

Meeting	Executive
Date	30 June 2016
Present	Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Rawlings, Runciman, Steward and Waller
Other Members participating in the meeting	Councillors D'Agorne and Looker
In attendance	Councillor Cuthbertson

Part A - Matters Dealt With Under Delegated Powers

1. Chair's Comments

The Chair expressed his thanks to Steve Stewart the Council's Interim Chief Executive for his contribution to the authority over the last year and welcomed Mary Weastell the Council's new Chief Executive as from 1 August 2016.

2. 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.

3. Minutes

Resolved: That the minutes of the last meeting of the Executive held on 19 May 2016 were approved as a correct record and signed by the Chair.

4. Public Participation

It was reported that there had been two registrations to speak at the meeting under the Council's Public Participation Scheme, and that a Member of Council had requested to speak on the following items:

Council Owned Companies: Future operating models and proposals for the City of York Trading Company Board

Cllr Cuthbertson spoke as Chair of the City of York Trading Shareholder Group to express his support for the proposals set out in the report and in particular the new governance arrangement for all Council owned companies which would ensure more openness, transparency and scrutiny. He referred to the need for a short transition period in order to sign off minutes etc.

Implementation of Budget Savings on Council Funded Bus Services

Dave Merrett made representations on behalf of the York and District Trades Council, the York Bus Forum and York South West branch of the Labour Party referring to the submissions circulated at the meeting. He acknowledged local authorities funding difficulties however service reductions would leave residents without a number of bus services and access to employment and other services. He requested the Executive to look at alternative methods of funding the services.

Sarah Dixon spoke as a resident of the Haxby and Wigginton Ward in support of the retention of the No 20 bus route. She highlighted the importance of the service for access to Monks Cross, Clifton Moor, Huntington and Joseph Rowntree Schools and for employment, particular for those without other transport.

Cllr Cuthbertson also spoke of the importance of the No 20 service for residents in his Ward. With future increases in population in the area the route was of particular importance in the Local Transport Plan and the encouragement of residents to travel to school and work using public transport.

5. 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.

6. **City of York Local Plan – Preferred Sites Consultation**

Consideration was given to a report which asked the Executive to approve the publication of the ‘Local Plan – Preferred Sites 2016’ document for consultation. It was noted that work had progress on the preparation of a revised Local Plan following the Local Government Elections in May 2015 to deliver housing, focus on brownfield land and to protect the Green Belt and the character of the city. Approval of the new Plan would allow public and other interested parties to comment on the additional work on housing and employment land need and supply.

Copies of the draft minutes and recommendations of the Local Plan Working Group (LPWG) from their meeting held on 27 June were circulated and the Chair, Cllr Ayre confirmed the Plan as robust and meeting the housing and employment needs of the city.

Officers referred to the eight week statutory consultation and the project plan for the progression of the Local Plan over the next two years with the intention to consult on a publication draft plan early in 2017, followed by submission to Government in May 2017.

The Executive Member thanked Officers for their work on the Plan and encouraged all in the city to enter into the consultation.

The Chair welcomed Members comments in respect of housing numbers, the environmental capacity study and the maintenance of open spaces and he reiterated the request for the public’s comments to ensure the production of an evidence based plan.

Consideration was then given to the following options:

Option 1: That the Executive, subject to any recommended changes, approve the ‘Local Plan – Preferred Sites 2016’ Document attached as Annex A, along with supporting evidence and information for public consultation.

Option 2: That the Executive instruct officers to make changes to the ‘Local Plan – Preferred Sites 2016’ document and produce a further report and draft for consideration.

Resolved: That in accordance with Option One, the Executive:

- (i) Approve the document attached as Annex A, to the report, along with supporting evidence and information for public consultation.
- (ii) Delegate to the Director of City and Environmental Services (CES) in consultation with the Executive Leader and Deputy Leader the making of any changes to the draft document attached as Annex A that are necessary as a result of the recommendations of Executive or any minor non substantial amendments that are identified prior to the issue of the consultation document.
- (iii) Delegate to the Director of City and Environmental Services, in consultation with the Executive Leader and Deputy Leader, the approval of a Consultation Strategy and associated documents.
- (iv) Delegate to the Director of City and Environmental Services in consultation with the Executive Leader and Deputy Leader the approval of supporting evidence, information and documentation to be published during public consultation.
- (v) Approve the draft Local Development Scheme attached as Annex F to the report, as the Council's project plan for progressing the Local Plan and other development plan and related documents. ¹.
- (vi) That, in respect of site ST15: Land to the West of Elvington Lane, an expression of interest be made in the context of the Department for Communities and Local Government Prospectus – Locally-led garden villages, towns and cities on the basis of the current site as defined in the Preferred Sites Document (Annex A to the report). ².

- Reasons: (i) So that a National Planning Policy Framework (NPPF) compliant Local Plan can be progressed.
- (ii) So that changes recommended as a result of discussions at the LPWG and the Executive can be made and any presentational errors can be addressed.
- (iii) & (iv) To ensure that the proposed methods of consultation are satisfactory to Members and accord with the Council's adopted Statement of Community Involvement.
- (v) So that an NPPF compliant Local Plan can be progressed and to provide information to interested parties about the next stages of development for the documents listed.
- (vi) To ascertain whether support from the Government would be forthcoming in respect of funding and expertise which would help progress the development of the site.

Action Required

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| 1. Proceed with Local Plan public consultation as outlined in the project plan. | MG, RM |
| 2. Proceed with the expression of interest in site ST15. | MG, RM |

7. Organisation Review: Senior Management Arrangements within City of York Council

At this point all Directors and Assistant Directors left the meeting for consideration of this item.

Members considered a report which presented proposals for the restructuring of senior management roles and responsibilities within the City of York Council. The review had been undertaken in response to an Executive request in 2015 to examine the senior management arrangements, including the Chief Executive, Director and Assistant Director posts and for a minimum of £150k saving to be achieved.

Officers confirmed that this was the first phase of the review to support the development of the Council's evolving operating model and they highlighted the process, phasing and time scales of the review. They also confirmed their discussions with the new Chief Executive who had indicated her support for the proposals.

The Executive Member referred to the formalising of the Chief Officer savings and highlighted possible capacity issues and the need to protect front line services.

Following further discussion it was

Resolved: That the Executive:

- (i) Approve structure proposals for the senior management roles and responsibilities as set out at paragraph 21 and Annex A of the report.
- (ii) Delegate consultation and implementation of the new structure to the Chief Executive and Corporate Management team.
- (iii) Approve the use of the Local Government Association job evaluation scheme for senior managers and to use this to develop new job descriptions and person specifications.¹

Reason: To ensure that the organisation structure is aligned with council priorities.

Action Required

1. Implement new senior management proposals. MB

8. Council Owned Companies: Future operating models and proposals for the City of York Trading Company Board

Consideration was given to a report which reviewed the governance of Council owned companies, in light of the recent Public Interest Report recommendations. It was noted that the Council was the sole owner of two companies and the joint owner of five others and details of their governance arrangements together with other bodies which provided a significant service to the Council were considered, these included:

City of York Trading Limited
Make it York Limited
Yorwaste and SJB Recycling
Yorkshire Purchasing Organisation
Veritau
York Science Park Limited
Science City York Ltd

Officers reported on alternative service delivery models, future trading activity and common governance frameworks and governance principles. They also highlighted the recommendations of the City of York Trading Shareholder Group which required Executive approval. In answer to earlier speaker's comments they confirmed that a managed transition for this body would be undertaken via Democratic Services.

Members noted that all existing companies, which were controlled by the Council, had taken appropriate legal advice on the company's governance structures and were fundamentally sound. Members also confirmed that whilst The Shareholder Committee would consist of two Executive Members, it would be a cross party body with the co-option of members from other Groups.

Executive Members expressed support for the proposed common governance framework for the operation of trading companies to provide transparency and accountability and following consideration of the following options:

Option A – The forming of an Executive Committee to fulfil the role of (The Shareholder Committee).

Option B – That no Shareholder Committee of the Executive be created with the Executive taking full responsibility for the roles and functions identified of both The Shareholder Committee and the Executive, it was

Resolved: That Executive agree:

- (i) To establish a single member decision making committee to act as shareholder and oversee the business of all Council trading companies (The Shareholder Committee) composed of a minimum of 2 Executive Members.

- (ii) To the terms of reference and the roles and responsibilities of The Shareholder Committee as set out in the report.
- (iii) That the Chief Executive in consultation with the Leader and Deputy Leader determine and publish within the framework approved by the Executive, initial delegations on a company by company basis to The Shareholder Committee if separate from the Executive and subsequent officer delegations. These delegations to be reviewed from time to time with the Council's broader scheme of delegations.
- (iv) That following approval of the above recommendations, the existing shareholder arrangements cease upon creation of The Shareholder Committee. ¹.
- (v) To note the conflicts of interest that Directors can be subject to as identified in paragraph 9 of the report and that these will continue to be considered in the approach to the selection of Directors.
- (vi) That the practice to provide briefings to newly appointed Directors on their role and, in particular, on managing conflicts of interest is made a formal requirement for all future appointees to attend.
- (vii) To consider and give effect to the recommendations of the existing City of York Trading Shareholder Group in relation to the recruitment proposals for a Managing Director for City of York Trading Ltd and approve the proposed role description and salary, together with the revised structure of the City of York Trading Ltd Board itself. ².

Reason: (i)&(ii) To ensure effective governance of trading company activity.

- (iii) To give effect to the Governance principles agreed by Executive.

- (iv) To remove existing shareholder arrangements.
- (v) To ensure the principles of good governance principles are reflected in the Council appointments process.
- (vi) To ensure that Directors are conversant with their multiple statutory responsibilities.
- (vii) In order to comply with decision making arrangements relating to the business of the shareholder group.

Action Required

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| 1. Proceed with the establishment of The Shareholder Committee on terms agreed. | AD |
| 2. Proceed with the recruitment of the MD for the City of York Trading Co Ltd. | IF |

9. Implementation of Budget Savings on Council Funded Local Bus Services

Consideration was given to a report which provided details of the outcome of consultation, relevant usage statistics concerning each Council funded bus service and a response to the recommendations of the Economic Development and Transport Policy and Scrutiny Committee. This followed previous agreement to savings required to subsidies provided to bus services by Council in February 2016.

It was noted that service reductions or alterations had previously been identified through the budget setting process, which as far as possible ensured that all areas with current bus service provision would not be left without any service. Consultation had been undertaken on a proposed list of services identified for withdrawal or modification, the results of which had been reported at Annexes B and C. Additional comments received from the York Bus Forum, the York and District Trade Union Council and users of the no 20 bus route were also circulated at the meeting.

Officers confirmed that the options had all been fully explored, however should the Executive decide not to reduce local bus

service expenditure, equivalent savings would have to be found elsewhere in the budget.

Officers presented the following options:

Option A – to withdraw subsidy from the services outlined at Table 2, in the report.

Option B – Retain reduced subsidy for evening services and a scaled back level of service on a proportion of route 20.

Option C – Reverse or modify the February 2016 budgetary decision and identify savings in whole or in part from elsewhere in the Council's budget.

The Deputy Leader confirmed that, following consultation with residents, the Bus Forum and the Policy and Scrutiny Committee he supported Option B, which would retain the majority of route 20 and the evening services. He gave a commitment that the Council would look to sustain these services for the administrations term of office and to endeavour to fund the services going forward, and that discussions would continue with the commercial operators.

Members welcomed the proposals and thanked Officers for their work, highlighting the need for discussions in Ward's to encourage the use of services to ensure their retention.

Following further discussion it was

Resolved: That the Executive approve Option B, to retain a reduced subsidy for evening bus services and a scaled back level of service on a proportion of route 20, as set out in paragraphs 49 to 62 of the report. ¹.

Reason: This option would not achieve the savings target agreed through the Council's budget process, however it would, potentially meet many of the needs identified through the public consultation.

Action Required

1. Implement agreed bus service revisions, following bus operator and stakeholder negotiations.

AB

10. Coppergate Traffic Regulation Order

Consideration was given to a report which set out progress on and sought to gain approval for a revised proposal for the reintroduction of a camera enforced traffic restriction on Coppergate, following detailed investigations and legal advice.

It was noted that following examination by Counsel and, to enable the restrictions to be more effectively signed, a re-drafted Traffic Regulation Order (TRO) was proposed to provide clarity for drivers and to address the issues raised by the Traffic Penalty Tribunal (TPT).

Officers confirmed that the revised 8am – 6pm hours of operation had been proposed in order to align the hours of operation with adjacent streets.

Consideration was given to the following options:

Option 1 – proceed with the already approved decision from last October. This is not the recommended option as there was uncertainty as to the ability to adequately sign the TRO to convey the meaning of the TRO taking into account the previous criticism from the TPT.

Option 2 – approve the advertising of a revised TRO as outlined in the report (i.e. permit holders and rewording of the TRO content). This was the recommended option as it provided a firm foundation on which to take the scheme forward for consultation.

Resolved: That the Executive approve:

- (i) The advertising of a revised Traffic Regulation Order, as set out in Option 2 of the report. The revised TRO will seek to:
 - change the exemption to the Coppergate (Local Bus Priority) TRO from “except taxis and Private Hire vehicles” to “except permit holders”, and to define taxi and private hire vehicle operators as “permit holders”

- change the hours of operation to 8am to 6pm (as approved previously)
- tidy drafting to resolve previous criticisms from the Traffic Penalty Tribunal.

(ii) An extended consultation process as outlined in paragraphs 12 and 13 of the report.¹

- Reason: (i) To enable the introduction of the scheme in a manner that is compliant with the traffic signing regulations and accurately conveys the meaning of the TRO.
- (ii) To facilitate greater participation in the consultation process for this scheme in response to the previous significant interest and provide for wider understanding of the proposal for key stakeholders.

Action Required

1. Advertise the revised TRO and extended consultation.

TC

11. Review and Refresh of the York Private Sector Housing Strategy

The Executive considered a report which set out the outcomes of the Private Sector Strategy for 2008/13 and provided a copy of the draft 2016/21 refreshed strategy and action plan for approval.

The refreshed strategy had taken account of the new evidence base for private sector stock and recent Government consultation on extending Houses in Multiple Occupation licensing and the review of the city wide accreditation scheme. Consideration was also given to the consultation undertaken and the views of the scrutiny steering group from their meeting on 9 May 2016.

Officers highlighted that around 86% of York's 87,507 homes were in the private sector of which 11,444 dwellings had a category 1 hazard most commonly relating to excess cold or a fall hazard and that a third of these were in the private rented sector. Officers also confirmed the existence of local pressure for an HMO licensing scheme, which would require a level of evidence, however monitoring would continue and the results of the government consultation awaited was noted.

Members welcomed the report and referred to continuing discussions around funding from the Leeds City Region for work in this area.

The Executive then considered the following options:

- Option 1 – To approve the refreshed strategy and action plan as set out in appendix one
- Option 2 – Not to approve the refreshed strategy and action plan as set out in appendix one

Resolved: That the Executive approve option One and sign off the Private Sector Housing Strategy and action plan as set in the report. ¹.

Reason: To use the most up to date evidence base to ensure that the strategy focuses on the issues which cause the most impact on the health of the occupant and that private sector rented housing in York continues to be maintained and managed to a high standard.

Action Required

1. Implement revised strategy and action plan. RA

12. 2015/16 Draft Outturn Finance and Performance

Consideration was given to a report which provided a year end analysis of the Council's financial performance over the 2015/16 financial year, detailed at Annex A in the York Monitor.

The Council's net General Fund budget for 2015/16 was reported as £119,760k with a provisional outturn of an under spend of £876k, an improvement of £1.8m since Monitor 3. It was noted that the Council's reserve at the beginning of 2015/16 stood at £6.8m and that this level would be maintained for 2016/17 to take account of increased risks facing the

authority. Proposals for the allocation of the £80k under spend for 2015/16 in the areas of recycling, pupil premium, city ambassadors and delivery of two further jobs fairs, were also reported.

Further information in relation to the financial outturn of each directorate was reported at paragraphs 9 to 46 and at Annex 1, together with details of the achievements and challenges in relation to performance.

Resolved: That the Executive agree to:

- (i) Note the year end under spend of £876k and the allocation of £80k as outlined in paragraph 54 of the report with the balance of £796k transferred to the General Contingency;
- (ii) Note the financial risks outlined in the report and the need to maintain a significant contingency at this time and;
- (iii) The requests from contingency totalling £100k as outlined in the report.

Reason: To ensure significant financial issues can be appropriately dealt with.

13. Capital Programme Outturn 2015/16 and Revisions to the 2016/17 - 2020/21 Programme

[See also Part B minute]

Consideration was given to a report which set out the capital programme outturn position, including any under or overspends, overall funding of the programme and an update on the future years programme.

It was noted that the report showed an outturn of £41.505m compared to an approved budget of £51.538, an overall variation of £10.033m, made up from requests to reprofile budgets and adjustments to schemes detailed in the report.

The variances for individual department were also reported together with the restated capital programme at Table 3.

Officers reported on the capital schemes both completed and underway to deliver the Council's priorities.

Resolved: That the Executive agree to:

- (i) Note the 2015/16 capital outturn position of £41.505m and approve the requests for re-profiling totalling £11.308m from the 2015/16 programme to future years.
- (ii) Note the adjustments to schemes increasing expenditure in 2015/16 by a net £1.275m.
- (iii) Note the adjustments to schemes increasing expenditure in future years totalling £6.340m in 2016/17 and £24.552m in 2017/18.
- (iv) Approve the appropriation of 0.51 acres of land previously occupied by the Heworth Lighthouse children's centre from the General Fund to the Housing Revenue Account in order to facilitate the extension of Glen Lodge Extra Care Facility as part of the Older Persons' Accommodation Programme as set out at paragraphs 42-43. ¹

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

Action Required

1. Appropriate land related to Glen Lodge extension to the Housing Revenue Account

DM

14. Financial Strategy Update 2016/17 to 2020/21

[See also Part B minute]

Members considered a report which presented an update to the Financial Strategy for 2016/17 to 2020/21 and set out the outline process for the 2017/18 to 2021/22 Financial Strategy.

Members were reminded that the Strategy had set the strategic direction towards achieving savings proposals in each

Directorate over the 4 year period, which included the protection of priority areas and safeguarding key statutory services. Members also noted details of the funding sources and the significant areas of investment approved over the last 12 months. It was noted that moving forward the Strategy would build on work to identify the strategic direction and transformational approach to each service area, with final proposals being presented to Budget Council in February 2017.

Resolved: That Executive agree to the outline budget planning process for 2017/18 to 2021/22 as outlined in the report.¹

Reason: In order to achieve the proposed savings and efficiencies set out in the Council's Financial Strategy and Efficiency Plan and protect priority areas and key statutory safeguarding services

Action Required

1. Implement budget planning process for 2017/22. DM

15. Treasury Management Annual Report & Review of Prudential Indicators 2015/16

The Executive considered the annual treasury management review of activities and the prudential and treasury indicators for 2015/16, as required by regulations issued under the Local Government Act 2003.

The position for 2015/16 compared to 2014/15 was summarised, with total borrowing at the start of the year at £317.4m and ending at £319.4m, split between the General Fund and Housing Revenue Account. Details of the interest and investment rates applicable over this period were reported at paragraphs 16 to 18 and prudential indicators for 2015/16 at Annex A.

Resolved: That the Executive:

- (i) Note the 2015/16 performance of treasury management activity and

- (ii) Note the compliance with and movements of the prudential indicators as set out in Annex A of the report.

Reason: To ensure the continued performance of the Council's treasury management function can be monitored.

Part B - Matters Referred To Council

16. Capital Programme Outturn 2015/16 and Revisions to the 2016/17 - 2020/21 Programme

[See also Part A minute]

Consideration was given to a report which set out the capital programme outturn position, including any under or overspends, overall funding of the programme and an update on the future years programme.

It was noted that the report showed an outturn of £41.505m compared to an approved budget of £51.538, an overall variation of £10.033m, made up from requests to reprofile budgets and adjustments to schemes detailed in the report.

The variances for individual department were also reported together with the restated capital programme at Table 3.

Officers reported on the capital schemes both completed and underway to deliver the Council's priorities.

Recommended: That Council agree the restated 2016/17 to 2020/21 programme of £221.594m as summarised in Table 3 and detailed in Annex A of the report. ¹.

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

Action Required

1. Refer to Council.

JP

17. Financial Strategy Update 2016/17 to 2020/21

[See also Part A minute]

Members considered a report which presented an update to the Financial Strategy 2016/17 to 2020/21 and set out the outline process for the 2017/18 to 2021/22 Financial Strategy.

Owing to the uncertainty of the current process by which the Government confirmed funding to Council's, authorities had been offered a 4 year funding settlement if they published an Efficiency Plan prior to 14 October 2016.

Officers confirmed that the Financial Strategy had been used as the general direction for the Plan, however there was still a need for flexibility, as issues arose, however the Plan would improve stability and medium term planning.

Recommended: That Council agree the adoption of the Efficiency Plan 2016/17 to 2019/20 as set out in Annex 1 of the report.¹

Reason: In order to achieve the proposed savings and efficiencies set out in the Council's Financial Strategy and Efficiency Plan and protect priority areas and key statutory safeguarding services.

Action Required

1. Refer to Council.

JP

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 7.25 pm].