

Meeting	Executive
Date	24 September 2015
Present	Councillors Steward (Chair), Aspden (Vice-Chair), Ayre, Brooks, Carr, Gillies, Runciman and Waller
Other Members participating in the meeting	Councillors D'Agorne and Williams
In attendance	Councillors Craghill, Cuthbertson, Gunnell, Kramm, Levene, Rawlings and Taylor

Part A - Matters Dealt With Under Delegated Powers

49. 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. No additional interests were declared.

50. Minutes

Resolved: That the minutes of the last meeting of the Executive held on 27 August 2015 be approved and signed by the Chair as a correct record.

51. Public Participation

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

York Museums Trust Funding

Brian Watson expressed his concern at the attendance and sample figures in the report relating to the financial position of the Trust. He also expressed concern at the reference to

unforeseen structural problems but not to the capital grants received by the Trust and asked the Committee to obtain further information prior to taking a decision on charging.

Councillor Taylor presented a petition, containing 90 signatories, requesting the Council to allow free access to York Public Art Gallery. He referred to an additional online petition with the same request and to the lack of clarity and communication from the Museums Trust in relation to the proposed charges. He also thanked the Executive Member for his work in gaining free access for vulnerable residents however he felt that free access should be further extended.

Cllr Cuthbertson highlighted the Council membership of the Museum's Trust and expressed concern at the handling of the charging issue. He pointed to the success of the Museum and adjacent gardens and the boost this provided for the visitor economy but acknowledged that high maintenance costs presented severe challenges. He therefore asked Members to support the recommendations.

Cllr Gunnell spoke to acknowledge the work of the Museum's Trust over a number of years however she expressed concern regarding the charging arrangements and she reiterated earlier speakers comments regarding openness and transparency of the YMT's plans.

Progress Report: City of York Trading Ltd

Councillor Rawlings spoke in his capacity as the Council representative on the City of York Trading Ltd. He referred to a review he had undertaken of the company in which he had found a well run body which had taken commercial opportunities and received excellent returns. He did however express concern at some of the governance arrangements which required further strengthening and to levels of profit related remuneration which he confirmed would be considered further by the Shareholders Board.

Park & Ride Bus Contact Options

Councillor Levene spoke to request the option of ultra low emission vehicles in the Park and Ride specification for the improvement of air quality in the city. He questioned the late evening operation time of the Park and Ride sites and

requested the inclusion, as a core requirement, of a late service to support the early evening economy and expressed concern that no consultation had been undertaken with potential users of the service.

Draft Council Plan 2015-19: Report on the Consultation Exercise

Councillor Kramm, highlighted the pollution problems in the Micklegate Ward and to the effects on resident's health. He requested Members to adopt a Transport Strategy in place of the Congestion Commission to respond to the Council's duty of care to its citizens to improve air quality and pollution.

Councillor Craghill spoke of her concern at the lack of detail in the new Council Plan. She highlighted a number of good points for implementation and suggested that sustainability should underpin every decision taken by the authority. She also questioned the term front-line services and implementation detail.

52. 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.

53. York Museums Trust Funding

Consideration was given to a report which proposed a new legal framework and funding relationship between the Council and the York Museums Trust (YMT). Members noted the issues relating to the YMT's financial position, the legal position regarding charging, the clause for the lease of the building and the Partnership Funding Agreement and Charitable status of the Trust.

The Executive Member highlighted the background to the Museums present charging plans and, in particular, the maintenance costs for the collections and buildings. He outlined details of the revised charging scheme and confirmed that consideration had been given to a number of options however he felt that the proposals provided the best way of funding the assets in the future.

Some Members expressed their disappointment at the method in which the charging proposals had been brought forward and suggested that other options should be considered to provide as wide access as possible to the YMT sites.

Consideration was then given to the following options:

1. To refuse YMT's request and continue to insist on free access for YorkCard holders
2. To agree to YMT's request and seek to reframe the legal and financial relationship between the Council and YMT

Following further discussion it was

Resolved: That the Executive agree to:

- (i) Note York Museums Trust's (YMT) revised charging plans following discussions between the Council and YMT;
- (ii) Agree a process for updating the legal agreements between CYC and the trust to reflect new funding levels;
- (iii) Commission further work with regard to options for new legal structures to better protect the museum assets;
- (iv) Agree the release of £20k from contingency to fund the maximum cost of the new concessions.¹

Reason: To ensure a vibrant and sustainable museums service over the long-term.

Action Required

1. Proceed to commission work for new legal structures and a process for updating the legal agreements.

CC

54. Progress Report: City of York Trading Ltd (Updated Report)

Consideration was given to a report, which had previously been presented to Members at their 27 August meeting, providing an update on progress of the City of York Trading Ltd (CYT Ltd), the Councils trading organisation for Council services. Members had been asked to agree changes to the Shareholder Agreement and support the company's direction of travel and business development. The decision had however been deferred pending a review of the governance arrangements by Group Leaders.

Further consideration was given to the updated report which suggested additional recommendations to improve transparency in relation to governance and the company's key activities.

Officers highlighted the individual suggested changes to improve transparency of the company.

Members reiterated their support for the work of the trading organisation and noted the reference, by the earlier speaker, in relation to further consideration of remuneration by the Shareholders Board at their next meeting.

Consideration was then given to the following options:

1. Members can choose to agree or to disagree with the changes to the Shareholders Agreement as stated in recommendation a) or propose amendments.
2. There are no alternative options for recommendation b) which asks members to note the progress made by the company.
3. With regard to recommendation c) Members may consider alternative options for business development or disagree that that the business should be developed further in this way. Development of alternative proposals, as with those mentioned in paragraph 14 would be subject to Executive and CYT Board of Directors approval before any business case could be implemented.
4. Members can clearly determine whether to accept recommendations d) to h) which arise from the Group Leaders' review.

Resolved: That the Executive agree to:

- (i) The changes to the Shareholder Agreement.
- (ii) Note the progress and growth made to date by City of York Trading Ltd (CYT).
- (iii) Support the further development of the business including business cases for those areas identified in this report.
- (iv) Publish all future shareholder committee minutes on the CYC/CYT websites.
- (v) Provide an annual report to the Executive on the company performance and operation of the shareholder committee.
- (vi) Appoint an additional external non-executive Director onto the Board of Directors.
- (vii) Appoint an additional Councillor onto the Board of Directors. ¹.

Reason: To ensure Executive members understand the governance and progress of the council's Trading Company, and are involved in setting the direction of the future business.

Action Required

1. Continue the further development of the business and implement the actions to improve transparency in relation to governance.

PS

55. Community Asset Transfer - Knavesmire Changing Rooms to Hamilton Panthers Football Club

Consideration was given to a report which outlined proposals for new changing rooms and a pavilion building to be built on the site of the existing building currently leased to the Hamilton Panthers Football Club. In accordance with the Council's Community Asset Transfer policy it was proposed to transfer the new building for the Club to take a 99 year lease.

Members noted that transfer of the buildings to the Football Club would also transfer all liability for future maintenance and responsibility to the organisation.

Consideration was given to the following options:

Option 1- 99 year lease at nil rent on Community Asset Transfer terms

Option 2 – grant a new lease on similar terms as the existing lease

Resolved: That the Executive agree to let the Changing Rooms and Pavilion to Hamilton Panthers for a term of 99 years at nil rent in accordance with the lease terms as set out in the Council's Community Asset Transfer Policy. ¹.

Reason: As the Knavesmire Changing Rooms and their proposed use for the community meets the criteria for a Community Asset Transfer as contained in the Council's policy and supports the Council Plan.

Action Required

1. Grant a new lease to the Club in accordance with the Council's Community Asset Transfer policy. PC

56. Appropriation of land at Huntington Stadium, for Planning Purposes

Members considered a report which set out proposals for the appropriation of land at Huntington Stadium and the surrounding area for planning purposes for development, in line with previous planning consent.

As part of the Community Stadium project, it was noted that land, as shown in red on Appendix 2 of the report, was required for development in order to provide sufficient land for the wide range of new facilities and to enable the approved development to take place. It was also noted the scheme would deliver considerable improvements and facilities that would benefit the local community. It was noted that Appendix 1 identified various land ownerships.

Officers reported that representations had been received regarding the proposed appropriation from a nearby

landowner's Solicitors. They had expressed concern that the appropriation could affect their client's claimed rights to access and drainage over the site. Legal advice had been sought and which advised that the appropriation was clearly justified and necessary for the development of the site.

Resolved: That the Executive approve the appropriation of the land owned by the Council within the area edged in red on the plan attached at Appendix 2 to this report for planning purposes as outlined in the report. ¹

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

Action Required

1. Proceed with appropriation of land.

TA

57. Park & Ride Bus Contract Options

Consideration was given to a report which examined options for the delivery of the Park and Ride service at the end of the current contract in February 2017. Members were asked to consider the principles for the specification for the service and delivery methodology to enable a contract to be prepared for operation for the next 8 years.

Officers confirmed the Council's bid to the Government's Low Emission Bus Scheme to support the purchase of ultra low emission vehicles (ULE) to be operated on the Park and Ride service. In particular, Members would be asked to decide which standard of bus best met the Council's requirements.

The Executive Member highlighted some of the enhanced specification items of the contract including overnight parking at one or more sites and late evening operation to assist the early evening economy. He also confirmed that consideration would be given to services stopping at intermediate stops during the early evening and Sundays and where stops were not covered by other services.

Other Members expressed their broad support for the proposals and suggested wider consultation and the inclusion of intermediate stops on Shipton and Fulford Roads. A request was also made for the core specification to include zero emission vehicles to assist with air quality, integrated ticketing

and index linking of parking charges to rise with those of the Park and Ride services.

Following further discussion, consideration was given to the following options:

1. Provision of services on a commercial basis with a fixed licence fee paid to the Council to secure access rights to the Park and Ride sites;
2. Continuation of the present system that has a fixed licence fee with revenue sharing between the Council and the operator dependent on variations in patronage;
3. A contractual arrangement under which the council would take the revenue risk (and income) with the operator providing the specified service at a fixed price.

Resolved: That the Executive approve;

- (i) The proposed specification principles and contract arrangements for the Park and Ride service under the terms detailed in Option 2 of the report.
- (ii) The procurement of the Park and Ride service to the timescales detailed at Paragraph 42 of the report.
- (iii) The undertaking of a review of the removal of stops along the Fulford Road - Park and Ride route to ensure access to local bus services for residents, within a suitable time frame.¹

- Reason:
- (i) To enable an improved service to be provided with the highest opportunity of an increased income to the council.
 - (ii) To ensure the service is procured in accordance with the financial regulations.
 - (iii) In order to review the bus services along Fulford Road into the city.

Action Required

1. Await decision of CSMC (Calling-In) meeting, 12 October 2015.

AB, TC

58. Highway Asset Management Report

The Executive considered a report which provided an overview of the strategy and approach the Council took in the management of its highway assets which were valued at over £2bn.

Officers confirmed that the highway maintenance programme was evidence led and governed by a range of national codes of practice and internal plans and strategies, with the annual programme being developed in the autumn of the preceding year. Officers reiterated that Members would receive communications on highway condition and priorities for works through the ward highway process and that any local requirements could be sent direct to the highway team at ycc@york.gov.uk

In answer to Members questions regarding the new street lighting policy, Officers confirmed that, in order to assist in the reduction of carbon emissions, work was underway on a street lighting programme with an LED rollout.

Following further discussion it was

Resolved: That the Executive agree to:

- (i) Note the review and update of the existing CYC strategy, policy and service delivery methods relating to highway maintenance in this paper and accept them as a sound basis for developing an evidence led programme. The policy will be updated biannually and any changes will be brought before the Executive Member. Any significant changes will be brought before the Executive.
- (ii) Confirm that the annual programme of maintenance works will be developed via the following process:
- (iii) An evidence led list of schemes being generated in accordance with Policy for approval by the Director for City and Environmental Services

- (iv) Members allocating a budget for highways maintenance in the annual budget process and identify local schemes as part of the Ward Highways Programme
- (iv) The final programme of affordable schemes being generated and approved by the Director of City and Environmental Services and ratified by the Executive
- (v) Note and support the work of the council with its partners in the Yorkshire Alliance to deliver shared approaches and efficiencies
- (vi) Note and agree the Streetlighting Policy document at Annex 1 of the report. ^{1.}

Reason: To ensure delivery of highway maintenance services in an efficient and cost effective manner.

Action Required

1. Proceed to develop the programme on the lines agreed.

SW

59. Draft Council Plan 2015-19: Report on the Consultation Exercise

Consideration was given to a report which summarised the findings of the recent consultation on the Council Plan which would set out the Council's priorities during the 2015 to 2019 period.

It was noted that the consultation had identified two areas of under representation and the need for York to take more of a leading role both regionally and nationally. These points had been incorporated into the Plan at Annex B of the report.

Officers confirmed that the Plan reflected the high level priorities at this stage however a scorecard was in the course of preparation to review available measures.

Some Members suggested that affordable housing and congestion should have more prominence in the Plan and questioned the consultation methods and detail.

Resolved: That the Executive agree to:

- (i) Note the results of the consultation process.
- (ii) Approve the changes proposed which have been incorporated in the updated Annex B of the report

Reason: To ensure that the Council Plan incorporates residents views.

Part B - Matters Referred To Council

60. Draft Council Plan 2015-19: Report on the Consultation Exercise

[See also Part A minute]

Consideration was given to a report which summarised the findings of the recent consultation on the Council Plan which would set out the Council's priorities during the 2015 to 2019 period.

It was noted that the consultation had identified two areas of under representation and the need for York to take more of a leading role both regionally and nationally. These points had been incorporated into the Plan at Annex B of the report.

Officers confirmed that, following Council approval, the Plan would be made available to residents, businesses and stakeholders and the priorities embedded in Services Plans.

Recommended: That Council adopt the draft Council Plan for 2015-19. ¹.

Reason: To ensure that the Council Plan is adopted by Council to inform service delivery of the priorities set out in the Plan.

Action Required

1. Initiate work to deliver the priorities following Council agreement.

DW

Cllr C Steward, Chair

[The meeting started at 5.30 pm and finished at 7.15 pm].