

Meeting	Executive
Date	8 February 2018
Present	Councillors Orrell, Gillies, Brooks, Mercer, Carr (Chair), Reid, Runciman and Waller
In Attendance	Councillors Looker and Kramm

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

117. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests, that they might have in respect of business on the agenda.

Cllrs Brooks, Runciman and Waller each declared a personal, non prejudicial interest in Agenda Item 5 (Admissions Arrangements for the 2019/20 School Year), as members of the Church of England.

118. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting should any discussion arise on Annex 3 to agenda item 8 (Disposal of Willow House, Walmgate) on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). This information 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).

119. Public Participation

It was reported that there had been four registrations to speak at the meeting under the Council's Public Participation Scheme,

and one request to speak by a Council Member. Two written representations had also been received.

Supt. Lindsey Robson and Insp. Paul Mendham spoke on Agenda Item 6 (City Transport Access Measures) on behalf of North Yorkshire Police, fully supporting the proposals in the report.

June Tranmer spoke on Agenda Item 8 (Sale of Willow House), suggesting that the sale be conditional upon the inclusion of a covenant to protect all of the trees on the site.

Cllr Warters spoke on Agenda Item 11 (Financial Strategy 2018/19 to 2022/23), objecting to the educational exemption from council tax for students and seeking more financial support for waste management and highways repairs.

Hon. Alderman Brian Watson spoke on matters within the remit of the Executive, expressing his views on current issues with the management of the Community Stadium and the involvement of York Football Club.

Gwen Swinburne spoke on matters within the remit of the Executive, expressing her views on the Executive leadership, and on the suspension or dismissal of certain members.

Written representations submitted by Make it York and York Minster, supporting the proposals in the report at Agenda Item 6, were circulated at the meeting.

120. Forward Plan

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings at the time the agenda was published.

121. Admissions Arrangements for the 2019/20 School Year

The Corporate Director, Children, Education & Communities, presented a report which sought approval for the admissions policies for community and voluntarily controlled schools, and for the co-ordinated admissions schemes in the City of York area, for the school year starting in September 2018.

The matter had been referred to the Executive by the Executive Member for Education, Children and Young People at his Decision Session on 16 January 2018 (*Minute 26 of that meeting refers*), as some changes had been made to the admission arrangements in recent years and he thought it important for Executive to be aware of current policies and to consider the policies for 2018/19.

The recommendations in the report and annexes had been prepared following consultation with schools and other interested parties. The Executive had the option to approve, reject or modify the proposals relating to community and voluntary controlled schools, and could choose to raise a statutory objection to voluntary aided and academy schools admission arrangements. The changes to the City of York admissions policies agreed last year, set out in paragraph 25, were minor and consisted mainly of clarifying some definitions and guidance.

Members agreed that future reports could be taken to the Executive Member Decision Session for determination, as before.

Resolved: (i) That the proposal to decrease the published admission number (PAN) for Osbaldwick Primary School from 60 to 45, as outlined in paragraphs 47-58 of the report, be approved.

Reason: To assist the school with more appropriate class organisation and use of resources.

(ii) That, subject to the amendment agreed in (i) above, the proposed PANs for all City of York Council schools for the school year beginning in September 2019, as set out in Annex A, be approved.

(iii) That the co-ordinated schemes and admissions policies for all City of York Council schools for the 2019/20 school year, as set out in Annexes B-G and Y-AA to the report, be approved.

Reason: To meet the statutory requirements of the School Admissions Code of Practice.

122. City Transport Access Measures

[See also under Part B Minutes]

The Assistant Director of Transport, Highways and Environment, presented a report which set out an approach to developing proposals to ensure safety in York, through a review of transport access into the city centre and areas adjacent to the Minster and York Racecourse.

Keeping residents and visitors safe was a key role and priority for the council, and crucial to protecting the city's economy. Against the background of the national CONTEST strategy aimed at reducing the risk of terrorism, the police had advised a review of Traffic Regulation Orders, and of physical measures in place, to prevent vehicles from accessing areas of significant footfall. The council would engage with key partners to identify areas requiring more detailed work and to mitigate any adverse effects.

The aim was to develop the proposals in a sensitive way, respecting the historic value of York's built environment, and mitigating the impact of the changes on disabled access and traders in particular. Delegated authority was sought to move the proposals forward, in view of the need for speedy delivery of this work. It was proposed that funding be from the Built Environment Fund, supported by partner and other council funds as required.

Members broadly welcomed the proposals, highlighting the need to keep all affected groups informed as the work moved forward.

Resolved: (i) That Officers be requested to work with representatives from North Yorkshire Police, York BID, Make it York, York Minster and York Racecourse to upgrade existing highway infrastructure, and to identify additional locations where vehicle restrictions will take precedence over access requirements due to the potential conflict between pedestrians and vehicles.

(ii) That these proposals be developed and determined at a future Decision Session of the Executive Member for Transport & Planning.

Reason: To ensure that the risks identified by the police are acted upon as soon as possible in the interests of public safety, but in a managed and qualitative way, in consultation with key partners.

(iii) That authority be delegated to the Director of Economy & Place, in consultation with the Executive Member for Transport & Planning and the Interim Deputy Leader, to make decisions in relation to a one year trial, proposals for which will be developed with York Racecourse to minimise the impact on transport infrastructure at the racecourse, principally taxis and buses, to expedite the delivery of a scheme before the first race of the 2018 season.

Reason: To ensure that there are adequate crowd safety measures and protocols in place before the first race meeting of 2018.

(iv) That Officers be instructed to engage and work with key disabled access stakeholders, e.g. Disabled Parking Association and Shopmobility, to review disabled parking within the city centre at the same time as this overall work programme.

Reason: In order to mitigate the potential loss of disabled parking in the city, ensuring a safe city centre which is as accessible as possible to all.

(v) That Officers be instructed to engage and work with York BID and traders' representatives to minimise the impact on the operation of local businesses within the city centre.

Reason: In order to mitigate the potential issues relating to deliveries and servicing local businesses within the city centre.

(vi) That subject to Council approving the funding recommended in Minute 129, approval be given to start the procurement of external contractor support

to bring in the expertise and resources to deliver this scheme, with detailed proposals to be brought to the Executive Member for Transport & Planning.

Reason: In view of the limited resources, and lack of relevant expertise in this field, within the council.

(vii) That the use of any temporary measures to limit vehicle access be continued where appropriate.

Reason: To continue to provide a flexible and responsive approach to public safety within the city.

123. Proposed Long Term Lease Holgate Bowling Green and Pavilion

The Assistant Director, Regeneration and Asset Management, presented a report which sought approval to let Holgate Bowling Green to the Trustees of York Railway Institute (RI) Bowls Club.

There had been an ongoing project over the past three years to transfer the care, management and development of council owned bowling greens and croquet lawns to their users, by granting long term leases of the land. The RI Bowls Club was seeking parity in this respect with other clubs that had been granted such leases.

Approval of the proposed community asset transfer would result in the loss of £896 rent per annum; this could be accommodated within existing budgets.

Resolved: That approval be given to let Holgate Bowling Green to the Railway Institute Bowls Club for a term of 30 years, at a peppercorn rent, in accordance with the lease terms set out in the Council's Asset Transfer Policy.

Reason: To develop and operate social, sporting and recreational activities for club members and all sections of the local community.

124. Disposal of Willow House, Walmgate, York

The Assistant Director, Regeneration and Asset Management, presented a report which sought approval for the sale of the

former Older Persons' Home at Willow House to the highest bidder.

The proposal followed the withdrawal of a previous bid by Empiric PLC, as reported to the Executive (Calling-In) meeting on 23 November 2017 (Minute 15 of that meeting refers). Bidders had been asked to submit their best and final offers by 19 December. Five bids had been received, as detailed in Annex 2 to the report and listed in exempt Annex 3.

The highest bid, at £2,750k, was from Cavendish and Gloucester Ltd., who proposed to convert the existing 2-storey building to a 3-storey development of 36 residential apartments, retaining the mature Corsican pine tree. The second highest bid involved the felling of the tree. The third highest bid would leave the tree in place and was only £3k lower than the second. It was therefore proposed to retain Bidder 3 as a reserve bidder should the first bid fail.

In response to comments made under Public Participation, Officers confirmed that retaining all the trees on site was a matter to be dealt with under the Planning process rather than by covenant. Members agreed that future decisions on disposal of land should take into account any relevant issues of community use.

Resolved: (i) That the sale of Willow House to Cavendish and Gloucester Properties Ltd., as the highest bidder, be approved.

(ii) That Bidder 3 be retained as a reserve bidder and, should Cavendish and Gloucester Properties Ltd. fail to complete the purchase of Willow House, that Willow House be sold to Bidder 3.

Reason: To achieve the best consideration for the Willow House site, and facilitate investment in the Older Persons Accommodation Programme.

125. 2017/18 Finance and Performance Monitor 3

The Deputy Chief Executive / Director of Customer & Corporate Services presented a report which detailed the council's overall finance and performance position for the period 1 October 2017 to 31 December 2017.

The latest forecast indicated that the council was facing financial pressures of £272k, an improvement on the projected overspend of £446k reported at Monitor 2. Variations within each directorate were detailed in paragraphs 6 to 39 of the report and summarised in Table 1 at paragraph 5. It was noted that allocations from contingency, currently standing at £761.6k, might be needed to deal with some of these pressures. However, it was expected that by the end of the year an underspend would again be achieved.

Performance against the priorities in the 2015-19 Council Plan was set out in paragraphs 42 to 122 of the report. Details of performance relating to major projects, employees and customers were provided in paragraphs 123 to 149. All performance data was available to view on the council's open data platform at www.yorkopendata.org. Key statutory services, in particular, continued to perform well. Overall, the current financial and performance position provided a sound platform from which to deal with continuing future challenges.

Resolved: That the finance and performance information provided in the report be noted.

Reason: To ensure that expenditure is kept within the approved budget.

126. Capital Programme - Monitor 3 2017/18

[See also under Part B Minutes]

The Deputy Chief Executive / Director of Customer & Corporate Services presented a report which set out the projected out-turn of the council's 2017/18 capital programme, including any under / overspends and adjustments, and asked Executive to recommend the adjustments to Full Council.

A decrease of £19.324m was reported on the approved capital budget of £111.638m, resulting in a revised programme of £88.586m. Variances in each portfolio area were summarised in Table 1 at paragraph 6 of the report, and detailed in paragraphs 8 to 53. The effect of the revisions was shown in Table 2, paragraph 54.

The changes included the re-profiling of £1.337m from the Built Environment Fund into 2018/19 to fund the review of city centre access points, as detailed in Agenda Item 6 (Minutes 122 and 128 refer).

Resolved: (i) That the 2017/18 revised budget of £88.586m, as set out in Table 1 at paragraph 6 of the report, be noted.

(ii) That the re-stated capital programme for 2017/18 to 2021/22, as set out in Table 2 at paragraph 54, be noted.

Reason: To enable the effective management and monitoring of the council's capital programme.

127. Financial Strategy 2018/19 to 2022/23

[See also under Part B Minutes]

The Deputy Chief Executive / Director of Customer & Corporate Services presented a report which set out the council's financial strategy for 2018/19 to 2022/23, including detailed revenue budget proposals for 2018/19. It was noted that the income and expenditure proposals, if approved, would result in a 3.49% increase in the City of York element of the council tax, of which 1.5% would relate to the social care precept.

Officers reported at the meeting that details of the final settlement from government for 2018/19 had been received on 6 February and included additional social care funding of £457k.

Members welcomed the additional funding, thanked Officers for producing a balanced budget in difficult circumstances, and noted that the proposed council tax increase was one of the lowest in the region. The Interim Deputy Leader / Executive Member for Environment outlined some additional proposals aimed at addressing pressures on the CCG budget and residents' concerns about waste management services; these were supported, and it was

Resolved: (i) That the average rent decrease of 1%, described in paragraph 158 of the report and shown in Table 14 at paragraph 159, be applied to all 'social housing rents' for 2018/19.

Reason: As required by legislation.

(ii) That the average rent increase of 4%, described in paragraph 60, be applied to all rents which fall outside the definition of 'social housing rents' for 2018/19.

Reason: To ensure the ongoing financial stability of the HRA and allow work on improving the quality of the council's affordable housing to continue.

(iii) That the receipt of an additional £457k adult social care grant announced in the final settlement on 6 February be noted.

Reason: So that this can be taken into account in the recommendations to Council.

- (iv) That Officers be requested to:
- a) Provide more management data on council owned garages (*there is income being lost from poor promotion of vacant garages in areas where there is demand*);
 - b) Develop schemes to promote a system for nearby residents to combine bulk waste requests, as trialled with the Community Recycling Scheme (*subject to results of the trials*);
 - c) Work with Yorwaste to reduce charges at the Household Waste Recycling Centre for inert domestic waste.

(v) That the Chief Executive and Director for Adult Social Care be requested to set up a meeting of organisations including the Clinical Commissioning Group (CCG), NHS Trust and other partners, to examine plans for the resolution of funding pressures on health services for residents, covering the 'winter pressures' and delayed transfer of care.

Reason: To ensure that these areas of particular concern for residents are properly addressed.

PART B - MATTERS REFERRED TO COUNCIL

128. City Transport Access Measures

[See also under Part A Minutes]

The Assistant Director of Transport, Highways and Environment, presented a report which set out an approach to developing proposals to ensure safety in York, through a review of transport access into the city centre and areas adjacent to the Minster and York Racecourse.

Keeping residents and visitors safe was a key role and priority for the council, and crucial to protecting the city's economy. Against the background of the national CONTEST strategy aimed at reducing the risk of terrorism, the police had advised a review of Traffic Regulation Orders, and of physical measures in place, to prevent vehicles from accessing areas of significant footfall. The council would engage with key partners to identify areas requiring more detailed work and to mitigate any adverse effects.

The aim was to develop the proposals in a sensitive way, respecting the historic value of York's built environment, and mitigating the impact of the changes on disabled access and traders in particular. Delegated authority was sought to move the proposals forward, in view of the need for speedy delivery of this work. It was proposed that funding be from the Built Environment Fund, supported by partner and other council funds as required.

Members broadly welcomed the proposals, highlighting the need to keep all affected groups informed as the work moved forward.

Recommended: That the Built Environment Fund allocation (£1.187m) set aside in the Capital Programme to develop a business case for Public Realm improvements be used to fund the delivery of initial proposed access restrictions.

Reason: To provide the necessary financial resource to enable the scheme to be progressed.

129. Capital Programme - Monitor 3 2017/18

[See also under Part A Minutes]

The Deputy Chief Executive / Director of Customer & Corporate Services presented a report which set out the projected out-turn of the council's 2017/18 capital programme, including any under / overspends and adjustments, and asked Executive to recommend the adjustments to Full Council.

A decrease of £19.324m was reported on the approved capital budget of £111.638m, resulting in a revised programme of £88.586m. Variances in each portfolio area were summarised in Table 1 at paragraph 6 of the report, and detailed in paragraphs 8 to 53. The effect of the revisions was shown in Table 2, paragraph 54.

The changes included the re-profiling of £1.337m from the Built Environment Fund into 2018/19 to fund the review of city centre access points, as detailed in Agenda Item 6 (Minutes 122 and 128 refer).

Recommended: That Council approve the adjustments to the programme detailed in the report and contained in Annex A, resulting in a decrease of £19.324m in the 2017/18 budget.

Reason: To enable the effective management and monitoring of the council's capital programme.

130. Financial Strategy 2018/19 to 2022/23

[See also under Part A Minutes]

The Deputy Chief Executive / Director of Customer & Corporate Services presented a report which set out the council's financial strategy for 2018/19 to 2022/23, including detailed revenue budget proposals for 2018/19. It was noted that the income and expenditure proposals, if approved, would result in a 3.49% increase in the City of York element of the council tax, of which 1.5% would relate to the social care precept.

Officers reported at the meeting that details of the final settlement from government for 2018/19 had been received on 6 February and included additional social care funding of £457k.

Members welcomed the additional funding, thanked Officers for producing a balanced budget in difficult circumstances, and noted that the proposed council tax increase was one of the lowest in the region. The Interim Deputy Leader / Executive Member for Environment outlined some additional proposals aimed at addressing pressures on the CCG budget and residents' concerns about waste management services; these were supported, and it was

Recommended: (i) That the £46k cut to the OAP Garden Scheme (HRA4) in the Housing Revenue Account (HRA) savings proposals at Annex 6 to the report be deleted, to be replaced by a balancing increase to the Housing Repairs savings (HRA1) through improved IT systems to avoid wasted appointments.

(ii) That, subject to that amendment, Council approve the budget proposals as outlined in the report; in particular:

- a) The net revenue expenditure requirement of £121.877m;
- b) A council tax requirement of £85.898m;
- c) The revenue growth proposals outlined in the body of the report;
- d) The 2018/19 revenue proposals outlined in Annex 2;
- e) The fees and charges proposals outlined in Annex 4;
- f) The Housing Revenue Account (HRA) budget set out in Annex 5 and the HRA savings proposals set out in Annex 6;
- g) The dedicated schools grant proposals outlined from paragraph 162;
- h) The use of £373k New Homes Bonus funding to fund one-off investment, as outlined in paragraph 54;
- i) An £800k increase in the contingency budget to fund adult social care, in particular winter pressures and delayed transfers of care, subject to a further report to Executive;

- j) The receipt of an additional £457k adult social care grant announced in the final settlement on 6 February, to be considered alongside i) above and subject to a further report to Executive;
- k) The release of one-off funding of £450k from the transport reserve to fund ongoing expenditure;
- l) The use of £38k of the £156k funding from the Leeds City Region Business Rates Pool (*as per the budget report to Executive on 9 February 2017; Minute 121 of that meeting refers*) to support the city's cultural centre by progressing the development and promotion of a clearly defined Cultural Strategy with the Cultural Leaders Group, as set out in a recent Scrutiny report to Executive.

Reason: To ensure that a legally balanced budget is set.

131. Capital Strategy 2018/19 to 2022/23

The Deputy Chief Executive / Director of Customer & Corporate Services presented a report which set out the council's capital strategy for 2018/19 to 2022/23, and in particular new capital schemes, and asked Executive to recommend the revised programme to Full Council.

The report set out details of £54.767m new investment over the five year period, of which £11.530m was externally funded, £32.611 to be met from the Housing Revenue Account (HRA) and £10.626m to be funded by the council. Key priority areas for new or increased investment included transport schemes, highways, housing, information technology and disabled facilities grants.

During their discussion, Members commented on aspects of the programme within their individual portfolio areas, including the importance of ongoing investment in flood defences, sustainable transport and public realm footpaths. In relation to CCTV, efforts to secure a contribution from the police would continue.

Recommended: That Council:

- (i) Approve the revised capital programme of **£314.611m**, reflecting a net overall increase of **£54.767m** (as set out in Table 10 at paragraph 81 of the report and in Annex B), key elements of which include:
- Extension of prudential borrowing funded Rolling Programme schemes totalling £8.270m, as set out in Table 3 and summarised in Table 10;
 - New schemes totalling £8.506m, including an increase in prudential borrowing of £2.356m, as set out in Table 4 and summarised in Table 10;
 - Extension of externally funded Rolling Programme schemes totalling £5.380m, as set out in Table 5 and summarised in Table 10;
 - An increase in HRA funded schemes totalling £32.611m, funded from a combination of HRA balances and Right to Buy receipts, as set out in Table 6 and summarised in Table 10.
- (ii) Approve the full re-stated programme totalling **£314.611m**, as set out in Table 11 and Annex A.

Reason: In accordance with the statutory requirement to set a capital budget for the forthcoming 2018/19 financial year.

132. Treasury Management Strategy Statement and Prudential Indicators

The Deputy Chief Executive / Director of Customer & Corporate Services presented a report which asked Executive to recommend to Full Council the Treasury Management Statement and Prudential Indicators for the 2018/19 financial year.

This regular annual report covered the council's capital plans (including prudential indicators), minimum revenue provision policy, treasury management strategy and annual investment strategy.

It was reported that CIPFA (Chartered Institute of Public Finance & Accountancy) had issued revised Prudential and Treasury Management Codes requiring all local authorities, as from 2019/20, to prepare an additional Capital Strategy report including an overview of how activity contributed to service provision, the management of associated risk and implications for future financial sustainability. Most of this was already covered by the existing Capital Strategy report (item 12 on the agenda), but Officers would continue to review the information provided to ensure it complied with statutory guidance.

Recommended: That Council approve:

- a) The proposed Treasury Management Strategy for 2018/19, including the annual investment strategy and the minimum revenue provision policy statement;
- b) The Prudential Indicators for 2018/19 to 2022/23 detailed in the body of the report;
- c) The specified and non-specified investments schedule at Annex B;
- d) The scheme of delegation and the role of the Section 151 Officer in Annex D.

Reason: To enable the continued effective operation of the treasury management function and ensure that all council borrowing is prudent, affordable and sustainable.

CHAIR'S COMMENTS

Cllr Carr announced that this was the last Executive meeting he would attend as Chair. He expressed his thanks to Members and Officers for their support during his tenure, which had been both a privilege and a pleasure.

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 6.52 pm].