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MEETING	CABINET
DATE	4 DECEMBER 2012
PRESENT	COUNCILLORS ALEXANDER (CHAIR), CRISP, GUNNELL, LEVENE, LOOKER, MERRETT, SIMPSON-LAING (VICE-CHAIR) AND WILLIAMS
IN ATTENDANCE	COUNCILLORS BARTON, BROOKS, HEALEY, STEWARD AND RUNCIMAN

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

### **56. DECLARATIONS OF INTEREST**

Members were invited 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.

Cllr Williams declared a prejudicial interest in respect of agenda item 14 (Approval of the City of York Council Surface Water Management Report), as an employee of Yorkshire Water and left the room and took no part in the discussion or voting thereon.

Cllr Levene declared a personal non prejudicial interest in respect of agenda item 6 (Final Report of the E-Planning Facilities Review) as a former member of the review Task Group and took no part in the discussion and voting thereon.

### **57. MINUTES**

RESOLVED: That the minutes of the last meeting of Cabinet held on 6 November 2012 be approved and signed by the Chair as a correct record subject to:

In Minute 38 – Minutes (Minute 30 – Delivery and Innovation Fund – Funding Decisions), the following addition to the first bullet point and the deletion of resolution (ii) and its replacement with:

- City of York Council – Science City York Innovation Catalyst Programme – Yr 1 £165k/Yr 2 £165k, totalling £330k *and require full input, output, and outcome metrics on the proposal, and how it contributes to Council priorities.*<sup>1</sup>.

(ii) *That the Chief Executive be requested to develop standards metrics and common protocols for all third party funding and SLAs.*<sup>2</sup>

Action Required

- |   |    |
|---|----|
| 1. Compile requested information on this programme.                           | KS |
| 2. Develop requested metrics and protocols for future funding and agreements. | WB |

**58. PUBLIC PARTICIPATION/OTHER SPEAKERS**

It was reported that there had been two registrations to speak at the meeting under the Council’s Public Participation Scheme, and that two Members of Council had requested to speak on various agenda items.

Dennis Martin, spoke on behalf of Dunnington Parish Council, in relation to Agenda Item 14 (Approval of the City of York Council Surface Water Management Report), highlighting three particular issues. He asked members to take account of local parish knowledge, referred to the poor response to problems from Yorkshire Water and finally drew attention to the national requirement for provision of drainage attenuation measures for developments which exceeded 4sqm of non porous surface. He circulated additional information from the Parish Council to Cabinet Members at the meeting.

Heather McKenzie spoke on behalf of Unison in relation to Agenda item 10 (Implementing the Living Wage), particularly welcoming the authorities commitment to implement the living wage and confirming their wish to be involved in its implementation. She went on however to express a number of concerns relating to the exclusion of apprentices and casual staff, the procurement by April 2014 and to payment of supplements and urged reconsideration of these issues.

Cllr Steward also made representations in respect of Agenda item 10 (Implementing the Living Wage) highlighting the vague criteria set out in the report for the use of Economic Infrastructure Funding to support the Living Wage. He expressed support for the protection and valuing of staff however he felt that this was not the right time to implement this policy.

Councillor Steward also spoke on Agenda item 9 (Economic Infrastructure Fund – Proposals) particularly the Arts Barge project expressing concern at the proposed funding when budgets were being cut and salt bins left unfilled.

Cllr Barton also spoke in respect of Agenda item 9 (Economic Infrastructure Fund – Proposals) and the Arts Barge. Concern was expressed at the proposed investment of £100k for the purchase and renovation of a river barge during a particularly difficult economic time when core funding should be the priority. It was questioned whether guarantees had been sought that the project was sustainable

## **59. FORWARD PLAN**

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

## **60. MINUTES OF WORKING GROUPS**

Members received a report which presented the minutes of meetings of the Local Development Framework Working Group (LDFWG) held on 2 April 2012, the Local Plan Working Group (LPWG) of 3 September 2012 and the Equality Advisory Group of 30 July 2012 attached as Annexes A, B and C respectively.

Members were invited to consider the advice offered by the working groups in their capacity as advisory bodies to the Cabinet, and in particular the comments of the LPWG in respect of the City of York Council Subdivision of Dwellings Supplementary Planning Document Annex B (minute 5) and in respect of Council House Extensions and Alterations also at Annex B (minute 6).

The Cabinet Member for Transport, Planning and Sustainability recommended the adoption of the Supplementary Planning Documents for use as interim planning guidance.

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

(ii) That Cabinet approves the 'Subdivision of Dwellings' and 'House Extensions and Alterations' Supplementary Planning Guidance documents as interim planning guidance, incorporating the changes suggested by the LPWG at their meeting held on 3 September 2012.<sup>1</sup>

REASON: (i) To fulfil the requirements of the Council's Constitution in relation to the role of Working Groups.

(ii) To allow the documents to be used to consider planning applications for subdivision of dwellings and house extensions and alterations.

Action Required

1. Proceed to use for Development Management purposes.

MG

**61. FINAL REPORT OF THE E-PLANNING FACILITIES REVIEW**

Councillor Runciman, as Chair of the Task Group who had examined the scrutiny topic based around e-planning facilities, presented the report and recommendations arising from the review.

The review had highlighted problems encountered by Parish Councils and Planning Panels following the introduction of electronic working for dealing with planning applications. This had resulted in a set of recommendations which amongst other things sought training for Parish Councils and Planning Panels together with the provision of rooms at West Offices or local libraries, at minimum cost, with facilities to view planning applications. Members were asked to support the recommendations, some as a matter of urgency, as Parish Council precepts were now being set. This would have

implications if there was a need to include the purchase of additional equipment to display plans.

Members questioned a number of points including:

- Possible equipment hire
- Previous lack of interest in Planning Panels in particular wards
- Effect on income streams in relation to library use
- Insufficient information relating to financial impact re use of West Offices, level of use, costs etc.

Following further discussion it was

- RESOLVED:
- i) That Cabinet note the contents of the final report of the E-Planning Facilities Review.
  - ii) That the Cabinet Member for Transport, Planning and Sustainability examine, in more detail, the recommendations of the Review as set out at paragraphs 5 and 6 of the cover report, with the Cabinet Member providing an early response to the key issues raised at the meeting and report back to his Decision Session.<sup>1</sup>

REASON: To fully inform the Cabinet of the outcome of the review.

Action Required

1. Include item on future Forward Plan.

SS

**62. REVIEW OF FEES AND CHARGES**

Consideration was given to a report which sought approval to increase a range of the Council's fees and charges with effect from 1 January 2013, details of which were set out at Annex A of the report.

An increase of approximately 5% was proposed on fees which had last been reviewed in January 2012 relating to the following service areas:

- Registrars
- Community Centres
- Bereavement Services
- Waste Services
- Libraries, Information and Archives
- Parks and Open Spaces
- Housing Services
- Transport, Highways and Planning

RESOLVED: That Cabinet approves the proposed increase in fees and charges as from 1 January 2013 as set out in the Annexes to the report.<sup>1</sup>

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

Action Required

1. Implement revised charges from 1 January 2013. SK

**63. ECONOMIC INFRASTRUCTURE FUND - PROPOSALS**

Consideration was given to a report which set out details of the following Economic Infrastructure Funding allocations, providing the rationale for investment together with an analysis of the proposals :

- Le Marche International des Professionnels de l'immobilier (MIPIM) 2013, for attendance at an international property fair, detailed at paragraphs 2 to 28 - £25k
- City Centre Holiday Footfall Measures, detailed at paragraphs 29 to 44 and in the revised report circulated - £34.5k
- Arts Barge, detailed at paragraphs 45 to 60 - £100k

The total EIF spend to date and under consideration would amount to £12.124m with £16.376m of the budget remaining, and full details set out at Annexes A and B of the report.

Updated information, which had been published online, proposed the following revisions to the City Centre Footfall Measures:

- The package would include free evening parking on Thursdays combined with free Park and Ride services,

and one day's free parking at CYC city centre car parks on Boxing Day (totalling £34.5k)

- The provision of free parking on the four Thursdays had been estimated at £4k, free parking on Boxing Day at £10k and free evening Park and Ride Services after 6pm an £2k.
- The above package would revise total EIF spend to date and under consideration to £12.122m, £2.152 of which was revenue and £9.970m capital, with £16.378m of the EIF budget remaining.
- It was recommended that £34.5k of the EIF allocation was used to fund the footfall measures.

In answer to earlier representations, the Cabinet Member referred to the five criteria that all proposals were required to meet, prior to consideration for funding, and to Government support for economic growth.

RESOLVED: That Cabinet agrees to:

- Approve the EIF allocation of £25k for CYC to be represented at MIPIM 2013, along with private sector partners
- Approve the EIF allocation of £25k required by the Arts Barge project to secure a boat and to delegate responsibility to the Director of CBSS to make 3 further stage payments of £25k pending a due diligence review of Arts Barge Project Business Plan ;
- Approve the EIF allocation of £34.5k required to fund the City Centre Holiday Footfall Measures.<sup>1</sup>

REASON: To support the Council Plan priorities of creating jobs, growing the economy and investing in the city's economic future.

Action Required

1. Allocate funding as agreed.

KS

**64. IMPLEMENTING THE LIVING WAGE**

Members considered a report which reaffirmed the City of York Council's commitment to implement the Living Wage from 1 April 2013 for all Council staff earning below the national living wage of £7.45, in response to the Fairness Commission's initial

report. It was confirmed that a further phase would follow during 2013/14 with its promotion to all suppliers and partners.

Further information on the numbers of staff affected, the consultation undertaken, ongoing pay implications and the effect on apprentices and casual workers were set out in the report at paragraphs 11 to 42.

Members were informed that the only option under consideration was to implement a Living Wage for employees with council contracts building on the commitment already given to becoming a Living Wage Employer. This option would include working closely with the trade unions to develop an approach which minimised any impact on the Council's pay and grading structure.

With reference to earlier comments the Cabinet Leader confirmed that the issue raised regarding casual staff required clarification however he was proud to be one of the first authorities supporting the implementation of the living wage.

**RESOLVED:** That Cabinet agree to the following for implementing a Living Wage for staff employed within the Council:

- i) To adopt an approach for paying a Living Wage for employees with council contracts (excluding apprentices and casual staff), based initially on a discretionary supplement, commencing from 1<sup>st</sup> April 2013.
- ii) The draw-down of £338k from the Economic Infrastructure Fund to support the Living Wage proposals in the first year for staff with council contracts, including helping schools work towards implementing the Living Wage.
- iii) To develop plans and actions which seek to embed the Living Wage in job design and pay structures by April 2014.
- iv) To agree, as part of the budget process each year, to review the uplift the Living Wage rate annually where possible, informed by



information available from national pay negotiations.

- v) To agree ongoing work on the apprentices scheme to establish a Living Wage for apprentices and eventual employment at grades above the Living Wage.
- vi) To embed the Living Wage in procurement activity by April 2014. <sup>1</sup>

REASON: To deliver a commitment to address low pay for council employees, tackle in-work poverty and as a step towards reducing income inequality which, with the support of other employers in York, will deliver benefits to the whole community.

Action Required

1. Undertake the steps outlined to implement the Living Wage.

PS

**65. TRANSFER OF RESPONSIBILITY OF SOCIAL FUND TO LOCAL AUTHORITIES AND ESTABLISHMENT OF THE YORK FINANCIAL ASSISTANCE SCHEME**

The Cabinet considered a report which provided details of the transfer of funding, previously used for 'Community Care Grants' and 'Crisis Loans' by the Department of Work and Pensions, with proposals for a replacement scheme that would help to deliver the priorities in the Financial Inclusion Strategy.

It was proposed to administer a one year interim scheme to allow time to develop a comprehensive localised support scheme in partnership with other key agencies in the city. Details of the phased approach to be undertaken to support the changing needs of the local community and the types of proposed assistance were set out at paragraphs 17 to 29 of the report. Further information on the type of items covered, application numbers and awards made over the last two years were also set out in the report.

As there was an expectation by, and funding from, the Government to establish an appropriate scheme to operate from

April 2013, it was reported that the only option proposed was to establish a scheme with future additional funding solutions.

An additional option suggested was to review in full, and consult on, changes to the scheme to reflect local priorities in line with the Council Plan 2011-15 and the Financial Inclusion Strategy.

RESOLVED: That Cabinet agree to:

- i) Approve the approach to establishing an initial York Financial Assistance Scheme from 1<sup>st</sup> April 2013 with the detail of the scheme delegated to the Director of CBSS to finalise, subject to the approval of the Cabinet Member for Corporate Services. <sup>1.</sup>
- ii) Approve the approach to reviewing the initial scheme in 2013 with a view to implementing a revised localised partnership based scheme from 1<sup>st</sup> April 2014 (as set out in paragraphs 18, 19 and 28 of the report).
- iii) Consider as part of the 2013/15 budget setting process, any opportunities to add Council funds to the base budget of York Financial Assistance Scheme to give greater scope to assist individual residents, families and communities in financial difficulty. <sup>2.</sup>

REASON: To ensure there is no gap in provision of urgent financial resources available to our most vulnerable residents at times of crisis or other difficulty. To mitigate the impacts of wide ranging welfare benefits changes. To meet the priorities set down in the Council Plan and Financial Inclusion Strategy.

Action Required

1. Establish a York Financial Assistance Scheme. JM
2. Review scheme and budget provision in 2013. JM

## 66. TETHERED HORSES - PROPOSED POLICY FRAMEWORK

Consideration was given to a report which raised awareness of the problems associated with horses being deliberately tethered on land without the landowner's permission, often on Council land and in particular public highways. It was proposed to develop a joint protocol which would set out how these issues could be managed by the Council and partner organisations within the legal framework and resources available.

Legal powers available to deal with horse related issues were reported together with a number of suggested interventions were discussed in detail in paragraphs 7 to 19 of the report. The financial and equalities implications arising from the proposals were also reported.

The following were proposed as options:

Option 1 – To agree the proposals set out in the paper:

- That the Council develop a joint protocol with the Police, RSPCA and landowners and travellers setting out responsibilities of all parties and detailing a course of action to be taken in the following circumstances:
  - Where a horse is tethered on a highway verge;
  - Where a horse is grazing illegally on CYC land;
  - Where a horse is grazing illegally on private land;
  - Where a horse is found loose on a public highway.
- The Council consider its land assets to identify areas of land that it feels would be suitable for letting as grazing land.
- The Council works with private land owners and the NFU the potential for land owners to provide land for grazing.
- The Councils Animal Health Service work with the RSPCA and horse welfare charities to develop micro chipping and re-homing service.
- The Council review its licence and tenancy agreements and insert a clause that prevents the tethering of horses on Council land unless there is an agreement in place as part of the provision of land for grazing.

- The Council enter into a procurement process to appoint a contractor to manage the seizure and, where necessary, the sale of any horses.

Option 2 – To agree some but not all of the proposals set out in option 1.

Option 3 - To not agree the proposals and retain the status quo.

The Cabinet Member referred to the high level of correspondence received in connection with this issue and to anecdotal evidence which appeared to support that there had been an increase in the number of horses tethered on the highway. He confirmed the need for a balanced approach to enforcement whilst considering animal welfare and the safety of road users.

RESOLVED: That Cabinet agree to:

- i) The proposals set out at paragraph 21 of the report and agree that a joint protocol be established and brought back to the Cabinet Member for approval in February 2013.
- ii) Consider the costs associated with the proposal as part of the 2013/14 budget setting process.<sup>1</sup>

REASON: To ensure that the Council has a robust, yet balanced approach to dealing with tethered horses.

Action Required

1. Await decision of CSMC (Calling In) meeting on 17 December 2012.

SW

**67. PROPOSALS REGARDING THE INTRODUCTION OF A VOLUNTARY LANDLORD ACCREDITATION SCHEME IN YORK**

Consideration was given to a report which set out details regarding the introduction of a Citywide Private Landlord Accreditation Scheme to support and improve the private rented sector.

It was reported that the private rented sector made up an estimated 17.8% of the housing stock in the city and an Accreditation Scheme for landlords would provide a means of defining and regulating standards and supporting the provision of the types of accommodation the market demanded. To be effective any scheme would need to influence the standards of the local market and would require membership of at least 10% of the landlord market to be effective.

The following were the options proposed and analysed in paragraphs 20 to 37 of the report:

Option 1 – Take no further action with regard to the introduction of an accreditation scheme.

Option 2 – Support another organisation in establishing a landlord accreditation scheme in York.

Option 3 – Negotiate with one of the national industry bodies for the provision of a scheme in York on behalf of the City of York Council.

Option 4 – Develop and implement a specific York Voluntary Landlord Accreditation Scheme, or develop a wider ranging North Yorkshire scheme in co-operation with other local authorities in the area.

Option 5 – Develop a more limited scheme to add value to the existing York Code of Best Practice for Student Accommodation Scheme.

Significant consultation had been undertaken and the financial and equalities implications were provided at paragraphs 38 to 47.

The Cabinet Member confirmed the intention to work in partnership with landlords, the vast majority of which provided an excellent service however it was the small minority who ignored legislation and best practice.

RESOLVED: That Cabinet agree to:

- i) Approving the implementation of a locally developed Landlord accreditation scheme, as detailed in Option 4 of the report and authorise

further consultation and partnership work with local landlords, agents and other stakeholders, to agree the final details of the Scheme, with a view to it being operational by June 2013.

- ii) Authorising the Director of Communities and Neighbourhoods, in consultation with the Cabinet Member for Health, Housing and Adult Social Services, to take forward and implement the Landlord Accreditation Scheme as appropriate when the development process is complete. <sup>1</sup>.

- REASON:
- i) To ensure the support and improvement of the Private Rented Sector in York.
  - ii) To ensure the Scheme is developed in consultation with potential members; is fit for purpose and appeals to as wide a number of landlords and agents as possible to enable a positive start and that it complements any other proposals for supporting the Private Rented Sector.

Action Required

1. Undertake works required to implement scheme in consultation with Cabinet Member.

SW

**68. APPROVAL OF THE CITY OF YORK COUNCIL SURFACE WATER MANAGEMENT REPORT**

Members considered a report which presented the Surface Water Management Plan covering the whole of the Council's area, at Annex A of the report. This had been prepared following flooding experienced nationally in 2007 which had resulted in the publication of the Pitt Review which included key recommendations for Lead Local Flood Authorities including the preparation of Local Surface Water Management Plans.

The main outcome of the study had identified two principal methods of managing future surface water flood risk, through the maintenance of assets and development control with both these being considered at paragraphs 10 to 14 of the report. A formal partnership would now be formed to prepare the

Council's Local Flood Risk Management Strategy to include appropriate community involvement.

The Cabinet Member referred to the complex ownership of drainage systems, with only 10% of the surface water drainage system being identified to date. Much of the system was not within the authorities ownership so partnership working would be required to address many of the issues. With reference to the important points raised by the speaker, earlier in the meeting, he confirmed that Parish Councils would form part of the partnership working and that best practice would be encouraged in dealing with planning applications.

RESOLVED: That Cabinet agrees to:

- i) Approve the Surface Water Management Plan as attached at Annexe A of the report.
- ii) Approve a review of the Council's highway drainage maintenance service based on the principles of flood risk management, and to ensure that it is suitably funded. This will be the subject of a further report in due course.<sup>1</sup>
- iii) Ensure that the current resources in the Flood Risk Management team are maintained, subject to the budget process, to enable effective involvement in the development control and highway design procedures.

- REASON:
- i) To ensure that the Council has an action plan for managing surface water flood risk, and to influence the development of future strategies for maintenance, investment, planning and engagement.
  - ii) To ensure that surface water drainage infrastructure operates effectively to reduce surface water flood risk in vulnerable areas.
  - iii) To ensure that development does not increase flood risk.

Action Required

1. Proceed with review of highway maintenance service subject to further report.

MT

**69. LORD MAYORALTY 2013-14**

This report asked Cabinet to give consideration to the points system for the annual nomination of the Lord Mayor for the City of York Council and confirmed that the Group with the most points under that system should be invited to appoint the Lord Mayor for the 2013/14 municipal year.

The system for nominating the Lord Mayor was based on an accumulation of points determined by the number of seats held by each group on the Council. Details of the current points accumulated by each group was set out at paragraph 4 of the report showing that the Labour Group, with a total of 47 points qualified for the position in 2013/14.

Officers referred to an error in paragraph 4 which had arisen from recognition that the cumulative points should have been based on the number of points on Lord Mayor's Day to nominate for the following year. As Cllr Jeffries had been a member of the Labour Group at that point this increased the Labour total by one point to 48.

Consideration was then given to the following options:

Option 1- To invite the Labour group to nominate the Lord Mayor for the municipal year 2013/2014.

Option 2 -To review the points system current adopted for nominations.

**RESOLVED:** That Cabinet invite the Labour group to nominate the Lord Mayor for the 2013/2014 municipal year, in line with the existing accumulated points system.<sup>1</sup>

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



### Action Required

1. Note the Labour Group's entitlement to appoint Lord Mayor for the 2013/14 municipal year.

AP

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

### **70. COUNCIL TAX SUPPORT DECISION PAPER**

Members considered a report which set out options for a Council Tax Support Scheme (CTS) for York for implementation from 1 April 2013.

Since initial consultation in August 2011, when it had become known that Council Tax assistance would remain a local authority responsibility, discussions and preparation work had been undertaken. Results of the formal 12 week public consultation exercise on the proposed changes had ended on 4 November 2012 with feedback and details of the consultation programme set out at paragraphs 16 to 21 and Annex D of the report.

It was reported that, as the new system went live in April 2013, the Government would reduce York's funding by 10% based on their estimate of the Council's financial requirements for 2013/14. The likely grant for 2013/14 would therefore equate to a loss of around £1.3m in grant funding. Pensioners however would not be affected by the cut resulting in the percentage of benefit loss to working age customers being much higher than 10%.

Further information on the impacts of protection was set out at paragraphs 9 to 11, work on the development of a local scheme at paragraphs 12 to 15 and details of the comprehensive Community Impact Assessment undertaken at paragraphs 33 to 35.

A financial assessment of the following three main options was reported in detail at paragraphs 25 to 32 and summarised in the table:

Option 1 – Cost Neutral Scheme

Option 2 - Approve accepting the Governments 'one off' Transitional Grant (Paragraph 22) and amend the Scheme set out at Annex A of the report to limit any increase to customers on full benefit to no more than 8.5% capping at 91.5% and reinstating the second adult rebate to comply with the Governments rules.

Option 3 - Passing on none of the reduction in grant to customers, with the Council meeting the entire shortfall in Government grant (£1.155m). In taking this option the Council would receive the transitional grant (Paragraph 22) but as with option 2 it needs to be borne in mind that the transitional grant is only a 'one off' the cost of both options (2&3) will rise by nearly £250K in 14/15 before any further increase in Council Tax. The effect of the three options showing the financial impact of each was shown in the table:

	Option		
	1	2	3
Benefit Cost 13/14	£10,590,990	£10,590,990	£10,590,990
Grant	-£9,214,812	-£9,214,812	-£9,214,812
Transitional Grant 'one off'	£0	-£249,590	-£249,590
<b>Net Loss in grant</b>	<b>£1,376,178</b>	<b>£1,126,588</b>	<b>£1,126,588</b>
Estimated costs of claims inflation	£317,730	£317,730	£317,730
Charge to Customer	-£1,693,908	-£478,701	£0
<b>Total Scheme Cost</b>	<b>£0</b>	<b>£965,617</b>	<b>£1,444,318</b>
<b>CYC Share</b>	<b>£0</b>	<b>£772,494</b>	<b>£1,155,454</b>

Members thanked Officers for their comprehensive report covering complex issues. They referred to the difficult decisions that needed to be made and it was with regret that they had to pass on cuts in Government funding resulting in a tax on the working poor.

Following further discussion it was

**RECOMMENDED:** That Council be recommended to approve Option 1, capping Council tax benefits at a figure of 70% (as set out in detail in the report), as the Council Tax Support Scheme.<sup>1</sup>

**REASON:** To ensure that a Council scheme is in place before the Governments statutory deadline of 31<sup>st</sup> January 2013.

Action Required

1. Refer to Council 13 December 2012.

JP

Cllr J Alexander, Chair

[The meeting started at 5.45 pm and finished at 7.30 pm].