



**Notice of a public meeting of
Cabinet**

To: Councillors Alexander (Chair), Crisp, Cunningham-Cross, Levene, Looker, Merrett, Simpson-Laing (Vice-Chair) and Williams

Date: Tuesday, 5 August 2014

Time: 5.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Notice to Members - Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democracy Support Group by **4:00 pm on Thursday 7 August 2014.**

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Corporate and Scrutiny Management Committee.

1. Declarations of Interest

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes (Pages 1 - 18)

- a) To approve and sign the minutes of the meeting of Cabinet held on 1 July 2014

- b) To agree that the delegated power granted to Officers in minute 13 (v) relating to the approval of the detailed arrangements for the new company should be exercised in consultation with the Leader and Cabinet Member for Leisure, Culture and Tourism.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Monday 4 August 2014**. Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

Filming, Recording or Webcasting Meetings

“Please note this meeting will be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council’s protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/downloads/download/3130/protocol_for_webcasting_filming_and_recording_of_council_meetings

4. Forward Plan (Pages 19 - 22)

To receive details of those items that are listed on the Forward Plan for the next two Cabinet meetings.

5. Lendal Bridge and Coppergate Traffic Regulation Orders
(Pages 23 - 32)

This report asks Cabinet to determine whether the Council should continue to pursue its application for a review of the decision to the Traffic Penalty Tribunal Adjudicator in respect of appeals against fines for breach of the Lendal Bridge Traffic Regulation Order.

This report includes an annex containing legally privileged advice relating to contemplated litigation. It is exempt from publication under paragraph 5 of schedule 12A to the Local Government Act 1972 and Regulation 20 of the Local Authorities (Executive Arrangements)(Meetings and Access to Information) (England) Regulations 2012.

6. Business Rate Discount Policy (Pages 33 - 48)

This report sets out a revised business rate discount policy for approval. The updated policy includes a fourth ambition that seeks to reinvigorate the 'high street' in geographical areas that have a high commercial property vacancy rate.

This non key decision item was added to the Forward Plan on 16 July 2014. The decision has been brought forward in light of the volume of business likely to be undertaken at forthcoming Cabinet meetings and to allow earlier implementation of the proposed incentives to re-occupy commercial premises.

7. York - Fairtrade City (Pages 49 - 56)

This report advises Cabinet of recent progress made under the York Fairtrade City initiative and considers the next steps as a Fairtrade City.

The decision has been brought forward in light of the volume of business likely to be undertaken at forthcoming Cabinet meetings.

8. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Jill Pickering

Contact details:

- Telephone – (01904) 552061
- E-mail – jill.pickering@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

City of York Council

Committee Minutes

Meeting	Cabinet
Date	1 July 2014
Present	Councillors Simpson-Laing (Vice-Chair, in the Chair), Crisp, Cunningham-Cross, Levene, Looker, Merrett, and Williams
In attendance	Councillors Doughty, Funnell, Healey, Steward, Warters and Watson
Apologies	Councillor Alexander

Part A - Matters Dealt With Under Delegated Powers

1. 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 Crisp declared a personal non prejudicial interest in relation to Agenda item 13 (Delivering Marketing and Business Development – Stage 2) as the Cabinet Member for Leisure, Culture and Tourism.

Councillor Merrett declared a personal non prejudicial interest in relation to Agenda item 15 (Improving York's City Centre – Reinvigorate York Public Realm Improvement Projects: Exhibition Square/Theatre Interchange project) as an honorary member of the Cycle Touring Club and as a York Cycle Campaign member.

2. Exclusion of Press and Public

Resolved: That it was agreed to exclude the press and public from the meeting during consideration of Annex C to agenda item 13 (Delivering Marketing and Business Development – Stage 2) on the grounds that it contained information

relating to the financial or business affairs of particular persons (including the authority holding that information). Such information is considered 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).

3. Minutes

Resolved: i) That the minutes of the Cabinet meeting held on 23 April 2014 be approved and signed by the Chair as a correct record, subject to the following amendment:

Minute 126 – Public Participation – City of York Local Plan Further Sites Consultation – in the third paragraph, first sentence, the deletion of the words ‘Liberal Democrat’ and their replacement with ‘Conservative’.

ii) That the minutes of the last meeting of Cabinet held on 6 May 2014 be approved and signed by the Chair as a correct record.

4. Public Participation

It was reported that there had been four registrations to speak at the meeting under the Council’s Public Participation Scheme, three of which had now withdrawn, and that three Members of Council had also requested to speak on items, details of which are set out below:

Minutes from the Local Plan Working Group, 31 March and 30 June 2014

Councillor Steward acknowledged the work which had gone into producing the Village Design Statements and welcoming those recently produced for Wheldrake and Strensall with Towthorpe.

2013-14 Finance and Performance Year End Report

Councillor Warters referred to the challenges of the current financial climate, expressing concern at the recent senior

Council appointments during cuts in services and low staff morale.

Community Conversations – Next Steps

Councillor Steward made reference to the attendance levels at the Community Conversation meetings which did not appear to be as effective as suggested. He made reference to the Copmanthorpe meeting, full details of which had not been included in the report.

Rewiring Public Services

Heather McKenzie, spoke on behalf of Unison, welcoming the continuation of proactive engagement with the union on the programme. Concerns were however expressed at the use of mutual's rather than in house models and the use of other outside organisations, with the loss of valuable skills and expertise. She referred to a reliance on digital technology and the need to ensure the availability of other options for vulnerable customers.

Councillor Steward thanked Officers for their report and briefing on the programme. He referred to problems in the area of Adult Social Care and to subsequent delays. Support was expressed for the rationale of the project and focus on good outcomes for service users with the continuation of member input into the proposals.

Delivering Marketing and Business Development – Stage 2

Councillor Healey spoke to express his concerns at the proposals in the report to deliver different services through one organisation and the challenges this would bring within the proposed budget. He felt that this delivery would reduce the democratic accountability of the organisation and drew attention to the need for clarity of purpose for the body.

The Future of the Burnholme College site

Councillor Warters spoke to welcome recognition that the Osbaldwick ward would be affected by the proposals for this site. He went on to express the Parish Council, Meadlands Area Residents Association, and his opposition to any development on the playing fields at the College site.

5. Forward Plan

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

6. Annual Report of the Financial Inclusion Steering Group 2013/14

Consideration was given to a report which informed Members of progress in delivering the financial inclusion work of the Financial Inclusion Steering Group. The report focussed on York's Financial Assistance Scheme and provided details of the performance and demand for the Scheme during its first year of operation.

The Scheme had been set up to provide emergency and community assistance for residents and Council had agreed to provide additional finance for the Scheme, during 2013/14 and 2014/15, following transfer of funding from the Department for Works and Pensions (DWP). It was noted that the Scheme was well used and that the DWP had confirmed that funding for the scheme would cease from 2015/16 although a final decision on the implications of this would be made as part of the Council's Budget in February.

The Cabinet Member highlighted the growing need for the scheme and referred to key changes which had taken place in co-locating advisers from a number of agencies within West Offices to provide a joined up approach for applicants. Members endorsed the significant work involved and expressed their support in continuation of the scheme.

Resolved: That Cabinet agree to:

- (i) Note the performance of the York Financial Assistance Scheme (YFAS) following the first year of operation.
- (ii) Give commitment to maintaining the York Financial Assistance Scheme funding at its current levels (inclusive of grant) and considering in principle (subject to the full budget approval), the use of additional council tax from technical changes introduced on 1

April 2014 being directed towards the YFAS scheme.¹

Reason: To ensure Cabinet can properly plan for future financial pressures relating to the York Financial Assistance Scheme.

Action Required

1. Note commitment to continuation of YFAS funding.

JM

7. Minutes from the Local Plan Working Group 31st March 2014 and 30th June 2014

Members received a report which presented the minutes of meetings of the Local Plan Working Group (LPWG) held on 31 March, attached as Annex C of the report and those of 30 June, which were circulated at the meeting and republished with the online agenda.

Members were invited to consider the advice offered by the working group in its capacity as an advisory body to the Cabinet, and in particular, the following recommendations of the LPWG:

31 March 2014

- a) To approve the proposed minor factual amendments to paragraph 5.21 of the Controlling the Concentration of HMO's Supplementary Planning Guidance.¹
- b) That Officers be requested to monitor the number of pre-applications received in relation to permitted development rights on HMO's in order to gain a comprehensive picture of the affect of this change.²
- c) To adopt the City of York Streetscape Strategy and Guidance document subject to the amendments and additions outlined in the minutes.
- e) That consideration be given to future expansion of the Streetscape Strategy and Guidance work to cover the rural areas of the city.³

30 June 2014

- f) To approve the Draft Village Design Statements for Wheldrake and Strensall with Towthorpe attached at Annex A and Annex B of the report, along with supporting information for public consultation. ⁴.
- g) Delegate to the Director of City and Environmental Services, in consultation with the Cabinet Member, the making of any incidental changes to the draft Design Statement documents and supporting information as a result of recommendations of Cabinet.
- h) Delegate to the Director of City and Environmental Services, in consultation with the Cabinet Member, the consultation strategy for the Design Statements.

The Cabinet Member presented the recommendations from the Working Group meetings. He expressed his thanks and appreciation to all the local volunteers and consultees for their assistance in the preparation of the Village Design Statements.

Resolved: That Cabinet approve the recommendations of the Local Plan Working Group meetings held on 31st March 2014 and 30th June 2014, as set out above.

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

Action Required

- 1. Amend the HMO's SPD. FH
- 2. Monitor the number of pre-applications received in relation to permitted development rights on HMO's FH
- 3. Implement Streetscape Strategy and Guidance document subject to the amendments and additions and consider use in the rural areas BS
- 4. Proceed with public consultation on VDS's. KA

8. 2013-14 Finance and Performance Year End Report

Consideration was given to a report which provided a year end analysis of the Council's financial performance over the 2013/14 financial year, detailed at Annex 1 in the York Monitor.

The Council's net General Fund budget for 2013/14 was reported as £127,778k with a provisional outturn of an under spend of £314k, an improvement of £2.2m since Monitor 3.

Further information in relation to the financial outturn of each directorate was reported together with details of an under spend of £900k in Treasury Management activity. It was noted that the Council would retain a sum equivalent to the income received from fines, in respect of Lendal Bridge and Coppergate in an earmarked reserve, for any future liability that may accrue. It was also noted that an additional £200k contribution was being made to the General Fund reserve to take account of the increased risks facing the Council.

The Cabinet Member confirmed that, despite the considerable financial challenges, the authority's expenditure had been within the overall approved budget. He drew attention to the focus now being placed on the areas which were experiencing budget pressures.

Resolved: That Cabinet agree to:

- (i) Note the year end under spend of £314k and that this is transferred to the General Contingency.
- (ii) Note the performance set out in the York Monitor at Annex 1, including the areas highlighted as presenting challenges, and the priorities for the year ahead.

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

9. Capital Programme Outturn 2013/14 And Revisions To The 2014/15 - 2018/19 Programme

Members considered a report which set out the capital programme outturn position, including any under or over

spends, the overall funding of the programme and an update on future years.

An outturn of £44.616m was noted compared to an approved budget of £60.908m, an overall variation of £16.292m with the programme continuing to operate within budget.

A summary of the 2013/14 Capital Programme outturn was detailed, in the report and at Annexes A and B, highlighting the total variances for individual departments along with requests for reprofiling and an update on the Economic Infrastructure Fund.

Amendments made to future year's capital programmes as a result of reprofiling and requests for the use of new funding were also reported.

Members made reference to the ongoing challenges for the programme whilst highlighting progress with key schemes, including park and ride, the Disabled Support Grant and repairs and refurbishments at a number of schools.

Resolved: That Cabinet agree to:

- (i) Note the 2013/14 capital outturn position of £44.616m and approve the requests for reprofiling totalling £17.348m from the 2013/14 programme to future years.
- (ii) Note the additions in future years totalling £1.769m.
- (iii) Note the outturn position of the Economic Infrastructure Fund (EIF) in 2013/14 and revisions to the profile of the £28.5m as set out in Annex B of the report.
- (iv) Approve the revised EIF profile set out at Annex B of the report.

Reason: To allow the continued effective financial management of the capital programme from 2014/15 to 2018/19.

10. Treasury Management Annual Report & Review of Prudential Indicators 2013/14

Cabinet considered the annual treasury management review of activities and the prudential and treasury indicators for 2013/14, as required by regulations issued under the Local Government Act 2003.

The position for 2013/14 compared to 2012/13 was summarised, with total borrowing at the start of the year at £311.8m and ending at £311.2m, split between the General Fund and Housing Revenue Account. Details of the interest and investment rates applicable over this period were reported at paragraphs 11 to 15 and prudential indicators for 2013/14 at Annex A.

The Cabinet Member confirmed that although a legal requirement this report provided an excellent health check for the authority's finances.

Resolved: That, in accordance with the Local Government Act 2003, Cabinet agrees to:

- (i) Note the 2013/14 performance of Treasury Management activity and
- (ii) Note the compliance with and movements of the Prudential Indicators in Annex A of the report.

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

11. Community Conversations: Next Steps

Consideration was given to an update report on the Community Conversations held in each ward across the city to date, part of the Council's process to build stronger communities.

It was noted that feedback from the events, both anecdotal and written had been positive with residents welcoming the opportunity to question the Leader. A list of key learning points from the events had been produced to inform future work and events to engage residents.

The Cabinet Member confirmed that a number of suggested improvements had already been made for future events and that

she welcomed any suggestions from ward members to assist with future engagement with residents. She expressed her personal thanks to the wards, members, residents and the community groups for their input. Members reiterated the positive feedback already received and for the need to continue the meetings on a regular basis.

Following further discussion it was

Resolved: That Cabinet agree to:

- (i) Note the feedback and learning points, outlined in the report, received from the Community Conservation events held so far.
- (ii) Receive feedback from future events.

Reason: To increase consultation and engagement to encourage greater resident participation in decision making to build strong communities.

12. Rewiring Public Services

Members considered a report which provided an update on work to date in the development of a transformation programme, the Rewiring of Public Services, to enable the Council to face major future challenges. The Programme covered the following areas:

- Community and Resident Engagement
- Place Based Services and Public Realm
- Children's Services
- Adults Social Care and Integrated Public Health
- Business Consolidation and Efficiency (BCE)

It was reported that the programme was on track to deliver a budget saving of £750k in 2014/15 and a further saving of £300k within the BCE programme in 2015/16. It was noted that residents and communities would be involved at every stage as it was recognised that communities had different needs and preferences. Additional support for the programme in the areas of innovation, ICT and organisational development were reported in detail.

Appendix 1 reported the businesses cases and aims for each of the above areas, together with the benefits and risks involved.

The Cabinet Member reiterated the aims of the programme to transform the way in which the authority delivered services to residents, empowering local residents and involving public sector organisations. He acknowledged earlier speakers comments, confirming that access to services for vulnerable people would not be lost. He also confirmed that all models for delivering the services would be examined and that a report would come back to Cabinet in the autumn. Members confirmed that good practice elsewhere would be examined, highlighting the importance of ensuring a long term programme of improved services to help all residents.

Following further discussion it was

Resolved: That Cabinet agree to:

- (i) Commission a period of resident engagement, staff engagement and further shaping of the projects between July and September 2014;
- (ii) Approve the decisions set out in Section 2 of the report, supported by the annex and background papers; ¹.
- (iii) Note that the Rewiring programme is on-target to deliver the changing relationship between the council, residents, communities, partners and businesses and the savings anticipated in the budget process.
- (iv) Commission a further report for the October Cabinet meeting detailing proposals for Health and Wellbeing and Integration with Health, outcomes from the resident engagement and recommended service delivery changes. ².

Reason: To allow the programme to begin the process of engaging residents in the co-design and co-delivery of the outcomes they want.

Action Required

1. Commission engagement and continue with the proposals. SH
2. Add further report to Forward Plan for Cabinet in October. SH

13. Delivering Marketing and Business Development - Stage 2

Members considered a report which presented the business case and options for the establishment of a new company to deliver marketing, culture, tourism and business development in the city.

Details of proposals for the transfer of City of York Council (CYC) resource into the company and for CYC to acquire sole ownership of Science City York, in an effort to align the work of SCY with the new company were reported.

It was noted that, if approval was given, a transitional chair would be involved in development of a new Board of Directors for the agency and that a new service level agreement would be prepared, which would include setting outcomes and objectives for the use of public funding.

Consideration was then given to the following options:

1. Status quo
2. Provision of services by Council directly
3. Procurement
4. Wholly owned company

Based on legal advice provided and the objectives and principles set out for the establishment of the new company, the establishment of a wholly owned company was recommended as the best option to achieve the Council's objectives.

Members reiterated details of the proposed governance arrangements, the details of which would be delegated to the appropriate Members and Officers to finalise. Officers highlighted the use of similar successful models across the UK and to the wish to strengthen co-ordination and promotion of the city's profile and cultural offer.

The Cabinet Member referred to the need to provide a new approach to the current service provision in order to deliver greater inward investment and market share for the city.

Resolved: That Cabinet agree:

- (i) In principle the business case for the new company as set out at Appendix B of the report.
- (ii) In principle to support the formation of the new company subject to a business plan being approved by Cabinet in the autumn.
- (iii) That the Council becomes sole owner of Science City York, on the basis of the business case set out, in confidential Appendix C, and subject to final financial due diligence with the final decision delegated to the Director of Customer and Business Support Services (CBSS).
- (iv) A one off financial contribution towards the set up costs of the new agency of £140k from a combination of the Transformation Fund (£90k) and contingency budget (£50k).
- (v) To delegate to the Directors of CBSS, Communities and Neighbourhoods and City and Environmental Services together with the Assistant Director, Governance and ICT, in consultation with the Leader and Cabinet Member for Finance and Performance, the authority to finalise the detailed arrangements for the formation of the company, specification and governance arrangements, and to enter into all necessary legal agreements. ¹.

Reason: To provide full information on the proposals in order to progress establishment of the company in an effort to improve efficiency, cost effectiveness and business investment in the city.

Action Required

1. Proceed with the formation of the company, subject to delegation of the final detailed arrangements to Officers and Cabinet Members listed in the report.

KS

14. The Future of the Burnholme College site

Consideration was given to a report which set out the results of public engagement undertaken into options for the future development of the Burnholme College site, following its closure in July.

Advisers engaged to review the current provision on site and explore potential demand for broader community and sports use had developed the following high level options:

A Housing only

B1 Health and Wellbeing Hub – New Build.

B2 Health and Wellbeing Hub – part refurbished/ part new build homes).

C Small scale Community use

Results of the subsequent community engagement event in relation to the options were reported in detail at paragraphs 14 to 20 of the report. It was noted that the local community had given their overwhelming support for a Community and Health Wellbeing Hub and, in view of the work now required to develop the scheme, a suitable partner would be sought to take this forward. In the meantime further information in relation to the interim arrangements for the Burnholme site were reported.

In answer to earlier speaker's comments, the Cabinet Member confirmed briefing sessions had been offered to neighbouring Parish Councils and Residents Associations. He also gave his assurance that no building work would take place on the playing fields at the Burnholme site.

Members thanked local residents for their continued involvement and engagement in relation to proposals for the site.

Resolved: That Cabinet agree to:

- (i) Note the interim arrangements for the operation of the Burnholme site following the closure of the school.
- (ii) Note the results of the public engagement.
- (iii) Approve the procurement of a development partner to develop the site as a Community Health and Wellbeing Hub.¹

Reason: To deliver a sustainable community facility on the Burnholme site and support corporate priorities with respect to Building Strong communities and Protecting Vulnerable people.

Action Required

1. Procure a partner to develop the site as a Community & Wellbeing Hub.

PC, TC

15. Improving York's City Centre - Reinvigorate York Public Realm Improvement Projects: Exhibition Square/Theatre Interchange project

Consideration was given to a report which sought Cabinet's approval to implement the Theatre Interchange project as the first phase of a rolling programme of public realm improvement works at Exhibition Square. It was hoped that the works could be carried out to coincide with the reopening of the Art Gallery in May 2015.

Feedback received from the detailed consultation with bus operators and the public were summarised together with details of the overall impact and mitigation strategy on the bus services that currently used Exhibition Square. It was noted that a second stage Safety Audit would be carried out following approval.

Key elements of the design, funding and timescales were reported at paragraphs 25 to 28 and approval of the design, shown in the plan at Annex 1 of the report was required.

The Cabinet Member referred to the positive feedback in respect of the reinvigorates schemes and highlighting the need for improvements to this area which including the provision of appropriate facilities for bus passengers.

Following further discussions it was

Resolved: That Cabinet agree to:

- (i) Approve the overall design for the Theatre Interchange aspect of the Exhibition Square/Theatre Interchange project subject to further minor amendments being delegated to the Director of City and Environmental

Services in consultation with the Cabinet Member for Transport. ¹.

- (ii) Approve the location of replacement bus shelters that offer significant improvements to the existing footways and bus shelters located within the Square.
- (iii) Note that a further report is planned for consideration by Cabinet in September, which will seek approval for the remaining aspects of the Exhibition Square project. ².

- Reasons:
- (i) To enable progress of the Reinvigorate York Public Realm programme through agreement to the overall design for the interchange and noting progress on Exhibition Square.
 - (ii) To improve arrangements for bus passengers within the area.

Action Required

- 1. Implement scheme subject to delegation of minor amendments to the Director of CES in consultation with the Cabinet Member. SH
- 2. Add item to the Cabinet Forward Plan. SH

Part B - Matters Referred To Council

16. Capital Programme Outturn 2013/14 and Revisions to the 2014/15 - 2018/19 Programme

[See also Part A minute]

Members considered a report which set out the capital programme outturn position, including any under or over spends the overall funding of the programme and an update on future years.

An outturn of £44.616m was noted compared to an approved budget of £60.908m, an overall variation of £16.292m with the programme continuing to operate within budget.

A summary of the 2013/14 Capital Programme outturn was detailed, in the report and at Annexes A and B, highlighting the total variances for individual departments along with requests for reprofiling and an update on the Economic Infrastructure Fund.

Amendments made to future year's capital programmes as a result of reprofiling and requests for the use of new funding were also reported.

Members made reference to the ongoing challenges for the programme whilst highlighting progress with key schemes, including park and ride, the Disabled Support Grant and repairs and refurbishments at a number of schools.

Recommended: That Council approve the restated 2014/15 to 2018/19 programme of £203.851m as summarised in Table 3 and detailed in Annex A of the report. ¹.

Reason: To allow the continued effective financial management of the capital programme from 2014/15 to 2018/19.

Action Required

1. Refer to Council.

JP

Cllr T Simpson-Laing, Chair

[The meeting started at 5.30 pm and finished at 6.40 pm].

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Cabinet Meeting: 5 August 2014

FORWARD PLAN

Table 1: Items scheduled on the Forward Plan for the Cabinet Meeting on 9 September 2014

Title & Description	Author	Portfolio Holder
<p>Review of the Housing Revenue Account Business Plan Purpose of Report: To review the Housing Revenue Account Business Plan. Members are asked to approve the changes to the Business Plan.</p>	Tom Brittain	Cabinet Member for Homes & Safer Communities
<p>Community Stadium and City Leisure Facilities Purpose of Report: To inform Members of the outcome of the procurement process, the appointment of a preferred bidder and seek necessary authority to proceed with the project. Members are asked to note progress and appointment of preferred bidder, risks associated going forward and budget implications and to agree the proposals outlined in the report.</p>	Tim Atkins	Cabinet Member for Leisure, Culture & Tourism
<p>York Flood Risk Management Strategy Purpose of Report: Presents the draft Flood Risk Management Strategy for comment and recommendations in advance of the production of the final report for external consultation. Members are asked to review the strategy and provide comments and recommendations to inform and develop the draft strategy.</p>	Steve Wragg	Cabinet Member for Environmental Services, Planning and Sustainability

Table 2: Items scheduled on the Forward Plan for the Cabinet Meeting on 7 October 2014

Title & Description	Author	Portfolio Holder
<p>York Guildhall and Riverside creating a Digital Media and Arts Centre</p> <p>Purpose of Report: To ask Cabinet to approve the procurement of a commercial partner to facilitate the creation of a digital media and arts centre in the Guildhall complex.</p> <p>Members are asked to note progress made in developing the project to date and to approve the procurement of a commercial partner to work alongside the council in further developing and delivering the project.</p>	David Warburton	Cabinet Member for Finance & Performance
<p>Proposed expansion of Fulford Secondary School</p> <p>Purpose of Report: To explain proposals to provide additional accommodation at Fulford School to meet catchment demand and seek approval for the capital expenditure.</p> <p>Members are asked to approve Basic Need capital investment over three years.</p>	Jake Wood	Cabinet Member for Education, Children and Young People

Table 3: Items slipped on the Forward Plan

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p>York Guildhall and Riverside creating a Digital Media and Arts Centre</p> <p>Purpose of Report: To ask Cabinet to approve the procurement of a commercial partner to facilitate the creation of a digital media and arts</p>	David Warburton	Cabinet Member for Finance & Performance	June 14	Oct 14	This item was slipped to July 14 Cabinet to allow further discussions in respect of the development and delivery of the project. It was subsequently

<p>centre in the Guildhall complex.</p> <p>Members are asked to note progress made in developing the project to date and to approve the procurement of a commercial partner to work alongside the council in further developing and delivering the project.</p>					<p>deferred to September 14 to allow further work and discussions on the proposals and then to October 14 as officers are awaiting an announcement from a national funding body about award of grant in order to complete the financial analysis.</p>
<p>A Congestion Commission for York</p> <p>Purpose of Report: To establish a Congestion Commission for the City.</p> <p>Members are asked to establish an all-party Commission, with independent representation, to consider congestion issues in the city and make strategic recommendations on management and alleviation.</p>	<p>Sarah Tanburn</p>	<p>Cabinet Member for Transport</p>	<p>Sept 14</p>	<p>Withdrawn</p>	<p>The original date was premature in bringing this report forward considering the background work required.</p>
<p>York Equality Scheme</p> <p>Purpose of Report: To inform Members of the priorities within the Single Equality Scheme.</p> <p>Members are asked to approve the Single Equality Scheme.</p>	<p>Sharon Brown</p>	<p>Cabinet Members for Homes & Safer Communities and Leisure, Culture & Tourism</p>	<p>Nov 14</p>	<p>Dec 14</p>	<p>Following discussions with the Corporate and Scrutiny Management Committee this item has been moved to the December Cabinet to allow officers to consult with all the Scrutiny Committees.</p>

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Cabinet

5th August 2014

Report of the Cabinet Member for Transport

Lendal Bridge and Coppergate Traffic Regulation Orders

Summary

1. The Cabinet is asked to determine whether the Council should continue to pursue its application for a review of the decision to the Traffic Penalty Tribunal Adjudicator (the Adjudicator) in respect of appeals against fines for breach of the Lendal Bridge Traffic Regulation Order.
2. Subject to the decision not to pursue the review of the Lendal Bridge application, to determine if the Council would contest any new applications made for a refund of Lendal Bridge Penalty Charges Notices (PCN's) already paid.

Background

3. The Leader made a decision in April to bring the Lendal Bridge trial to a conclusion. At that time he acknowledged the benefits of the Lendal Bridge trial included the significant increase in bus reliability and patronage, improved air quality and the increase in recorded footfall and hotel bookings.
4. However it is now over 3 months since this decision was made and the Adjudicator has not completed the review of the Lendal Bridge or Coppergate decisions and no statutory deadlines exist that require this decision to be made in a timely manner.
5. Considering this significant passage of time and the uncertainty that this imposes on individuals the Cabinet is asked to consider whether to continue to pursue the outcome of the Adjudicator's ongoing review of the Lendal Bridge Trial.
6. In considering this issue the Cabinet is reminded that:

- It is the case that the fines imposed during the Lendal Bridge trial were a means of enforcing the restrictions at that time and not an exercise in raising revenue for the Council
- Having ended the Lendal Bridge trial it is no longer necessary for the Council to enforce the Lendal bridge Traffic Regulation Order
- The Coppergate scheme is, however, a longstanding restriction and is planned to be maintained. The validity of that restriction, and in particular of the order which underpins it, is therefore important to establish for the Council
- The Council has established its intent to form an independently chaired Congestion Commission to explore how the city addresses its transport challenges and full Cabinet is due to consider a report as to scope and membership of the commission at its November meeting.
- While there is uncertainty as to the outcome of the reviews of the Adjudicator's decision the Council continues to divert resources from other important Transport schemes, the significant passage of time and uncertainty also has an ongoing impact on the reputation of the Council, and well being of individuals, and that the ongoing pursuit of individuals for fine income from a trial that has now ended may not be in the public interest.

Consultation

7. The Council's solicitor has prepared legally privileged advice at Appendix 1.

Analysis

Option 1

8. Should Cabinet determine not to proceed with the Adjudicator's review of Lendal Bridge the Authority would need to refund as ordered by the Traffic Penalties Tribunal (TPT). This would only apply to those individuals who have successfully appealed their PCN but to date have not been refunded, as the Council was awaiting the appeals outcome this is expected to effect

approximately 20 motorists. It is proposed that these individuals would be contacted by the Council and a refund made.

9. Should Cabinet determine not to proceed with the review of the Lendal Bridge trial the question arises as to how the Council will deal with those motorists who have not contested their PCN and thereby may in light of a decision not to pursue the Adjudicator's review wish to appeal against their PCN on the grounds that the Council had unlawfully issued them with a PCN.
10. Whilst the Council disputes that it has acted unlawfully it faces an ongoing legal dispute with members of the public who believe rightly or wrongly that the PCN issued to them is unlawful. The Council, therefore, needs to consider the cost of complaints, appeals and potential litigation on an ongoing basis. The recommendations of this report therefore reflect an approach to mitigate this ongoing financial and reputational risk.
11. In order to manage the above risks it is proposed that where a motorist makes an application for refund on the basis that the PCN was issued unlawfully then the Council would make a settlement payment equivalent to a refund of the PCN paid without admitting liability.
12. Where a motorist does not make an application for refund and thereby is not disputing the Council's position the Council will not be proactively seeking them out as no dispute exists between the parties.
13. As the Coppergate Traffic Order is a longstanding traffic order and the Council has made no decision to change this position there is no proposal to withdraw the request for Adjudicator's review for Coppergate.

Option 2

14. Cabinet may determine that the review by the Adjudicator should proceed. As noted in the background there are a number of matters that arise from this course of action:
 - i. Uncertainty for all motorist affected by the Lendal Bridge Trial.

- ii. Uncertainty for the Council although a positive outcome for the Council would mean full retention of the PCN revenues received to date.
 - iii. No further benefits are being accrued from the trial as it has finished.
 - iv. Council Resources are being consumed which could otherwise be directed to other traffic schemes.
15. The uncertainty that exists is driven by the inability for the Council to determine what the outcome of the Adjudicator's review will be or to the extent that this was not favourable to the Council the outcome of any subsequent Judicial Review. A number of such schemes have nationally been found against Local Authority's for a variety of reasons often to do with process and as the legal process can / would take many months to complete a forensic analysis of the process taken for Lendal Bridge does pose a risk to the Council and extends the uncertainty for all parties around a trial that is now complete.

Coppergate

16. Should the Council not seek to review the Coppergate decision then we would be left with uncertainty as the approach of the Adjudicator to future appeals in respect of the continuing movement restrictions.

Council Plan

17. The Council uses traffic regulation orders to assist meeting the Council's aims to get York moving and protect the environment. The proposal to establish a congestion commission in the Autumn to assist in determining how the Council will meet it's aims will be facilitated by the removal of the uncertainty around the Lendal Bridge Trial.

Implications

18. **Financial:** Subject to the level of applications by the public, the implementation of the recommendation may require the repayment of all the PCN revenue received by the Council for the Lendal Bridge trial. As noted in the report, the trial was not intended to raise revenue for the authority and, therefore, all of the income received from fines has been set aside in a specific

reserve as part of the preparation of the Council's accounts for 13/14.

19. **Human Resources (HR):** Administration of the payment process will be met from existing resources.
20. **Equalities:** There are no equalities impacts associated with this report.
21. **Legal:** In light of the fact that there is an ongoing legal challenge and the Council is contemplating the possibility of future judicial review proceedings legal advice is contained in an exempt annex to this report
22. **Crime and Disorder:** Providing greater certainty to the public in respect of the Lendal Bridge PCN and continuing to pursue the Coppergate decision will provide greater clarity to the council's enforcement activity in the future.
23. **Information Technology (IT):** Officers in ICT will be engaged to automate the payment process as far as possible and provide easy access to motorists wishing to challenge their PCN.
24. **Property:** There are no property impacts associated with this report.

Risk Management

25. There is a reputational risk to the Council associated with either continuing with or withdrawing the request for a review. There is also a risk associated with any subsequent legal challenge by Judicial Review of being unsuccessful. Should Cabinet accept the recommendations of the report, there is a risk of potential fraudulent claims for a compensation payment and it is proposed that should a decision be taken not to contest any new claims against the Lendal Bridge Trial then a simple but robust system subject to internal audit review would be put in place to facilitate payments.
26. It is also possible that even if Cabinet agrees the recommendations of this report individuals and organisation will continue to dispute the processes undertaken by the Council. Whilst this risk cannot be eliminated the proposals in this report reduce the risk of challenge as any aggrieved motorist will be able

to make an application for a payment equivalent to their PCN charge.

Recommendations

27. Cabinet is asked to consider:

- 1) Instructing Officers to confirm the withdrawal of the Lendal Bridge review is made public through the Council's normal communication channels;
- 2) Asking Officers to make arrangements where members of the public contest their PCN for the settlement payments equivalent to PCN fines paid in respect of the Lendal Bridge trial to be made;
- 3) Ensuring that a robust mechanism is put in place to protect the public purse from fraud when applications are made. That this be done at the earliest opportunity to provide certainty to both the Council and individuals but is subject to internal audit review;
- 4) Asking Officers to confirm to the Traffic Penalty Tribunal that the Council will be taking these steps in relation to the Lendal Bridge trial only;
- 5) Confirming that the Council wishes the review into the Coppergate scheme decision to continue and will not be making any refunds in respect of Coppergate.

Reason: It is now the case that the Lendal Bridge trial finished over 3 months ago, will not require future enforcement and the fines income was not intended as a revenue income and remains in Council reserves. Notwithstanding these facts the Council and Motorists remain in a position of uncertainty due to the ongoing legal process associated with the enforcement of the PCN.

Therefore Cabinet can determine if it is in the Council's interest to sustain the uncertainty for the Council and individuals as to the validity of Penalty Charge Notices. That the ongoing diversion of Council resources from other transport congestion schemes is not value for money and that the Council needs to concentrate its limited resources and the results of the Lendal Bridge trial on working through the congestion commission to address the growing issue of congestion in the city.

Contact Details

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	Report Approved	√	Date 28/07/2014
Specialist Implications Officer(s) None			
Wards Affected: Guildhall			√
For further information please contact the authors of the report			

Background Papers:

None

Annexes

Appendix 1 - Legally privileged advice

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Cabinet

5 August 2014

Report of the Cabinet Member for Finance, Performance and Customer Service

Business Rate Discount Policy

Summary

1. The purpose of this paper is to provide Cabinet with a revised business rate discount policy for approval. The updated policy (Annex A) sets out a new fourth ambition that seeks to reinvigorate the 'high street' in geographical areas that have a high commercial property vacancy rate.

Background

2. The Localism Bill that came into effect on 1st April 2012 provided councils with the power to award business rate discounts to for profit companies where previously our powers were limited to discretionary relief in respect of:
 - Charities
 - non-profit making organisations
 - Community Amateur Sports Clubs (CASC's)
 - Rural discretionary relief
 - Rural top up
3. An initial discount policy was approved by Cabinet in February 2013 which set out the processes for considering an award. A revised policy was approved by Cabinet on 7th January 2014 that sought to align the policy to our key economic ambitions. This third version looks to build upon the Governments Autumn Statement business rate reliefs in relation to reoccupying vacant commercial properties and reinvigoration of the 'high street'.

4. Under the Government's Autumn Statement properties do not qualify for the new temporary reoccupation relief until the property has been vacant for a minimum period of 12 months. The councils revised business rate discount policy ('ambition 4' in Annex A) is similar to the Central Government scheme for reoccupation relief but awards the relief to the property immediately it becomes vacant rather than after a 12 month qualifying period. The intention of the revised council policy is to more quickly support areas of the city with high commercial property vacancy factors.
5. The council set aside a fund of £50K to support all applications for business rate discounts in 2014/15 and to date no application or award has been made.

Revised Policy

6. The revised policy attached to this paper at Annex A provides details of the new fourth ambition Business Development District. A key difference to the three existing ambitions is that once a District is identified through ongoing review, and approved by Cabinet, businesses meeting the qualifying conditions will be automatically awarded the relief. The full qualifying criteria are set out within Annex A but include:
 - The premise must be unoccupied, commercial and on the Valuation Office List;
 - Any discretionary relief cannot be claimed in addition to Central Government's Reoccupation relief;
 - The relief will be calculated after the award of any Small Business Rate Relief, if applicable;
 - Any award will be for the maximum of eighteen months;
 - The relief is for retail premises only and any award is a discretionary decision made by the council to which there is no right of appeal;
 - The council will define the boundary of any business development district taking into account the vacancy factor of commercial premises;
 - No award will be made in respect of Financial Services including payday lenders, betting shops and pawn brokers or any other use that the council would deem inappropriate or

would conflict with the councils wider objectives for the local area;

- The maximum award is 50% of the residual rates payable after the award of any Small Business Rate Relief if applicable;
- There is a £50,000 Rateable Value Cap

Acomb

7. The Acomb area of York has been identified as having the highest long term unoccupied commercial property rate at 17.6%. It is recommended that Cabinet consider approving Acomb as the first Business Development District to pilot this new ambition. The financial cost of funding the scheme in Acomb (21 Properties) would be in the region of £45K pa gross. This cost would be further shared with Central Government on a 50/50 basis giving a residual cost to the council of approximately £22.5K pa should all the vacant premises be reoccupied.
8. An analysis of the current vacant premises in Acomb show that three currently vacant properties will qualify for the Governments Reoccupation Relief scheme by the end of August 2014. This would leave a revised gross cost to the council of approx £18K pa and net cost of approximately £9K pa. It needs to be borne in mind that further properties may become unoccupied or qualify for the Government scheme over time so the annual cost will continue to fluctuate. The scheme is capped at a maximum rateable value of £50K to mitigate the council's financial exposure.

Options

9. There are two options associated with this paper:

Option 1 - Approve the revised business rate discount policy and Acomb as the first Business Development District;

Option 2 - Do not approve the revised business rate discount policy and Business Development District.

Analysis

10. The revised policy builds upon the policy approved by Cabinet on 7th January 2014. It provides greater powers for the council to proactively influence the occupation of commercial premises, increasing employment and supporting the priorities of 'Creating jobs and growing the economy and Building strong communities.'

Council Plan 2011 - 15

11. The impact of the powers to provide business rate discounts contained within the Localism Act impact directly on two of the council's priorities that create the Council Plan 2011 - 15.
- a) Building strong communities
 - b) Creating jobs and growing the economy

Implications

12. (a) **Financial** – There is an ongoing budget of £50k for business rate discounts. The cost of the Acomb scheme is £22.5K.
- (b) **Human Resources (HR)** - There are no implications
- (c) **Equalities** – There are no direct implications
- (d) **Legal** - Business rates discounts are likely to constitute state aid and can only be granted where they fall within an approved exemption. In most cases a de minimis exemption is available covering aid from all state resources of €200,000 over 3 fiscal years
- (e) **Crime and Disorder** - There are no implications
- (f) **Information Technology (IT)** - There are no implications
- (g) **Property** - There are no implications

Risk Management

13. The key risk associated with business rate discounts is a financial one. The risk is not high as any award can only be made by following the proper procedures as set out in the revised policy at Annex A.

Recommendation

14. Cabinet are asked to approve Option 1 at paragraph 9 approving the revised business rate discount policy attached at Annex A and first Business Development District (Acomb) ;

Reason: To provide more proactive help in reinvigorating the high street, supporting jobs and growing the city's overall economy.

Contact Details

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	Report Approved	√	Date 28/07/2014
Specialist Implications Officer(s)			
Wards Affected: All			√
For further information please contact the authors of the report			

Background Papers

Discretionary & Mandatory Business Rate Relief and Discounts
February 2013 and January 2014

<http://modgov.york.gov.uk/mgChooseDocPack.aspx?ID=6881>

<http://modgov.york.gov.uk/mgChooseDocPack.aspx?ID=7644>

Annexes

Annex A – Revised Discount Policy

Discretionary Business Rates Discount Policy

City of York Council

Discretionary Business Rate Discount Policy

OVERVIEW

This policy provides the councils guidance in relation to discretionary business rate discounts. It provides the principles upon which the council will deal with any application that may be received.



Discretionary Business Rates Discount Policy

Background

1. The power for local authorities to grant business rate discounts is provided through the Localism Bill and came into effect on 1st April 2012. The purpose of this change is to empower local authorities that until now had very little latitude to reduce the tax burden on non-domestic rate payers. Until the bill was passed local authorities were only able to provide discretionary rate relief in respect of:
 - a) topping up the 80% mandatory relief given to charities and Community Amateur Sports Clubs to 100%;
 - b) topping up the mandatory relief available to rural village shops;
 - c) providing up to 100% relief to other non-profit making bodies;
 - d) hardship relief to certain businesses that are finding it difficult to pay;
 - e) discretionary relief to other small rural businesses.
2. The Government's objective for this change is to provide greater opportunity for local authorities to use innovative approaches in delivering a wide range of policy objectives through use of this new power.
3. The change in powers provides local authorities complete discretion allowing them to give no discounts at all through to the extreme of providing a 100% to all businesses. From 1st April 2013 the amount of discount provided is funded on a 50/50 basis with Central Government.
4. This policy has been developed in light of our membership of the Leeds City Region business rate pool. It is intended to provide a consistent approach to business rate discounts within the pool taking into account the approach used by Leeds City Council but reflecting the aspirations and challenges facing York.



Discretionary Business Rates Discount Policy

Business Rate Policy

5. The policy is one of discretion and is based upon the **four** ambitions set out in the following paragraphs. The extent to which any discount can be provided in any one year outside of the qualifying criteria is the budget available and the European State Aid Rules.
6. It is important that any decision to provide a discount is based upon the set criteria and is rigorously controlled. This will avoid external criticism from both the business community and local tax payer. It also ensures that a formal process to consider the financial implications has been undertaken and that the decision is both democratic and transparent.
7. The localisation of business rates with effect from 1st April 2013 and this policy may through stimulating economic growth help to generate greater retained income helping to provide sustainable funding against which applications can be considered.

Ambition 1 – Supporting Young Business in our Economic Growth Sectors

8. The York growth sectors are defined in the draft Inward Investment Strategy. The growth sectors are:
 - a) Bio-medical/sciences
 - b) Agritech
 - c) Insurance & Professional Services
 - d) Rail & related industries
 - e) Business software innovation
 - f) Creative medicine
9. Level of Relief: Young businesses (first five years of trading) in target sectors can receive up to 2 years of rate relief 50% in first year, 20% in second year, up to a maximum of £5K in any one year. The qualifying criteria are:



Discretionary Business Rates Discount Policy

- a) Young – must have been founded less than 2 years from date of application;
- b) Must be independent – not a subsidiary or local branch of an existing business;
- c) Must not be eligible for small business rates relief;
- d) York-based – must be paying rates on a property in the City of York Council area;
- e) Target sectors – must be working in one of the six growth sectors;
- f) Must be able to demonstrate need for rate relief;
- g) Must be able to demonstrate the business will be viable after two years relief;
- h) Must demonstrate the potential to create new jobs.

Ambition 2 – Bringing Empty Listed Buildings back into Use

10. Empty Listed Buildings receive mandatory 100% rate relief with no time limit. As an incentive to bring such premises back into use, relief is proposed on a sliding scale – 80%/50%/20% over three years – to the landlords or occupiers of the building up to a maximum of £10K (taking into account any Government incentives) in any one year. The qualifying criteria are:

- a) The building must be Listed and have been vacant for a minimum of 12 months;
- b) Some renovation must be required to bring the premises back into use;
- c) Application must gain Listed Building consent for the proposed work (and planning permission, if required);

Ambition 3 – Significant business relocations to York

11. This category is intended to allow the possibility of relief being awarded to organisations seeking to relocate or invest in new operations in York, as opposed to another area outside of the City region, which would have a significant

Discretionary Business Rates Discount Policy

impact on employment. Relief would be offered at 1% relief for every new job up to a maximum of 50% or funding available in financial year of application and within the State Aid Rules in the first year of relocation/inward investment only. The qualifying criteria are:

- a) Inward investment must create new jobs (not just relocation of existing employees to York);
- b) Available to companies or organisations in target growth sectors as set out in paragraph 8 above, with the exception of retail;
- c) Jobs created must not have a significant risk of displacing similar employment from existing York businesses.

Ambition 4 – Business Development District

12. This ambition is to incentivise the development of business opportunities by providing a discount of 50% on the rates payable in respect of unoccupied commercial properties. The incentive is intended to encourage the development of thriving and more vibrant communities by creating employment, improving the street scene and creating opportunity through bringing unoccupied commercial properties back into use.
13. The ambition will target specific geographical areas identified through ongoing review and approved by Cabinet with automatic awards instead of individual application. The Cabinet decision will be based on consideration of the local vacancy factor of commercial properties. This ambition will help support the corporate priorities of:
 - Creating jobs and growing the economy;
 - Building strong communities.
14. The qualifying criteria are:
 - The premise must be unoccupied, commercial and on the Valuation Office List;
 - Any discretionary relief cannot be claimed in addition to Central Governments Reoccupation relief;



Discretionary Business Rates Discount Policy

- The relief will be calculated after the award of any Small Business Rate Relief if applicable;
- Any award will be for the maximum of eighteen months;
- The relief is for retail premises only and any award is a discretionary decision made by the council to which there is no right of appeal;
- The council will define the boundary of any business development district taking into account the vacancy factor of commercial premises;
- No award will be made in respect of Financial Services including payday lenders, betting shops and pawn brokers or any other use that the council would deem inappropriate or would conflict with the councils wider objectives for the local area;
- The maximum award is 50% of the residual rates payable after the award of any Small Business Rate Relief if applicable;
- There is a £50,000 Rateable Value Cap.

Managing the Process

15. To ensure transparency and fairness any consideration to award a business rate discount must have a clear and measurable link to the three ambitions set out above. In addition the business must provide a clear business case setting out the benefits to the council and its tax payers of providing any such discount.
16. All applications must use the standard application form with additional supporting information ~~been~~ attached. Submissions can be made in both a paper and electronic format.
17. The business case considered must contain the full financial impact on the council along with measurable medium and longer term benefits.
18. Where the council chooses to consider requests for discounts it will do so through its current budget process.

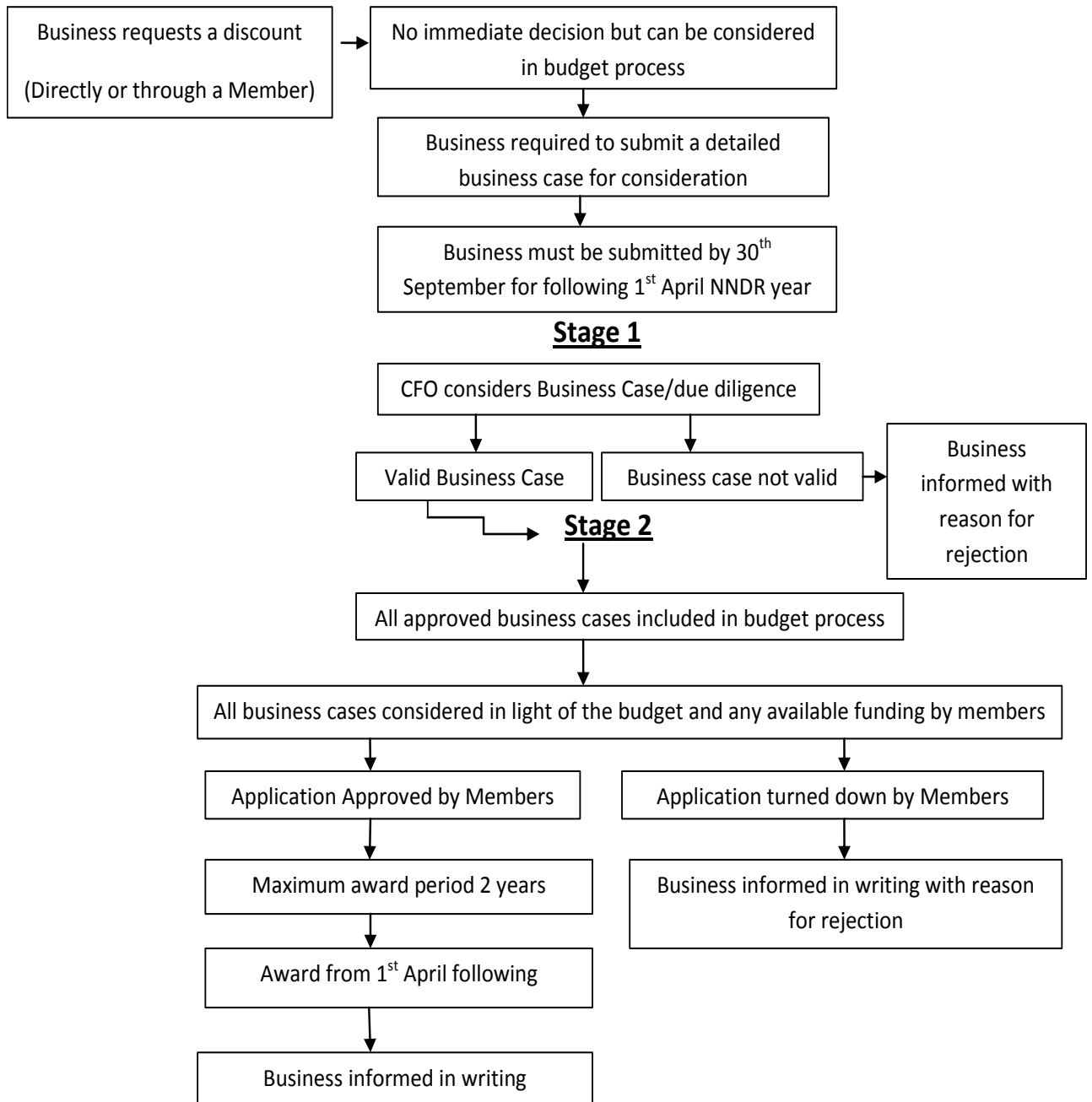


Discretionary Business Rates Discount Policy

The process will occur only once each year and has specific timelines and cut off points to ensure clarity for the applying business as well as officers and Members.

Table 1 below sets out the process:

Table 1





Discretionary Business Rates Discount Policy

19. Applications at Stage 1 as set out above (Table 1) must be signed off by the Chief Financial Officer (CFO) for all business cases including due diligence with regards to the applying organisations financial accounts. This will ensure that only business cases that are assessed as being financially sound move to Stage 2. Stage 2 is the democratic decision to approve or reject a discount based upon the presented business case and any available funding. This will require as a minimum Cabinet approval. No discount can move to stage two without the approval of the CFO. There is no right of appeal to either the stage 1 or 2 decision applicants can however make new applications in the following year.
20. There may be exceptional circumstances where it is in the interest of the council to consider an application outside of the standard process and timeline set out at Table 1. Where this arises it will still require the Section 151 officer to sign off the business case and in addition agree that the required funding is available. The final decision will still require Cabinet approval at the first available session.

PRINCIPLES

21. The basic principles underpinning this policy are as follows: -
 - I. The council wishes to operate in a fair and transparent way ensuring its powers are used sensibly and coherently to benefit the community as a whole;
 - II. The council wants to use, where appropriate, its powers to help stimulate and develop the local economy to the benefit of its residents and service users ;
 - III. The council wants to deliver its services through a sound and well maintained corporate governance framework that provides clarity and certainty to both Officers and Members

Discretionary Business Rates Discount Policy

- IV. The council wants to help develop a consistent approach to business rate discounts across the Leeds City Region

EVALUATION AND REVIEW

22. This policy will be reviewed annually to ensure its continued relevance and to assess its performance against the four ambitions.

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Cabinet**5 August 2014**

Report of the Cabinet Member for Health and Community Engagement

York – Fairtrade City**Summary**

1. The purpose of this report is to advise Cabinet Members regarding recent progress made under the York Fairtrade City initiative. This is particularly timely given the need to renew the city's Fairtrade Status in November 2014 and develop an accompanying plan of action through to November 2016. This report, therefore, also considers the next steps as a Fairtrade City.

Background

2. The Fairtrade Foundation seeks to transform the lives of farmers and workers in developing countries by enabling them to use their skills and resources to trade their way out of poverty. It seeks to achieve better prices, decent working conditions, local sustainability and fair terms of trade for the producers.
3. The Fairtrade Towns initiative was set up by the Fairtrade Foundation as a means of local communities demonstrating their commitment to Fairtrade in a high profile way. The world's first Fairtrade Town, Garstang in Lancashire, was declared in 1999, and the number of Fairtrade towns and cities in the UK has grown steadily since to 579. This figure also includes Yorkshire, which was designated as the first region in the UK to receive accreditation.
4. York received Fairtrade City status on 3 March 2004 and recently celebrated the 10th anniversary of this achievement with a day of activities and Civic Reception in the Mansion House on the 8th March. Local MP, Hugh Bayley, has also proposed an early day motion to celebrate a decade of Fairtrade in York:

That this House recognises the achievement of the City of York in celebrating 10 years of being a Fairtrade city; commends the hard work and distinct changes that local shops, schools, businesses and universities have made to achieve York's Fairtrade status; acknowledges the consistent work that York Fair Trade Forum—a voluntary organisation helping to sustain York's Fairtrade city status and create awareness in communities throughout York—does to make people more aware of Fairtrade and to support it; highlights the city's awareness and value of ensuring sustainable development for farmers and other producers globally; notes that more still needs to be achieved to create fairness for developing workers across the globe; and looks forward to many more decades of Fairtrade support and awareness in York and elsewhere in the UK.

5. In order to become and remain a Fairtrade City, five goals must be met:
- The local council must pass a resolution supporting Fairtrade and serve Fairtrade coffee and tea at its meetings and in offices and canteens.
 - A range of Fairtrade products must be readily available in the area's shops and served in local cafes and catering establishments (targets are set in relation to population).
 - Fairtrade products must be used by a number of local work places and community organisations.
 - The council must attract popular support for the campaign.
 - A local Fairtrade Steering Group must be convened to ensure continued commitment to Fairtrade status.
6. Progress against these goals since November 2012, when Fairtrade status was last renewed, and actions for the remainder of the year are summarised below:

	Activities agreed for Nov 2012-14	Achieved ✓ /Comment
Goal 1	Council renewal of resolution	✓
	Meeting with procurement officers	✓ - The council's Procurement Strategy is being updated and will incorporate ethical and sustainable principles, with Fairtrade mentioned alongside other social, economic, environmental benefits.
	Fairtrade poster on display at	<ul style="list-style-type: none"> • Explore libraries all provide

	point of sale in cafes and leaflets available on tables	<p>Fairtrade tea and coffee.</p> <ul style="list-style-type: none"> • All drinks and sugar provided for meetings in West Offices are Fairtrade. • Café West serve Rainforest Alliance coffee as standard, but Fairtrade is available on request at a supplement of 10p per cup. • Fairtrade options are planned for the drinks vending machines in West Offices and Hazel Court. • Fairtrade chocolate will be trialled in the food vending machines to test for popularity amongst staff.
	Certificate displayed in new offices	<ul style="list-style-type: none"> • The Fairtrade certificate is displayed in West Offices. Consideration should be given to displaying it in the foyer.
	Council to provide free meeting room for Forum	✓
	Fairtrade highlighted on CYC website	✓
Goal 2	A Fairtrade Family Trail to be developed for sale in hotels and B&Bs	✓ The Fairtrade family trail is available. It is not yet stocked by Visit York, however, so this is an area for further discussion.
	New Fairtrade Directory	✓ - an online directory highlights 50+ cafes / 90+ shops selling Fairtrade product in York.
	York Fairtrade Forum website and facebook page	✓
Goal 3	York University and York St John to renew Fairtrade status	York University achieved, but York St John's accreditation has lapsed. Further discussion will take place with them.
	Encourage students to sit on the Forum	✓ Several students from Uni of York have joined Forum meetings and helped with the 10 th anniversary celebrations.
	Work with more schools to get Fairtrade status	The number of Fairtrade accredited schools now stands at three. (Huntington & Park Grove Primaries and Canon Lee Secondary). The

		Schools Fairtrade mark is relatively difficult to secure compared to Eco School Status, which also includes Fairtrade work and initiatives. There are 28 CYC primary and 5 secondary schools in the city with Eco status.
	Encourage more churches to promote Fairtrade	The current number of Fairtrade churches in York now stands at 76.
Goal 4	Fairtrade Conference for schools and colleges (Jan 2014)	✓ - 3 rd annual conference took place on 23 Jan 14 organised by Centre for Global Education.
	Information stalls at city events	<ul style="list-style-type: none"> • Fairtrade Fortnight Feb-March • Fairtrade market - 10 May 14 • Fairtrade AGM – 22 Sep 14 • Fairtrade Pioneer booklet launch – Nov 14
	Fairtrade Market during Fairtrade fortnight	✓ Took place 24 Feb – 9 March
	Letters to local media, lobby MPs	✓ Several letters submitted to the local media and meetings arranged with Julian Sturdy and Hugh Bayley.
Goal 5 & beyond	Encourage wider representation on the Forum	✓ Forum membership - now stands at 17 active members with more participating in specific events.
	Developing working relationship with Fairtrade Yorkshire and other Yorkshire towns	✓ Yorkshire was declared a Fairtrade region on 18 Jan 13. The Forum is in communication with several Fairtrade towns in Yorkshire and arranging exchange visits.
	Explore links with growers for reciprocal visits	✓ Aimeth Fernandez Angulo, banana farmer spoke at the Fairtrade 10 th anniversary event. There is the possibility of further work to link cocoa suppliers with York's confectionary history.

Potential future development / actions

7. The city must renew its Fairtrade Town status every two years. The renewal process incorporates an update on what has happened since the status was last achieved and a two year action plan detailing what the Steering Group intend to progress over the next

two years. This provides an opportunity to take stock of what has been achieved and to consider how best the initiative can be supported.

8. There are several specific areas in which there are opportunities to promote the principles and ethos of Fairtrade and encourage greater knowledge and awareness of the Fairtrade movement. These include:

a) Procurement – The council is taking a stronger stance in using procurement to support broader social outcomes from its supply chain spend. This is recently evidenced through its adoption of the Living Wage.

The council's Procurement Strategy is being renewed, and will include guidance regarding Fairtrade and broader ethical procurement considerations. To ensure that these considerations are routinely factored into procurement activity, a toolkit is being developed that will include a guide for staff on ethical sourcing. This will include advice on when to include Fairtrade in specifications and which rules can and can't be applied when selecting tenderers and evaluating tender responses.

There may also be an opportunity to look at existing contracts with, for example, the school meals catering service or United Response (Café West) to check whether any more could be done to encourage the promotion of Fairtrade products using our procurement process.

- b) Communicating Fairtrade status – To date, the city has not chosen to visibly promote its Fairtrade status. The result of this is that it will be unknown to many within the city and to the millions of visitors arriving in York each year. There would be clear benefit in working with our Partners to raise the profile of Fairtrade to ensure that residents and visitors alike know where to access Fairtrade products should they chose to. This might take the form of window stickers for the organisations that provide Fairtrade goods, social media campaigns, and information in the local press.
- c) Network contacts – The council works with many influential organisations, partnerships and network contacts that could be encouraged to embrace York's Fairtrade City status. For example, some of the city's larger employers could be encouraged to sign

up to stocking or using Fairtrade products in their canteens and vending machines via the York Economic Partnership or the Business Forum.

9. Officers will continue to work through the possibilities in the above areas, leading to a proposed action plan for the renewal process. This will be taken to a decision session for the Cabinet Member for Health and Community Engagement, prior to submission.

Consultation

10. Consultation to date has primarily taken place with the York Fairtrade Forum. Clearly there is opportunity to work further with partners across the city and this would form the basis of an action plan as part of the renewal process. Key to the success of the Fairtrade initiative is sharing the messages of how fairly traded goods and services contribute to making the world a fairer place. This, by definition, needs the engagement of communities and it is the intention to build on the networks already created and maintained over the past decade in drawing up the action plan for renewal of status.

Council Plan

11. Improving the Council's contribution to the Fairtrade initiative is encompassed within its community leadership role in promoting and embedding sustainable lifestyles that have a positive effect on the natural environment in its widest sense. The Council Plan recognises York's fundamental responsibility to future generations to promote and invest in sustainability and that the city must work at a local level to contribute to national and international commitments, of which the Fairtrade movement already has the council's support.

Implications

- **Financial** – The revised Procurement Strategy will ensure that senior managers have an options appraisal when signing off a specification to go to market, showing exactly how the incorporation of a label or requirement could be requested and what the effect on returned tenders would be, in order for a joint decision to be taken about inclusion of that requirement. Some aspects of procurement law may prohibit a blanket mandating of Fairtrade products. For instance, labels like the Fairtrade mark

can only be requested where directly relevant to the services performed or goods received. For this reason, each procurement exercise must consider the relevance of benefit of specifying Fairtrade, as part of the overall consideration of ensuring the product or service is fit for purpose.

- In terms of Fairtrade products themselves, they are not necessarily more expensive than the alternatives. As availability and volume of Fairtrade products increases, costs are becoming increasingly more comparable with conventional products and, in some cases, they can be cheaper. Also, because Fairtrade relationships are more direct than conventional trade, there are fewer points along the supply chain where a middleman can raise the price. In spite of this, standard procurement considerations would still be required to assess best value against ethical and environmental objectives.
- **Human Resources (HR)** None
- **Equalities** – The principles of Fairtrade align completely with the council’s drive to eradicate poverty. Whilst the poverty in question is far beyond York’s city walls, spreading awareness of these principles is important in raising issues and increasing understanding of fairness both here and abroad. Our moral obligation to promote prosperity for all should not be defined by our boundaries.
- **Legal** None
- **Crime and Disorder** None
- **Information Technology (IT)** None
- **Property** None
- **Other** None

Risk Management

12. There are no identified risks, although the actions proposed as part of the renewal of our status will be assessed for their risks and impacts, positive and negative.

Recommendations

13. Cabinet Members are asked to:

- Confirm City of York Council's continued desire for Fairtrade City status.
- Note the suggestions for future work in support of Fairtrade City.

Reason: To allow the continuation of work to achieve the renewal of Fairtrade City status.

Contact Details

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Denise Simms Policy and Performance Officer Office of the Chief Executive	Report Approved	√	Date 28/07/2014
Specialist Implications Officer(s)			
Wards Affected: All			√
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Background Papers:

None

Annexes

None