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MEETING	Executive
DATE	27 February 2007
PRESENT	Councillors Waller, Steve Galloway (Chair), Sue Galloway, Macdonald, Orrell, Reid, Runciman, Sunderland and Jamieson-Ball
IN ATTENDANCE	Councillors Bartlett and Kirk

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

### **162. Declarations of Interest**

The Chair invited Members to declare at this point any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

### **163. Minutes**

RESOLVED: That the minutes of the Executive meeting held on 13 February 2007 be approved and signed by the Chair as a correct record.

### **164. 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, two Council Members had requested to speak, with the permission of the Chair.

Alan Hunton spoke in relation to agenda item 12 (Future of the Connexions Service), as Executive Manager of Guidance Services, a current provider of Connexions services. He read out a statement which outlined the history of Connexions and Guidance Services' involvement, and suggested that the Council await the new quality standards for IAG for young people and the outcome of reviews of adults' IAG before determining its final actions with regard to the transition of Connexions services. In the meantime, current arrangements could remain in place. Guidance Services would continue to work with the Council to make a success of its final decision, whatever that might be.

Cllr Madeleine Kirk spoke in relation to agenda item 10 (Government's Proposals for the Post Office Network). She referred to previous post office closures in 2004 and expressed the view that further cuts to the network would increase the fragility of the remaining service. She suggested that the draft response to consultation should include strong representations for a proper public consultation on the proposals, should comment that the proposed national access criteria were inflexible and not environmentally sustainable and should query whether the classification of

'deprived urban and rural areas' would be subject to periodic review. The response should also express support for the continuation of the all pay service.

Cllr Martin Bartlett spoke in support of the subject of agenda item 15 (Notice of Motion to the Executive concerning North Yorkshire and York Primary Care Trust), as the proposer of the motion.

**165. Executive Forward Plan**

Members received and noted an updated list of items listed on the Executive Forward Plan at the time the agenda for this meeting was published.

**166. City of York Council - Local Development Scheme**

Members considered a report which informed them of the production of a revised Local Development Scheme (LDS) for the City of York, as required under the Planning and Compulsory Purchase Act 2004, and sought approval to submit the revised LDS to the Government Office for Yorkshire and Humber.

The revised LDS, which was available to view on the Council's website, had been considered by the Local Development Framework Working Group (LDFWG) at their meeting on 1 February 2007. The LDFWG had approved the document for submission to the Government Office, subject to some minor amendments recommended by Officers, a review of the work programme and any changes necessary as a result of the Group's recommendations on the York North West Area Action Plan. These amendments were detailed in the minutes of the LDFWG meeting, attached as Annex A to the report. Members were invited either to approve the LDS, subject to the recommendations of the LDFWG (Option 1) or to seek further amendments via the LDFWG / request Officers to prepare an alternative plan (Option 2). Option 1 was recommended.

Paragraphs 7-13 of the report set out details of progress made since submission of the Council's original LDS in March 2005 and highlighted those factors which had influenced the preparation to date of the Local Development Framework.

Members expressed surprise at the comments made by the Shadow Executive on this item, in view of the fact that Opposition Members had been fully involved in the discussions at the LDF Working Group meeting.

RESOLVED: (i) That the proposed Local Development Scheme be approved for formal submission to the Government Office for Yorkshire and the Humber, subject to the recommendations of the LDF Working Group as set out in the minutes at Annex A.

REASON: To ensure that the Local Development Scheme for York is submitted to Government Office as required under the Planning and Compulsory Purchase Act.

(ii) That authority be delegated to the Director of City Strategy, in consultation with the Executive Member and Shadow Executive Member for City Strategy, to make any other necessary changes arising from the recommendations of the LDF Working Group and the Executive, prior to submission to Government Office.

REASON: To ensure that the recommendations of the LDF Working Group and the Executive are incorporated into the submission draft LDS.

(iii) That authority be delegated to the Director of City Strategy, in consultation with the Executive Member and Shadow Executive Member for City Strategy to make any minor changes arising from comments made by Government Office or the Planning Inspectorate following formal submission.

REASON: To enable the authority to respond to any comments made by Government Office or the Planning Inspectorate that would lead to minor changes to the LDS.

#### **167. York North West Area Action Plan**

Members considered a report which provided an update on progress towards production of a joint Area Action Plan (AAP) covering the York Central and British Sugar sites, as agreed by the Executive on 12 September 2006, and proposed a programme for preparation of the AAP. The draft programme was attached as Annex 1 to the report.

Work already undertaken in preparation for the York Central Area Action Plan would now be transferred to the joint AAP. This included work on a Consultation Strategy for the Issues and Options stage and a Scoping Report for a Sustainability Appraisal. Details of the Consultation Strategy and feedback received were contained in Annexes 2-5, which had been made available on the Council's website. A report on the joint AAP had been considered by the Local Development Framework Working Group (LDFWG) at their meeting on 1 February 2007. Minutes of that meeting were attached as Annex 6.

Two options were available, namely:

**Option 1** – to proceed with the timetable set out in Annex 1 for preparation of the AAP, resulting in adoption of the AAP by the end of 2010;

**Option 2** – to prepare the AAP to an alternative timescale, whilst ensuring all statutory requirements were met.

The recommendation in the report was for Option 1. However, Members indicated that their preference was for Option 2. Development of the sites should be progressed as speedily as possible, in view of their importance to York's economic growth.

RESOLVED: (i) That the programme set out in the report for the preparation of the Area Action Plan and for its inclusion in the revised Local Development Scheme, having regard to the recommendations and amendments of the LDF Working Group, be noted.

(ii) That Officers be instructed to revise the programme, with the objective of bringing forward the milestone target for the completion of public consultation on the Aims and Options paper before the end of September 2007.

(iii) That Officers be requested to report back on how other parts of the timetable can be compressed.

(iv) That the Community Consultation Strategy for York Central, which will be taken into account in undertaking the public consultation relating to the York Northwest Area Action Plan, having regard to the recommendations and amendments of the LDF Working Group, be noted.

REASON: In order to produce a timely plan that is likely to be implemented, and thus ensure that the development of these important sites is not jeopardised by internal milestones.

#### **168. City of York's Local Transport Plan 2006-2011 Capital Settlement**

Members considered a report which drew attention to the 2007/08 capital settlement for the City of York's second Local Transport Plan (LTP2), covering the period 2006-2011.

The final version of York's LTP2 had been approved by the Executive on 21 March 2006 and submitted to meet the deadline of 31 March. A Delivery Report on the first LTP had been submitted in July, as required. The final Local Transport Capital Settlement had been received in a letter from the Government Office for Yorkshire and the Humber on 18 December 2006. This had stated that the Plan had been assessed as 'excellent' and the Delivery Report as 'very good'. Consequently, the integrated allocation for 2007/08 had been given a +12.5% uplift, and indicative funding for subsequent years had also been increased. York had also received an increased share of the road safety allocation paid out by the Department of Transport from the national Safety Camera Partnership income.

The increased funding allocation, which provided additional resources to implement the aims, policies and measures contained in the LTP2, had been included in the capital programme for 2007/08 to 2010/11. Details of schemes to be undertaken in 2007/08 would be presented for approval to the Executive Member for City Strategy and Advisory Panel (EMAP) on 26 March 2007.

RESOLVED: (i) That the contents of the report be noted and that Officers be thanked for their hard work in achieving an 'excellent' rating for LTP1.

(ii) That it be noted that the detailed transport capital programme for 2007/08 will be presented for approval at the City Strategy EMAP on 26 March 2007.

REASON: For information, and in recognition of the Council's success in this area.

## 169. Quality Bus Controls

Members considered a report which presented the options available to local authorities to improve the quality of local bus services. This report had been prepared in response to a motion proposed at full Council on January 2007, and remitted to the Executive without debate. The motion expressed concern at the bus fare increases introduced by First Buses in January 2006 and called for a report examining the case for a Quality Contract and other measures to ensure the continued growth of bus patronage needed to meet LTP targets.

The report outlined the elements the public transport 'offer' identified by market research as influencing public choice, namely cheaper fares (8%), more frequent buses (14%), more reliable journey times (8%), more routes (8%) and quicker journey times (8%). The following options were explored:  
**Option 1** – maintain and develop the current voluntary Quality Bus Partnership (QBP).

**Option 2** – introduce Punctuality Improvement Partnerships (PIP) with bus service providers.

**Option 3** – introduce Quality Partnership Schemes on key corridors and routes.

**Option 4** – establish a Quality Contract agreement.

The recommendation was to prepare detailed proposals for a PIP, to be delivered through the existing QBP, in accordance with Options 1 and 2. The QBP had already agreed at their last meeting to work together to develop a PIP. Furthermore, the government was proposing to strengthen the role of PIPs by establishing a new performance regime involving the collection of punctuality data by bus operators and making local authorities accountable for punctuality in their areas. This approach was also in line with the importance placed by York residents on quicker and more reliable bus services. Option 3 was not recommended, as it would involve a protracted consultation process with bus operators, might subject the Council to legal challenge and could lead to some smaller operators leaving the market. Option 4 was not recommended because preparation and implementation of an application would take considerable time and expense, with a low chance of success.

With reference to Opposition comments reported in the Press, Members highlighted the fact that the Road Transport Bill had not yet been enacted and that the Council had no powers to control fare levels on commercial bus services. Any such control would be likely in any event to involve a subsidy arrangement, for which funding could only be found by reducing other public service standards in the City.

RESOLVED: (i) That Officers carry out preparation for a Punctuality Improvement Partnership (PIP) in advance of the Road Transport Bill's passage through Parliament, to enable a strengthened PIP to be introduced in York in 2008, to be delivered through the existing voluntary QBP.

(ii) That Officers present detailed proposals for a PIP to the Executive Member for Transport and Planning, following consultation with the QBP.

REASON: To improve the efficiency and attractiveness of bus services, in particular by comparison to the private car, and to meet the expected more stringent requirements of the Traffic Commissioner in terms of improving punctuality.

(iii) That the Council maintain and develop the Quality Bus Partnership.

REASON: To ensure that the QBP continues to operate as a relevant and useful forum.

#### **170. Park and Ride Bus Contract Options**

Members considered a report which examined options for the procurement of the Park and Ride bus service, to enable the preparation of a contract to operate the service for the next five years, with a possible extension for a further three years.

The existing 5-year contract with First York had commenced on 1 April 2002. Transport Consultants (the TAS Partnership) had been commissioned to review the existing service and provide options for the proposed new contract. Their conclusion was that current service performance was acceptable and the services were well used. However, there was a need to update the service in terms of vehicles and branding and to address issues of reliability and bus service provision. Problems relating to the current split of responsibilities could also be resolved in the new contract, by introducing a performance regime or by transferring liability for repairs to the Council.

The report outlined the four main options for the new contract arrangements, as investigated by TAS:

**Option 1** – continuation of the present arrangement, whereby the operator paid a fixed licence fee to the Council. This would provide a guaranteed income but did not enable the Council to benefit from increased patronage.

**Option 2 (recommended)** – a modification of the present system that retained the licence fee but introduced an element of revenue sharing, dependent on increased patronage.

**Option 3** – a contractual arrangement under which the Council would take the revenue risk and income, with the operator providing the service at a fixed price. This would provide no incentive for the operator to increase patronage.

**Option 4** – a contractual arrangement similar to option 3, but with the an element of revenue sharing above an agreed base level. This would

provide an incentive for growth and would signal a partnership approach but would require further investigation if considered worth pursuing.

With regard to procurement options, it was recommended that the service be tendered using the European Union (EU) restricted route, whereby a select list was first prepared before inviting tenders. An open route was not recommended as it would permit any suitable operator within the EU to tender, leading to an unmanageable process. Approval was sought to negotiate with First to extend the existing contract, which terminated in March, to cover the interim period prior to establishment of a new arrangement.

With reference to recent Press reports in respect of comments in Annex E to the report, Members stressed that the Council had no intention of excluding pensioners from concessionary fares on park and ride services.

RESOLVED: (i) That Officers be authorised to negotiate and prepare an interim licence with First York to extend the existing contractual arrangements until the new contract is in place.

REASON: To ensure the continuation of the service and licence fee income to the Council.

(ii) That approval be given to tender the park and ride service in accordance with the terms detailed in Option 2, as set out in paragraph 46 of the report, and with the specification and responsibilities split, as detailed in Annex D.

REASON: To enable the provision of an improved service, with the highest opportunity of an increased income to the Council.

(iii) That approval be given for the procurement of the park and ride service in accordance with the restricted route and the programme detailed in paragraph 56 of the report..

REASON: To ensure that the service is procured in accordance with financial regulations.

## **171. Government's Proposals for the Post Office Network**

Members considered a report which advised of the Government's proposals for the future of the Post Office Network and asked the Executive to consider a response to the consultation on these proposals.

On 14 December 2006, the Trade and Industry Secretary had announced a new strategy for the Post Office Network. An investment package designed to preserve the network had been announced, involving investment of up to £1.7bn and including proposed new access criteria to ensure continued access to services in rural communities and deprived urban areas. The consultation paper stated that there would be up to 2,500 closures over an 18 month period, but there was no information as to where these would be.

The report set out some initial comments around the seven questions included in the consultation paper. Members were asked to consider these and any initial observations they wished to make.. All Council Members would be invited to submit observations to be considered when preparing the Council's formal response to the consultation, which must be submitted to the Department for Trade and Industry (DTI) by 8 March 2007.

Members commented on the importance of post offices in keeping town and village centres alive, reducing the social isolation of elderly people and cutting down on car travel, thus contributing to the sustainability agenda. Comments were also made on the arbitrary nature of the differentiation between urban and rural post offices of and the way in which post offices had been selected for closure on previous occasions.

RESOLVED: (i) That the report be approved as the basis for the Council's response to central government, subject to the wording in the final letter being agreed with the Leader of the Council, but that the following refinements to the thrust of the Officer report be accommodated in any reply:

- a) Q1. **Issues & Challenges:** Add at end of 2<sup>nd</sup> paragraph: *'The economic importance of Post Offices to other nearby small businesses and amenities should be recognised.'*
- a) Q3. **Access Criteria:** Replace with: *'The proposed Access Criteria appear to have been drawn up with the decision to close 2,500 POs in mind rather than recognising any social or community need. It is not clear why radius rather than population density or social need is used as the principle criteria for determining closures. The proposed access criteria for existing developments conflicts with that required for new housing developments- the Y&H Regional Spatial Strategy states that new housing should be built within 10 minutes walk (about 600-1000m) of local services in urban areas and 20 minutes (1200- 2000m) in rural areas. This is considerably less than the proposed access criteria of 1 mile and 3 miles respectively. It is not clear why existing communities should be provided with a lower level of service than new developments. Particularly in rural areas where public transport is often less available and frequent than in urban areas, the impact of traffic congestion also needs to be taken into account when considering Post Office closures.'*

REASON: To ensure that the Council's response reflects Members' views and the importance of local post offices to City of York residents.

## 172. **Child Protection Update Report**

Members considered a report which provided an update on the work of the newly established Safeguarding Children's Board and sought approval for the adoption of a high level child protection policy for the Council.

The process of establishing the Board, to replace the former Area Child Protection Committee, had been agreed by the Executive in March 2006. The Board was now fully operational and was embracing the wider safeguarding expectation. Its first business plan, attached as Annex 1 to the report, had been developed through a clear process of consultation, including shared access to the consultation undertaken for the new Children and Young People's Plan.

The Board had completed an audit of the Council's key arrangements for safeguarding and promoting the welfare of children, under the guidance in Section 11 of the Children Act. This had identified as a significant deficit the lack of a council-wide Child Protection Policy. In order to address this omission, approval was sought for a draft policy, attached as Annex 2 to the report.

RESOLVED: (i) That the development of the Business Plan 2007-10 of the local Safeguarding Children's Board (Annex 1) be noted and its contents endorsed.

(ii) That the draft Child Protection Policy for the Council, as attached at Annex 2, be approved.

REASON: To address the need for a child protection policy and to adopt a policy which sets out clearly the commitment of the Council to the Rights of the Child, together with principles of good practice.

### **173. Future of Connexions Service**

Members considered a report which proposed a strategy for the management of new responsibilities following the transfer to the Council of a government grant previously paid to the Connexions Service.

In York and North Yorkshire, Connexions had been set up as a limited company, the business of which had been transferred in 2004 to North Yorkshire County Council (NYCC), in order to resolve a VAT issue. In April 2008, the Connexions statutory functions under Section 8 of the Employment and Training Act 1973 and Sections 114 and 140 of the Learning and Skills Act 2000 would transfer to the local authority. These functions could be delivered in house or commissioned from external partners. Funding for service delivery would be paid directly to the local authority. The current Connexions Board had agreed to wind up its functions as soon as the transfer of funding was complete. Staffing issues would be dealt with by NYCC, as employer of all the central Connexions staff.

The local authority must now establish a new Young People's Service, combining the functions of the Youth Service with those of Connexions. Strategic accountability for the service would be via the YorOK Board and the 14-19 Partnership. The YorOK Board had considered the outcome of consultation and endorsed a set of principles to be borne in mind when deciding the future of Connexions in York. These were listed in paragraph

24 of the report. The Executive were asked to consider the following options for future delivery of the service:

**Option 1** – increase in-house provision. This would meet all of the needs identified by the consultation and was the option with most support from partners.

**Option 2** – roll forward existing contracts. This would delay action to meet the needs identified in consultation.

**Option 3** – carry out a thorough review of needs and redesign a specification for future tendering. This also ran the risk of delay, due to the need for complex contract negotiations.

In respect of the comments made on this item under Public Participation, Members indicated that the in-house option would enable the service to become more efficient, which was vital in view of the expected net loss of funds. However, it was expected that some elements of the services might be procured externally should a clear benefit be identified. The speaker's comments on Guidance Services' willingness to work with the Council were welcomed.

RESOLVED: (i) That the transfer of Connexions Service Responsibilities to the local authority from April 2008 be noted.

REASON: In order to prepare for the new responsibilities.

(ii) That an integrated service for young people be established.

REASON: In order to continue the strategy already developed and to streamline management costs,

(iii) That staff teams be integrated in locality bases.

REASON: To provide a more accessible service to young people.

(iv) That some work continue to be sub-contracted to the private, voluntary and community sectors.

REASON: To purchase provision from those who can deliver specialist work beyond the scope and expertise of the Council.

(v) That the Council manage the Connexions contract as a direct provider, as set out in Option 1, subject to continuing reassurance that this option represents an efficient use of available resources.

REASON: In order to establish the terms of reference for the transfer document and to authorise staff to carry out the related work programme.

(vi) That the operation of the current contract be reviewed in order to establish whether there is a need to continue to procure specific services from external providers.

REASON: To ensure continuity of provision and maintain service quality.

(vii) That a further report be received, from the Directors of Learning Culture and Children's Services, Resources, and People and Improvement, once transfer documents have been agreed with North Yorkshire County Council.

REASON: So that a final decision can be made about the deployment of resources from April 2008 and to be satisfied that the Council is not exposed to unfunded risks and liabilities.

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

### **174. Children and Young People's Plan**

Members considered a report which recommended the adoption of the Children and Young People's Plan 2007-2010 recently approved by the Board of the Children's Trust (YorOK).

Publication of a plan was required under The Children and Young People's Plan (England) Regulations 2005. Although York's current plan covered the period 2005-2008, the authority had decided to update it a year earlier than originally intended. This was to reflect significant changes within the sector since 2005, to align planning in York more closely with the national cycle, to ensure consistency with the Local Area Agreement and to prepare for Joint Area Review in 2008.

Production of the plan had been undertaken through the YorOK Board, who had established a Reference Group to ensure that work progressed in a timely, co-ordinated and high quality manner. The draft plan approved by the Board at their meeting on 17 January was attached as Annex 1 to the report.

RECOMMENDED: That the Children and Young People's Plan 2007-2010, as attached at Annex 1, be approved.

REASON: To improve outcomes for children and young people in York.

### **175. Sub-regional Approach to Strategic Housing**

Members considered a report which advised on recent developments designed to enhance joint working on strategic housing issues across the sub-region and proposed that the City of York should participate in the sub-regional partnership and governance framework.

Following their affordable housing review of the district authorities in North Yorkshire, the Audit Commission had produced a report setting out a number of interim recommendations for improving joint working. This identified the strategic housing role as one of the areas where joint working could be beneficial. Subsequently, a special meeting of the North Yorkshire Chief Housing Officers Group had agreed that York and

Richmondshire would be joint leaders in taking forward work in this area. The Government Office for Yorkshire and the Humber (GOYH) had also been encouraging local authorities to work more sub-regionally, in order better to meet housing needs and access regional funding. To date, however, decisions made at a sub-regional had lacked a proper political mandate.

To improve governance arrangements, it was proposed that the North Yorkshire Housing Forum should form a Strategic Housing Board. This would comprise one elected member, supported by the lead officer, from each of the eight local authorities, one from the county council and one from each of the national park authorities. The Board would sit as a sub group of the Association of North Yorkshire Councils and would agree its terms of reference in conjunction with the Association. Although it was not a strategic requirement to develop a sub-regional housing partnership of this nature, it was recommended that this option be agreed, in view of GOYH's strong encouragement for a sub-regional approach. Failure to take part could hold back the sub-regional agenda and would leave York outside any sub-regional developments.

A broad remit for the board was set out in paragraph 14 of the report and draft terms of reference in paragraph 15. The Executive Member for Housing suggested that the following be added to the terms of reference:  
*"That all papers are to be given two weeks in advance of the meetings."*

RECOMMENDED: (i) That Option 1, to participate in a sub-regional partnership for strategic housing and to appoint the Executive Member for Housing as the Council's representative on the partnership, be approved.

(ii) That the Executive Member for Housing, in consultation with the Director of Housing and Adult Social Services, be authorised to represent and take decisions relating to sub-regional housing issues on behalf of the City of York Council at partnership meetings

REASON: To develop a governance framework through which sub-regional housing issues can be agreed and investment bids signed off, to ensure North Yorkshire is better placed when competing for funding on a regional basis, as well as raising the profile of York within the sub-region and that of the sub-region as a whole, and to improve the sharing of best practice.

**176. Notice of Motion to the Executive concerning North Yorkshire and York Primary Care Trust**

Members considered a report of the Director of Housing and Adult Social Services which provided advice on a notice of motion. The motion had been submitted by Cllr Bartlett and seconded by Cllr Livesley, for consideration by the Executive before referral to full Council, under Standing Order 11(a)(i).

The notice of motion, submitted on 9 February, read as follows:

“This Council:

- Supports the Press campaign to ‘Let your Doctor decide’ which calls on North Yorkshire and York Primary Care Trust (NYYPCT) to scrap the Prior Approval Panel;
- Records its thanks to those MPs and North Yorkshire Councils who have recorded their support for the ‘ditch the debt’ motion passed by the York Council at its meeting on 25<sup>th</sup> January;
- Remains concerned that reductions, restrictions and delays in NHS treatment in York could have a negative impact upon Council services and budgets.”

The report provided information on the factual background to the motion. It explained the ‘Prior Approval’ system introduced by NYYPCT on 1 January, outlined the current situation regarding the PCT’s budget overspend and discussed the potential impact of reductions in NHS expenditure on services provided by the Council. Members were asked to consider this information and decide whether to submit the notice of motion to full Council at this stage, with recommendations (Option 1) or whether to request further information before doing so (Option 2).

Members indicated their support for the motion and its referral to full Council. It was suggested that any further information received be referred to Council in the form of a supplementary report.

**RECOMMENDED:** That Council consider the motion, which is supported by the Executive, together with the information contained in the report and any additional or updated information provided before the deadline for publication of the Council papers, which will be provided in a supplementary report to Council.

**REASON:** In accordance with the requirements of the Council’s Constitution, as set out in Standing Order 11.

S F Galloway, Chair

[The meeting started at 2.00 pm and finished at 3.35 pm].