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MEETING	EXECUTIVE
DATE	23 OCTOBER 2007
PRESENT	COUNCILLORS STEVE GALLOWAY (CHAIR), ASPDEN, REID, RUNCIMAN, SUNDERLAND AND WALLER
APOLOGIES	COUNCILLORS SUE GALLOWAY, JAMIESON- BALL AND VASSIE

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#### **76. 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.

Cllrs Reid and Sunderland each declared a personal and prejudicial interest in Agenda Item 12 (Monk Bar Garage – Future Use of Site), due to their membership of the Planning committee / Planning sub-committee likely to deal with any planning application submitted following the sale of this site. Both left the room during consideration of this item and took no part in the discussion or decision thereon.

#### **77. Exclusion of Press and Public**

RESOLVED: That the press and public be excluded from the meeting during consideration of the following:

- Annex 2 to Agenda Item 11 (Park & Ride Bus Contract)
- Annex 2 to Agenda Item 12 (Monk Bar Garage – Future Use of Site)

on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information), 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).

#### **78. Minutes**

RESOLVED: That the minutes of the Executive meeting held on 9 October 2007 be approved and signed by the Chair as a correct record.

#### **79. Public Participation / Other Speakers**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation scheme. In addition, three Council Members had requested to speak, with the permission of the Chair.

Pauline Buchanan spoke in relation to agenda item 10 (Community Management and Ownership of Council Property Assets – Minute 85 refers), on behalf of St. Clements Hall Preservation Trust. She welcomed the proposal to support the bid for funding for St Clements Hall, which was the culmination of years of work between the Trust and the Council, and commented on the architectural and community merits of the Hall.

Cllr Merrett also commented on Agenda Item 10, on behalf of the Micklegate Ward Councillors. He asked the Executive to support the recommendations in the report, noting the close co-operation that had taken place between the ward committee and the Trust on the St Clements Hall project and the need for a community facility in this deprived area, particularly for youth activities.

Cllr Scott commented on agenda item 6 (Review of the Leisure Facilities Strategy (Swimming) – Minute 81 refers). He re-iterated the concerns raised at the Shadow Executive meeting on this item regarding the future of swimming facilities in the North-East of the City and added that the Shadow Executive had since agreed that they wished to support Option B in the report (withdraw from the partnership with the University and build a new Council pool instead), recommending at this stage that the new pool be built on the St George's Field site, as this was a central location with good access. They had also recommended that a Member Working Group on swimming provision be established.

Cllr Taylor commented on agenda item 8 (Waste PFI Update – Minute 83 refers). He noted with approval the Executive's preference for Mechanical Biological Treatment of non-recyclable waste rather than incineration but expressed concern about the costs and other implications of being tied into a commercially driven agreement and urged the Executive not to agree the recommendation to sign the agreement.

## **80. Executive Forward Plan**

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

## **81. Review of the Leisure Facilities Strategy (Swimming)**

Members considered a report which set out the background to development of the Council's leisure facilities strategy, an update on schemes already approved, strategic issues and choices now facing the Council and options available for an updated facilities strategy. The report, prepared in response to a request from Group Leaders for a review of this area and a resolution passed at Council on 29 June regarding swimming, focused specifically upon swimming facilities.

An analysis of supply and demand for swimming facilities, carried out by the Council on behalf of Active York, had indicated a current un-met demand for an additional 12 x 25metre lanes of swimming space in the City. Demand was highest in the South and East of the City, where no casual access pools were available.

In respect of current schemes, repairs to Yearsley pool were now well advanced and on schedule for the planned re-opening on 29 October. Additional specifications had been suggested for the Oaklands / York High project, including an improved environment specification, the cost of which could be met partly from prudential borrowing. The overall cost was projected to exceed the currently allocated budget by about £220k, due to additional unexpected items. No allocation had yet been made to this project from the overall programme fees and contingency and Members were now requested to make this allocation (£240k). The University of York and the Council had now signed up to a Statement of Intent regarding the development of a competition standard pool and fitness facilities at Heslington.

The report detailed the pros and cons of the following strategic options for future swimming provision:

**Option A** – reconfirm the Council’s commitment to the partnership with the University;

**Option B** – withdraw from the partnership with the University and build a new Council pool instead;

**Option C**- reconfirm the Council’s commitment to the partnership with the University and also plan for an additional city centre pool to meet further identified needs;

**Option D** - reconfirm the Council’s commitment to the partnership with the University whilst also planning for the long term replacement of Yearsley Pool.

Option C was recommended, as it would meet current and future needs, including demand for a city centre pool, whilst being affordable within existing budgets, provided that a suitable commercial partner could be found to operate the city centre site. On the basis of work commissioned from Wm Saunders, Architects, Officers had looked at a number of potential sites for this pool and determined that there were no city centre sites that could be progressed in the short term. However, a firm policy decision was required at this stage to enable the progression of further work to identify a suitable site.

With regard to the advice of the Shadow Executive, the Chair commented that St George’s Field was not considered a suitable location for a pool, due to flooding issues and the need to replace parking provision. However, there would be no objection to entering into a continuing dialogue on the development of additional sports facilities in the future, perhaps via a Working Group of some kind.

RESOLVED: (i) That Option C be agreed: that is, to reconfirm the Council’s commitment to the partnership with the University and also to plan for an additional city centre pool to meet further identified needs, subject to detailed agreement on the terms of the Council’s contribution and in particular:

- the University adopting a project plan that will deliver the pool by 2011
- satisfactory arrangements being set out regarding location of and public access to the pool.

- (ii) That approval be given to revise the respective schemes within the capital programme to take account of:
- allocating the pools programme contingency budget as set out in paragraph 77 of the report
  - the additional prudential borrowing set out in paragraph 78
  - allocating the overall procurement budget as set out in paragraph 75.

REASON: So that a clear and agreed strategy can be taken forward with immediate progress to create excellent swimming facilities in York and options developed for a central location for a further pool.

## **82. Sustainable Street Lighting Policy**

Members considered a report which sought their approval for a proposed Sustainable Street Lighting Strategy, with the aim of minimising the effects of street lighting in terms of the use of natural resources for the supply of equipment and services, the use of energy to power the lights and the light pollution produced.

The proposed Strategy, attached as Annex A to the report, set out in a series of policy statements how the Council would deliver a sustainable street lighting service. An Action Plan was included. The report outlined the background to preparation of the Strategy, including the potential effects of climate change, emerging technologies, such as the remote monitoring adopted in Milton Keynes, and possible measures to reduce energy costs, such as the partial switching off of street lighting adopted by Essex County Council.

The draft Strategy incorporated a number of street lighting trials and had been designed to allow a flexible approach, capable of change as new technologies and circumstances developed. It required regular reporting to Members, including updates on progress with the Action Plan.

Having considered the advice of the Shadow Executive, it was

RESOLVED: (i) That the sustainable street lighting strategy contained in Annex A to the report be approved.

REASON: To demonstrate the strategic importance of the service and to enable it to develop and improve within set parameters to deliver the most sustainable outcome.

- (ii) That Officers consult further with Ward Councillors and community groups on the options for modernising the street and public building lighting systems in use in the City and bring forward costed proposals for establishing an optimised system which both reduces the environmental impact (and running costs of the lighting) and improves public perceptions of safety standards.

REASON: In accordance with the Executive's intention to pursue a policy which ensures that appropriate and reliable lighting levels are maintained which also achieve environmental and economic objectives and do not compromise public safety, and to ensure that residents' views are taken into account.

### **83. Waste PFI Update**

Members considered a report which noted the allocation of Private Finance Initiative (PFI) credits to support the joint procurement of residual waste treatment services, provided an update on the progress of this project and sought delegated authority for Officers to commit to an Inter-Authority agreement with North Yorkshire County Council (NYCC).

In June 2007, Members had approved progression of the project into the procurement phase, subject to approval of the OBC by the Treasury Project Review Group (PRG). That approval had been granted on 23 July and OJEU notice for the waste treatment contract had been issued on 1 September. In order to provide evidence to the bidders of the robustness and commitment of the partnership, an Inter-Authority agreement was now required. Details of the agreement were outlined in paragraph 8 of the report. The Executives of both Councils were being asked at their October meetings to delegate authority to their respective Chief Officers to sign the agreement.

Details of the bid evaluation process, using the high level evaluation criteria agreed by Members in June, were set out in paragraphs 10 to 14 of the report. It was noted that NYCC had issued an OJEU notice for an interim waste treatment contract. CYC were included in this OJEU but would only consider options that benefited the Council.

Having considered the advice of the Shadow Executive and the comments made under Public Participation, it was

RESOLVED: (i) That the award of £65m PFI credits towards the costs of this project be noted.

(ii) That the Executive's belief that Landfill Tax generated from York residents should be returned to recycling services in York, in line with the campaign by the Local Government Association, be re-affirmed.

(iii) That an Inter-Authority agreement under seal be entered into with North Yorkshire County Council on the basis of the issues set out in the report and that the Director of City Strategy and the Head of Civic, Legal and Democratic Services, in consultation with the appropriate Executive and Shadow Executive Members, be given delegated authority to agree the detail of the agreement in order to give effect to those terms.

(iv) That, from now on, the Director of City Strategy be authorised to utilise the proposed evaluation methodology, in consultation with the appropriate Executive and Shadow Executive Members.

REASON: To progress the Waste PFI project, which has previously been agreed as the best way for CYC and NYCC to proceed in order to provide waste disposal facilities for the future, through the procurement phase.

#### **84. Competition Policy**

Members considered a report which provided an update on progress towards developing a universal approach to competition at the Council and sought the Executive's comments on the scope and content of a draft Competition Policy.

The Council had adopted a new Corporate Procurement Strategy (CPS) in May 2007. It had been agreed at that time that a separate competition policy and strategy framework be developed detailing how the Council would determine 'make or buy' decisions in the first instance. Work was now ongoing to develop a draft Competition Strategy, to be brought to the Executive for discussion in the next few months. In advance of this, a draft Competition Policy had been prepared for consideration and comment.

Members were asked to give in-principle agreement at this stage to the overall scope and purpose of the Policy, as this was considered crucial to informing ongoing work to develop the Competition Strategy and Competition Handbook.

Having considered the advice of the Shadow Executive, it was

RESOLVED: (i) That the work now on-going to develop a Competition Strategy and accompanying Competition Handbook at the Council, further to the adoption of the Corporate Procurement Strategy in May 2007, be noted.

REASON: To remain informed on progress in developing robust competition and procurement arrangements at the Council.

(ii) That the draft policy set out in Annex A to the report be approved in principle, subject to any changes required and adoption by Full Council in due course.

REASON: To allow Officers to progress detailed work on the Competition Strategy in the context of an agreed policy framework for competition at the authority.

#### **85. Community Management and Ownership of Council Property Assets**

Members considered a report which summarised the contents of the Quirk Review of community management and ownership of public assets, detailed the work already carried out by the Council in this area and

options for future progress, and proposed a bid to the Community Asset Fund.

The three principle conclusions of the Review report were that:

- asset transfer should take place where it could realise social and community benefits;
- benefits of community ownership of assets could outweigh the risks;
- risks could be minimised and managed by a business focused approach.

The Government had set up a £30m Community Asset Fund to which suitable schemes could apply to bring an asset into a fit state for transfer.

In York, the Corporate Landlord had already worked with council services and local community groups in seeking to transfer management and responsibility of community assets to local community groups; for example, the Oaken Grove Community Centre in Haxby. A summary of properties occupied by community type groups which could make an application under this initiative was attached as Annex A. The report suggested criteria to ensure an objective approach to applications and set out the following options for dealing with the resulting transfers:

**Option 1** – transfer by means of a long lease. This was the recommended option, as it would allow the occupier freedom to manage and operate the property within the parameters of the lease, whilst enabling the Council to retain strategic control.

**Option 2** – transfer by means of a freehold disposal

**Option 3** – do not follow the Review recommendations, but continue current practice.

Work with York CVS and community groups had identified only one project which met government criteria for the Community Asset Fund. This was the project to refurbish and convert a redundant church hall and accommodation at St Clement's Hall, Nunthorpe Road. A project team would take this bid forward, and Member approval was sought, to maximise its chances of success.

Having considered the advice of the Shadow Executive and the comments made under Public Participation, it was

**RESOLVED:** (i) That Option 1 be approved: that is, that in appropriate cases, where community groups wish to take on a greater responsibility for maintaining, improving and managing the publicly owned buildings that they may occupy, they be offered a lease, of up to 99 years depending on the needs of the community group, on a nil rent basis, and with full responsibility for repairs, management and payment of all other outgoings, including insurance, business rates and utility costs.

**REASON:** To show that the Council is responding to the Quirk review in a positive way, which maximises the benefits of transfer of assets to community groups whilst retaining the strategic control to ensure these benefits are delivered to the local community.

(ii) That the community groups be subject to a test of public acceptability for their management constitution.

REASON: To ensure that transfers are made only in appropriate circumstances.

(iii) That this revision to the Council's policy not apply to areas of public open space.

REASON: It is considered that such areas should remain within the Council's full control.

(iv) That the bid to the Community Assets Fund for the development of St Clements church hall be supported.

REASON: The St Clements church hall proposals have the best potential to meet the criteria for a successful application and would result in an example of Best Practice in how to deal with transfers to the community.

## **86. Park & Ride Bus Contract**

Members considered a report which presented the result of the evaluation of tenders received for the provision of the Park & Ride bus service and asked them to decide on a number of issues in relation to the contract specifications.

Tender documentation had been issued on 24 July to the five suppliers on the short list. Tenders had been received from three suppliers – First York, Veolia and Go North East. These had been evaluated using the MEAT approach (Most Economically Advantageous Tender), with a 50:50 quality / cost split. Under this process, First York had emerged with the highest overall score, with an income to the Council that was within budget requirements.

In order to finalise the contract with First York, a number of service options relating to emissions, fares and enhanced specification required Member approval. Details were set out in paragraphs 18 to 42. The recommended options and enhancements were summarised in paragraph 43 as follows:

Item	Recommendation	Annual Cost
<b>Standard Return Fare</b>	<b>£2.20</b>	
<b>Emission Standards</b>	<b>EEV Vehicles</b>	<b>£10k</b>
<b>Designer Outlet Supervision</b>	<b>All Year</b>	<b>£70k</b>
<b>City Centre Supervision</b>	<b>Trial for holiday period</b>	<b>£1.2k per month</b>
<b>Askham Bar Extended Opening</b>	<b>Not Recommended</b>	<b>nil</b>
<b>Boxing Day and New Years Day (Sunday</b>	<b>Not Recommended (undertake review of need in 2007)</b>	<b>nil</b>



<b>Service)</b>		
<b>Additional Peak Saturdays</b>	<b>Two Saturdays per year as required (seven included in core requirements)</b>	<b>No cost</b>
<b>Fulford Road Stops</b>	<b>No change to existing stopping regime recommended pending introduction of Fulford Road Corridor scheme</b>	<b>No cost</b>
<b>Sunday Operating Hours</b>	<b>Extended to 09:30 to 18:00</b>	<b>£12.25k</b>

Having considered the advice of the Shadow Executive, it was

RESOLVED: (i) That the acceptance of First York, by the Director of City Strategy under delegated authority, as the preferred operator for the provision of the Park and Ride service with the intention, subject to the satisfactory conclusion of contractual terms negotiations, to enter into an agreement with the company to provide the service for five years, with an option to extend for a further three years, be noted and agreed.

REASON: To maintain a high quality Park and Ride service for the City.

(ii) That the proposed fare level and service options identified in paragraphs 23 and 42 of the report (and summarised in the table above) be approved.

REASON: To enhance the Park and Ride service in a cost effective and affordable way.

(iii) That further discussions be held with First York, aimed at providing more flexible ticketing arrangements for the whole of the First fleet which operates in York.

REASON: To ensure that the issue of integrated ticketing is progressed as quickly as possible.

## **87. Monk Bar Garage - Future use of site**

Members considered a report which sought approval for the sale of Monk Bar Garage for residential development. A plan of the site was attached as Annex 1 to the report.

Monk Bar Garage was part of the commercial property portfolio. Vacant possession could be obtained from the tenant, who had received compensation to surrender the lease. The site was allocated for housing in the draft local plan. As the property was adjacent to the City Walls, Scheduled Ancient Monument Consent and a full archaeological investigation would be required prior to any development of the site.

The options available were:

**Option A** – sell Monk Bar Garage and the landscaped area (indicated on Annex 1) for residential development.

**Option B** – retain the property within the commercial property portfolio. This was not recommended, as there was a good business case for selling the property.

Having considered the advice of the Shadow Executive, it was

RESOLVED: (i) That Option A be approved and that the freehold of the Monk Bar Garage site be sold for the best consideration reasonably obtainable, on terms and conditions that are appropriate to achieve a successful sale.

REASON: To ensure that the development potential of the site is fully utilised and that the maximum capital receipt is obtained to support the capital programme.

(ii) That approval be given to vire £8,250 in lost rent from the provision in the general fund budget to the commercial property rental budget, pro rata, from the date of the sale.

REASON: To ensure that the integrity of the Property Services budget is maintained, and for good financial purposes.

## **88. Urgent Business - New Growth Points and Eco-towns - Leeds City Region Bid**

Members considered a report which outlined the key elements of the New Growth Points (NGPs) and Eco-towns proposals set out in the recent Housing Green Paper, summarised proposals by the Leeds City Region (LCR) Leaders to submit a bid to government by the end of October and sought endorsement for York Northwest (YNW) to be included within the bid.

The Chair had agreed to consider this item under Urgent Business on the basis that the bids to government must be submitted by the end of October and a decision on this matter was therefore required before the Executive's next meeting on 6 November.

The Green Paper had announced the roll out of the NGP programme to include areas in the north for the first time. In terms of NGPs, York met the required criteria and was therefore eligible to bid. YNW would not qualify under the criteria for Eco-towns, although eco-town principles would be adopted in its development. YNW was, however, a key element of the LCR NGP bid, further details of which were set out in paragraph 7 of the report.

Members were asked to consider two options:

**Option 1** – to support York's inclusion in the LCR bid;

**Option 2** – to recommend that York not be included.

Option 1 was recommended, on the basis that it would provide access to the £300m Community Infrastructure Fund, ability to influence wider government investment priorities and better ability to meet market demand for housing. It was noted that there was little chance of the levels of housing growth for York set out in the RSS Proposed Changes being

reduced. The pragmatic approach was therefore to try to gain access to funding to support this growth.

Having considered the advice of the Shadow Executive, it was

**RESOLVED:** That Option 1, to support York's inclusion within the Leeds City Region bid, be approved.

**REASON:** In view of the context of growth within the Leeds City Region and the government's clear signals, through the Housing Green Paper, that additional housing must be accommodated.

S F Galloway, Chair

[The meeting started at 2.00 pm and finished at 3.15 pm].