

Meeting	Executive
Date	27 August 2015
Present	Councillors Steward (Chair), Aspden (Vice-Chair), Ayre, Brooks, Carr, Gillies, Runciman and Waller
Other Members participating in the meeting	Councillors S Barnes (as substitute for Cllr Williams) and D'Agorne
In attendance	Councillors Cuthbertson and Warters

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## **Part A - Matters Dealt with under Delegated Powers**

### **37. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

Councillor Stuart Barnes declared a personal non prejudicial interest in respect of agenda item 8 – Healthy Child Service as he was employed by an National Health Service Trust outside the city.

### **38. Minutes**

Resolved: That the minutes of the last meeting of the Executive held on 30 July 2015 be approved and signed by the Chair as a correct record.

### **39. Public Participation**

It was reported that there had been seven registrations to speak at the meeting under the Council's Public Participation Scheme and that one Member of Council has also requested to speak on items, details of which are set out below:

## Community Stadium and Leisure Facilities Procurement Update

Fiona Evans spoke on behalf of the Yearsley Pool Action Group expressing her support and thanking the administration for securing the future of Yearsley Pool as part of the 13 year leisure contract. She referred to the unique nature of the long distance pool and confirmed that the Action Group were committed to any future proposals.

Brian Watson referred to the time taken to procure the Stadium and Leisure Facilities and to access to information which had not been possible owing to confidentiality. He questioned sign up to the Stadium by all parties and requested scrutiny of the full programme including risks.

Councillor Warters spoke in respect of the Community Stadium and its procurement. He welcomed oversight of the scheme by the Community Stadium Lead Members Group. He also questioned the possible use of outside consultants to bring the scheme to completion.

## Advertising Board and Other Equipment on the Public Highway

Sue Barnes-Wilson spoke as the owner of Gillies Fabrics in Peter Lane, highlighting the difficulties she would encounter if unable to use an A-board to advertise her business.

## Healthy Child Service

Charles Mills spoke as Health Visitor Manager at the Monkgate Health Centre. He requested that consultation should be undertaken with the Unite Union who were affiliated with the Community Practitioners and Health Visitors Association and pointed out that there was no health visiting team at the Haxby Road Children's Centre as mentioned in the report. He expressed support for any change in the service which would reduce health inequalities in the city for children and families.

Dr Robert Smith spoke as Consultant Paediatrician and Clinical Director at York Hospital regarding his concerns about the proposed changes to the Healthy Child Services. In particular regarding consultation, the need for a service plan, funding arrangements, performance monitoring and clinical governance and supervision. He referred to the current service which he felt would be fragmented by the proposed commissioning process.

## Progress Report: City of York Trading Ltd

Heather McKenzie spoke on behalf of Unison indicating their support for the trading of Council services. However she had concerns regarding consultation, arrangements for engagement with other authorities, performance related pay and to the transparency of the new arrangements. She confirmed that trading should be undertaken in ways that would not disadvantage staff and she requested further scrutiny.

Gwen Swinburn also spoke to raise concerns at the proposed changes and in particular in relation to the governance and oversight of the body.

### **40. Forward Plan**

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

### **41. Community Stadium and Leisure Facilities Procurement Update**

Consideration was given to the report of the Director of Communities and Neighbourhoods which updated the Executive on progress of the procurement process for the Community Stadium and City Leisure facilities project, including Yearsley Pool.

It was noted that it was proposed to bring forward a programme of works from the construction schedule in order to mitigate risks in the delivery timetable, provide additional contingency and reduce ongoing revenue costs relating to the security and maintenance of existing buildings. The commitment given by the joint administration for the long term future of Yearsley Pool was also noted together with the proposal to use the review process as part of the procurement and draft contract to examine the options for the most appropriate future means of operation of the pool.

The outline procurement timetable which indicated the sports stadium element as operational in April/May 2017 was noted together information on risks and financial issues.

Officers presented the report, referring to the complexity of the project and the need to reduce the level of financial risks. Officers indicated that they were not seeking approval of recommendations f) and g), relating to appropriation, pending further work being carried out.

The Executive Member highlighted issues around procurement and the procurement timetable for delivery of the project and to the reconvening of the cross party Community Stadium Lead Members Group who would be kept updated as work progressed. He reported that the Football Stadium Improvement Fund had confirmed their position regarding terracing and the project would proceed on that basis.

Following further discussion it was

Resolved: That the Executive agree to:

- (i) Note the commitment to the long-term future of Yearsley Pool and to commence the formal review process acknowledged by the procurement documentation in October 2015 so that this long term commitment to Yearsley Pool is delivered.
- (ii) Receive a report by March 2016 setting out the findings of the review process set out in i) above and agree the long-term management arrangements for the pool after the New Stadium Leisure Centre is operational. <sup>1</sup>.
- (iii) Proceed with a package of early works as set out in paras 23 to 30 of this report in order to de-risk the delivery timetable and mitigate ongoing revenue pressures. The package of early works includes:
  1. Demolition of the existing Huntington Stadium and Waterworld
  2. The extension of the existing Park & Ride site and associated reconfiguration works to the car parking areas.
  3. Progress detailed design aspects of the construction phase.
- (iv) Agree to the cost of these works, valued at c.£2m, being brought forward from the

construction schedule (set out in iii above) to be funded from the existing approved stadium and leisure budget.<sup>2.</sup>

- (v) Receive a contract award report for the Stadium Scheme by January 2016.<sup>3.</sup>

Reason: To enable the delivery of this important council project .

Action Required

- 1. Commence formal review process and schedule report back to Executive on Council's Forward Plan. TA, CC
- 2. Implement package of early works. TA, CC
- 3. Schedule a contract award report on the Council's Forward Plan. TA, CC

**42. Proposed Decision Making Arrangements**

Consideration was given to a report which informed the Executive of the outcome of consultation in relation to proposals for new decision making arrangements to allow greater pre decision scrutiny together with proposals for implementation.

Members noted the results of consultation undertaken with the Corporate & Scrutiny Management Policy & Scrutiny and Audit and Governance Committees and the guide prepared to reflect the new arrangements at Annex B of the report.

Members welcomed the update and suggested guidelines which would give greater transparency and scrutiny of decisions and also provided for a review at the end of the municipal year.

Resolved: That the Executive agree to:

- (i) Confirm the introduction of pre decision scrutiny arrangements and their commitment more generally to involving scrutiny in improving the quality of decisions made by the Council.
- (ii) To endorse the proposed arrangements for pre decision scrutiny as set out in this report and described in the guide at Annex A.

- (iii) To invite the Corporate and Scrutiny Management Policy and Scrutiny Committee to:
  - a) Consider how best to involve Members of other Scrutiny Committees in its pre decision call in work
  - b) Establish a Sub Committee to deal with urgent call ins
  - c) To consider the remits of Scrutiny Committees and the membership of CSMPSC itself with a view to presenting proposals to Council <sup>1</sup>.
- (iv) To agree to review the new arrangements at the end of the Municipal Year. <sup>2</sup>.

Reason: To enable revised decision making arrangements to be put in place

Action Required

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| 1. Present options report to CSMC.                  | AD, DS |
| 2. Schedule review of decision making arrangements. | AD, DS |

**43. Advertising Boards ("A" Boards) and Other Equipment on the Public Highway**

The Executive considered the report of the Director of City and Environmental Services (CES) in relation to advertising boards and other equipment on the public highway used to promote primarily private businesses across the city.

Members noted the work of the previous scrutiny review on the subject and their recommendation, agreed by Cabinet to request the Director of CES to prepare guidelines for the use of A-Boards across the city, in consultation with interested parties.

Consideration was also given to a recent letter from the Royal National Institute for the Blind, who campaigned for a zero tolerance approach to A Boards, at Annex D of the report, in which they offered to work with the Council to develop a policy which would give some flexibility.

Officers presented the report and the following options:

Option 1 – Zero Tolerance.

Option 2 – Prepare a Draft Policy and consult appropriate bodies.

The Executive Member confirmed his support for the need for a regulated approach, owing to the proliferation of boards around the city but he highlighted the need for a balance between highway users and businesses.

Resolved: That the Executive agree to request:

- (i) That Officers prepare a Consultation Draft Policy to include a formal licensing arrangement for A Boards in accordance with strict criteria, (this being consistent with the earlier Cabinet resolution) and commence a consultation exercise on the Draft Policy over forthcoming months;
- (ii) That such consultation to be focused to provide engagement with representatives of the business community, in particular retail groups and the Business Improvement District and also representatives of those who are blind and partially sighted, those with mobility issues such as charities/groups including the RNIB, Guide Dogs and York specific groups, such as York Blind and Partially Sighted Society; <sup>1.</sup>
- (iii) That a further report be brought to the Executive later in the year to present the findings of this consultation and a recommended Final Draft Policy, together with estimated financial implications of implementation and enforcement. At this next stage the Final Draft Policy will have been the subject of a full Equalities Impact Assessment and consultation process, before being recommended to Members for approval. <sup>2.</sup>

Reason: To provide adequate control of the many and varied obstructions (particularly for those with impaired mobility for example, blind and/or partially sighted) temporarily located on the public highway. This taking into account of the Council's responsibilities under the Highways Act 1980, the Equality Act 2010 and Town & Country Planning Act 1990. To contribute further to

the removal of street clutter, improve the street scene and public realm.

Action Required

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| 1. Prepare draft policy and undertake necessary consultation. | RB, NF |
| 2. Schedule a further report on the Council's Forward Plan.   | RB, NF |

**44. Healthy Child Service**

Consideration was given to the report of the Director of Children's Services, Education and Skills on proposals for the future provision of a Healthy Child Service in the city. The current commissioning arrangements meant that the Healthy Child Programme (HCP) for 5-19 years was currently the responsibility of the City of York Council through a contact with the York Teaching Hospital NHS Trust. With the transfer, on 1 October 2015, of 0-5 child public health services commissioning this would complete the transfer of public health responsibilities to local authorities.

It was noted that the Council intended to develop a new Healthy Child Service which would offer an integrated child and family centred approach and deliver the HCP 0-19 years and that consultation on the new arrangements had been co-ordinated by the Children's Trust Unit. The challenges that the new delivery model would need to address together with details of the three phase delivery programme and associate implications were set out in full in the report.

Officers referred to the unique opportunity this provided to integrate services and improve outcomes for children and deliver a more family focussed and community based service. They confirmed that it was standard practice to consult with all Unions in relation to any staff changes and that they understood the concerns raised earlier in the meeting which would be examined as part of the ongoing work, and during staff consultation.

The Executive Member thanked earlier speakers for their comments and confirmed that the specialist school nursing service was not included in the proposals and would remain in schools.

Some Members expressed concern at the delivery timetable and following further discussion consideration was given to the following options:

Option 1 – Do not re-procure a new service

Option 2 – To re-procure a new service through competitive tender

Option 3 – To allow the existing contracts for health visiting, school nursing and National Child Measurement Programme to lapse on 31 March 2016 and create an “in house” provision based on the recommended model for the new 0-19 Healthy Child Service from 1 April 2016

Resolved: That the Executive approve Option Three – to allow the contracts for the existing health visiting, school nursing and National Child Measurement Programme to end on 31 March 2016 and create an “in house” provision with a new delivery model with effect from 1 April 2016. <sup>1</sup>.

Reason: Given the imperative to ensure that the establishment of a new Healthy Child Service supports the delivery of the transformation programme already in progress across children’s services and, in particular, the offer provided by Children’s Centres and Youth Services, including Castlegate, this is the option that provides the greatest flexibility and value for money. It will also facilitate local integration with health services for children and young people that are delivered by NHS organisations such as York Hospital NHS Foundation Trust and Tees, Esk and Wear Valleys NHS Foundation Trust.

#### Action Required

1. Proceed with implementation of SS, JS proposals for future provision of service.

#### **45. Progress Report: City of York Trading Ltd**

The Executive considered an update report from the Director of Customer and Business Support Services on the progress of

City of York Trading Ltd (CYT Ltd), the Council's trading organisation for council services.

Details of performance to date, including that focused on the Work with York brand and new product offers were reported together with results of a governance review and recommended changes to the Shareholder Agreement.

In answer to earlier questions Officers confirmed that democratic and governance oversight was carried out by the Shareholder Committee made up of three Council Members and that the proposals would strengthen this role. They also confirmed that performance related pay related to the small administrative team that ran the service.

Members were requested to agree or to disagree with the changes to the Shareholders Agreement as stated in recommendation a) or propose amendments.

Following further discussion the Chair suggested that, in view of issues raised by earlier speakers, the report be referred to the Group Leaders meeting on 3 September for review prior to further consideration by the Executive.

Resolved: That in view of the concerns raised at the meeting, the Executive agree to defer this item and refer it to the next Group Leaders meeting for further consideration, prior to a report back to a future Executive meeting. <sup>1</sup>.

Reason: To allow Group Leaders to examine the issues raised and to ensure that they understand the progress of the council's Trading Company and are involved in setting the direction of the future business.

Action Required

1. Refer to next Group Leaders meeting

JP

**46. 2015/16 Finance and Performance Monitor 1**

Consideration was given to a report which presented details of the Council's finance and performance position for the period covering 1 April to 30 June 2015, together with an overview of emerging issues.

It was noted that the financial pressures facing the Council were projected at £1,904k an improvement from the last two years. An overview of the forecast on a directorate basis was shown at Table 1 of the report, with detail of the main variations and mitigating actions proposed in each Directorate at paragraphs 8 to 25 and performance at paragraphs 31 to 52.

Officers highlighted the impact of the government requirement for Council's to sell their high value properties when they became vacant and the impact of this on the Housing Revenue Account.

Resolved: That the Executive agree to note the current finance and performance information as set out in the report.

Reason: To ensure expenditure is kept within the approved budget.

#### **47. Capital Programme - Monitor 1 2015/16**

*[See also Part B minute]*

Members considered a report which set out details of the Council's projected capital programme outturn position for 2015/16, including any under/over spends and adjustments, together with requests to re-profile budgets to/from current and future years.

It was noted that the current 2015/16 capital programme, as approved by Council and updated in July was £100.381m, with current monitor showing a decrease of £5.091m resulting in a revised capital programme of £95.290m, the majority of which was attributable to the re-profiling to future years budgets.

The variances in each portfolio were shown at Table 1 of the report and a summary of the key exceptions and implications on the capital programme reported in paragraphs 8 to 32 and Annex A. Revisions to the 5 year programme were also reported together with details of funding for future years to 2019/20.

Officers highlighted the expenditure being undertaken in Children's Services on the school rebuild schemes at Fulford and St Barnabas Primary School.

Resolved: That the Executive:

- (i) Note the 2015/16 revised budget of £95.290m as set out in paragraph 6 and Table 1 of the report.
- (ii) Note the restated capital programme for 2015/16 – 2019/20 as set out in paragraph 30, Table 2 and detailed in Annex A of the report.

Reason: To enable the effective management and monitoring of the Council's capital programme.

## **Part B - Matters Referred to Council**

### **48. Capital Programme - Monitor 1 2015/16**

*[See also Part A minute]*

Members considered a report which set out details of the Council's projected capital programme outturn position for 2015/16, including any under/over spends and adjustments, together with requests to re-profile budgets to/from current and future years.

It was noted that the current 2015/16 capital programme, as approved by Council and updated in July was £100.381m, with current monitor showing a decrease of £5.091m resulting in a revised capital programme of £95.290m, the majority of which was attributable to the re-profiling to future years budgets. A net increase of £209k was attributable to an increase in government grants and use of S106 funds.

Recommended: That Full Council agree the adjustments in the programme of a decrease of £5.091m in 2015/16 as detailed in the report and contained in Annex A. <sup>1</sup>

Reason: To enable the effective management and monitoring of the Council's capital programme.

#### Action Required

1. Refer to Council

JP

Cllr C Steward, Chair

[The meeting started at 5.30 pm and finished at 7.05 pm].

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