

MEETING	CABINET
DATE	10 JANUARY 2012
PRESENT	COUNCILLORS ALEXANDER (CHAIR), CRISP, FRASER, GUNNELL, LOOKER, MERRETT, SIMPSON-LAING (VICE-CHAIR) AND WILLIAMS
IN ATTENDANCE	COUNCILLORS BARNES, DOUGLAS, FITZPATRICK, GALVIN, STEWARD AND WARTERS

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#### **84. 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.

Councillor Alexander declared a personal non prejudicial interest in agenda item 10 (Review of City of York Council's Elderly Persons Homes) as a member of the GMB union.

The following Members each declared a personal non prejudicial interest in agenda item 7 (Revision to the Council's Administrative Accommodation Strategy), item 9 (Proposed Expansion of Veritau Limited) and item 10 (Review of City of York Council's Elderly Persons Homes), insofar as they related to staffing issues:

- Cllr Fraser – as a member of the retired sections of Unison and Unite (TGWU/ACTS sections)
- Cllr Simpson-Laing – as a member of Unison
- Cllr Williams – as a member of Unison and Unite

Councillor Simpson-Laing declared a personal non prejudicial interest in agenda item 6 (Minutes of Working Groups – Local Development Framework Working Group, 5 December 2011) as one of the Ward Councillors for the Acomb Ward and as she lived in the Leeman Road area.

**85. MINUTES**

RESOLVED: That the minutes of the last Cabinet meeting held on 6 December 2011 be approved and signed by the Chair as a correct record.

**86. PUBLIC PARTICIPATION/OTHER SPEAKERS**

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

Cllr Warters spoke in relation to item 6 Minutes of Working Groups in respect of the Local Development Working Group minutes of 5 December 2011. He made reference to the role of Working Groups under the Council's Constitution. In particular to the mechanism for reporting back to Cabinet which he felt had not been followed in respect of the Core Strategy Submission Draft report which had been presented direct to the Executive meeting by the Executive Member on 7 June 2011.

Cllr Warters also spoke on item 7 Revision to the Council's Administrative Accommodation Strategy which was already the subject of a pre-decision call-in. He reiterated Cllr Scott's expressed concerns at the timing for consideration of this issue as a report on the Future Use and Options for the Guildhall had been scheduled on the work plan of the Effective Organisation Overview and Scrutiny Committee on 28 February 2012.

Cllr Warters then went on to speak on item 8 Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document. He confirmed his support for the control of HMO's but felt that the proposed 20% threshold would have no effect and was not supported in his ward. He again referred to the under provision of student accommodation on campus and he urged the Cabinet to support Option 2 and consider an alternative approach to assessing concentrations of HMO's.

Cllr Galvin spoke of his concerns in respect of the recommendations in item 7 Revision to the Council's Administrative Accommodation Strategy. As the centre of governance for 600 years he supported the preservation of these historic links and the retention of the Guildhall for

governance services. Reference was made to the lack of maintenance of the complex and the letting of any surplus accommodation on the open market as serviced office accommodation. He requested deferral of the item pending receipt of fully costed options with the final decision being made by all members of the authority.

Janet Hopton also spoke in respect of item 7, and she confirmed her full support for the earlier speakers comments. She pointed out that her concerns related only to the Guildhall complex and requested members not to amend the current accommodation strategy. It was premature she felt to make any decision on the buildings without all the options being considered by all members.

A Unison representative spoke in respect of item 10 The Review of City of York's Elderly Persons Homes, in particular in respect of Annex A and the timeline for the Lowfield Care Village. She referred to the phase which would seek expressions of interest from organisations who had previous experience of designing and building (and running) care homes and care villages. Members were asked not to forget the strong preference of both residents and staff for the council to run and staff the new care homes. Continuing consultation was also requested with the views obtained being taken into account.

#### **87. FORWARD PLAN**

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

#### **88. ANNUAL AUDIT LETTER 2010/11 - AUDIT COMMISSION**

Consideration was given to a report which introduced the Annual Audit Letter 2010/11, prepared by the Audit Commission together with the council's response (attached as Annex A to the report).

The District Auditors report had focussed on 3 main areas: an opinion on the Council's Annual Statement of Accounts, assessment of the arrangements to achieve value for money and use of resources and consideration of any matters brought to his attention by the public. Details of the audit fee and current and future challenges facing the Council were also set out.

A representative of the Audit Commission, who was in attendance at the meeting, presented the report. Members questioned the future preparation of the report and audit fees.

The Cabinet Member reported on work being undertaken to address the authority's performance in areas of activity which had been pointed out required closer review.

RESOLVED: That the Annual Audit letter 2010/11, as set out at Annex A of the report, be received and noted.

REASON: To comply with the statutory requirements for the external audit of the council.

## **89. MINUTES OF WORKING GROUPS**

Members received a report which presented the minutes of meetings of the Equality Advisory Group (EAG) held on 24 November 2011 and the Local Development Framework Working Group (LDFWG) held on 5 December 2011, attached as Annexes A and B to the report, respectively.

Members were invited to consider the advice offered by the working groups in their capacity as advisory bodies to the Cabinet, and in particular the recommendations of the LDFWG in respect of the City of York – Revised Local Development Scheme at Annex B (minute 15) to:

- (i) Approve the proposed Local Development Scheme, subject to the comments made by the LDF Working Group.
- (ii) Delegate to the Director of City Strategy, in consultation with the Cabinet Member for City Strategy, the making of any other necessary changes arising from the either the recommendations of the LDF Working Group or Cabinet.<sup>1</sup>

The Cabinet Member for Leisure, Culture and Social Inclusion updated members on the work of the Equality Advisory Group and to the actions being undertaken as a result of the Group's input.

Reference was made to the recommendation regarding zero tolerance of A-Boards in the city centre (Minute 15 (v) EAG), and of the need to get the balance right with traders in peripheral streets in the city.

Officers confirmed that they would examine this issue and clarify the details with members outside the meeting. <sup>2</sup>

RESOLVED:(i) That the minutes at Annexes A and B to the report be noted.

(ii) That the specific recommendations of the LDF Working Group made at their meeting on 5 December 2011, as set out in paragraph 5 of the report, be approved.

REASON: To fulfil the requirements of the council's Constitution in relation to the role of Working Groups.

#### Action Required

1. Make any changes to the Scheme in consultation with the Cabinet Member as required. BW
2. Examine issue raised on A-Board's and report back to members. MS

### 90. **REVISION TO THE COUNCIL'S ADMINISTRATIVE ACCOMMODATION STRATEGY**

The Cabinet considered a report which sought their approval to revise the current administrative accommodation strategy in the light of ongoing space planning in relation to the move to West Offices.

In December 2005 it had been envisaged that the Guildhall would continue to be the centre of democratic activity with the Council Chamber and existing meeting rooms being used for formal decision making meetings. With the development of West Offices however, it had been found that a major part of the political meeting needs could now be accommodated at the new HQ. It had therefore been felt appropriate to review the future of the Guildhall complex and St Anthony's House within the strategy.

The issues that would influence any decision in respect of the future use and development of the Guildhall complex were listed at paragraphs 7 and 8 of the report.

Members referred to difficulties encountered with the continued use of the Guildhall for meetings, including accessibility and the need for investment. It was acknowledged however, that the value of the Guildhall to members and residents would not be under estimated. It was also confirmed that all options, including serviced accommodation would be examined to secure the future of the complex.

As this matter was the subject of a pre-decision call in the Cabinet were minded to make an in principle decision pending further consideration by the SMC (Calling In) Committee.

Following further lengthy discussion it was

**RESOLVED:** That the Cabinet make the following in principle decisions, pending consideration by the Scrutiny Management (Calling In) Committee on 30 January 2012:

- i) That the status of the Guildhall and St Anthony's House in relation to the Administrative Accommodation Strategy is revised in line with this report.<sup>1</sup>
- ii) That further work is progressed to develop future use and development options in relation to the Guildhall site in line with the finalised Conservation and Heritage Plan for the site, bearing in mind the requirement for continued use of the Council Chamber.<sup>2</sup>
- iii) That work is undertaken to assess the requirements of the political groups in relation to space and accommodation needs in West Offices.<sup>3</sup>
- iv) That the Director of City Strategy be authorised to commence initial discussions with third parties regarding possible property options to support the long term use, custodianship or ownership, viability

and maintenance of both the Guildhall and St Anthony's House. <sup>4</sup>.

REASON: To manage the Council's property assets in an economic and efficient manner in line with corporate objectives.

Action Required

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| 1. Revise Strategy in line with report.  | RR |
| 2. Undertake further work to develop use and development options.              | RR |
| 3. Assess accommodation needs for political groups at West Offices.            | RR |
| 4. Commence initial discussions with third parties regarding property options. | BW |

*[Note: The Scrutiny Management Committee (Calling In) meeting on 30 January 2012 confirmed these provisional decisions]*

**91. CONTROLLING THE CONCENTRATION OF HOUSES IN MULTIPLE OCCUPATION SUPPLEMENTARY PLANNING DOCUMENT**

Consideration was given to a report which sought approval for the draft Supplementary Planning Document (SPD) on controlling the concentration of Houses in Multiple Occupancy (HMO's) to be published for consultation purposes. A copy of the draft SPD had been attached at Annex A of the report.

It was confirmed that HMO's represented a significant and growing proportion of the mix of housing in York. To ensure that communities did not become imbalanced a threshold based policy approach had been proposed. The guidance was aimed at providing information on how planning applications for change of use to HMO's would be determined to help manage their spread.

Members referred to the options available and to the need for consultation with all concerned prior to adoption of the final document.

Following further discussion it was

- RESOLVED
- i) That approval be given to the draft Supplementary Planning Document (Controlling Houses in Multiple Occupation) as set out at Annex A of the report for consultation purposes in accordance with Option 1; <sup>1</sup> and
  - ii) That the Director of City Strategy be delegated authority to make of any changes to the SPD that are necessary as a result of the recommendations of the LDF Working Group. <sup>2</sup>

REASON: So that the SPD can be consulted on, and amended accordingly ahead of it being used for Development Management purposes to support the emerging LDF Core Strategy and the Article 4 Direction which comes into force on 20 April 2012.

Action Required

- 1. Proceed with consultation. MG
- 2. Amend SPD as necessary as a result of the LDFWG. BW, MG

**92. PROPOSED EXPANSION OF VERITAU LIMITED**

Consideration was given to a report which detailed the proposed expansion of Veritau Limited to enable the Company to provide internal audit services to a number of the North Yorkshire district councils from 1 April 2012.

Further information in respect of the final proposals for the integration of the North Yorkshire Audit Partnership with Veritau Limited were set out at paragraphs 8 to 16 of the report. The outline dates necessary to establish Veritau North Yorkshire were timetabled at paragraph 18 with the transfer of the internal audit and counter fraud services scheduled for 1 April 2012. Details of the business case for expansion of Veritau Ltd were set out at Annex 1 of the report.

RESOLVED: That approval be given to the expansion of Veritau through the creation of a subsidiary company, Veritau – North Yorkshire so as to



enable internal audit services to be provided to the North Yorkshire district councils from 1 April 2012. <sup>1</sup>.

REASON: As shareholders in Veritau, to consider the expansion of the company so as to enable the provision of services to other local authorities in the region.

Action Required

1. Proceed with expansion proposals. IF

**93. THE REVIEW OF CITY OF YORK COUNCIL'S ELDERLY PERSONS HOMES**

Consideration was given to a report which outlined details of consultation feedback from residents and relatives of Fordland and Oliver House and day care service users, following the review undertaken of York's elderly persons homes. Details of the overall implementation plan for the phased closure of the remaining City of York Council run care homes and the re-provision of new accommodation on the Fordlands, Haxby Hall and Lowfield sites was also reported.

It was confirmed that the planned management of the moves had been carried out in accordance with the Moving Homes Safety Protocol which had been developed in accordance with good practice and local older people's representatives, attached at Annex B of the report. Details of the programme of development was set out at Table 1, paragraph 16 together with details of market engagement and the timeline for the Lowfield Care Village attached at Annex A of the report.

The Cabinet Member thanked the older people's representatives for their assistance with the programme. Following further discussion it was

RESOLVED: That Cabinet agree to:

- i) The closure of Oliver House and Fordlands residential care homes and that residents' moves to their new homes are carefully planned and managed in line with the "Moving Homes Safely" protocol. <sup>1</sup>.

- ii) The implementation of the overall programme of development for the modernisation of the Council's residential care homes. <sup>2</sup>.
- iii) Receive a more detailed business case in April 2012 for the development of a new residential care home on the Fordlands site which shows the possible build and operating options. <sup>3</sup>.
- iv) Officers undertaking a soft market testing exercise for the development of the Lowfield site and report back to Cabinet with the outcome along with a financial model of the operating and design options in April 2012. <sup>4</sup>.

REASON: The review highlighted the need for changes to the current provision and proposed options for consultation on how it could be replaced by modern facilities. There was overwhelming support in the consultation of the need for change and the vision of the new facilities in the city. These recommendations form the next steps toward implementing that vision.

Action Required

- 1. Proceed with closure in line with agreed protocol. PD
- 2. Proceed with implementation. PD
- 3. Schedule report on Forward Plan. PD
- 4. Proceed with market testing exercise. PD

Cllr J Alexander, Chair  
[The meeting started at 5.30 pm and finished at 7.30 pm].