



Notice of meeting of

Executive

To:	Councillors Steve Galloway (Chair), Aspden, Sue Galloway, Jamieson-Ball, Reid, Runciman, Sunderland, Vassie and Waller
Date:	Tuesday, 11 March 2008
Time:	2.00 pm
Venue:	The Guildhall, York

AGENDA

Notice to Members - Calling In:

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

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

4:00 pm on Thursday 13 March, 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. Minutes (Pages 3 - 12)

To approve and sign the minutes of the meeting of the Executive held on 26 February 2008.

3. 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, 10 March 2008.**

4. Executive Forward Plan (Pages 13 - 14)

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

5. Future of City Archives Service (Pages 15 - 22)

This report proposes next steps in determining a way forward for the future of the York City Archives service.

6. City Tree Strategy - Scoping Report (Pages 23 - 32)

This report examines options for developing a strategic approach towards the management and protection of the City's trees.

7. City Walls: Maintenance and Restoration Partnership (Pages 33 - 38)

This report seeks approval to establish a partnering agreement between the Council's City Strategy and Neighbourhood Services departments, for the delivery of maintenance, restoration and major restoration schemes on the City Walls.

8. Derwenthorpe - Amendments to the 'Agreement for Sale' and 'Framework Agreement' (Pages 39 - 44)

This report seeks approval to make amendments to the original agreements between the Council and the Joseph Rowntree Housing Trust in relation to the Derwenthorpe site, to enable the sale of land to go ahead and the development to proceed.

9. Urgent Business

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

Democracy Officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 551027
- E-mail – fiona.young@york.gov.uk

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

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The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

MEETING	EXECUTIVE
DATE	26 FEBRUARY 2008
PRESENT	COUNCILLORS STEVE GALLOWAY (CHAIR), ASPDEN, SUE GALLOWAY, JAMIESON-BALL, REID, RUNCIMAN, SUNDERLAND, VASSIE AND WALLER

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

165. DECLARATIONS OF INTEREST

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

166. MINUTES

RESOLVED: That the minutes of the Executive meeting held on 12 February 2008 be approved and signed by the Chair as a correct record.

167. 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.

Cllr Fraser addressed the meeting in respect of agenda item 8 (Business in City Centre Peripheral Streets), as a Micklegate Ward Member and the mover of the motion to Council referred to in this item. He welcomed the report as a first step in the process of developing an action plan to encourage economic regeneration in the peripheral streets. He stressed the need in this context to consider Micklegate and Blossom Street together as a single area and to ensure that proper resources were allocated for any development work agreed. Suggestions for action included working to promote dialogue between local traders, using the re-opening of the Odeon cinema as a promotional opportunity, street signing from car parks and the City Centre, and advertising on Park and Ride buses.

168. EXECUTIVE FORWARD PLAN

Members received and noted details of those items that were currently listed on the Forward Plan for the next two Executive meetings.

169. MINUTES OF WORKING GROUPS

Members considered a report which presented the draft minutes of the Local Development Framework Working Group (LDFWG) meeting on 8 January 2008, the Social Inclusion Working Group (SIWG) meeting on 16 January 2008 and the Young People's Working Group (YPWG) meeting on 17 January 2008.

Members' attention was drawn in particular to:

- The initial comments of the LDFWG on the Open Space, Sport and Recreation Study (minute 33)
- The decisions of the SIWG in respect of Funding Requests (minute 27)
- The SIWG's intention to hold a 'Development Day' (minutes 25 & 26)
- The recommendations of the YPWG regarding the system of allocating 'Youth Opportunities and Capital Funding' monies (minute 16).

Having noted the comments of the Shadow Executive, it was

RESOLVED: That the minutes of the Working Groups be noted.

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

170. NEIGHBOURHOOD MANAGEMENT REVIEW

[See also under Part B minutes]

Members considered a report which considered the role of Neighbourhood Management within the Council, in response to the Local Government White Paper 'Strong and Prosperous Communities' and The Local Government and Public Involvement in Health (LGPIH) Act 2007, and made recommendations for the future delivery of neighbourhood management in York.

The report provided an update on progress against a number of issues raised in the 'Policy Prospectus' agreed by Group Leaders on 23 May 2007, against the background of the legislation and the current role and successes of the Neighbourhood Management Unit (NMU). It also took account of a notice of motion on Community Leadership and Neighbourhood Management, considered by the Executive on 15 January 2008 (Minute 138 of that meeting refers). The Executive had deferred referral of the motion to Council pending consideration of this review report.

Members were invited to consider a number of changes to enhance the Council's approach to neighbourhood management and engagement and, in particular, options in respect of the following issues, as detailed in the report annexes:

Issue A - a refreshed model of Neighbourhood management (Annex 1):

Model 1 – a model developed around increasing the democratic platform of the Council and participation in the decision making process. This was the recommended option, as it would be simpler to achieve and would meet the government’s agenda;

Model 2 – a model developed around increased localised services and neighbourhood management.

Issue B – option for devolution of ward committees and area forums (Annex 1):

Option 1 – continue with the current arrangements for devolution via ward committees – this would be the option taken should Model 1 above be followed;

Option 2 – transfer support from ward committees to area forums. This could result in less public engagement but would give NMU officers more capacity to target hard to reach groups and support elected Members.

Issue F – narrowing the gap of deprivation (Annex 5):

Option 1 – continue with the current of budget allocation;

Option 2 – apply a budget matrix alongside a baseline allocation of funding, thereby accounting for deprivation, and publish a Social Inclusion Strategy;

Option 3 – ask the NMU to work with the Economic Development Unit on other options for tackling deprivation in ward based communities.

Issue I – the role of parish councils (Annex 8):

Option 1 – continue the existing arrangements with parish councils (PCs);

Option 2 – review the working relationships with PCs to achieve better co-ordination at a neighbourhood level;

Option 3 – instigate a formal review of parish arrangements in the City, under the provisions of the LGPIH Act 2007;

Option 4 – investigate devolution to PCs, including passporting the ward committee local improvement schemes budget.

With regard to the government’s ‘Councillor Calls for Action’ (CCfA) proposals (Issue H), Members expressed the hope that the CCfA process would be used only rarely, as most issues could be dealt with more appropriately through existing channels.

Having noted the comments of the Shadow Executive, it was

RESOLVED: (i) That the content of the report, and in particular the potential opportunities available to strengthen neighbourhood delivery and communications, consultation and involvement of local people in local decisions, be welcomed.

(ii) That, in respect of **Issue A**, a refreshed model of neighbourhood management broadly in line with **Model 1** – increased democracy and participation – be approved, as exemplified in Annex 1 to the report.¹

(iii) That, in respect of **Issue B, Option 1** - the continuation of a devolution model around delivery via ward committees, as existing, be approved, to support and facilitate engagement at a local level.

(iv) That the development of Neighbourhood Action Plans (NAPs) be approved as a vehicle for delivering the adopted neighbourhood model and tying together the strategic vision of the City and the local vision (**Issue C, Annex 2**).

(v) That the production of a citywide Consultation and Engagement Strategy be approved to support the refreshed neighbourhood model and consistent consultation across the Council (**Issue D, Annex 3**).²

(vi) That the successful delivery of ward committee local improvement schemes in York, via a participatory budgeting process be noted and that it be recognised that the continuation of this approach will assist the local authority as it continues to inform, consult and involve the local public in local decisions (**Issue E, Annex 4**).

(vii) That, in respect of **Issue F, Option 3** be approved and the Neighbourhood Management Unit (NMU) be requested to work with the Economic Development Unit on options for tackling deprivation in ward based communities.³

(viii) That it be noted that it may not be possible to provide additional support for building based community facilities from existing resources within the NMU, but it is anticipated that the demand for additional devolution of this sort will be limited in York (**Issue G, Annex 6**).

(ix) That it be noted that the Councillor Call for Action (CcfA) will be implemented from April 2008 (**Issue H, Annex 7**)

(x) That, in respect of **Issue I**, a review of working arrangements, with those parish councils that request it be approved, in line with **Option 2** detailed in Annex 8 to the report, provided that any revised processes are cost neutral.⁴

(xi) That Officers be advised that additional resources are unlikely to be available to the NMU, but that any restructuring proposals considered to be essential can be the subject of a further report to the Executive at a later date.

(xii) That the notice of motion referred to in paragraph 2 be referred to Council together with the decisions of the Executive on this report.

REASON: To respond to the issues raised within the Members' Policy Prospectus on 23 May 2007 and the notice of motion to Council and to provide guidance on options for the future delivery of Neighbourhood Management.

Action Required

1. Take action to implement refreshed model in line with

KS

- | | |
|---|----|
| Model 1. | KS |
| 2. Produce a citywide Consultation and Engagement Strategy. | KS |
| 3. Begin work with EDU on options to tackle deprivation. | KS |
| 4. Begin review of working arrangements with parish councils. | |

171. REVIEW OF SUB-NATIONAL ECONOMIC DEVELOPMENT AND FUTURE WORKING WITHIN THE LEEDS CITY REGION

Members considered a report which set out background information on the Government's Sub-National Review of economic development and regeneration (SNR), considered the implications of this review for the Leeds City Region (LCR) and proposed specific actions in order to maximise the benefits for York.

A summary of the proposals set out in the SNR was attached Annex A to the report. Some of the proposed structural changes would require legislation and consultation was likely to take place early this year on their implementation. In essence, the SNR envisaged a stronger role for City Regions and sub-regional working in order to enhance economic growth and competitiveness. At this stage, the key element for York was to maximise the opportunities presented by the LCR. This would involve developing a clear strategy of engagement, with representatives involved in LCR having a clear briefing on relevant issues.

Paragraph 8 of the report highlighted particular initiatives within York that had a strong impact on the LCR, including: Access York; York North-West; Tourism; Science City York; and a Multi-Area Agreement focused on skills, labour market mobility and transport. Actions recommended to ensure that York helped to shape the LCR agenda and to articulate the City's ambition and potential were set out in paragraph 9.

Members highlighted potential threats to York posed by the review, in particular the transference of power from the Regional Assembly to Yorkshire Forward and the possible future development of the LCR towards a 'mayoral' model.

Having noted the comments of the Shadow Executive, it was

RESOLVED: That the actions set out in paragraph 9 of the report and summarised below be approved, in order to maximise the benefits to York of the SNR and the LCR, while noting the potential pitfalls of such a move, some of which are mentioned in paragraph 10 of the report:¹

- a) Ensure appropriate representation on key thematic Panels within the LCR, where these are relevant to the initiatives identified in paragraph 8.
- b) Ensure that York's Business Panel representative is fully briefed on York related issues.
- c) Work with contiguous LCR partners who may have similar aspirations, namely Harrogate, Selby and Ryedale.

- d) Within the above, begin to consider how the LSP and partnership working might interlock with the aspirations and ambitions of these neighbouring authorities.
- e) Work with Leeds business representatives through York Professionals, Visit York and Science City York.
- f) Ensure that dialogue is taking place to build the relationship with Yorkshire Forward at a senior level and work with Yorkshire Forward to seek their direct investment in York to support economic development priorities.
- g) Ensure that appropriate officers are involved in developing a Multi-Area Agreement for the LCR.
- h) Ensure that York's case for the designation of York North West as one of the Government's New Growth Points is articulated within the LCR endorsement process.

REASON: To help shape the effectiveness of future action.

Action Required

1. Put in place procedures / communication channels to implement this agreed approach. JB

172. USE OF RESOURCES CPA (UOR CPA) 2007

Members considered a report which informed them of the final score for the Use of Resources (UOR) Comprehensive Performance Assessment (CPA) for 2007, based on the criteria scores provided by the Audit Commission, and presented the detailed findings and recommendations of the District Auditor (DA) in respect of the UOR CPA, attached as Annex A to the report.

It was noted that the Council's overall UOR CPA score had improved from a 2 in 2006 to a 3 in 2007 and that the DA had recorded two instances of 'notable practice', in respect of the Fraud service arrangements and the annual financial report. There had also been key improvements in several of the Key Lines of Enquiry (KLOE) scores, notably Financial Reporting (KLOE 1.2), Internal Control (KLOE 4.3) and Value for Money (KLOE 5.2). Although performance in some areas had worsened, the Council had scored well overall in respect of the detailed criteria tested across KLOEs 1-4.

The rolling UOR CPA action plan detailed all the outstanding actions necessary to address areas for improvement in order to be compliant at each level of the CPA criteria. The Council had succeeded in obtaining full or discretionary passes in 2007 in respect of those criteria previously identified as critical to achieving an overall score of 3 for the 2007 UOR CPA. Work was on-going to consolidate the current position and prepare for the 2008 assessment. An update report on progress against priority actions that needed to be completed before the end of the current year would be considered by Corporate Management Team in March 2008.

Members expressed their thanks to Officers for their work in securing a significant improvement in service quality in this area.

Having noted the comments of the Shadow Executive, it was

RESOLVED: (i) That the final scores for the 2007 UOR CPA assessment and the successful step back up to an overall 3 in 2007 from 2 in 2006 be noted.

(ii) That the report of the District Auditor attached as Annex A be noted.

REASON: So that Members are be informed on the moderated score for national publication by the Audit Commission and on the detailed findings and conclusions of the District Auditor.

PART B - MATTERS REFERRED TO COUNCIL

173. NEIGHBOURHOOD MANAGEMENT REVIEW

[See also under Part A minutes]

Members considered a report which considered the role of Neighbourhood Management within the Council, in response to the Local Government White Paper 'Strong and Prosperous Communities' and The Local Government and Public Involvement in Health (LGPIH) Act 2007, and made recommendations for the future delivery of neighbourhood management in York.

The report provided an update on progress against a number of issues raised in the 'Policy Prospectus' agreed by Group Leaders on 23 May 2007, against the background of the legislation and the current role and successes of the Neighbourhood Management Unit (NMU). It also took account of a notice of motion on Community Leadership and Neighbourhood Management, considered by the Executive on 15 January 2008 (Minute 138 of that meeting refers). The Executive had deferred referral of the motion to Council pending consideration of this review report.

RECOMMENDED: That Council consider the notice of motion on Community Leadership and Neighbourhood Management, together with the decisions of the Executive in respect of the recommendations in the report (*see under Part A minutes, Minute 170*).¹

REASON: In accordance with the procedures set out in Standing Orders.

Action Required

1. Refer notice of motion and Executive decisions to Council.

GR

174. BUSINESSES IN CITY CENTRE PERIPHERAL STREETS

Members considered a report which provided information in relation to a motion referred to the Executive by full Council on 4 October 2007 and made recommendations for the Council to adopt in response to the motion.

The motion, set out in paragraph 2 of the report, expressed concern that some of the peripheral streets in York were not benefiting from the prosperity of the 'inner core' of the City Centre and sought the development of an Action Plan to address this issue. The report highlighted a number of Council initiatives that were already under way to support the contribution of the peripheral streets to the City's economy. These included: work arising from the recommendations of the scrutiny review carried out in 2004; the York City Centre Partnership, launched in 2005; an action plan for the evening economy (arising from a report considered by the Executive on 24 July 2007); and development of the City Centre Area Action Plan (AAP) as part of the Local Development Framework.

Pending adoption of the AAP, which would take account of issues affecting the peripheral streets, the Executive was recommended to endorse a series of proposed actions, detailed in paragraph 6 of the report, to enhance the economic vitality and viability of these streets.

In respect of the comments of the Shadow Executive and the points raised by Cllr Fraser on this item (Minute 167 refers), Members noted that any improvements would have to be funded from existing resources. However, there were opportunities to access resources via the AAP and the suggestion for stimulating footfall in Micklegate via the Park and Ride buses would be examined further.

RECOMMENDED: That Council re-consider the motion on businesses in the City Centre peripheral streets that was referred to the Executive on 4 October 2007, together with this report, and agree the following actions (including the actions detailed in paragraph 6 of the report) as their response to the motion:¹

- a) Working with retailers, traders and other businesses on the peripheral streets to offer advice and encouragement.
- b) Working with Visit York to examine the scope for further publications to attract additional visitors to the peripheral streets.
- c) Examining the scope for extending the range of festivals and market events beyond the main City Centre area.
- d) Developing further initiatives to promote the evening economy, taking account of the role of peripheral streets.
- e) Maintaining progress with developing the City Centre Area Action Plan and ensuring that this is

focused on supporting the gateways and fringe streets.

- f) Considering the extent of the footstreets review initiative, through consultation during this review.
- g) Carrying out further work to examine the scope for bringing empty property in peripheral streets back into use.
- h) Officers to examine how action might be taken to stimulate footfall in Micklegate by the use of advertising and / or automated announcements on the Park and Ride buses, both in the short term and in the long term once the new bus fleet comes into use.

REASON: In accordance with the procedures set out in Standing Orders and to help shape the effectiveness of future action.

Action Required

1. Refer notice of motion and report to Council.

GR

S F Galloway, Chair

[The meeting started at 2.00 pm and finished at 2.50 pm].

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EXECUTIVE FORWARD PLAN

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 25 March 2008		
Title & Description	Author	Portfolio Holder
<p>Annual Audit Letter</p> <p><i>Purpose of report: It is a statutory requirement for External Audit to report to the Authority the findings of their Audit Work.</i></p> <p><i>Members are asked to note the findings and the Action Plan.</i></p>	Liz Ackroyd	Executive Member for Corporate Services
<p>Review Report – Safe City</p> <p><i>Review Report will highlight how the Council can assist in providing more local police access points (eg police desks), improving patrolling arrangements in vulnerable areas and providing a more effective response to local concerns including, for example, measures aimed at reducing vehicle speeds (eg warning signs and pressing NYPA to install speed cameras at accident black-spots).</i></p>	Terry Collins	Executive Leader
<p>Theatre Royal Funding Agreement 2008/09</p> <p><i>Purpose of report: The report advises Members of a service level agreement and financial support to the Theatre Royal for 2008/09.</i></p> <p><i>Members are asked to: Note and comment on the SLA and agree the budget allocation.</i></p>	Gill Cooper	Executive Member for Leisure & Culture

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 8 April 2008

Title & Description	Author	Portfolio Holder
<p>Purchase of land for Use as a Composting Area</p> <p><i>Purpose of report: Yorwaste have negotiated with a local landowner to purchase 30 acres of land, subject to planning approval, for use as a composting area in association with the waste disposal site at Harewood Whin. Planners have recommended approval and it will be decided at Planning Committee on 28 February. Should the Planning Permission be Granted it would be economically advantageous for the Council to purchase the land and lease it to Yorwaste.</i></p> <p><i>Members are asked to: Approve the purchase of the land.</i></p>	Paul Fox	Executive Member for Corporate Services

Table 3: Items slipped on the Forward Plan with the agreement of the Group Leaders

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage



Agenda Item

Meeting of the Executive

11 March, 2008

Report of the Assistant Director (Lifelong Learning and Culture)

Future of the City Archives Service

Summary

1. This report proposes next steps in determining a way forward for the future of the City Archive.

Background

2. In January 2005 the Executive received a report of the Leisure and Heritage Scrutiny Board about the future of York City Archives. This scrutiny review was to address:
 - How the City Archive can achieve its full potential to deliver effective services to the widest possible community
 - How it can engage those currently least likely to benefit from our archival heritage: the non-specialist, community groups, and students in school
 - The key factors to be taken account of in creating satisfactory accommodation for the historic material
3. In its final report the board set out a vision for a future archives service that will be a source of learning, interest, inspiration, and fun for all sections of the community. The vision is set out in Annex A.
4. The primary recommendations of the report were that the Council should pursue:
 - i) An Archive Service for the City of York with:
 - a) robust arrangements for re-housing the city's collections underpinned by a clear specification for their care
 - b) a partnership to deliver a service capable of promoting access to the collections and delivering the vision set out below
 - ii) A process for securing such a partnership arrangement which will:
 - a) comply with all relevant procurement regulations
 - b) ensure that there is a specialist archivist provided to care for the city's collections
 - c) create a board (of users, specialists and Council reps.) to oversee the functioning of the partnership and of the city's collections and management policies

5. In accordance with these recommendations a procurement process was undertaken following an open procedure and complying with European public procurement directives in respect of service contracts. Although 3 bids were received the annual cost of the best tender was far in excess of the current budget provision (£120,130). As such it was not affordable and the tender could not therefore be awarded.
6. Options available as a result were:
 - For officers to re-examine the specification of the service and to determine whether in the light of the tender prices received it may be possible to specify a level of service likely to be procured at a more affordable cost. The service would then need to be retendered
 - To develop proposals for a revised in-house service
7. Officers have re-examined the specification in the light of the tenders submitted through the procurement process. It is clear that the affordability gap is such that any reduction in the specification at a level that could close that gap would not procure a service that would meet the Council's minimum requirements and could certainly not deliver the outcomes set out in the agreed vision. It is therefore necessary to consider options for a revised in-house service.

Consultation

8. Officers have continued to keep staff and stakeholder groups informed. Further consultation will be integral to the development of options and proposals. Key consultees will be users, staff, other partner organisations, user groups within the Heritage sector, The National Archives, etc.

The Way Forward

9. Given the depth of the collections and their international importance the City Archive Service should aspire to excellence and to being one of the very best in the country. It needs to be responsive to the needs of customers (and citizens), efficient and of a high quality. It must relate to city-wide strategies and be capable of delivering the agreed vision.
10. From the Archives scrutiny report and from the views of stakeholders expressed as part of that exercise it is clear that it is vital that the city archive remains and is developed as a focus for civic pride and identity. This has clear implications for the need to retain its distinct identity and ethos.
11. At the same time step-change is needed within the organisational structure: staff, systems, skills, styles, partnerships, and community involvement. Key issues to be addressed include the pressing need to:
 - Improve the housing of the collection
 - Bring about step change in the number of people using the collections
 - Create virtual access to the collections preferably seamless with the other heritage institutions in the city
 - Build a new staff team following the retirement of the 2 senior members of the archives team

- Create a partnership of flagship status capable of contributing to the development of national practice and professional training, and attracting funding
 - Create the resources to undertake outreach and education work
12. To make these changes and to move towards a new type of organisation capable of delivering the vision set out in Annex A a governance structure will be needed that:
- Increases community and stakeholder involvement
 - Facilitates partnership working with the other institutions in the city
 - Provides a clear focus on the historic collections interfacing effectively with the issues of handling the Council's current records after the move to Hungate
 - Generates significant increased income streams over above the current baseline annual funding
 - Has scope to raise funds to assist with the development of access to and interpretation of the collections
 - Deploys a change team to lead, plan and develop the new organisation

The Options

13. There is a range of organisational options for the delivery of the Archives Service, which can be characterised as:
- stay as it is
 - undertake organisational development

Analysis

14. Previous investigations into the future of the City Archive have demonstrated that staying as it is is not a realistic option for a number of key reasons:
- There are long-term concerns about the ability of the current facilities to house the collections adequately; the Public Record Office (now the National Archives) issued a report in 2000 which made it clear that the accommodation for the City Archive was inadequate and must be addressed. Our rights to accept deposits of tithe and manorial documents have been withdrawn due to concerns about the ability to care for them satisfactorily in the current building
 - The archive facilities do not encourage access: space is limited, there are low staffing levels and a lack of virtual access.
 - The potential for virtual access is unrealised, at a time when there is unprecedented demand for on-line access particularly to genealogical information
 - The service is not well used: there is a relatively small core of users
 - The service has no coherent or sustainable links to other city initiatives promoting heritage, festivals, tourism, or civic identity

15. To address the issues set out in paragraphs 11 and 12 above a feasibility study is proposed to investigate options for governance structures. The primary focus will be on the potential to establish a trust to take responsibility for the city archive and to set out a project plan to implement any new arrangements recommended.

The Feasibility Study

16. This study would be run during 2008/9. The first 6 months would be spent undertaking the feasibility investigation and developing options. There would then be a 3 month period for consultation and initial reporting. A 3 month lead in period would then be available prior to implementation of any new governance arrangements from 1 April 2009. (Any development for the Archive itself would clearly require longer).
17. Additional resources are required to lead this project. The National Railway Museum (NRM) has kindly agreed to make available their Senior Curator - Knowledge and Access, Richard Taylor, to lead the project. Richard who is a senior and highly experienced archivist will work on the project for an average of 3 days per week over 9 months from April.

Implications

Financial:

18. The cost of buying in project leadership from the NRM for 9 months will be approximately £30k. No budget currently exists to fund this. Options are:
 - a) To fund the full amount from the Council's reserves. This will enable the feasibility study to be undertaken as an additional piece of work. The Archives Service will then be able to function as normal during this period. (From 1 April normal opening will be 4 days per week, reduced from 5 days per week as a result of a saving agreed in the budget process for 2008/09).
 - b) To partly offset the £30k cost by a reduction in the regular staffing contingent during this period. The remaining half-time City Archivist (SO1) post is vacant and could be kept so, saving £12k. The balance of £18k would need to be funded from the Council's reserves. The Archive would still be open to the public over the 4 days providing a "care and maintenance" service with: some reduction in the depth of support that could be offered to enquiries, documents retrieved at set times rather than on demand, and the suspension of Thursday late opening.
19. The Council has reserves that can be used to fund non-recurring expenditure. It is important that the Council maintain a minimum level of revenue reserves to deal with any unforeseen events. The value of the minimum level of these reserves is determined by a risk assessment undertaken by the Director of Resources and included in the annual Revenue Budget report. For 2008/09 the minimum recommended level is £5.222m. It is estimated that there will be approximately £1.376m of other revenue reserves available, thus the level of the general fund balance should not fall below £3.846m. The current forecast level of the general fund balance at the end of 2008/09 is £4.575m, although there are also potential needs for net use in future years amounting to £1.316m. The

minimum balance available, if this application is approved in full (option a) will be £4.545m.

20. It is not expected that the project will identify savings in the operation of the city archives given the low level of current spending. The objective will, however, be to greatly increase user numbers and other outputs for the same level of expenditure and to identify a governance structure that will unlock additional funding for the service.

HR:

21. The post of City Archivist will be kept vacant during the 9 months of the study. The post will be reviewed and recruited to at the end of the study in the light of the study's recommendations. A secondment from the Library Service will be made at a level dependent on the option selected from paragraph 18 above to ensure that the archives service continues to operate effectively during this period.
22. There are no equalities, crime and disorder, property or information technology implications immediately arising from this report.

Corporate Priorities

23. The City Archive supports a number of Council objectives including:
 - Promote greater use of libraries and archives to ensure that they are an essential source of information and learning (CA7: Vibrant and eventful city)
 - Increase the number of people learning from the knowledge that is stored in our museums and galleries (CA7: Vibrant and eventful city)
 - Strive for excellence and creativity in educational achievement (CA2: Improve Opportunities for Learning)
 - Improve the range of opportunities for formal and informal adult and lifelong learning, and support residents to develop skills for life (CA2: Improve Opportunities for Learning)

Risk Management

24. There is a risk of a negative inspection report from The National Archives if a solution is not found for the city archive within a reasonable period of time. This could result in withdrawal of public record office status which would mean that public records would have to be withdrawn.

Recommendations

25. The Executive is asked to agree to the proposed feasibility study and to indicate which of the funding options set out in paragraph 18 it wishes to select.

Reason: To progress development of options for the future of the city archives.

Annexes

A. Vision for the archives service

Contact Details

Author:

Charlie Croft
Assistant Director (Lifelong
Learning and Culture)

Chief Officer Responsible for the report:

Charlie Croft
Assistant Director (Lifelong Learning and Culture)

Report Approved ✓ **Date**

Charlie Croft
Assistant Director (Lifelong Learning and Culture)

Specialist Implications Officers:

Financial
Richard Hartle
Head of Finance
554225

Wards Affected:

All ✓

For further information please contact the author of the report

Background Papers:

Scrutiny of the City of York Archives Service: Report to the Executive, 17 Jan. 2006
Tender documents. File held by C.D. Croft

Vision for the Archives Service

This is our vision for the council's archives collections. Within the next 10 years:

- Our archives service will be making an exciting contribution to the life of “a city making history”. Telling the story of the people of York they will be for the people of York, enriching lives in all sorts of ways
- The collections will be a source of learning, interest, inspiration, and fun for all sections of the community
- All citizens will be aware of the archives, what they have on offer for them, and how they can access them if they wish
- They will be used extensively for all kinds of purposes, by:
 - school groups as part of the curriculum
 - individual learners pursuing their own projects
 - people interested in exploring their origins and their family history
 - specialist groups like the Oral History Society and community archives groups
 - local groups wanting to understand the history of their own communities
 - planners and decision makers, understanding the city's heritage
 - people worldwide interested in York
 - academics and researchers
- Far from being the preserve of the few they will be open to all and will proactively encourage new users. Staff will be on hand to help people who are new to using archives
- Materials available will be diverse: Documents, photographs, moving images, sound and oral history recordings – some will be originals, others surrogates of material from other collections. The surroundings will encourage browsing
- At least 22,000 people per annum will use the collections in person (600% more than at present). Virtual visits will be measured in the hundreds of thousands
- The collections will be housed in state of the art premises and the quality and quantity of conservation activity will be greatly increased. The direct handling of documents will gradually decrease as digitisation increases in depth and quality
- There will be an archivist with special responsibility for and knowledge of the city's collections
- They will be available for public use for at least 45 hours per week including at weekends and in the evenings
- Physical access to the collections will be complemented by a virtual “gateway” to the city that showcases our heritage. This gateway will be seamless to the user – what will matter is what they are interested in rather than what institution holds the object or document
- We will take this forward through a partnership of flagship status capable of contributing to the development of national practice, training professionals, and

attracting funding. The partnership will draw in key providers such as the Library Service, all the major museums, the University, York St John's College

- The partnership will also work with local history groups to develop the concept of a History Store that will act as a Gateway to York's Past. Based in the Central Library and building on both the local history library and the archive collections it will showcase local and family history resources. The resources will be made accessible through innovative use of ICT and staff's active engagement with users.
- Private depositors will have their collections cared for and documented in the same way as the civic collections.
- In this way virtual access to the archives collections will be possible through a whole host of locations in the city many with staff support on hand
- The archives will play a significant role in show-casing York's achievements, raising York's profile, and encouraging people to visit and to invest in York
- Ultimately the partnership may in effect form a single archive service for the city as far as the public are concerned
- The collections will be supporting the city's key priorities, not just in learning e.g. helping adults to improve basic skills, but in other areas, e.g. providing positive activities for young people
- There will be an Education Officer making the archives a valuable resource for schools and young people generally
- Staff will work in the community to support local groups and communities of interest to access the collections. Community archives and similar groups will be flourishing. Some will base themselves along side the city's collections
- Volunteers will be extensively involved in working with the collections
- The most accessed collections will have been digitised in partnership with other archive institutions in the city (and probably beyond). Paid for access to popular material will subsidise digitisation of the less commercial and will be generating revenue that will be ploughed back into conservation of the collections
- An effective modern records system will manage records destined for the Archive as well as limited-life records with a known future disposal date



Executive**11 March 2008**

Report of the Director of City Strategy

City Tree Strategy – Scoping Report.**1.0 Summary**

1.1 This report provides the revised scoping report for a City Tree Strategy. The strategy would be applicable to all trees and woodland, both public and private, within the City of York's authority.

2.0 Background

2.1 Trees play a vital and multifaceted role within cities, villages and the countryside. They contribute to the setting of the city and character of villages; they can be landmarks in themselves, and soften the urban built environment. They improve the quality of lives, and places and feeling of well being. They also have a role in our chemical environment as absorbers of air pollutants and CO², producers of oxygen and providers of shade and cool areas through transpiration. They make a positive contribution to reducing CO² emissions and their absorption of water and binding of the soil retain ground water and reduce run off. Trees, therefore, help to mitigate against climate change and help us to adapt to the changing climate we are already experiencing. There is a need for a clear vision for the development and maintenance of York's City Forest (a term used here to encompass all the trees within the City of York).

2.2 An initial scoping report was presented to the Leaders Meeting on 3rd August 2007 at which it was considered that;

'the review report scope was too wide and in some areas too restrictive. The report should be restricted to:

Preserve overall numbers of trees with less emphasis on specific individual site replacement of trees in all cases;

Recognise the necessity (with good reason) for trees to be removed on occasion; and

Identify potential areas for planting to create additional visible areas.'

This review has been drafted in light of these comments.

3.0 Consultation

3.1 The following council officers have been consulted in the preparation of this scoping report: Landscape Architect, Arboricultural Officer, Sustainability Officer, Head of Parks and Open Spaces, and Ass. Director for Planning and Sustainable Development,.

3.2 The preparation of the strategy will require a much wider consultation which will include the following:

All council Directorates
Forestry Commission (Regional Forestry Strategy)
Natural England
Conservation Voluntary groups and other interested parties

4.0 Options

4.1 Option A.

No change to the current way the council manages the trees it has control and influence of.

4.2 Option B.

Production and implementation of a council tree strategy.

5.0 Analysis

5.1 Option A.

The absence of a long-term strategy for the management and protection of the city's trees will mean the probable loss of tree cover within built-up areas and ad hoc replacement. City ambitions to increase tree cover and the amount of woodland are unlikely to be met. It will be more difficult for the city to respond to the challenge of adaptation to and the mitigation of climate change.

5.2.0 Option B.

The Regional Forestry Strategy for Yorkshire and The Humber states that the York area currently has one of the lowest percentage tree cover of UK cities (3.7%) i.e. below the national average which is 7% or 5.5 hectares per 1000 people. Nonetheless it has an active regime of management, protection, new planting and monitoring of its own tree stock.

5.2.1 Annex A for the current system of management of trees. However, there is no Strategy for Trees in York to support the work of the local authority and to increase the city's tree stock. There has recently been a request to create an "off-set" woodland in York; Parks and Open space Services will be soon launch a carbon off-set tree planting initiative to complement the existing tree donation scheme. In principal this is a good proposal, however it needs to be set within a wider strategy for the enhancement of the City Forest.

5.2.2 The adoption of a Tree Strategy which clearly identifies the city's vision and objectives will make it easier for the council to:

- a. Streamline and improve the efficiency of internal council practices and procedures for tree management.
- b. Increase the overall number of trees and area of woodland whilst having a coherent and logical reason for the removal of trees when necessary and a managed replacement planting regime.
- c. Increase the role of planning through supplementary guidance to achieve better Tree Protection procedures on development sites.
- d. Identify land for the creation of new community woodland and secure funding for associated tree planting.
- e. Agree a common inspection and maintenance regime
- f. Work in partnership with other agencies to achieve outcomes.
- g. Identify and achieve outside funding including sponsorship.
- h. To fulfil the local authority's duty to respond to the Regional Forestry Strategy for Yorkshire and The Humber and aid the implementation of its objectives.
- i. Contribute to the LDF process

5.2.3 Content of the proposed Tree Strategy

Vision

To include the city's aspiration for tree coverage in the long term; how will it manage existing stock; how it will encourage/facilitate the planting of new trees for the future.

Evidence

Baseline data and qualitative information on trees and woodlands within the city of York area on which to formulate and monitor an action plan.

Targets

The Strategy will set short, medium term and aspirational targets. The final sets of targets are important as they provide the direction in which tree policy and procedures will be progressing and provide a basis for actions in the future.

Action Plan

The Action Plan will specify procedures and means of implementation relating to the split between control and influence of tree management in the city. It will set clear timescales, staff and resource implications and lines of responsibility for each action. It will also identify actions and measures that will cut across both areas of control and influence such as communication and awareness raising. See Annex B for examples.

5.2.4 If approved the Tree Strategy will be produced on the following timetable:

March 11th 2008 – Scoping report to Executive Meeting.

July 2008 – Consultation draft of Strategy and Action Plan for approval by Executive

September/October 2008 – Consultation

December 2008 – Strategy and Action Plan approved and implementation starts.

December 2009 – First review of the Strategy and Action Plan.

6.0 Corporate Objectives

6.1 A strategy to actively manage trees and support tree planting in the City would positively contribute to the Council's Corporate Strategy.

Direction statement:

'We will seek to place environmental sustainability at the heart of everything we do.'

Ten Priorities:

Improve the actual and perceived appearance of the city's streets, housing estates and publicly accessible spaces.

Reduce greenhouse gas emissions from council activities and encourage, empower and promote others to do the same.

6.2 It will also contribute to the work of the Environmental Sustainability Strategy and Action Plan for the council and the Climate Change Strategy for the city.

7.0 Implications

7.1 The production of the Strategy and Action Plan can be achieved with existing staff resources; however actions proposed by the Strategy once approved may have wider implications. These will be considered when the Strategy and Action Plan is recommended for approval.

Financial - None

Human Resources (HR) - None

Equalities - None

Legal - None

Crime and Disorder - None

Information Technology (IT) – GIS updating.

Property - None

Other – None

8.0 Risk Management

8.1 Possible staff vacancies during the preparation of the Strategy and Action Plan causing delays.

9.0 Recommendations

9.1 Members are asked to approve Option B.

Reason: To provide a strategic approach to tree management and future planting within the City of York.

10.0 Contact Details

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Author's name

Title

Dept Name

Tel No.

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Report Approved

tick

Date *Insert Date*

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Report Approved

tick

Date *Insert Date*

Specialist Implications Officer(s) None

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

All

For further information please contact the author of the report

Background Papers:

City of York Tree Strategy and Action Plan – Scoping report. 3rd August 2008 Leaders Meeting.

Annexes

Annex A. Current tree management arrangements.

Annex B. Examples of possible actions that could be included in the Action Plan.

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Annex A. Current tree management arrangements.

The management of trees in the city is split into two areas:

1) Trees the council has direct control of; namely trees on highway verges, within the grounds of schools and CYC housing, parks, public open spaces and on other council owned land.

2) Trees whose management and protection the council can influence; these are trees in private ownership which have statutory protection by Tree Preservation Orders (TPOs); trees situated within Conservation Areas (TCA's); trees on land subject to a planning proposal; other privately owned trees/woodland with a community benefit.

Staff from various sections within the Council play a variety of roles in managing the city's tree stock

- The Arboricultural Officer in the Design Conservation and Sustainable Development Team in Planning oversees the management of council trees on land within the jurisdiction of highways, schools, housing and community services.
- The Landscape Architect in the Design, Conservation and Sustainable Development Team in Planning determines applications for work to TPO and TCA trees and advises Development Control on tree protection and landscape design.
- Their work is supported by an Environment Technician.
- The Parks and Open Spaces Officer and the Assistant Parks and Open Spaces Officer carry out or commission proactive and reactive tree inspections, commission maintenance, and coordinate planting programmes.

Staff within Neighbourhood Services provide tree surgery services whom compete for work. Additional external contactors are also needed given the volume of work

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Annex B. Examples of possible actions that could be included in the Action Plan.

Possible actions for trees under CYC <u>control</u>	Possible actions for trees under CYC <u>influence</u>
<p>Update & improve existing CYC procedures for tree management and internal consultation.</p> <p>Review system of budget control and operational management of public trees across different Directorates.</p> <p>Establish virtual CYC tree group of those officers whose work impacts on & influences work to trees.</p> <p>Intranet with tree information & procedures.</p>	<p>Planning Guidance note and policies for LDF</p> <p>Grants to encourage private landowners to plant trees.</p> <p>Establish and update monitoring system for TPO's & trees in Conservation Areas.</p> <p>Develop woodland management guidance.</p>
<p>Measures & actions that could cover <u>both</u> influence and control.</p>	
<p>Awareness programme for general public.</p> <p>Training/ awareness raising for officers and Councillors.</p> <p>Grants for the general public to plant trees.</p> <p>Appoint an additional member of staff in DCSD to deal with issues relating to trees and to provide additional support to voluntary groups.</p>	

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Executive**11 March 2008**

Report of the Directors of City Strategy and Neighbourhood Services

City Walls: Maintenance and Restoration Partnership**Summary**

1. This report seeks Executive approval for the establishment of a Partnering Agreement between City Strategy and Neighbourhood Services for the delivery of maintenance, restoration and major restoration schemes on the City Walls.
2. A Service Level Agreement will detail the framework and performance standards of the partnership ensuring that this approach will improve the quality, productivity and cost of the service to the Council.

Background

3. York's City Walls are among the longest and best-preserved walls in England. They are a scheduled ancient monument and a Grade One listed building. Visited by over one million people from all over the world every year they are an integral part of the City's image. Originally built as defences, the focus is now on conservation. They are owned by the Council, and their restoration and maintenance is overseen by City Strategy's Engineering Consultancy on behalf of the Assistant Director of Planning & Sustainable Development.
4. The Council carried out a major survey of the Walls and produced a report in 1991 providing the basis of the ongoing restoration programme. While this anticipated a 25 year programme of works, progress has been affected by reduced funding over the years and it is likely that the work identified in the report will take at least another 20 years to complete. Maintenance, due to the same funding problems, only concentrates on health and safety issues so that the Walls remain safely accessible.
5. All of this work is currently carried out by the Neighbourhood Services (NS, formerly Commercial Services Organisation (CSO)) ancient monuments team and comprises:
 - **Maintenance Works:** general repairs and maintenance, including cutting out joints, tamp, grout and point joints, lifting and relaying flags, copings and steps, removing graffiti, repairs and repainting of railings, gates and other ironwork, repairs to locks, weeding and removal of drug litter and emergency call out. The basic annual budget for this is £15.3k.

- **Restoration Works:** as for maintenance works, plus erection of working scaffold and temporary walkway, installation of tie bars, underpinning piers and buttresses, as required in the Council's long term restoration programme for the City Walls. The basic annual budget for this is £67k which includes design fees of 15%.
6. Due to their status, all work carried out on the Walls must comply with the requirements set out in Scheduled Monument Consents obtained from the Department of Culture Media and Sports (DCMS) through English Heritage (EH). This specifies rigorous standards for both design and implementation of works.
 7. Since the inception of Compulsory Competitive Tendering (CCT) in the early 1980s it has been difficult to find suitable tenderers which can provide the whole range of specialised skills that this service requires. With the expiry of the last contract with NS alternative methods of procurement have been discussed with the Corporate Procurement Team and they have advised that the best way to deliver this service is through a Partnering Agreement.

Procurement History

8. Due to the requirements of CCT, works on the City Walls have been tendered twice, most recently in July 2000 with a five year contract, on the basis of the "most economically advantageous tender" with quality being a major consideration. On both occasions, with little competition due to the limited number of suitable contractors, the CSO won the contract, the first being for maintenance only, and the second for maintenance and restoration. Due to staff shortages in Engineering Consultancy the work was not retendered in 2005 and a waiver was granted for a year. Continuing staff shortages delayed progress and it was agreed with the Corporate Procurement Team that a new arrangement should be in place by April 2008, with NS in the meantime continuing to carry out maintenance work.
9. Major restoration schemes with values beyond the scope of the term contracts have been competitively tendered on approximately 12 occasions since 1990. All but 3 contracts have been won by CSO and the last contract won by a private contractor was in 1998. The most recent contracts won by CSO/NS have been the Railway Arches phases 1 and 2, (combined works value approximately £360k) and the restoration of Robin Hood Tower (works value £190k).
10. The procurement of this service has been the subject of discussion in recent years between the Environment and Conservation, Engineering Consultancy, NS and the Corporate Procurement Teams, with the aim of providing the best quality and value solution for the Council.

Procurement Hierarchy

11. The procurement options for the City Walls Maintenance and Restoration schemes have been assessed against the Council's Service Procurement

Hierarchy, as set out in the Rollo Report 'A Strategy for Assessing Service Procurement Options', with a recommendation on placement of the service at Level Two – existing provider with Improvement Plan.

12. The strategy for assessing this procurement option not only reflects Best Value principles but also looks beyond individual reviews and services to consider an overall view in order to obtain the best possible result for the Council and its customers. Based upon this strategy compliance with the 'Rollo' Report was sought in its guiding principles of transparency, robustness, control and ownership, customer focus, flexibility, affordability, deliverability, and corporate issues.

13 These are addressed as follows:

- **Transparency:** The issue of transparency is covered through the medium of this report.
- **Robustness:** Similarly this report addresses the issue of robustness and demonstrates that the proposal provides a long term Best Value solution for the consistent high quality provision of this service to the Council.
- **Control and Ownership:** The proposals allow the Council to retain sufficient and appropriate control and ownership. This is particularly important in managing a high profile asset such as the City Walls.
- **Flexibility:** The proposals provide the Council with a flexible service enabling a response to emergency or changed circumstances.
- **Affordability:** The service will be affordable as expenditure will be dictated by the annual budgetary provision.
- **Deliverability:** Because the service is managed and delivered completely in house by staff with many years of experience its delivery will be reliable and capable of providing continuous improvement.
- **Equality:** The Council is committed to providing opportunities for all in line with all relevant legislation without regard to ethnicity, race, gender, religion, sexual orientation, age or disability.

14. Additionally, in accordance with the Service Procurement Strategy, the following Key Service Criteria are required to be addressed:

- **Lowest quartile price:** Quality is of greater significance than price in providing this particular service. There is difficulty in obtaining competitive pricing due to the specialist nature of the work, but CSO have won two term contracts and approximately nine specific contracts in competition.
- **Highest quartile quality:** Quality is the overriding requirement in this service and will be achieved by the imposition of consistent standards and continuity of personnel. It is questionable whether highest quartile quality could be achieved with the lowest quartile price in providing this particular service. However best value for the Council will be achieved through a service level agreement and improvement plan,

- **High customer satisfaction:** The City Walls are one of the most visited attractions in York and are also used by many residents on a daily basis. They are highly valued for this reason and the source of very few complaints.
 - **Excellent Health and Safety:** Maintenance of the Walls is vital both for safety and aesthetic reasons and the Council's record in this respect is excellent.
 - **High percentage on time:** Work to the Walls is carried out on both a reactive and planned basis. Work is invariably carried out on time.
 - **Capacity for continuous improvement:** While the maintenance of the City Walls has always been carried out to a very high standard it is acknowledged that there is always room for improvement and this will be addressed in an agreed SLA and improvement plan with the service provider.
15. A report published in 2005 by the National Heritage Training Group, backed by EH and Construction Skills, identified an acute shortage of suitably qualified craftsmen in the construction industry. NS commitment to training and their ongoing maintenance of the walls enables them to provide a properly qualified workforce for this work. Additionally, because the ancient monuments team is part of the larger civil engineering team, they can provide a flexible and responsive service.
 16. The skills available to the Council through their ancient monuments team are irreplaceable and probably unique among Local Authorities. NS actively works with York College to provide suitable training and apprentice positions with a view to continue employing skilled masons. Although they undertake work other than on the walls, they are available to provide this prestige service to a consistent standard. In view of the well documented skills shortage, a long term view of the maintenance and restoration of the City Walls aligned with the remaining restoration programme should be taken to enable this team to remain extant.
 17. It has always been difficult to find suitably qualified contractors for this service. A particular difficulty is finding contractors with the necessary trained workforce and flexibility to provide a reactive specialised response which is often required at short notice to maintain the walls in a safe condition. NS has shown itself to be competitive in both maintenance and restoration work and is able to produce work of a consistently high standard as demanded by the client and EH.
 18. The ancient monuments team are also able to provide specialist skills to NS which enhance and broaden the service that this Directorate is able to provide to its various Council and external clients. In addition to work on the walls they also carry out bridge maintenance and other structural repairs. If the service was transferred to an external provider loss of some staff under TUPE would be likely. This would have the effect of losing the expertise of trained masons in whom the Council has invested, and ultimately the likely loss of the ancient monuments team, to the detriment of service to other clients.

19. For the above reasons, together with the relatively low annual value of the works (£147.3k in 2008/09) and the requirement for a reactive locally based service, the Corporate Procurement Team have advised that the recommended way to provide this service, taking a long term view is through a partnering arrangement between CS and NS. Competitive tendering was the other option considered but this was discarded due to the difficulty in finding suitably qualified contractors.

Corporate Priorities

20. The proposals relate to the following Council corporate priorities:
- Improve the actual & perceived condition and appearance of city's streets, housing estates & publicly accessible spaces
 - Increase people's skills and knowledge to improve future employment prospects

Implications

21. **Financial:** This service is very small in financial terms compared to the major services referred to in the "Rollo" strategy. The basic annual budgets for the City Walls have remained unchanged and unadjusted for inflation for more than twelve years at £15.3 revenue and £67k capital, the latter including design and supervision fees at approximately 15%. The maintenance and restoration budgets for 2008/09 have been increased to £20.3k and £127k respectively as a result of growth and CRAM bids for Health and Safety works but both additional sums are only available for one year. Previous successful CRAM bids have enabled the restoration of the Railway Arches and Robin Hood Tower and the provision of railings on some lengths. Annual CRAM and growth bids will continue to be made to augment the reducing funding. Grant aid from EH has not been given for some years and is unlikely to become available again. The Partnering Agreement will ensure that the basic funding plus any additional funding that becomes available will be used to provide the Council with a consistent quality of work on the Walls in accordance with the stringent requirements of Scheduled Monument Consents.
22. There would be Human Resources implications if the service was transferred to an external provider with potential loss of staff under TUPE. The expertise of trained masons in whom the Council has invested would be lost, to the detriment of service to other clients e.g. bridge maintenance.
23. There are no Equalities, Legal, Crime and Disorder, Information Technology or Property implications.

Risk Management

24. In view of the low value of the agreement, and that work carried out is dictated by available funding, the risk to the Council is minimal.

Recommendations

25. It is recommended that the Executive approve:
- a) City Strategy and Neighbourhood Services deliver the maintenance and restoration of the City Walls through a partnering agreement .
 - b) That a Service Level Agreement be agreed which will detail the framework and performance standards of the partnership ensuring that this approach will improve the quality, productivity and cost of the service to the Council.
 - c) That this agreement commences on 1 April 2008, and will be reviewed and monitored as detailed in the Service Level Agreement.

Reason: To ensure that the City Walls are maintained to a consistently high standard.

Contact Details

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Tel No. 551473

Chief Officer Responsible for the report:

Damon Copperthwaite
Assistant Director of City Strategy

Report Approved



Date 19 February 2008

Specialist Implications Officer(s)

Financial Information agreed with Patrick Looker

Wards Affected: Guildhall and Micklegate

For further information please contact the author of the report

Background Papers:

None



Executive

11 March 2008

Report of the Director of City Strategy

Derwenthorpe – Amendments to the “Agreement for Sale” and “Framework Agreement”

Summary

1. In October 2002 the council entered into an “Agreement for Sale” and an accompanying “Framework Agreement” with the Joseph Rowntree Housing Trust (JRHT) relating to land in the council’s ownership at Osbaldwick. In the intervening period and following a public inquiry JRHT have gained planning permission for 540 homes on the site and have recently had a reserved matters application approved on phase 1 of the development.
2. As a result of the length of time it has taken to progress this development a number of issues have arisen which require amendments to be made to the original agreements, both from the council’s and JRHT’s points of view. The purpose of this report is to seek Member approval for these proposed changes to allow the sale to go ahead and the development to proceed.

Background

3. The council and JRHT have been working together to realise the development of a highly sustainable community focussed development at the land north of Osbaldwick village for over 10 years. Planning permission for the development of 540 homes was granted in May 2007 on the site now named Derwenthorpe. The proposed development has been subject to widespread public consultation and participation throughout with an informal three way partnership between JRHT, the council and the community. Within this partnership the relationship between JRHT and the council was formalised by means of a Framework Agreement which sets out the responsibilities of the partners and the vehicle for involving the community.
4. Alongside the above agreement there is also an Agreement for Sale between the council and JRHT in which JRHT contracts to buy the council’s land subject to gaining access to the site from the required four directions and also subject to gaining planning approval. In return the council is guaranteed a payment of £5.575 million and 100% of the next £2 million of overage (assuming there is overage) and 50% of all subsequent overage.

Proposals

5. There have been a number of issues that have arisen over the period since the Agreement for Sale and the Framework Agreement were signed by the council and JRHT in October 2002. These have resulted in the need to amend the current agreements and it is proposed to do this by supplemental agreements which will address the following:-

Changes requested by JRHT

- Changes of terminology in relation to the Community Consultative Panel and the New Osbaldwick Committee being replaced by the Partnership Committee as required under the terms of the Section 106 Agreement.
- Extending the period for the satisfaction of the conditions precedent to allow for the Village Green application to be resolved (the original period ran out in October)
- Adding a new condition precedent to the sale agreement, namely that the Village Green application would be disposed of without there being a Village Green registered (or if part of the site was registered only a part that JRHT are willing to accept).
- Altering the terms of the Sale Agreement so it permits JRHT to “self develop” individual phases rather than requiring them to tender each phase for sale to housebuilders.

Changes that the council wish to be addressed

- A tightening of the agreement to ensure that there is a clear and express obligation on JRHT to seek to maximise the profits made from the development and thus to maximise the overage paid to the council.
- Further revision to the structure of the overage provisions to:
 - Be prescriptive in requiring a sale or development and imposing a timetable for it.
 - Provide a mechanism whereby the council may elect to call for an interim payment after sales of parts of the site and for a final payment at a defined longstop date.
 - Clarify how overage would be calculated in the event of the site being disposed of prior to full development and linking any such calculation to open market value of the land.
 - Ensure there is provision for including all receipts of all property constructed by JRHT both open market and affordable bearing in mind JRHT may well let but retain the freehold of a number of properties.

- Provide an explicit requirement on JRHT to maximise land sale proceeds or overall development profit or to minimise costs.
 - Define precisely a final payment date to the council.
- The agreed change of affordable housing from 35% to 40% is also recorded.

Consultation

6. There has been no specific consultation relating to the proposed changes to the two agreements in question however there has been extensive consultation relating to the development scheme both at the preplanning and planning stages.

Options

7. The proposed amendments to the agreements have been the outcome of several months of discussion and negotiation between JRHT and the council. As such they provide a way forward which addresses the up to date needs of both parties in updating the agreements.
8. **Option 1** - The council does have the option of not amending the agreement in the way proposed but seeking other/different amendments which would of course be subject to further discussion /negotiation with JRHT.
9. **Option 2** – The council could decide not to amend the agreement and leave it as previously drafted
10. **Option 3** – The council could agree to the amendments as proposed

Analysis

11. **Option 1** – The proposed amendments build on and update the previous agreements. They address the issues of both the council and JRHT and therefore it is not recommended that any further or different amendments are necessary.
12. **Option 2** – If the council were to unilaterally decide not to amend the agreements then JRHT could decide not to proceed with the development and the council would then need to find another partner to develop this site. There would of course be no guarantee that a different partner would not still require the same conditions as set out in the proposed agreements or would be prepared to pursue the sustainability and community approach currently proposed or pay a higher price for the site. If JRHT decided to proceed under the existing agreements then the council would lose the opportunity to address the matters set out in paragraph 5 above which significantly improve

its protection under the agreement. It is not therefore the recommended option.

13. **Option 3** – Three of the proposed changes requested by JRHT are a result of changed circumstances which have arisen over the period since the original agreements in October 2002. These relate to matters outside their control, namely the requirements of the planning permission involving continued community involvement; delays to the development largely caused by the need for a planning enquiry and the subsequent Village Green application which has meant that the end date set out in the original agreement ran out last October. The fourth change is to permit JRHT to “self build” individual phases rather than tender them to a house builder. This allows more control over the quality of the development in particular the overall sustainability of the development and the aspiration shared with the council to create a 21st century model village concept.

This option also considerably strengthens the agreement for sale from the council’s perspective. In particular the obligations placed on JRHT to maximise the overage payable to the council.

The proposed changes covered by option three have been subject to considerable discussion and negotiation between the council and JRHT and have been carefully drafted and scrutinised by the council’s appointed legal advisor. This option is therefore recommended.

Corporate Priorities

14. The development of Derwenthorpe which it is proposed be delivered in accordance with the revised agreements will link with the following council priorities:-

- Reduce the environmental impact of council activities and encourage, empower and promote others to do the same.
- Improve the quality and availability of decent affordable homes in the city.

Implications

15. **Financial:** The sale of Derwenthorpe will guarantee the council a capital receipt of £5.575 million with the expectation of a further £2million in overage and a 50% share of any further overage. The council’s capital programme for 2008/09 assumes that £2.95million of this receipt will be received with a further £2.625million in 2009/2010. Failure to reach agreement with JRHT on the proposed amendments would almost certainly prejudice the timing of these assumed receipts.

16. **Human Resources:** None directly from this report

17. **Equalities:** None

18. **Legal:** None

19. **Crime and Disorder:** None

20. **Information Technology:** None

21. **Property:** The agreements are for the sale of 2 Ha of council owned land immediately to the north of Osbaldwick. The council entered into the agreement for sale of this asset in October 2002 and this report relates to amendments to that agreement for sale which strengthen the council's position regarding level and timing of payment.

Risk Management

22. The current agreements between the council and JRHT contain specific risks relating to the level and timing of overage payments. The proposed amendments significantly strengthen the council's position and subsequently reduce the risk to the council.

Recommendations

23. Members are recommended to approve option 3 concerning the changes as set out in paragraph 5 above which will allow for the necessary amendments to the "Agreement for Sale" and "Framework Agreement" between the council and Joseph Rowntree Housing Trust.

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Report Approved Date 26/02/08

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Wards Affected: Osbaldwick

For further information please contact the author of the report

Background Papers: Executive report 8th February 2002

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