 £'000s</th> </tr> </thead> <tbody> <tr> <td>LDF</td> <td>149</td> <td>227</td> <td>224</td> </tr> <tr> <td>York Central/ British Sugar Sites</td> <td><u>75</u></td> <td><u>105</u></td> <td><u>65</u></td> </tr> <tr> <td>Total</td> <td>224</td> <td>332</td> <td>289</td> </tr> </tbody> </table> | | 2007/08 £'000s | 2008/09 £'000s | 2009/10 £'000s | LDF | 149 | 227 | 224 | York Central/ British Sugar Sites | <u>75</u> | <u>105</u> | <u>65</u> | Total | 224 | 332 | 289 |
|--------------------------------------|---|--|-------------------|-------------------|-------------------|-------------------|-----|-----|-----|-----|--------------------------------------|-----------|------------|-----------|-------|-----|-----|-----|
| | 2007/08 £'000s | 2008/09 £'000s | 2009/10 £'000s | | | | | | | | | | | | | | | |
| LDF | 149 | 227 | 224 | | | | | | | | | | | | | | | |
| York Central/ British Sugar Sites | <u>75</u> | <u>105</u> | <u>65</u> | | | | | | | | | | | | | | | |
| Total | 224 | 332 | 289 | | | | | | | | | | | | | | | |
| 6 | <p>The Panel recommends in relation to presentations</p> <p>a) That the Council's Code of Good Practice for Planning Committee Members be reviewed by Planning Committee (with appropriate input from <i>Standards Committee</i>), as part of the Constitutional Review</p> | <p>a) This was not included in the Review of the Constitution but could be undertaken by Democratic Services in conjunction with planning officers. Standards Committee should be consulted to ensure any amendments to the Code are in line with the Members' Code of Conduct which is also likely to be amended shortly.</p> <p>If this recommendation is approved there will be resource implications for both Democratic Services and</p> | | | | | | | | | | | | | | | | |

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| | <p>b) That where a presentation is given in support of an application, it should also be open to non-participating observers</p> <p>c) Where the developer has made a presentation to the Planning Committee an opportunity should be afforded to objectors to arrange a comparable presentation by objectors.</p> | <p>City Strategy in terms of allocation of officer time to undertake the review.</p> <p>b) Agreed</p> <p>c) This would be difficult to facilitate given that there is a limited number of applicants who usually have professional representatives whereas there are often a large number of objectors who are rarely represented. The purpose of such presentations is to enable applicants to clarify details of complex applications and it is agreed that recommendation 6 (b) is therefore appropriate. However, if this recommendation is implemented it would create an adversarial approach to such presentations which could become akin to the public inquiry process which is a separate procedure.</p> |
| 7 | <p>The Panel recommends, arising from its consideration of the Brief and outcomes at the Rawcliffe Grange site</p> <p>a) That a Development Brief, adopted as Supplementary Planning Guidance, should be required for all sites where development may be undertaken in stages</p> <p>b) That Development Briefs should have the involvement of all relevant officers to ensure that the brief is robust</p> | <p>a) Planning briefs are more generally prepared for all major sites in the City. If Members wish more briefs to be prepared then sufficient resources will be needed to facilitate this work.</p> <p>b) Agreed. A “development team” approach is adopted in preparing planning briefs that involve all relevant officers from the outset through to planning submission</p> |

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| <p>c) That the current (November 2005) definition of ‘<i>pepper-potting</i>’, as described above, should be applied to all developments</p> <p>d) That Supplementary Planning Guidance be developed and adopted as regards energy and water efficiency in new dwellings, to incorporate measures to reduce the use of energy during construction and during the lifetime of the building</p> <p>e) That the Council’s Development Control department define the difference between socio-economic sustainability and energy efficient sustainability, as part of the ‘Sustainable City’ objective as set out in the Council Plan, and publicise the definitions</p> <p>f) That the boundary between any proposed development and existing properties should be considered carefully and developed in such a way as to define responsibilities for maintenance</p> | <p>and beyond.</p> <p>c) Pepper potting is already applied to all substantial developments as included within the CYC Affordable Housing Advice Note, June 2005 and as required with the Affordable Housing Plan.</p> <p>d)We are in the process of producing guidance to support the Local Plan Policy on Sustainable Design and Construction. This will also be covered within the LDP</p> <p>e)This task ought to be undertaken by the Council’s sustainability officer. Any definition should reflect the definition of sustainability set out in PPS 1 and “Securing the Future” the government’s national strategy. This should clarify the different strands (social, economic, environmental and resource efficiency) that make up the definition of sustainable development.</p> <p>f) Agreed – maintenance should be clearly addressed in any development brief. For major sites one key person is responsible for overseeing the process and managing relationships between the developer (s) and the local residents/businesses. This the approach that has been taken to sites such as Germany Beck, Metcalfe Lane and Heslington East. In addition community liaison groups have also been sent up in these cases.</p> |
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| | <p>g) That the density of new developments should be detailed in the Development Brief, and that such densities should be adhered to. Whilst recognising the requirements of PPG3 all new development should blend in with the surrounding area, rather than meet the requirements of PPG3 and be inappropriate</p> <p>h) That for any development requiring a Development Brief, a Liaison Panel be required. This should detail one key person responsible for overseeing the process and managing relationships between the developer(s) and the local residents/businesses. This person should be nominated by the Director with responsibility for Development Control, and should be independent of the Case Officer</p> <p>i) That the Area Enforcement Officer should be involved in the determination of the various conditions recommended by officers, to ensure enforceability. The Area Enforcement Officer should also be in attendance at relevant planning committee meetings to advise on any modifications or original conditions that members might suggest.</p> | <p>g) A development brief can clearly set minimum densities and in some cases maximum to reflect known constraints but it would be inappropriate to include an exact figure. The density of any development is the product of detail consideration of all the factors relating to urban design. This can only be done at the Master Planning stage.</p> <p>h) Agreed. This is currently nominated through the City Development projects team who co-ordinates a cross directorate project working group and liaises directly with the developer and agents.</p> <p>i) Agreed</p> |
| 8 | <p>The Panel recommends that, in the course of the Constitutional Review,</p> <p>a) The availability of the <i>Whistle-blowing</i> Policy of April 2005 should be publicised</p> | <p>a) The Council's whistle blowing policy is to be the subject of further review and will be re-published</p> |

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| | <p>b) There should be a <i>Whistle-blowing</i> Policy specific to members of the public</p> <p>c) There should be specifically designated <i>whistle-blowing</i> advisers to whom the complainant can be addressed. There should be at least one adviser per Directorate</p> <p>d) There should be additional procedures for Elected Members, consistent with the objectives of the Public Interest Disclosure Act 1998</p> <p>e) Such procedures should be cross-referenced to the <i>Whistle-blowing</i> and Complaints procedures.</p> <p>f) The annual report referred to in the <i>Whistle-blowing</i> Policy should be submitted to both Personnel Committee and <i>Standards Committee</i>.</p> | <p>through employee newsletters including reference to its basic content and where the procedure can be accessed.</p> <p>b) This can be considered as part of the further review and this work is now ongoing.</p> <p>c) The current policy includes the names and designation of officers to whom whistle blowing complaints can be made.</p> <p>d) The procedure already applies to Elected Members.</p> <p>e) As part of the review of the Complaints Procedure and the further review of the Whistle blowing procedure consideration can be given to how to cross reference the two procedures but also having regard to the need to ensure that the public have clarity about how to raise any concerns.</p> <p>f) Agreed the Constitution can be amended to require an annual report to Standards Committee and possibly to Audit and Governance Committee.</p> |
| 9 | <p>The Panel recommends that</p> <p>a) An approach similar to that of the HR Strategy be</p> | <p>a) The Council has, through the development of its</p> |

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| | <p>adopted by other Directorates in developing their forward plans</p> <p>b) Personnel Committee review the arrangements for officer induction, and for the provision of a staff handbook setting out approved Council-wide policies, additional to material provided by individual directorates.</p> | <p>corporate strategy, identified 13 priorities one of which is to improve leadership at all levels to provide clear, consistent direction to the organisation. The Council champion for this priority will be developing a corporate set of values and behaviours as part of the Delivery and Innovation Plan (DIP) for this priority.</p> <p>b) The employee induction process has been reviewed and includes activity at both Corporate and Directorate levels. Compilation of a staff handbook is on-going as the council's review of HR policies and procedures is being undertaken.</p> |
| 10 | <p>The Panel recommends that</p> <p>a) An agreed form of value system on the lines of the key themes of the HR Strategy be adopted by the Corporate Leadership Group, to give coherence to this work</p> <p>b) Progress be reviewed in the course of the <i>Ethical Audit</i>, to be undertaken by the <i>Standards Committee</i> following the completion of the Constitutional Review.</p> | <p>a) See officer response to recommendation 9(a) above.</p> <p>b) Agreed</p> |
| 11 | <p>The Panel recommends that the key themes of the HR Strategy be expanded into a Council statement of values, and applied to arrangements concerning the three groups affected by the Council's business - Members, officers and the public. These themes need to be clearly presented and publicised.</p> | <p>The key themes from the HR Strategy provide the guiding principles for the development of the employment framework. The themes identified should be considered in the context of the Council priority identified in the officer response to recommendation 9(a) and incorporated where appropriate into the DIP.</p> |

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| 12 | The Panel recommends that a future scrutiny be undertaken to examine the transparency of the activity which precedes the formulation of Council policy. | This recommendation if approved would need to be referred to Scrutiny Management Committee for consideration in accordance with new agreed procedures for the registration of new scrutiny topics. |
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Meeting of the Executive

13 February 2007

Report of the Head of Civic, Democratic & Legal Services

2nd Annual Progress Report: Implementation of Recommendations from the Executive following the Final Report of the Flood Scrutiny Panel report 2004

Summary

1. Members of the Executive are asked to consider a progress report on the implementation of recommendations they agreed in September 2004 in regard to flood prevention work and to decide if they wish to receive future annual updates in September/October each year.

Background

2. In December 2006 Scrutiny Management Committee (SMC) considered a 2nd progress report on the implementation of the actions agreed by the Executive in September 2004 and October 2005, in relation to the final report of the Flood Scrutiny Panel from August 2004.
3. This 2nd progress report included a table (shown at Annex A) giving the following information:
 - the position in respect of the implementation of the recommendations at the time of the first annual update report to Executive in October 2005;
 - the resolutions made by the Executive in October 2005;
 - information on the current position.

Consultation

4. In line with its scrutiny monitoring role, Scrutiny Management Committee considered the report and noted that the Executive request for an annual update to the then appropriate Executive Member was still outstanding. In view of this, Members felt that the Executive should be re-consulted on this aspect of their specific recommendations. As such, SMC endorsed the suggestion from the former Chair of the Floods Scrutiny Board that any annual update should in the future be the responsibility of the Executive in view of the multi-departmental impact of flooding issues. It was further suggested that such annual review be submitted to the Executive prior to the annual OFERG meeting held annually during September/October.

Options

5. Further to the monitoring requirement placed upon scrutiny by recommendation 21 (see Annex A) and in view of the multi-departmental impact of flooding issues, Members of the Executive may wish to consider whether future annual updates should be considered either by the Executive or be the responsibility of the Executive Member for Neighbourhood Services (who, under the new constitution has delegated authority to 'consider reports in relation to river flooding and approve schemes for implementation of any necessary changes').

Analysis

6. Members of the Executive may wish to note in particular that this years annual update report to EMAP has not taken place most likely as a result of the constitutional changes made this year to the decision making structure. SMC have referred this report to the Executive by means of resolving this omission and putting in place arrangements for handling the process in the future.

Corporate Objectives

7. This update report may be considered to support the following Corporate Priorities;
 - Improve leadership at all levels to provide clear, consistent direction to the organisation
 - Improve the way the Council and its partners work together to deliver better services for the people who live in York

Implications

8. There are no known Financial, HR, Equalities, Legal, Crime and Disorder, Information Technology or Other implications in relation to this update report.

Risk Management

9. There are no known Risk Management implications associated with this update.

Recommendations

10. Members are asked to note the current update considered by SMC and consider whether they wish the Executive Member for Neighbourhood Services or the Executive itself to receive an annual update in future years (in line with the measures previously agreed by the Executive in October 2005 in relation to the Floods Scrutiny review).

Reason: To ensure the multi-departmental impact of flooding issues is monitored annually and addressed as appropriate

Contact Details

Author:

Dawn Steel
Democratic Services Manager
Democratic Services
Tel No. 01904 551030

Chief Officer Responsible for the report:

Suzan Hemingway
Head of Civic, Democratic & Legal Services

Melanie Carr
Acting Scrutiny Officer
Democratic Services/Scrutiny
Tel No. 01904 552063

Report Approved

Date 12/01/2006

Wards Affected: All

For further information please contact the author of the report

Annex A – Table giving progress to date in regard to recommendations previously made.

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ANNEX A

| Recommendations of the Flood Scrutiny Board | Position at the update to Executive October 2005 | Executive Resolution – where made - at their meeting 11/10/05 | Update and/or further information at 11/12/06: |
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| <p>Recommendation 1. That the Emergency Planning Co-ordinator produce a Flood Procedures Awareness training session for Councillors, and Councillors (especially those in formerly directly affected Wards) commit to this training. Officer/Department Emergency Planning</p> | <p>Circulated to all members through the group secretaries. Two meetings were run on the 12th and 19th November 2004. 14 councillors attended. On-going</p> | <p>that Officers consider how Flood Procedures Awareness training can be included in future Member training, such as that received by new Members.</p> | <p>In response to the Executive resolution Member Support will be providing a general overview of Emergency Planning by means of short presentation (Barry Kelly) at the Members Induction session upon election. In addition a dedicated Member Training Session on Flood Awareness is being built into the member training programme for 2007 and is scheduled to take place in June/July in order to give newly elected members the opportunity to benefit from the session.</p> |
| <p>Recommendation 2. That the Chief Executive write to the Chief Superintendent of North Yorkshire Police (Head of Silver Command York) recommending that;</p> <ul style="list-style-type: none"> • The role and responsibilities of Silver Command be better publicised to the citizens of York and its environs at the start of a flooding event. • Councillors receiving awareness training (see Recommendation 1), are briefed regarding the role of the police in relation to emergency operations, especially in respect of flooding; possibly including a visit to Silver | <p>Letter sent on 5th November 2004. This action was superseded by the introduction of Civil Contingencies Act and duty to Warn & Inform the public during emergencies. This is a multi agency forum led by City of York Council Marketing & Communications Dept. The duty also includes a requirement to publish material relevant to emergencies and will cover the role of Silver Command. On-going</p> | <p>that Members be updated when changes to the role of Silver Command occur.</p> | <p>Changes to Silver Command will not occur as Silver Command is a defined structure. Section C2, 2.1 of the Emergency Handbook, describes Silver Command, and its place within the broader command and control context. Please note with regard to public awareness that information regarding the role of 'Silver Command' is now published and in the public domain through the Joint Emergency Response Major Incident Plan (JERMIP) which is available as a hard copy in libraries and is due to be available on the website www.nysp.org.uk soon. What the public will probably require at the time of any future "major incident" – i.e. one requiring Silver Command to convene – is a press release reminding them who Silver</p> |

| Recommendations of the Flood Scrutiny Board | Position at the update to Executive October 2005 | Executive Resolution – where made - at their meeting 11/10/05 | Update and/or further information at 11/12/06: |
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| Command Head Quarters York Officer/Department Chief Executive | | | Command are and what their role in responding to an incident is. |
| <p>Recommendation 3. That the Emergency Planning Co-ordinator further develop communications links with the Parish Councils and other such minor Statutory bodies consulted and proven to be likely to assist in a response, to ensure that those needing to contact the Council at a certain level of management can do so, without affecting the efficiency of the York Flood Information Line. This measure should increase the efficiency of spotters in affected areas.</p> <p>Officer/Department Emergency Planning</p> | <p>Action 19 also refers. The CYC River Flood Plan provides the mechanism for direct telephone access for the exchange of information. Additionally Internal Drainage Boards (IDB) are updated via officers from York Consultancy on issues affecting their area when the multi agency trigger levels are reached. They are also represented on the review panel for the Multi Agency Plan. Completed by Oct 2005.</p> | <p>that it be noted that the Environment Agency is upgrading its telemetry stations, which will improve the accuracy and timeliness of information on river levels and that the Flood Warning Investment Strategy approved by DEFRA will also improve the passing of information, and that Officers be asked to brief Members on how this will impact on York.</p> | <p>Please note that the Environment Agency (EA) now offers an early warning system to those householders at risk of flood who register/sign up to the service. This can be done by phoning the EA Floodline on 0845 988 1188 to find out if you can register for Floodline Warnings Direct,. The free service provides flood warnings direct by telephone, mobile, fax or pager. It also provides practical advice on preparing for a flood, such as installing personal flood defences and making a flood plan and what to do if one happens. This is a National initiative available to anyone at risk of flooding to sign up to. More information regarding the service can be found via the EA website; www.environment-agency.gov.uk</p> |
| <p>Recommendation 4. That the Executive Member and Director for Commercial Services, undertake a review of all working practices, to ensure that they comply with the Health & Safety Regulations expected of such a working environment and that measures – including model scenario risk analysis and training of core long term staff – are undertaken to guarantee the same standard of</p> | <p>Reported on by Commercial Services via EMAP Completed by Oct 2005.</p> | <p>No further action required after Oct 2005 update</p> | |

| Recommendations of the Flood Scrutiny Board | Position at the update to Executive October 2005 | Executive Resolution – where made - at their meeting 11/10/05 | Update and/or further information at 11/12/06: |
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| practice in Flood Emergency situations. Officer/Department Commercial Services | | | |
| Recommendation 5. That the Emergency Planning Co-ordinator report back to the Executive regarding the review of potential locations for emergency rest centres. This information should be maintained on a database, and reviewed annually so as to support the provision of facilities that are more localised when need be. Officer/Department Emergency Planning | Community Services now maintain a list of premises utilising parish and church halls in all ward areas. 24hr contact and activation is inbuilt into the lists. Lists are reviewed every two years by Community Services. The lists are incorporated into the CYC Rest Centre Plan. This work is ongoing and a report back is required Completed by Oct 2005. | that it be recommended that the list of parish and church halls be updated annually rather than every two years - this might be co-ordinated with Electoral Services, who maintain a list of possible polling stations in similar venues. | The Emergency Planning Co-Ordinator advises that the review of the parish facilities has been completed for this year as part of the bi-annual rolling programme. The review is the responsibility of Adult Services. The Emergency Planning Co-Ordinator would like it to be noted that the Parish facilities are only ever used within the context of a major flood incident such as that of 2000 and have not been called upon since this date. Such facilities are therefore categorised as ‘respite’ facilities rather than ‘rest centres’ and given their status bi-annual review rather than annual review is a better use of resources. |
| Recommendation 6. That the Chief Executive be directed to write to the Chief Executive of the Environment Agency, expressing disappointment at the timescale of the strategy produced and seeking more detailed information regarding measures proposed to protect York, especially those currently undefended areas, both within the strategy, and while the strategy is being developed. Officer/Department Chief Executive | Letter sent to Dame Barbara Young on 4 th January 2005. There is no record of a direct response to this action but it links into actions 12 & 18 that have received a response. Completed by Oct 2005. | No further action required after Oct 2005 update | |
| Recommendation 7. | Yorkshire Water confirmed on the | No further action required | |

| Recommendations of the Flood Scrutiny Board | Position at the update to Executive October 2005 | Executive Resolution – where made - at their meeting 11/10/05 after Oct 2005 update | Update and/or further information at 11/12/06: |
|---|--|--|---|
| <p>That the Head of Engineering Consultancy;</p> <ul style="list-style-type: none"> • Receive the feedback reports generated after investigative works in Rawcliffe and Copmanthorpe, as per Yorkshire Water Service's (YWS) commitment to report back on completion of the investigative work currently in progress (Floods Scrutiny Panel 26th May, 2004). • Present the feedback reports from YWS to the Executive Member for Environment & Sustainability. <p>Officer/Department Engineering Consultancy</p> | <p>20th January 2005 in a written response to the Head of Engineering Consultancy that the investigation was complete and the conclusions reached was to adjust the flow control from the incoming sewers. This will improve the transfer flow and prevent surcharges of foul water. Report back to the Executive Member is completed. Completed by Oct 2005.</p> | | |
| <p>Recommendation 8. That the Emergency Planning Co-ordinator contact the Director, Waste Water Division, YWS, and the Clerk of the IDBs advising of the Panel's concerns at the apparent lack of communication between YWS and the IDBs. Officer/Department Emergency Planning</p> | <p>Contact with YWS has been through their emergency planning officer and the local area management. The unit acts as a conduit for resolving issues as they arise. Both the Internal Drainage Boards and Yorkshire Water Services are represented on the multi agency review panel that meets annual, this is used as a forum not only for building relationships and confirming planning arrangements but also problem solving across the multi agency membership. The arrangement appears to be</p> | <p>That it be noted that Yorkshire Water's plans will be integrated with the Ouse Catchment Flood Management Plan.</p> | <p>Since the last update Members are requested to note that in March 2005 the Environment Agency took the decision to exercise their powers to Enmain all the critical ordinary water courses – i.e. Blue Beck, Germany Beck, Burdike, Tanghall etc – which featured in the 2000 flood event. This has subsequently reduced the role of the IDB's in this matter. The IDB's will however still maintain their seat on the annually convened Operational Flood Emergency Response Group (OFERG).</p> |

| Recommendations of the Flood Scrutiny Board | Position at the update to Executive October 2005 | Executive Resolution – where made - at their meeting 11/10/05 | Update and/or further information at 11/12/06: |
|---|--|--|--|
| | producing the desired result. Procedures in place | | |
| <p>Recommendation 9. That the Emergency Planning Co-ordinator be requested to liaise with York Citizens Advice Bureau to confirm the existence and remit of the plan, with a view to incorporating the relevant sections into City of York Council's flood response plan, where applicable. Officer/Department Emergency Planning</p> | <p>Management within Citizens Advice Bureau has changed and the new manager Rosemary Suttill is now taking this forward as of 1st September 2005. As yet there is no definitive action plan or specific material in place. CYC EPU will work with CAB to progress where possible. There is also scope to link this with the Recovery Group as outlined in the CYC River Flood Emergency Plan but until such time as something firm is presented this will remain an open item. Meeting arranged for 8th September 2005. On Going</p> | <p>that the Council's representative on the CAB Board be asked to complete Recommendation 9.</p> | <p>Citizens Advice Board have been in consultation with the Flood Recovery Group and have been integrated in respect of planning arrangements.</p> |
| <p>Recommendation 10. That the Chief Executive seek information as to the final accounts as regards this disaster fund, and enquire as to the disbursement of the balance. Officer/Department Chief Executive</p> | <p>The fund remains active but has only made one payment of £500 to-date in 2005. The fund started the 2005/2006 financial year with a balance of £39,220.+ interest payable.</p> | <p>No further action required after Oct 2005 update</p> | |
| <p>Recommendation 11. That the Chief Executive write to the Director-General of the Association of British Insurers (ABI), expressing the Council's concerns at the inequality of treatment of residents, and the ABI's seeming reluctance to address the problem with its members.</p> | <p>Letter sent on 6th January 2005. Reply received on the 25th January advising that the ABI cannot influence the decisions of its members. Completed by Oct 2005.</p> | <p>No further action required after Oct 2005 update</p> | |

| Recommendations of the Flood Scrutiny Board | Position at the update to Executive October 2005 | Executive Resolution – where made - at their meeting 11/10/05 | Update and/or further information at 11/12/06: |
|---|---|---|--|
| Officer/Department Chief Executive | | | |
| Recommendation 12. That the Executive instruct the Chief Executive to write to the local MPs, seeking assistance in lobbying the Government to ensure an adequate funding stream for future improvements. Officer/Department Chief Executive | Letter sent on 6 th January 2005. Responses received from John Greenaway, Anne McIntosh & Hugh Bayley supporting the initiative. Completed by Oct 2005. | that Officers be asked to re-issue the letter to MPs (recommendation 12) to John Grogan, so that his responses can be included. | The letter to John Grogan MP was re-issued, John Grogan's office responded and Members of the Executive were circulated with a copy of the response. |
| Recommendation 13. That the Executive Member lead the campaign for a full position for York on the Regional Flood Defence Committee. Officer/Department Executive | The Regional Flood Defence Committee was enlarged in July 2005. There was an additional place for a local authority representative. This meant that due to relative sizes of population North Yorkshire went up to a full place, plus a shared place with York. They have elected to give that place to York for the next four years. Subsequent representation is subject to future discussion. Completed by Oct 2005. | that it be noted that York has a full place on the Regional Flood Defence Committee for the next four years (Recommendation 13), as North Yorkshire County Council have 'shared' their joint place in this way. | No further action/update required until 2009. |
| Recommendation 14. That the Executive appoint an officer as a liaison with the National Flood Forum, and that the officer report initiatives back to the Executive Member for Environment & Sustainability. Officer/Department Executive | The Head of Engineering Consultancy, Ray Chaplin has liased with the National flood Forum Completed by Oct 2005. | No further action required after Oct 2005 update | |
| Recommendation 15. That the Chief Executive contact the Regional Media Emergency Forum, to discuss | Letter sent to Wendy Miller, govt News Network on 5 th January 2005. Completed by Oct 2005. | that Officers be recommended to follow up Recommendation 15 in | The Head of Marketing & Communications advises that this was raised with the North Yorkshire Local Regional Forum Media (Nylrf) |

| Recommendations of the Flood Scrutiny Board | Position at the update to Executive October 2005 | Executive Resolution – where made - at their meeting 11/10/05 | Update and/or further information at 11/12/06: |
|---|---|--|---|
| <p>the needs of the media, and ways in which these could be more effectively managed in emergency situations. Officer/Department Chief Executive</p> | | <p>conjunction with the Flood Warning Investment Strategy.</p> | <p>Sub-Group and discussion on the issue fed into the Nylrf media plan and the Warning and Informing Sub-Group. The Warning and Informing sub-group reported back to the strategic Nylrf group in May 2006 and have been merged with the media group, on which the Head of Marketing and Communications sits.</p> |
| <p>Recommendation 16. That the Head of Marketing and Communications liaise with the local radio stations, to establish a protocol for dissemination of information during an emergency, from both City of York Council and external agencies. Officer/Department Marketing & Communications</p> | <p>Arrangements are in place with all news outlets for reporting major flooding events within York. This action links into national & regional multi agency work – Connecting in a crisis and the North Yorkshire County Media Plan. It also links with the Civil Contingencies Act – Warning & Informing (see action #2) Completed by Oct 2005.</p> | <p>No further action required after Oct 2005 update</p> | |
| <p>Recommendation 17. That the Emergency Planning Co-ordinator review the role of the Internal Drainage Boards within both the Operational Flood Emergency Response Group (OFERG) and Silver Command structures, with a view to making more seamless integration of the capabilities of the Boards. Officer/Department Emergency Planning</p> | <p>A review has been undertaken. Existing arrangements are considered adequate at this time. <i>(see also remarks - action 3)</i> Completed by Oct 2005.</p> | <p>No further action required after Oct 2005 update.</p> | <p>For information see also update to situation regarding recommendation 8.</p> |

| Recommendations of the Flood Scrutiny Board | Position at the update to Executive October 2005 | Executive Resolution – where made - at their meeting 11/10/05 | Update and/or further information at 11/12/06: |
|---|---|--|--|
| <p>Recommendation 18. That the Chief Executive write to the Environment Minister Elliot Morley expressing concern about the impact of the current cost benefit criteria on progressing flood protection schemes, and the adverse effect that the fragmentation of responsibilities is having on the delivery of a comprehensive flood defence strategy.</p> <p>Officer/Department Chief Executive</p> | <p>Letter sent on 6th January 2005. No record of a reply but a response to Action12 was directed to Elliot Morley which has been copied to the CEX. Response linked to Action 12</p> | <p>No further action required after Oct 2005 update</p> | |
| <p>Recommendation 19. That the Emergency Planning Co-ordinator contact all Parish Councils, with a view to assisting them in creating Community Emergency Plans, to assist in any future incident</p> <p>Officer/Department Emergency Planning</p> | <p>Letters were sent in November 2004 to all parish councils. A number of parish councils expressed an interest and the Emergency Planning Co-ordinator attended parish meetings. Take up of the offer to assist has been accepted by 3 parish councils resulting in a second generation version of the plan being developed to make it more relevant under the Civil Contingencies Act requirements. The Naburn Parish plan is complete and ready for launch and work is progressing on the build for New Earswick Parish. The Rawcliffe Parish plan is currently under revision to convert to the new version and the Skelton Parish plan will also require review. Elvington Parish Council has expressed an interest in</p> | | <p>The Emergency Planning Officer advises that, a template was created by the Emergency Planning Unit (EPU) CYC to support the Parishes in the creation/development of their own Emergency Plan(s). New Earswick, Naburn and Rawcliffe have worked with the EPU and have submitted plans using the supporting template, Skelton had previously created a plan and this has been submitted to the EPU, Elvington have notified the EPU that they have a plan but have not submitted a copy. The Parish Plan template created was designed to be a generic model for use in any Emergency Scenario. It should be noted however, that the Parishes who have produced such plans due to their geographic characteristics and the effects of the 2000 event have concentrated largely on the plans been supportive in the event of any future major flooding event.</p> |

| Recommendations of the Flood Scrutiny Board | Position at the update to Executive October 2005 | Executive Resolution – where made - at their meeting 11/10/05 | Update and/or further information at 11/12/06: |
|---|---|---|---|
| | developing a local plan and we are awaiting further contact. The majority of parish councils did not respond to the letters sent. On-going | | |
| <p>Recommendation 20. That the Environment EMAP conduct a review of the implementation of the Panel's recommendations within six months, with an annual review thereafter of the works ongoing to respond to flooding in the City.</p> <p>Officer/Department Environment EMAP</p> | <p>Report back to the Executive on the 11th October 2005 Part 1. Completed by Oct 2005. Annual Review ongoing</p> | | <p>Annual Review date elapsed for 2006 without an update to the Executive/EMAP. Please note the recommendations to SMC of this report.</p> |
| <p>Recommendation 21. That this report, together with such subsequent documentation as is considered relevant, be retained and maintained by Scrutiny Services. In the event of future flood events of such magnitude as requires Silver Command to be convened, a one-off Scrutiny Panel be convened to review the event and the multi-agency response. The purpose of the panel being the updating of the Floods Report to ensure it retains its relevance.</p> <p>Officer/Department Scrutiny Services</p> | <p>Full simulation exercise held on 19th September 2005 with all Silver Command agencies involved. Outcomes used to inform/update Flood Emergency Plan procedures. Ongoing</p> | | <p>Ongoing, including this report for information as requested by the Chair of Scrutiny Management Committee. Please note the recommendations to SMC of this report.</p> |

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Executive**13 February 2007**

Report of the Corporate Landlord

Amber House, Galmanhoe Lane, York**1. Summary**

This reports seeks approval for the freehold disposal of, Amber House and workshop, Galmanhoe Lane, York.

2. Background

The location of the property is shown verged black on the plan Annex A and the site has an area of 0.08 hectares (0.198 acres).

Amber House is a two storey flat roof pre-fabricated structure constructed circa 1945. The workshop is a single story brick industrial unit with a solid concrete floor and corrugated metal pitched roof constructed circa 1970. The property is not listed but lies within the city's central historic core.

The property was leased to the York Archaeological Trust at a rent of £6,525 per annum. The tenant had to keep the premises in a wind and water tight condition only.

The property was being used as a conservation laboratory and workshop. Amber House is in a dilapidated state of repair and at the end of its economic life. The workshop has, in the past, suffered from movement.

The sale of this property is included in the 2007/8 - 2010/11 Capital Receipts Programme as approved by the Executive on 16th January 2007.

3. Consultation

Development Control have indicated that residential development would be acceptable on the site subject to the necessary planning permissions.

Network Management comments are that, an increase of under 20% of traffic would not be classed as an intensification use of the site. Approximately 40 cars can be parked off Galmanhoe Lane, therefore any development that produced 8 or less cars would not be discouraged.

Ward members have been consulted, regarding the possible disposal and no objections were received.

The Corporate Asset Management Group (CAMG), at a meeting on 14th November 2006 declared the properties surplus to operational requirements.

4. Options

There are three options for members to consider: -

Option 1: To dispose the property on the open market

Option 2: Let the property on the open market

Option 3: To utilise the property for Council use.

5. Analysis

Option 1 – To dispose of the property on the open market.

Advantage: The disposal would produce a capital receipt to support the capital programme.

Disadvantage: The disposal may result in the loss of an employment property and a loss of rental income to the commercial portfolio.

Option 2 – Let the property on the open market

Advantage: The Council would retain a property in the commercial portfolio and receive an annual income.

Disadvantage: In its present state of repair the property would be expected to achieve an annual rent of £6,000per annum. It is expected however, that an incoming tenant would request a substantial rent free period in order to bring the building to a suitable standard. There is also little demand for large scale city centre storage so there may be a considerable period before the property is let, this would mean that the Council would be incurring holding costs. The Council would also lose a capital receipt.

Option 3 – To utilise the property for Council use.

Advantage: The property will continue to be in the Council ownership and a potential interdepartmental rent received for its occupation.

Disadvantage: The CAMG identified no alternative suitable Council use. The Council would also lose a capital receipt.

6. Corporate Objectives

Members have earmarked this property for disposal to contribute towards the funding of the capital programme, therefore a sale would contribute towards corporate objectives by the raising of finance for approved schemes.

7. Implications

Financial: The financial analysis of the two options is contained in Confidential Annex B.

As a result of the disposals strategy and the potential reduction in rental incomes caused by them, a specific provision is held corporately to compensate the commercial property portfolio budgets for any loss of rental income as a result of the disposal. This budget has been approved at £46,430. The loss of rental income from the disposal of the leasehold is £6,525 per annum. It is therefore requested that £6,525 in lost rent is vired from the provision to the commercial property rental budget, pro rata, from the date of sale.

Human Resources: (HR) There are no human resource implications

Equalities: There are no equality implications

Legal: The title is being investigated by Legal Services for the property. However there is some question over the ownership of area hatched black on the plan Annex A and Legal Service are undertaking further research.

Crime and Disorder: It is possible that if left vacated the building will become a 'hot spot' for anti social behaviour as the properties are not very visible from Marygate.

Information Technology (IT): There are no IT implications

Property Services: Property issues are contained in this report.

8. Risk Management

The risk implication is to the 2007/8 - 2010/11 capital receipts programme in that a sale may not be achieved or the highest offer is below the reserve figure. This risk however, is considered low as there is a market demand for residential development opportunities near the city centre.

9. Recommendations

Members are asked to consider

- A Option 1:** To approve the freehold sale of Amber House by informal tender provided the best offer received is at or above the reserve figure.

Reason: To obtain a capital receipt to support the capital programme.

- B** To approve that £6,525 in lost rent is vired from the provision in the general fund budget to the commercial property rental budget, pro rata, from the date of sale.

Contact Details

Author:

James Dale
Property Surveyor
Property Services - APM
Tel: 01904 55 3356

Chief Officer Responsible for the report:

Neil Hindhaugh
Assistant Director of Property Services
Tel: 01904 55 3312

Report Approved **Date** 14/11/06

Simon Wiles
Director of Resources

Report Approved **Date** 16/11/06

Wards Affected: Guildhall

All

For further information please contact the author of the report

Specialist Implications Officer(s) List information for all

Financial
Tom Wilkinson
Corporate Finance Manager
Tel No. 1187

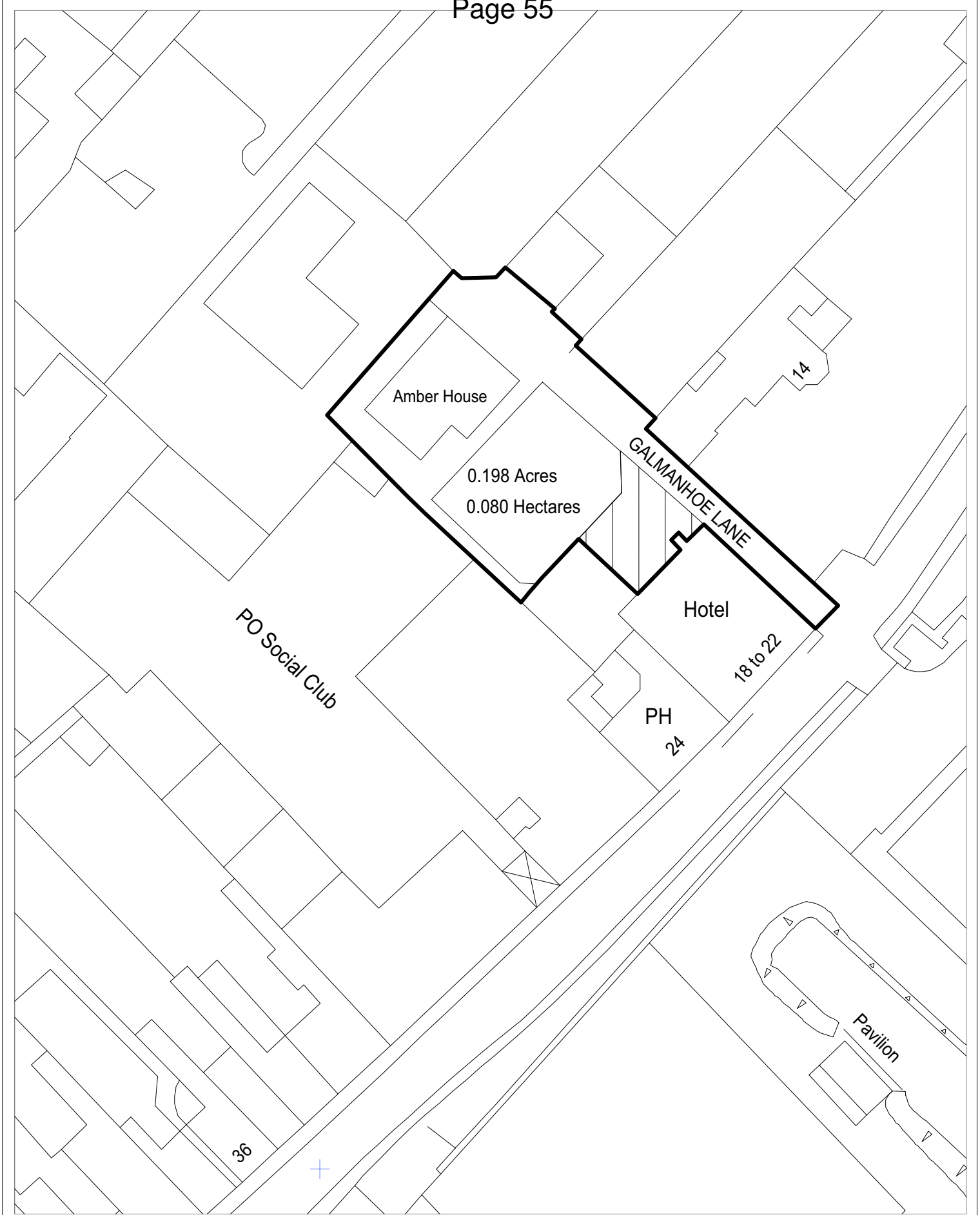
Legal Services
John Smales
Senior Legal Assistant
Tel No. 1046

Planning & Sustainable Development
Richard Beal
Planning Officer
Tel No: 1610

Network Management
Michael Yates
Area Technician
Tel No: 1636

Background Papers: All the relevant information used to write this report is held in property services file number 2215

Annexes:
Annex A - Plan
Annex B - Confidential Financial Information



Resources
Property Services

Galmanhoe Lane, Marygate.



SCALE: 1:500

DRAWN BY: GR

DATE 25/1/2007

Originating Group:

Property Services

Drawing No.

PS/A4/107092

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Executive**13 February 2007**

Report of the Corporate Landlord

Administrative Accommodation Project**Summary**

1. The Corporate Landlord has undertaken a comprehensive procurement process for the appointment of design and construction partners for the Administration Project. The process has been conducted on the basis of MEAT (Most Economically Advantageous Tender). When the results of the MEAT evaluation establish a preferred bidder that is not the lowest price the matter should be recommended to members for final approval. In this case, of the five appointments, three are not the lowest price.

Background

2. The council published an OJEU notification in May 2006 seeking expressions of interest from interested consultants and constructors to work as an integrated partnering team to design and construct the new office accommodation at Hungate. The notice stated that the council wished to engage with companies with a proven record of partnering on similar projects, working within integrated teams, showing a commitment to open book accountability, and an openness to sharing benefits and savings.
3. Interested parties were requested to apply for one or more of the following categories or Lots:

Lot 1 – Constructor

Lot 2 – Architect, Structural Engineering, Space Planner and Planning Supervisor

Lot 3 – Mechanical and Electrical Engineer

Lot 4 – Quantity Surveyor

Lot 5 – Project Manager

4. Tender documents were issued to short listed consultants and constructors following an appraisal of their pre-qualification submissions. The tender documents detailed the scope of the work, contract conditions, outline user brief and tender evaluation criteria.
5. The tender evaluation criteria stated that the award of contract would be MEAT and provided details of how price and quality factors would be assessed.
6. The qualitative criteria were assessed by an interview for the Constructor, Quantity Surveyor and Project Manager prior to the receipt of the price. This clearly demonstrated to the Tenderers that the qualitative assessment could not be influenced by price, but contributed to the final evaluation on a quality price basis.
7. The response for both design categories (Lots 2 and 3 above) was very strong and a different approach was adopted to allow more companies to compete. Tenderers were informed that they should submit their price before interview and that a maximum of five firms for each lot would be interviewed. All interviewed firms had to meet the project's affordability criteria.
8. Having met the affordability criteria the award would be made on a qualitative basis to the company that demonstrated the greatest skill, experience and suitability during the interview. It was considered that this approach would ensure that the council would get the right companies for this project.
9. Evaluations of the tenders are now completed. The recommendations for both Constructor and Project Manger identified, through the price/quality evaluation, that the lowest financial bidders should be awarded the lots. The remaining categories identified companies whose tenders were not the lowest but which met the affordability criteria and they had demonstrated through interview and qualitative assessment that they were the most suitable appointment for this project.
10. The attached appendices give a summary of the results of both price and qualitative assessments.

Appendix 1 – Constructor

Appendix 2 – Architect, Structural Engineer, Space Planner, Planning Supervisor

Appendix 3 – Mechanical and Electrical Engineer

Appendix 4 – Quantity Surveyor

Appendix 5 – Project Manager

Consultation

11. The council's procurement team were consulted regarding the processes to be adopted.
12. The interview panels for Constructor, Project Manager and Quantity Surveyor consisted of officers from Property Services. It was recognised that for the design lots that the membership of the evaluation panel needed to have a wider representation. Officers from Property Services were joined by the council's Sustainability Officer, Executive Member for Corporate Services and representatives from the preferred Constructor and Project Manager. This enabled a wide range of issues to be explored with each tenderer.
13. Officers have notified all successful and unsuccessful Tenderers in accordance with OJEU requirements. All unsuccessful Tenderers have been provided with written feedback and offered an opportunity for further face-to-face feedback if required. Several Tenderers have accepted this offer.
14. Unsuccessful Tenderers were informed of their rights to challenge the decisions in accordance with the European Procurement Regulations. All Tenderers have accepted the decisions.
15. Feedback from the tenderers on the process has been very positive. A number welcomed the council's openness and transparency in the process adopted and applauded our choice of the partnering approach to the design and construction of this important building in York.

Options

Lot 1 - Constructor

16. The preferred and appointed constructor is Shepherd Construction.
17. Shepherd Construction was established as preferred bidder on the basis of a MEAT assessment and was the lowest price. Therefore, no other option is offered to members and no decision other than to acknowledge this appointment is necessary.

Lot 2 - Architect, Structural Engineer, Space Planner, Planning Supervisor

18. The preferred consultant is RMJM Ltd
19. RMJM was established as preferred bidder on the basis of a MEAT assessment and was not the lowest price. If members are not satisfied with this recommendation they have the option to refer the matter back to the Corporate Landlord for further assessment.

Lot 3 – Mechanical and Electrical Engineer

20. The preferred consultant is Gifford

21. Gifford was established as preferred bidder on the basis of a MEAT assessment and was not the lowest price. If members are not satisfied with this recommendation they have the option to refer the matter back to the Corporate Landlord for further assessment.

Lot 4 – Quantity Surveyor

22. The preferred consultant is WT Partnership
23. WT Partnership was established as preferred bidder on the basis of a MEAT assessment and was not the lowest price. If members are not satisfied with this recommendation they have the option to refer the matter back to the Corporate Landlord for further assessment.

Lot 5 – Project Manager

24. The preferred consultant is Turner and Townsend
25. Turner and Townsend were established as preferred bidder on the basis of a MEAT assessment and was the lowest price. Therefore, no other option is offered to members and no decision other than to acknowledge this appointment is necessary.

Analysis

26. For all Lots the appropriate processes have been followed, all evaluations have been audited and checked for accuracy and the Corporate Landlord is satisfied that the recommended appointments made to members are in the best interest of the council and its delivery of this important project.
27. Referring any of these recommendations back for further assessment will result in delay for the project and that delay would add to the costs of the project.

Corporate Priorities

The administrative Accommodation project contributes to the following priorities.

28. Improve our focus on the needs of customers and residents in designing and providing services (10)
29. Improve Efficiency and Reduce Waste to Free Up More Resources (13)

Implications

30.
 - **Financial** *All recommended appointments have met the affordability criteria for this project and budget is in place to fund them.*

- **Human Resources (HR):** None
- **Equalities:** None
- **Legal** *All legal aspects of these appointments are included in the terms and conditions of appointment and the use of the NEC (partnering) contracts.*
- **Crime and Disorder** *none relating to this process*
- **Information Technology (IT):** None
- **Property** *All contained within this report*
- **Other**

Risk Management

31. In compliance with the Councils risk management strategy the main risks that have been identified in this report are those which could lead to the inability to meet business objectives (Strategic) and to deliver services (Operational), leading to financial loss (Financial), non-compliance with legislation (Legal & Regulatory), damage to the Council's image and reputation and failure to meet stakeholders' expectations (Governance).

Recommendations

32. Members are asked to:
- (1) Acknowledge the appointment of Shepherd Construction as Constructor for the Administrative Accommodation project.
 - (2) Approve the appointment of RMJM Ltd as the Architect, Structural Engineer, Space Planner and Planning Supervisor for the Administrative Accommodation Project.
 - (3) Approve the appointment of Gifford as the Mechanical and Electrical Engineer for the Administrative Accommodation Project.
 - (4) Approve WT Partnership as the Quantity Surveyor for the Administrative Accommodation Project.
 - (5) Acknowledge the appointment of Turner and Townsend as Project Manager for the Administrative Accommodation project.

Contact Details

Author:
Ian Asher
Head of Strategic Business
and Design, Property
Services

Tel No: 01904 553379

Chief Officer Responsible for the report:
Chief Officer: Neil Hindhaugh
Assistant Director Property Services

Report Approved

Date *9 February 2007*

Co-Author's Name

Title

Dept Name

Tel No.

Specialist Implications Officer(s) *List information for all*

Financial

Name: Tom Wilkinson

Title: Corporate Finance Manager

Tel No. 551187

Procurement

Name: Liz Ackroyd

Title: Assistant Director Audit and Risk Management

Tel No. 551706

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

All

For further information please contact the author of the report

Background Papers:

All relevant background papers must be listed here.

Administrative Accommodation Tender Document

Annexes

Appendix 1 – Constructor

Appendix 2 – Architect, Structural Engineer, Space Planner, Planning Supervisor

Appendix 3 – Mechanical and Electrical Engineer

Appendix 4 – Quantity Surveyor

Appendix 5 – Project Manager

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