
MEETING	EXECUTIVE
DATE	3 FEBRUARY 2009
PRESENT	COUNCILLORS WALLER (CHAIR), STEVE GALLOWAY, SUE GALLOWAY, MOORE, REID, RUNCIMAN AND VASSIE

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

165. 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.

No interests were declared, but Cllrs Moore and Vassie announced their intention to withdraw from the room during consideration of agenda item 8 (Access York Phase 1 Park & Ride Development – Major Scheme Bid Submission – Minute 172 refers), under the provisions of the Planning Code of Good Practice, so as not to prejudice their consideration of future planning applications in respect of the Park & Ride sites.

166. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during consideration of Annexes 1-4 to agenda item 10 (Discus Bungalows Development Update), on the grounds that they contain 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).

167. MINUTES

RESOLVED: That the minutes of the Executive meeting held on 20 January 2009 be approved and signed by the Chair as a correct record.

168. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

169. EXECUTIVE FORWARD PLAN

Members received and noted details of those items that were currently listed on the Forward Plan for the next two meetings of the Executive.

170. MINUTES OF WORKING GROUPS

[See also under Part B minutes]

Members considered a report which presented the minutes of recent meetings of the Social Inclusion Working Group (SIWG), the Local Development Framework Working Group (LDFWG) and the Young People's Working Group (YPWG).

Minutes of the following meetings were annexed to the report:

- SIWG – meetings on 19 November 2008 (Annex A) and 14 January 2009 (Annex B)
- LDFWG – meeting on 6 January 2009 (Annex C)
- YPWG – meeting on 15 January 2009 (Annex D).

Members were asked to consider in particular the recommendation in Minute 32 of the SIWG minutes at Annex B, that a total of four disability groups be invited to nominate representatives for appointment to the Group as non-voting co-opted members. It was noted that the current approved membership included only two co-opted members from each of the equality 'strands'. Approval of this recommendation would therefore require a recommendation to Council to increase the membership of the Group.

Having noted the comments of the Shadow Executive on this item, it was

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

REASON: In accordance with the requirements of the Council's Constitution in relation to the role of Working Groups.

(ii) That Officers be requested to ensure in future that only the minutes of the Working Groups - with any recommendations to the Executive highlighted - be included with the Executive agenda and that any annexes to the minutes not be included.

REASON: To minimise the amount of paperwork received.

171. COMPREHENSIVE AREA ASSESSMENT AND USE OF RESOURCES ASSESSMENT 2009

Members considered a report which provided an overview of the Comprehensive Area Assessment (CAA), including the new Use of Resources Assessment, and outlined the internal preparations to address any risk areas that might affect the Council's first assessment result. This report had also been received by the Audit & Governance Committee, at their meeting on 13 January 2009.

The CAA would come into effect in April 2009, replacing the CPA, JARs, APAs and social care star ratings with an annual assessment identifying key risks to achieving priority outcomes or service delivery. It would focus on delivering outcomes in partnership and would be heavily influenced by the views of residents and service users. It would comprise an 'Area Assessment' examining the effectiveness of local services and an 'Organisational Assessment' focusing on how well the Council delivered value for money.

Steps being taken to prepare for the CAA were set out in paragraph 18 of the report. They included the establishment of a senior level CAA Steering Group, revisions to the recording and reporting of performance indicators and a review of performance against the KLOE areas to be used in the Organisational Assessment. An action plan would be developed to address low scoring areas.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: (i) That the requirements of the new Comprehensive Area Assessment be noted and that the work ongoing to meet the requirements of the new process be recognised.

(ii) That the advantage of including Member training relevant to the CAA, in tandem with planned future training events, be noted.

REASON: So that Members are aware of new corporate inspection processes and associated requirements, and work planned to meet those requirements.

172. ACCESS YORK PHASE 1 PARK & RIDE DEVELOPMENT - MAJOR SCHEME BID SUBMISSION

Members considered a report which provided an update on the progress of Phase 1 of the Access York Project since the matter was last reported to Executive on 29 July 2008.

In principle, the scope and anticipated completion date of the Phase 1 scheme (Park and Ride sites) remained the same as set out in the July report. However, there had been a number of changes to the content of the Major Scheme bid, following detailed design and assessment work. These variations were set out in paragraph 7 of the report. Although preparation of the bid had taken longer than anticipated, completion of the project was still expected within 2011/12. Key programme milestones, and variations to the programme reported in July, were highlighted in the table at paragraph 10 of the report. A consultant had been engaged to carry out a procurement options review, to ensure that the most appropriate procurement and delivery approach was progressed. At this stage, the preferred contract for the project was NEC ECC Option C.

The current total revised cost of the scheme was £27.727m, requiring a Regional Funding Allocation (RFA) of £24.100m. This represented a 15%

increase on the original bid approved by the Regional Transport Board (RTB) last April. The projected funding profile was set out in paragraph 26. Funding for the local contribution would need to be identified to enable the bid to proceed and potential funding source were highlighted in paragraph 28. Purchase of the land for the sites was a critical element of the project and negotiations had commenced with landowners of all the sites. It was proposed to secure contracts on the Askham Bar and A59 sites in the near future and for the Clifton Moor site once a preferred site had been confirmed.

Members noted that the apparent increase in costs was in fact the result of a more refined and accurate cost assessment. Final costs would only be known once the tendering stage had been reached. They expressed their thanks to Officers for the work carried out on preparing the bid.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: (i) That approval be given to submit the Major Scheme Business Case to the Department for Transport, subject to the endorsement of the Regional Transport Board and the approval of the Director of Resources.¹

(ii) That approval be given to conclude negotiations for the acquisition of land for the sites and to complete conditional contracts where necessary to secure options for future purchase.²

(iii) That the proposed funding sources for the local contribution to the scheme be noted and that Officers be requested to refine this list in the light of other emerging opportunities, such as the increased funding available for the LTP and windfall revenue receipts.³

REASON: To enable the Access York Project to proceed and to ensure that all potential funding sources for the local contribution are explored.

Note: Cllrs Moore and Vassie withdrew from the room during consideration fo the above item, as indicated under 'Declarations of Interest'.

Action Required

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| 1. Submit Major Scheme Business Case to the DfT | SS |
| 2. Conclude negotiations and complete conditional contracts | SS |
| 3. Investigate further funding sources and refine the list of proposed sources | SS |

173. COUNCIL HEADQUARTERS - UPDATE REPORT

Members considered a report which provided an update on the outcomes of the pre-qualification stage of the procurement process for the delivery of the Council's new headquarters building.

Stage 1 of the procurement process was now complete. Twelve expressions of interest had been received, of which two were non compliant and ten had been taken forward for evaluation. The Project Board had approved the evaluation team's recommendation to take five bidders forward to Stage 2, which would focus on the actual locations proposed. Outline proposals would then be returned for evaluation by 16 February 2009, when a maximum of three bidders would be invited to submit detailed proposals at Stage 3. At this stage, bidders would be expected to engage in public and staff information and consultation sessions.

The Project Board had endorsed an initiative to set up an office of the future as a working model to pilot new workplace concepts in advance of the move to the new headquarters building. The outcomes would be monitored to inform the final internal design of the building. Members' endorsement was also sought for this initiative, the detailed scope of which would be agreed by the Board in February.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: (i) That the content of the report, particularly in relation to the procurement of the new headquarters and the progress made to date, be noted.

(ii) That the new initiative to set up an office of the future, as a working model to pilot new workplace concepts in advance of the move to the new headquarters building, be endorsed.¹

REASON: To help inform the final internal design for the new headquarters and to test out new work policies.

(iii) That Officers be asked to develop a direct communication strategy to engage with households in the City, to be conducted at regular intervals, with funding to be contained within the existing project budget.²

REASON: To enable members of the public to express their views on the options before a final selection is made.

Action Required

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| 1. Implement the 'office of the future' pilot | SS |
| 2. Develop public communication strategy | SS |

174. DISCUS BUNGALOWS DEVELOPMENT UPDATE

Members considered a report which detailed progress made by the Project Steering Group, Council and Development Consortium, in consultation with the Residents' Development Association, to enable the re-development of the Discus Bungalow sites at St Anne's Court / Horsman Avenue, Regent Street and Richmond / Faber Street.

All ground investigation surveys of the sites had now been satisfactorily completed and the planning applications submitted by the Development Consortium had been approved on 20 November 2008. The development would offer a total of 196 homes, of which 60 two-bedroom bungalows and a 41 unit extra care facility would replace the existing Discus Bungalows. Following careful consideration and discussion of the market sale element of the development in the light of the current economic downturn, social grant investment had now been agreed for all 196 homes. It was anticipated that the contractual terms for the development would be signed by mid-February. A draft Heads of Terms for the agreement was attached as (exempt) Annex 1 to the report. Details of evaluations carried out by Property Services on the Development Consortium's financial appraisal were set out in (exempt) Annexes 2 and 3.

The downturn in the housing market and the 'credit crunch' had affected the commercial viability of the project and the Development Consortium had predicted an estimated 11% fall in house prices since their original financial appraisal in 2007. They were therefore unable to pay the capital receipt originally offered in the selection process. Details of a revised capital receipt were set out in (exempt) Annex 4 and Members were asked to consider the following options:

Option 1 – accept the revised capital receipt and continue to work with the Consortium. This would still represent a highly competitive commercial deal.

Option 2 – not accept the revised receipt and re-tender to select a new developer or ask Officers to consider other opportunities to develop the site.

Officers reported at the meeting that the Secretary of State had now granted approval for sale of the sites and that work was expected to begin within the next six weeks. Members welcomed this news and thanked all those involved in enabling this scheme to progress, in particular, the former Executive Member for Housing Services, Cllr Sue Sunderland.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: (i) That the contents of the report be noted, and the progress made by the Project Steering Group, Council and Development Consortium, in consultation with the Residents' Development Association, to enable the re-development of the Discus Bungalows sites at St Anne's Court / Horsman Avenue, Regent Street and Richmond / Faber Street.

(ii) That Option 1 be approved; namely, to accept the revised capital receipt offered by the Development

Consortium and, subject to agreed contractual terms, to continue to work with the Consortium to deliver this exemplar housing regeneration project in York.¹

REASON: The revised receipt still represents a highly competitive commercial deal for a phased sale of the Discus Bungalow sites, particularly in the current economic climate, and the development will address the present and future needs of older residents and affordable housing needs in the City.

Action Required

1. Accept the revised capital receipt and continue to work with the Consortium to deliver the project SB

175. RIVERBANK REPAIRS: RIVER OUSE, SCARBOROUGH TO CLIFTON BRIDGE

Members considered a report which provided an update on the current condition of the riverbank between Scarborough and Clifton Bridges, further to the collapse reported to the Executive on 2 December 2008, and the costs of carrying out necessary repairs and stabilisation measures.

As agreed on 2 December, a complete survey had been carried out of the relevant length of the riverbank. This had provided information to establish deterioration since the previous survey in 2002, to determine the work required to repair or replace areas of the bank where required and to estimate the costs of these works. Details of the findings of the survey were set out in paragraph 14 of the report and a suggested programme of works to address these findings, including replacing the failed 40m length of wall, was set out in paragraph 15. Costs of replacing the wall were estimated at £10,000 per metre.

Members were asked to consider the following options:

Option 1 – do nothing and allow the river to continue to naturally scour the riverbank along this stretch.

Option 2 – fund a repair programme as outlined, over an agreed period commencing in 2009/10. This was the recommended option as it would address all the problems identified and provide the asset with an estimated life of between 25 and 100 years.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: (i) That the report, and the fact that funding for the work for 2009/10 will be considered as part of the overall Capital Programme which will come to Executive on 16 February 2009 and to Full Council on 26 February 2009, be noted.

(ii) That it be noted that funding considerations for future years will need to be addressed as part of the future capital programme reviews.

REASON: For information, and to ensure that the matter is addressed within the capital programme in this and future years.

(iii) That an update report on general flood related matters be provided to the Executive, to include proposals from the Environment Agency for flood prevention measures in the City, application of the Local Levy, and the impact of climate change as factored into the Ouse Flood Risk Management Strategy.¹

REASON: To set the riverbank repairs in a broader framework and to inform future planning in respect of these issues.

Action Required

1. Schedule update report on Forward Plan for a future Executive meeting SH

176. HOUSING RENT INCREASE 2009/10

Members considered a report which asked them to agree an appropriate level of rent increase for the City of York, in the light of the rent guidelines issued by the Department for Communities and Local Government (CLG) for 2009/10.

To achieve rent convergence (i.e. similar properties charged similar rents regardless of owner) by the government's original deadline of 2011/12, an average increase in council rents of 7.7% would be needed. However, the CLG had proposed that the convergence deadline be extended this year to 2023/24, subject to review in future years. If the rent calculations were altered to take account of this, the average increase would be 6%.

Members were asked to consider the following options:

Option 1 – continue rent re-structuring with convergence in 2011/12 and increase rents by 7.7%. This would be against government guidance.

Option 2 – continue rent re-structuring with convergence in 2023/24 and increase rents by 6%. This was the recommended option, in line with government guidance and the recommendation of the CLG..

Option 3 – implement a rent increase of 2.5%, in line with other fees and charges. This would mean either extending the date for rent convergence beyond the recommended date, imposing higher increases in future years or reducing the working balance on the Housing Revenue Account.

Members noted that the additional income from the rent increase would not go towards improving services in York but would effectively subsidise rents in other parts of the country. Details of this 'negative subsidy' were circulated at the meeting and have been published on-line with the agenda for this meeting as an annex to the report on this item.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: (i) That Option 2 be approved and that an average rent increase in York of 6% be agreed.¹

REASON: In accordance with Government advice, and to ensure a balanced Housing Revenue Account.

(ii) That the information provided at the meeting in respect of Housing Revenue subsidy payment be noted, and that the Executive record its concern that the Council is unable to invest this sum (totalling £26,440,000) in improving housing services in York.

Action Required

1. Implement the 6% rent increase

SB

177. ESTABLISHING A STAFFING COMMITTEE FOR CITY OF YORK COUNCIL

Members considered a report which presented proposals for establishing a Staffing Committee for the City of York Council, from the start of the next Municipal Year in May 2009.

Staffing matters were currently dealt with by a joint Urgency and Staffing Matters Committee. However, it was recognised that staffing matters and urgent business should ideally be dealt with in different ways, with staffing matters being diarised on a regular basis and dealt with by a larger group of Members. Hence the proposals for a separate Staffing Committee.

Members were invited to consider the following options:

Option 1 – establish a Staffing Committee by splitting the terms of reference for the Staffing & Urgency Committee, with a membership of ten on a 4:4:2 political proportional basis and regular diarised meetings every two months.

Option 2 – amend the proposals in option 1 with regard to the size of the committee, terms of reference or cycle of meetings.

Option 3 – maintain the status quo.

Members expressed the view that the objective was to establish regular dates for staffing matters, and this did not require the creation of an additional committee. The frequency of the meetings should be based upon necessity and upon advice from HR Officers.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: That the existing Staffing and Urgency Committee remain, but that Officers timetable regular meetings to aid the planning of staff-related issues which need to come before the Committee.¹

REASON: To ensure that staffing matters are dealt with efficiently and effectively.

Action Required

1. Include regular meetings of the Staffing & Urgency Committee in the Corporate Diary KS

PART B - MATTERS REFERRED TO COUNCIL

178. MINUTES OF WORKING GROUPS

See also under Part A minutes]

Members considered a report which presented the minutes of recent meetings of the Social Inclusion Working Group (SIWG), the Local Development Framework Working Group (LDFWG) and the Young People's Working Group (YPWG).

Minutes of the following meetings were annexed to the report:

- SIWG – meetings on 19 November 2008 (Annex A) and 14 January 2009 (Annex B)
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Members were asked to consider in particular the recommendation in Minute 32 of the SIWG minutes at Annex B, that a total of four disability groups be invited to nominate representatives for appointment to the Group as non-voting co-opted members. It was noted that the current approved membership included only two co-opted members from each of the equality 'strands'. Approval of this recommendation would therefore require a recommendation to Council to increase the membership of the Group.

Having noted the comments of the Shadow Executive on this item, it was

RECOMMENDED: That the recommendation in Minute 32 of the Social Inclusion Working Group meeting on 14 January 2009 be approved and that the membership of the Group be increased accordingly, to include two additional non-voting co-opted Members representing the equalities disability strand.¹

REASON: In accordance with the advice of the Social Inclusion Working Group.

Action Required

1. Refer recommendation to Full Council meeting on 2 April 2009 KS

A Waller, Chair

[The meeting started at 2.00 pm and finished at 2.45 pm].