

MEETING	CABINET
DATE	6 DECEMBER 2011
PRESENT	COUNCILLORS ALEXANDER (CHAIR), CRISP, FRASER, GUNNELL, LOOKER, MERRETT, SIMPSON-LAING (VICE-CHAIR) AND WILLIAMS
IN ATTENDANCE	COUNCILLORS SCOTT, WARTERS AND WATSON

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## **PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**

### **66. 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.

The following Members each declared a personal interest in agenda item 10 (Organisation Review 2011), insofar as it related to staffing issues:

- Cllr Alexander – as a member of the GMB union
- Cllr Crisp – as a member of the retired section of Unison
- Cllr Fraser – as a member of the retired sections of Unison and Unite (TGWU/ACTS sections)
- Cllr Simpson-Laing – as a member of Unison.

The following Members each declared a personal interest in agenda items 12 (Gym Expansion at Energise), 14 (York Museums Trust Funding 2013-2018) and 15 (2012-14 Budget Update), also 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.

Councillor Merrett declared a personal prejudicial interest in agenda item 12 (Gym Expansion at Energise) as his daughter was member of the junior gym club and regular user of the facilities and he left the room and took no part in the discussion or voting thereon.

Councillor Merrett declared a personal non prejudicial interest in agenda item 8 (Reference Report: Review of Council supported Community Transport Services) as a founder member of York Wheels and as a previous member of their Executive.

Councillor Merrett declared a personal prejudicial interest in agenda item 6 (Minutes of Working Groups – Local Development Framework Working Group, 7 November 2011) insofar as minute 11 referred to solar panels as he was investigating the installation solar panels on his property and he left the room during this part of the decision and took no part in the discussion or voting thereon.

Councillor Fraser declared a personal prejudicial interest in agenda item 8 (Reference Report: Review of Council supported Community Transport Services) as his partner was employed by York Wheels and he left the room and took no part in the discussion or voting thereon.

Councillors Simpson-Laing and Williams left the room and took no part in the discussion or voting in respect of agenda item 11 (Community Stadium Update) as members of the Planning Committee that would subsequently deal with the planning application in relation to the development.

## **67. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the meeting during consideration of the annex to Agenda Item 12 (Gym Expansion at Energise) on the grounds that it contains information relating to the financial and business affairs of particular persons, which is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

## **68. MINUTES**

RESOLVED: That the minutes of the last Cabinet meeting held on 1 November 2011 be approved and signed by the Chair as a correct record.

## 69. 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 in relation to agenda item 7 (Affordable Housing Targets in Rural Areas). There had also been two requests to speak from a councillor, one in relation to agenda item 6 (Minutes of Working Groups) and one in relation to matters within the remit of the Cabinet.

A local house builder and Chartered Surveyor spoke of the adverse effects the authorities affordable housing targets were having on rural areas and the building industry in general. He pointed out that the present policy was not working and he urged members to support option 3 to increase the threshold to which the policy would apply to 8 homes.

The Chairman of the Helmsley Group reiterated the previous speakers comments and stressed that the Fordham research used by the authority had not undertaken viability testing on less than 10 units. He expressed the view that schemes would only be progressed if the Committee supported option 3.

Councillor Scott spoke as Chair of the Young People's Working Group (YPWG) in support of his attendance as Chair of the Group at future Cabinet meetings when the minutes of his group were considered. He referred to the excellent work undertaken by the YPWG and to its changing role and that of the Champion. He stressed that, if members wished the Group to continue as a conduit between young people and the Cabinet, they should support the recommendation to ensure better engagement with young people.

Councillor Warters spoke as a ward member of Osbaldwick, in respect of the resurfacing works undertaken on Tranby Avenue. He expressed concerns that the experimental road surfacing used to save money would now take considerably more to put right. He urged members to agree to commence reinstatement work immediately and undertake an investigation into the matter. Officers confirmed that investigations would be undertaken. <sup>1</sup>

Councillor Warters also spoke on the issue of verge parking, he referred to the London Boroughs default position that parking on verges was illegal. He requested further investigation of this

issue for York. The Cabinet Member for Neighbourhoods and Community Services confirmed that this matter would be further investigated.<sup>2</sup>

Action Required

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|---|----|
| 1. Investigate resurfacing issues.        | AB |
| 2. Investigate verge parking enforcement. | LL |

**70. 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.

**71. MINUTES OF WORKING GROUPS**

Members received a report which presented the minutes of meetings of the Local Development Framework Working Group (LDFWG) held on 3 October and 7 November 2011 and the Young People's Working Group (YPWG) held on 17 October 2011, attached as Annexes A, B and C 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:

- a) The recommendations of the LDFWG to approve the draft Sub Division of Dwellings SPD for consultation purposes and the delegation of any changes to the SPD to the Director of City Strategy, in consultation with the Cabinet Member for City Strategy (Minute 10, Annex B).<sup>1</sup>
- b) The recommendations of the LDFWG to approve the draft House Extensions and Alterations SPD for consultation purposes and to delegate to the Director of City Strategy, in consultation with the Cabinet Member for City Strategy, the making of any necessary changes to the SPD (Minute 11, Annex B).<sup>2</sup>
- c) The request put forward by the Chair of the YPWG inviting Chairs of Working Groups to future Cabinet

meetings when the minutes of their groups were scheduled to be considered (Minute 14 Annex C).<sup>3</sup>

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

(ii) That the specific recommendations of the Working Groups, as set out in paragraphs 5 to 11 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

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|---|----|
| 1. Commence consultation on the draft SPD with agreement of any changes as delegated. | RM |
| 2. Commence consultation on the draft SPD with agreement of any changes as delegated. | NM |
| 3. Invite Chair of YPWG to future Cabinet meetings as required.                       | JC |

**72. REFERENCE REPORT: REVIEW OF COUNCIL-SUPPORTED COMMUNITY TRANSPORT SERVICES**

Members considered a report which had been taken to the City Strategy Cabinet Member Decision Session on 3 November 2011 for a review of Council supported community transport services.

At the meeting the Cabinet Member had declared a personal non prejudicial interest in the item, as a founder member of York Wheels. He had also confirmed that although he had had no direct involvement with the body for a number of years that he also knew the Operations Manager who was also a Cabinet colleague. The Cabinet Member had subsequently made his recommendations to Cabinet.

A copy of the report to the City Strategy Decision Session (Annex A) and the recommendation of the Cabinet Member (paragraph 5) were included in the report.

RESOLVED: That the Cabinet endorse the recommendations of the Cabinet Member for City Strategy to:

- i) Note the report contents.
- ii) Agree to York Wheels taking responsibility and control for the planning and delivery of Dial and Ride, within the context of a revised service level agreement. <sup>1.</sup>
- iii) Ask officers to negotiate the details of a service level agreement with York Wheels to support the range of services that it currently delivers and its Dial and Ride service. <sup>2.</sup>
- iv) Agree to the requested grant settlement for the period January to December 2012 and delegate responsibility to officers for the grant agreement for subsequent years within agreed budgetary limitations. <sup>3.</sup>

REASON: This course of action will allow the Council to continue to support York Wheels in its delivery of services to York residents at a sustainable cost. It will also allow York Wheels the flexibility to adapt its services to the changing needs of York's residents and communities.

Action Required

1/2. Undertaken negotiation of a service level agreement with York Wheels for their future delivery of the service.

PB

3. Confirm grant settlement to 2012 and for subsequent years.

PB

### 73. **LORD MAYORALTY 2012/13**

Consideration was given to a report which asked the Cabinet to consider which of the political groups should be invited to appoint the Lord Mayor for the 2012/13 municipal year.

The system for nominating the Lord Mayor was based on the party having the largest cumulative total of points, determined by the number of seats on Lord Mayor's Day. Details of the points system in respect of the various parties was set out in paragraphs 2 to 5 of the report.

The Cabinet were asked to consider the following two options:

Option 1

To invite the Liberal Democrat group to nominate the Lord Mayor for 2012/2013.

Option 2

To revisit the procedure for nominations

RESOLVED: That the Liberal Democrat Group be asked to nominate the Lord Mayor for the 2012/2013 municipal year. <sup>1</sup>.

REASON: To ensure that the Council secures the necessary leadership to undertake its civic functions and provide continuity for future selection.

#### Action Required

1. Confirm decision with Liberal Democrat Group. AP

### 74. **ORGANISATION REVIEW 2011**

Members considered a report which had been prepared in light of major changes to the operating environment of local government and approval of the Council Plan. It proposed redefined responsibilities for Directors and Assistant Directors, action to strengthen staff organisational development and the deletion of two Chief Officer posts.

Details of consultation undertaken with Council employees, Trade Unions, Partners and Regulators were provided in paragraphs 18 to 25 of the report.

The report also outlined the proposed functions and transfer of roles within the Chief Executive's Office together with the amended portfolios and job titles to reflect Directors new responsibilities.

- RESOLVED: i) That approval be given to the proposed directorate structure and activities to address organisation and staff development.
- ii) That approval is given to the functions to be contained within each directorate and director's portfolio as the preferred structure of council services.<sup>1.</sup>
- iii) That approval is given for the deletion of two Chief Officer posts at Assistant Director level.<sup>2.</sup>
- iv) That the Chief Executive is given delegated authority to determine the distribution of services within the Assistant Director portfolios in consultation with the Leader and Cabinet members.<sup>3.</sup>
- v) That Member Appointment Panels are established as and when required to undertake the appointment of Assistant Directors.<sup>4.</sup>
- vi) That the Workforce Plan addresses the implementation of the Organisation and Employee development proposals within section 39.
- vii) That a business case is brought back to Cabinet for the development of a consolidated Adult Learning and Workforce Development function.<sup>5.</sup>



viii) That a further report is brought to Cabinet as soon as is practicable on the establishment of the Public Health function within the City of York Council.<sup>6</sup>

REASON: To ensure that the Council's priorities as detailed in the Council Plan are delivered and that all expenditure of the Council is effectively deployed.

Action Required

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|---|--------|
| 1. Proceed with the allocation of revised functions and update of the Constitution. | KE, AD |
| 2. Proceed with deletion of posts.  | KE     |
| 3. Proceed with consultation on the distribution of services.                       | KE     |
| 4. Establish Appointment Panels as and when required.                               | AD     |
| 5. Schedule report on the Forward Plan.   | KE, SH |
| 6. Schedule report on the Forward Plan.   | KE, SH |

**75. COMMUNITY STADIUM UPDATE**

*[See also under Part B Minutes]*

Consideration was given to a report which set out details of the timetable for progression of the business case and details of the resources required to develop the business case for the next stage of the Community Stadium project.

A planning application had now been submitted for the enabling development and, subject to the development gaining approval, it was reported that the Council's vision was deliverable. A summary of the capital funding position was set out in Tables 1 and 2 of the report. It was confirmed that to date £398k of council revenue funds had been spent or committed and £200k was now required to undertake the next stage of the business plan.

If the procurement exercise commenced in January/February 2012 the new facilities it was reported would be completed in 2014. An indicative project plan had been included at Annex 1.

RESOLVED: i) That Cabinet note the progress made to date on developing the business case for the Community Stadium.

REASON: To update members on progress to date with this project.

## 76. GYM EXPANSION AT ENERGISE

*[See also under Part B Minutes]*

Members considered a report which presented a business case for the Council to borrow £540k on behalf of York High School to facilitate and extension of the successful Energise gym.

A partnership existed between York High and the Council to provide community access to the sports facilities, although the school were responsible for the management of the facilities under the terms of the service level agreement.

The Council's aim had always been for long term sustainability however the current financial pressure on the authority had required examination of methods of achieving this. Annex A (exempt annex) presented the business case for the proposal and details of the project costs were set out in paragraphs 13 to 15 of the report.

Two options were presented for consideration:

- To approve the prudential borrowing so that the School may expand the gym facility at Energise
- Not to approve the prudential borrowing.

RESOLVED: That Cabinet approve the proposal to undertake prudential borrowing on behalf of York High School.

REASON: To improve the efficiency and effectiveness of the Council's leisure offer.

## 77. THE HUNGATE SITE

The Cabinet considered a report which sought their approval to proceed with the archaeological investigation on the former

Peasholme Hostel site and part of the Haymarket car park. The work would be funded by prudential borrowing against the future enhanced capital receipt. Approval was also requested for marketing of the Hungate site following the investigation works.

It had been confirmed that important archaeological remains lay beneath part of the site and that investigations would define the areas where development would be restricted. This would thereby reduce the risk and give developers more certainty as to development, enhancing site value.

Details of York Archaeological Trust's scope and quotation for investigative works were set out at paragraphs 6 to 9 of the report.

Officers confirmed receipt of a number of recent enquiries from developers and agents for a number of different uses for the site.

Members were asked to consider approving or rejecting the recommendations.

RESOLVED: That the Cabinet

- i) Approve the archaeological investigation at the Hungate site, and the funding of the work from the future capital receipt.<sup>1</sup>
- ii) Approve the use of the property services revenue budget as required
  - a. to fund the finance costs incurred as a result of the timing differences between the archaeological investigation costs incurred and the sale of the capital receipt or
  - b. to fund the archaeological investigation costs from the surplus property fund budget if the site is not sold.<sup>2</sup>
- iii) Approve the marketing of the whole Hungate site, following completion of the archaeological investigation.<sup>3</sup>

REASON: To enable the site to be marketed for sale.

Action Required

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|--|----|
| 1. Proceed with the archaeological investigation.        | TB |
| 2. Proceed with use of budget as required.               | TB |
| 3. Proceed with marketing on completion of investigation | TB |

**78. YORK MUSEUMS TRUST FUNDING 2013-2018**

The Chief Executive confirmed that this report required additional financial work and would be considered in the New Year to fit with the timetable for the Council's budget process.

RESOLVED: That the report be withdrawn at this time.  
1.

REASON: To allow further work to be undertaken and to coincide with the Council's budget process.

Action Required

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|---|----|
| 1. Schedule report on the Forward Plan. | CC |
|---|----|

**79. 2012-14 BUDGET UPDATE**

Members considered a report which provided an update on the 2012/14 budget process. These would be the second and third budgets to be set under the current spending review and continue to present the council with significant challenges as services rose against reduced funding.

Savings of £22m were required with £12m in 2012/13 and £10m in 2013/14. The main pressures requiring these savings included:

- significant provisional reduction in the council's Formula Grant Settlement
- Continued pay and pension pressures
- Continued increased capacity for waste management
- Rising demand for other council services e.g. social care.

Consideration had been given to the possible extension of the council tax freeze grant as set out in Tables 1 and 2 of the report. This had shown that taking a Council Tax increase in 2012/13 would be of greater long term financial benefit to the council.

Details of the ongoing consultation with the numerous consultation strands was set out in paragraphs 16 to 18 of the report.

**RESOLVED:** That the Cabinet note the current position and the ongoing work that is being undertaken to deliver the 2012/14 budget.

**REASON:** So that the budget process can be completed in a timely manner.

## **80. REVIEW OF FEES AND CHARGES**

Consideration was given to a report which sought approval to increase a range of the council's fees and charges with effect from the 2 January 2012.

It was reported that a revised version of the annex detailing the proposed fees and charges had been republished with the agenda and circulated to members, prior to the meeting. A further revision to the charges at page 161 of the report (Burton Stone Community Centre) was tabled at the meeting (to be republished with the agenda following the meeting).

The report focussed mainly on the fees and charges that had last been reviewed in January 2011 and proposed an increase of 5%, based on the current rate of inflation.

Members were then invited to consider the following options:

Option 1 (recommended option) – Agree the fees and charges as set out in the annexes to the report. The majority of fees and charges have been increased by 5%, subject to minor variations due to roundings. No increases are proposed on sports charges, adult social care, car parking and markets at this time as it is felt that any increase in these areas would have an adverse impact either on service users or the volume of activity in these areas. These areas will be examined further as part of the 2012/14 budget strategy and any proposals included in the overall financial strategy if appropriate.

Option 2 – Agree a different increase to that proposed.

RESOLVED: That approval be given to option 1 to increase the relevant fees and charges as set out in the revised annexes circulated to members and published online.<sup>1</sup>

REASON: To enable the council to effectively manage its budget.

Action Required

1. Implement the increased charges with effect from 2 January 2012.

DM

## **PART B - MATTERS REFERRED TO COUNCIL**

### **81. AFFORDABLE HOUSING TARGETS IN RURAL AREAS**

Members considered a report which detailed the interim approach to affordable housing which had endorsed the reduction in the affordable housing targets in line with Fordham's Affordable Housing Viability Study in advance of the LDF Core Strategy examination in 2012.

Approval of the recommendation had however not included the reduction of the rural affordable housing target on sites between 2 and 15 homes from the interim approach. It was confirmed that this report had been considered at the meeting of the LDFWG on 5 December in an effort to clarify and amend the anomaly.

The report had invited Members to consider the following options:

Option 1: In-line with the interim policy approach for large sites greater than 15 units, reduce the affordable housing target on small rural sites (between 2 and 15 units) to the targets identified in Table 2, evidenced by the AHVS.

Option 2: Retain a 50% target on rural developments of between 2 and 15 units and apply the targets identified in the evidence base pragmatically.

Option 3: Retain the 50% target but increase the threshold at which it will apply to 8 homes.

It was reported that the Working Group had supported option 1 to reduce the affordable housing target on rural sites.

**RECOMMENDED:** That Council approve Option 1 as recommended by the LDFWG to reduce the affordable housing target on rural sites to the targets identified in Table 2, page 51 of the report.

**REASON:** In accordance with the provisions of the Council's Constitution and the position of the LDF Working Group as an advisory body to the Cabinet.

## **82. COMMUNITY STADIUM UPDATE**

*[See also under Part A Minutes]*

Consideration was given to a report which set out details of the timetable for progression of the business case and details of the resources required to develop the business case for the next stage of the Community Stadium project.

A planning application had now been submitted for the enabling development and subject to the development gaining approval it was reported that the Council's vision was deliverable. A summary of the capital funding position was set out in Tables 1 and 2 of the report. It was reported that to date £398k of council revenue funds had been spent or committed and £200k was now required to undertake the next stage of the business plan.

It was confirmed that if the procurement exercise commenced in January/February 2012 it would result in the completion of the new facilities in 2014. An indicative project plan had been included at Annex 1 of the report.

**RECOMMENDED:** ii) That Council approve the allocation of £200k of the £4M allocated in the Council's capital programme for the Community Stadium being released for the purpose of developing the business case to the next key stage.

**REASON:** To enable progress to be made on the Community Stadium project.

### 83. GYM EXPANSION AT ENERGISE

*[See also under Part A Minutes]*

Members considered a report which presented a business case for the Council to borrow £540k on behalf of York High School to facilitate an extension of the successful Energise gym.

A partnership existed between York High and the Council to provide community access to the sports facilities, although the school were responsible for the management of the facilities under the terms of the service level agreement.

The Council's aim had always been for long term sustainability however the current financial pressure on the authority had required examination of methods of achieving this. Annex A (exempt annex) presented the business case for the proposal and details of the project costs were set out in paragraphs 13 to 15 of the report.

Two options were presented for consideration:

- To approve the prudential borrowing so that the School may expand the gym facility at Energise
- Not to approve the prudential borrowing.

RECOMMENDED: ii) That Council approve the addition to the Capital Programme in 2011/12 of £540k in order to expand the gym at Energise.

REASON: To improve the efficiency and effectiveness of the Council's leisure offer.

Cllr J Alexander, Chair

[The meeting started at 5.30 pm and finished at 6.35 pm].