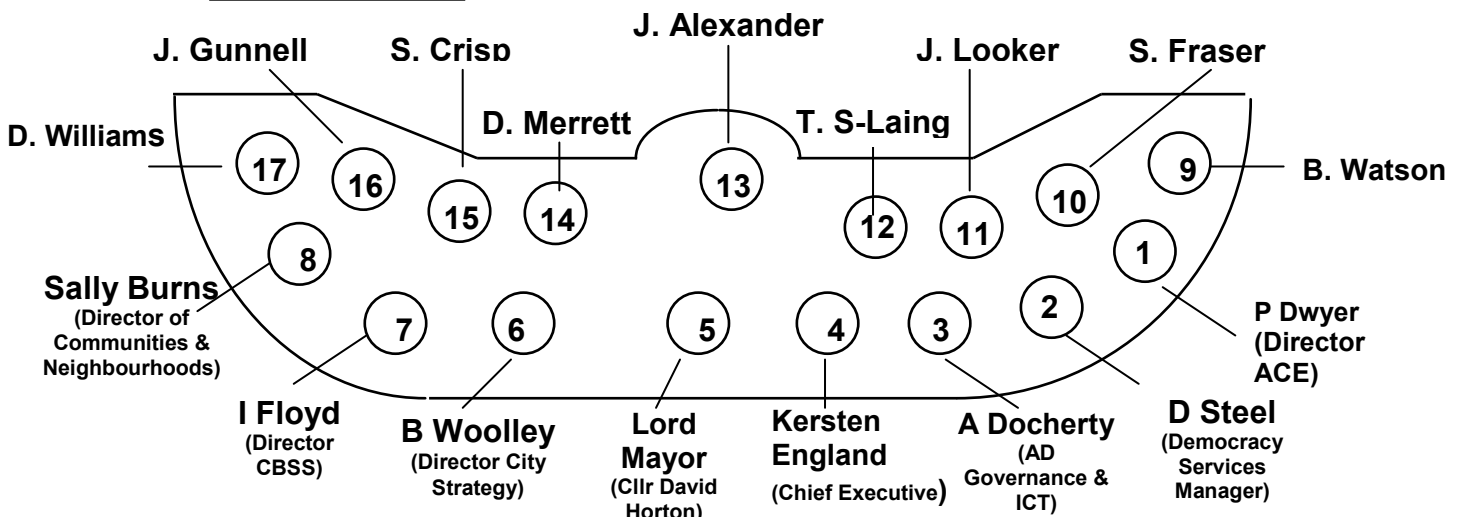
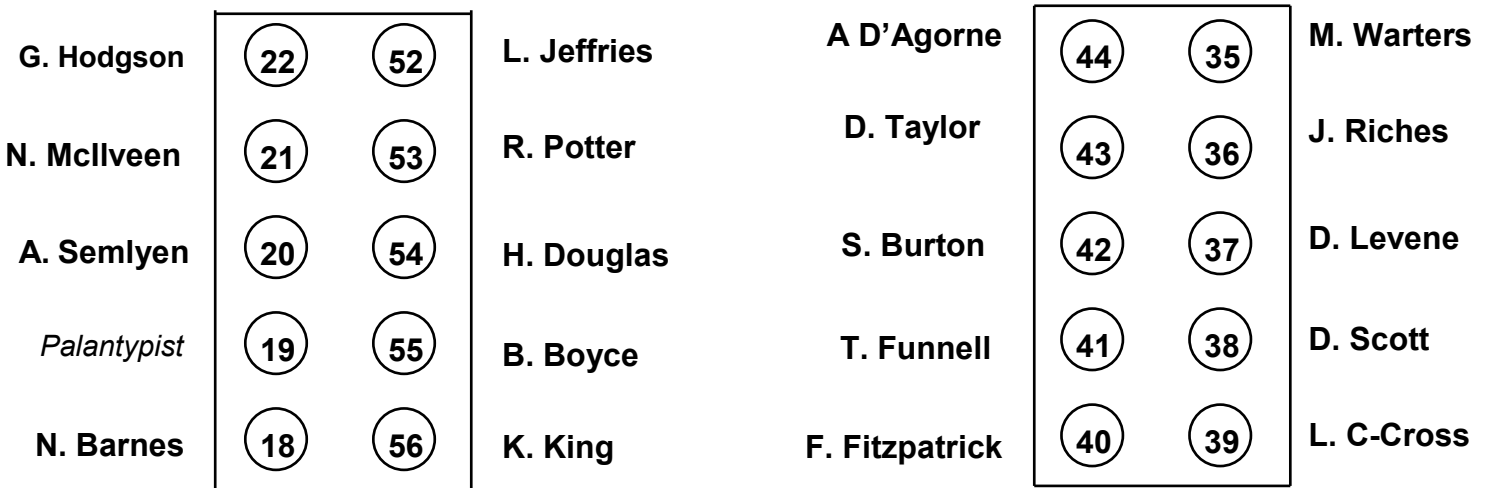
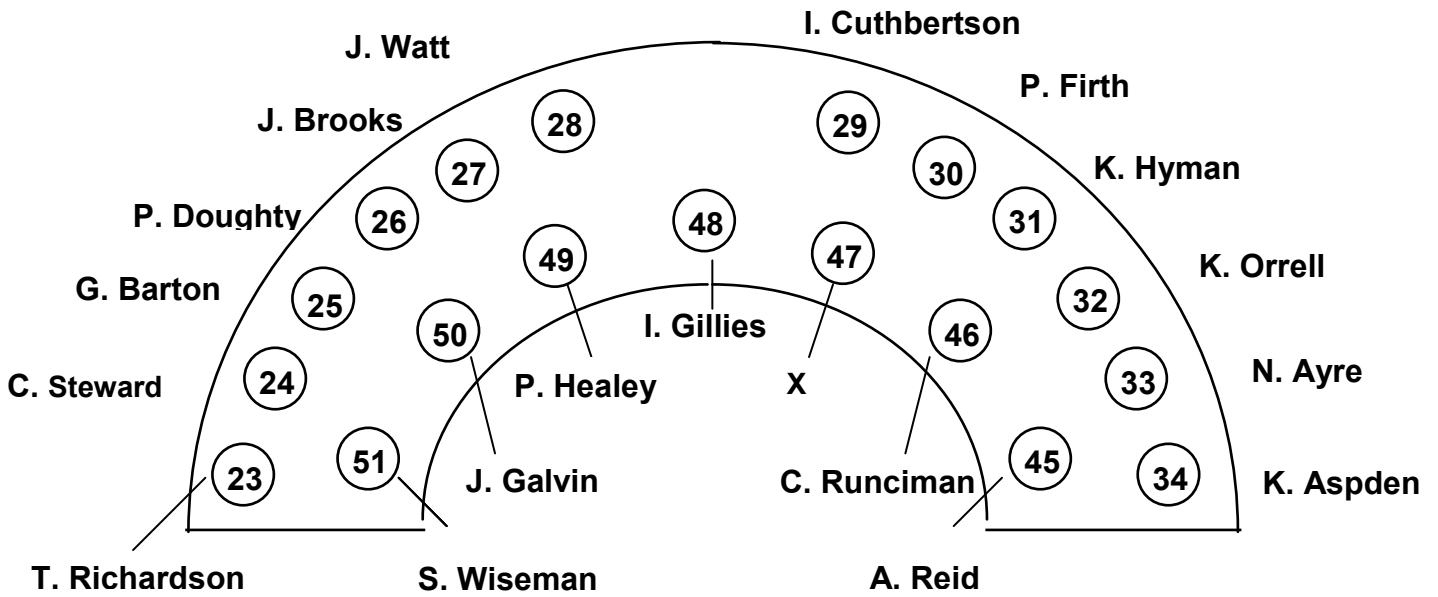


CITY OF YORK COUNCIL SUMMONS

All Councillors, relevant Council Officers and other interested parties and residents are formally invited to attend a meeting of the **City of York Council** at the **Guildhall, York**, to consider the business contained in this agenda on the following date and time

Thursday, 29 March 2012 at 6.30 pm

COUNCIL CHAMBER



A G E N D A

1. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Exclusion of Press and Public

To consider the exclusion of the press and public from the meeting during consideration of Annexes A and B (including Annexes 1-12) relating to Cabinet Minute 119 (The Community Stadium: Business Case) on the grounds that they contain information relating to the financial or business affairs of particular persons. 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).

3. Minutes (Pages 1 - 54)

To approve and sign the minutes of Council meetings held on 8 December 2011 (attached) and 23 February 2012 (to follow).

4. Civic Announcements

To consider any announcements made by the Lord Mayor in respect of Civic business.

5. Public Participation

At this point in the meeting, any member of the public who has registered to address the Council, or to ask a Member of the Council a question, on a matter directly relevant to the business of the Council or the City, may do so. The deadline for registering is **5:00pm on Wednesday 28 March 2012.**

6. Petitions

To consider any petitions received from Members in accordance with Standing Order No.7. To date, notice has been received of five such petitions as follows:

- A petition to be presented by Cllr Fraser on behalf of residents of Nunmill Street and part of Bishopthorpe Rd calling for the gating of the alley between the two streets.

- A petition to be presented by Cllr Levene on behalf of Heslington residents regarding the proposed Field Lane-University Road changes.
- A petition to be presented by Cllr Barnes on behalf of Badger Hill residents group.
- A petition to be presented by Cllr Boyce on behalf of Heworth ward residents for the replacement of a seat on Hempland Lane.
- A petition to be presented by Cllr Reid on behalf of residents objection to the closure of the Beckfield Lane Household Waste Recycling Centre.

7. Report of Cabinet Leader and Cabinet Recommendations
(Pages 55 - 282)

To receive and consider a written report from the Leader on the work of the Cabinet, and the Cabinet recommendations for approval, as set out below:

Meeting	Date	Recommendations
Cabinet	6 March 2012	Minute 118: <i>Neighbourhood Working – A New Approach</i> Minute 119: <i>The Community Stadium: Business Case</i> http://democracy.york.gov.uk/ielistDocuments.aspx?CId=733&MId=6681&Ver=4

8. Pay Policy 2012/13 (Pages 283 - 306)

To consider a report and motion from the Cabinet Member for Corporate Services to approve the Pay Policy Statement for 2012/13 relating to the pay of the Council's senior staff, to fulfil the requirements of Sections 38 – 43 of the Localism Act 2011.

9. Recommendations of the Audit and Governance Committee
(Pages 307 - 314)

To consider the following recommendations for approval from the Audit and Governance Committee:

Meeting	Date	Recommendations
Audit & Governance Committee	13 February 2012	Minute 54: <i>Changes to the Constitution</i> http://democracy.york.gov.uk/ListDocuments.aspx?CId=4&MId=6352&Ver=4
	19 March 2012	Minute 58: <i>Constitutional Changes</i> http://democracy.york.gov.uk/ListDocuments.aspx?CId=4&MId=7223&Ver=4

10. Recommendations of the Standards Committee (Pages 315 - 318)

To consider the following recommendations for approval from the Standards Committee:

Meeting	Date	Recommendations
Standards Committee	16 March 2012	Minute 18 : <i>New Standards Arrangements</i> http://democracy.york.gov.uk/ListDocuments.aspx?CId=1&MId=7226&Ver=4

11. Report of the Chair of the Scrutiny Management Committee and Recommendations of the Scrutiny Management Committee (Pages 319 - 328)

(i) To receive a report from Councillor Galvin, the Chair of the Scrutiny Management Committee (SMC) on the work of the SMC.

(ii) To consider the following recommendations for approval from the Scrutiny Management Committee:

Meeting	Date	Recommendations
Scrutiny Management Committee	27 February 2012	Minute 17: <i>Proposed Amalgamation of Effective Organisation and Scrutiny Management Committee</i> http://democracy.york.gov.uk/DocumentListDocuments.aspx?ClickId=6116&Ver=4

12. Report of Cabinet Member (Pages 329 - 336)

To receive a written report from the Cabinet Member for Leisure, Culture and Social Inclusion and to question the Cabinet Member thereon, provided any such questions are registered in accordance with the timescales and procedures set out in Standing Order 8.2.1.

13. Activities of Outside Bodies

Minutes of the following meetings of outside bodies, received since the last meeting of Council, have been made available for Members to view via the Council's website at

<http://democracy.york.gov.uk/ecCatDisplay.aspx?sched=doc&cat=489&path=0>

Copies may also be obtained by contacting Democracy Support Group at the Guildhall, York (tel. 01904 551088)

- Without Walls – Minutes – 8 February 2012

- York NHS Trust – Minutes – 21 December 2011
- Fire Authority – Minutes – 7 December 2011
- Safer York Partnerships – Minutes – 30 January 2012
- York & North Yorkshire Waste Management – Minutes – 30 January 2012

Members are invited to put any questions to the Council's representatives on the above bodies, in accordance with Standing Order 10(b).

14. Notices of Motion

To consider the following Notices of Motion under Standing Order 12:

A – Motions referred from the Cabinet in accordance with Standing Order 12.1(a) *(copies of the relevant report to the Cabinet and an extract from the Cabinet minutes are attached)*

None

B – Motions submitted for consideration directly by Council, in accordance with Standing Order 12.1(b)

(i) From Cllr Simpson-Laing

“Council expresses concern over the introduction of the Local Housing Allowance which will financially impact York residents on low incomes.

Council notes that the allowance is sub-regionally calculated which results in an average allowance that falls short of even the lowest 30% priced private sector housing costs in the City.

Council is concerned that:

- many residents will be faced with possible homelessness, with the cost falling on the Council.
- there will be no housing for low paid workers who will be forced out of the City.

- c. the Housing Benefit cut will result in poor social cohesion and a lack of mixed communities.

Council requests the Chief Executive to write to Grant Shapps requesting that areas of high rent, such as the City of York Council, are given special consideration so that the Local Housing Allowance is not affected by lower rent in the sub - regional area.”

(ii) From Cllr Richardson

“Council acknowledges that the changes to ward funding provisions incorporated as part of CYC’s new “Neighbourhood Working” model will have the effect of reducing ward funding to York’s outer villages and will therefore significantly impact those activities this funding has previously supported, in particular local youth provisions in rural and suburban areas which rely on ward budget grants for most of their operating expenses.

Council therefore asks officers to prepare two reports for Cabinet:

Firstly, to examine how and where replacement money can be found to continue to fund youth provisions in York’s outer wards, given that these wards will no longer be able to rely upon ward-specific grants to fund their activities; and

Secondly, to review the issue of the funding of youth provisions on a council-wide basis to correct any anomalies which have developed over time between the funding of youth organisations within the city centre wards and those in the council’s outer wards in order to insure parity of funding for youth provisions throughout the city.”

(iii) From Cllr Reid

“Council notes the significant improvement in the proportion of waste that has been recycled under the previous Liberal Democrat administration, from 12% in 2003 to 45% in 2011.

Council supports the principle that waste collection and recycling should be convenient and fair to residents across the city.

In light of the fact that the Budget 2012/13 has deleted the provision of a Recycling and Reuse Centre in the west of the city,

Council requests that the Cabinet halts the closure plan for Beckfield Lane Household Waste Recycling Centre.

Council also supports the principle of the provision of a free receptacle for the collection of waste to all residents across the city requests that the provision of free black bin bags should continue to all areas of the city where wheeled bins are not in use.”

(iv) From Cllr Alexander

“Council believes that people and the economy do not recognise authority boundaries.

The Government’s enforced demise of the Regional Development Agencies and the drive towards Local Enterprise Partnerships have undermined the cohesion of the recognised regions and the counties.

Council resolves to lead a campaign for regional government for Yorkshire and the Humber.”

15. Questions to the Cabinet Leader and Cabinet Members received under Standing Order 10(c)

To deal with the following questions to the Cabinet Leader and / or other Cabinet Members, in accordance with Standing Order 11.3(a):

(i) To the Cabinet Member for Leisure, Culture and Social Inclusion, from Cllr Doughty:

“With reference to the Cabinet meeting of 6 March, Agenda item 7 (Neighbourhood Working – A New Approach), Part 7(d), Page 46 refers to 'Locating staff within wards, making them a 'hub' for local information so they can work more effectively with communities.' How will this work in reality when staffing numbers in the Neighbourhood Management

Unit have been significantly reduced?”

- (ii) To the Cabinet Member for Leisure, Culture and Social Inclusion, from Cllr Doughty:

“Part 7(e) of the report at Agenda item 7 of the Cabinet meeting of 6 March, (Neighbourhood Working – A New Approach), refers to 'introducing Facebook and Twitter and regularly getting messages out into the community.' I acknowledge social media might be a useful tool to assist in engaging with what will probably be a small number of younger people in the City but how does the Cabinet Member envisage the majority of the City's residents will be kept informed, particularly as the number of assisted Ward meetings and publications are being cut?”

- (iii) To the Cabinet Member for Leisure, Culture and Social Inclusion, from Cllr Doughty:

“With reference to the £130K portion of the Neighbourhoods budget, can the Cabinet please explain if a fee or percentage will be payable to the 'standalone third sector management organisation' who will be administering the bids and funding? How much will this be and will it be funded from the £130K portion?”

- (iv) To the Cabinet Member for Communities and Neighbourhoods, from Cllr D'Agorne:

“Which gritting routes and locations are to be removed from the network to achieve the budget savings and what criteria will be applied to determine which ward funded grit bins should be retained or removed?”

- (v) To the Cabinet Member for City Strategy, from Cllr D'Agorne:

“What further delays are anticipated in implementing Labour's manifesto commitment to introduce a 20mph limit in all residential areas in the city?”

- (vi) To the Cabinet Member for Communities and Neighbourhoods, from Cllr Galvin:

“Regarding the Beckfield Lane Waste Disposal Site, how many accidents to members of the public have there been in the past ten years and what were the circumstances of said

accidents (if any)?”

- (vii) To the Cabinet Member for Communities and Neighbourhoods, from Cllr Galvin:
“Has the likely increase in fly tipping near the Beckfield Lane Waste Disposal Site been considered as a result of its closure and if so what measures will be taken to deal with this eventuality?”
- (viii) To the Cabinet Member for Communities and Neighbourhoods, from Cllr Galvin:
“Have there been any consultations or surveys of users of the Beckfield Lane Waste Disposal facility prior to the decision to close this site?”
- (ix) To the Cabinet Member for Leisure, Culture and Social Inclusion, from Cllr Barton:
“Could the cabinet member tell us if she would agree that development of an attractive archive tourist/research centre in the centre of York incorporating the City Archives and elements of the Borthwick Institute and the Minster Archive collection would create an asset for both residents and visitors to the city?”
- (x) To the Cabinet Member for Leisure, Culture and Social Inclusion, from Cllr Barton:
“In preparing the cost estimates for the Community Stadium, have the pre- during- and post build salaries/expenses of the senior CYC officer responsible for delivery of the stadium and the cost of other officers working on the stadium project (as all or part of their responsibilities) been calculated and if so what is the total sum and over what period of time has this figure been calculated?”
- (xi) To the Cabinet Member for Leisure, Culture and Social Inclusion, from Cllr Barton:
“Assuming the Community Stadium project goes ahead, who will finance the additional training pitch which will be required and where will it be located?”
- (xii) To the Cabinet Member for Leisure, Culture and Social Inclusion, from Cllr Barton:
“What is the estimated working-life expectancy of the Waterworld complex and what plans have been made to

update its outdated technical requirements in the short term prior to replacement of the current facility?”

(xiii) To the Cabinet Member for Leisure, Culture and Social Inclusion, from Cllr Healey:

“Regarding the proposed Community Stadium, what financial incentives and/or subsidies if any will be made available by CYC to the successful bidder for the Operations Management contract for the stadium?”

(xiv) To the Cabinet Member for Leisure, Culture and Social Inclusion, from Cllr Healey:

“Regarding the Community Stadium, what financial liabilities will rest with CYC should either or both the football or rugby clubs become unable to meet their contractual obligations regarding the stadium and what steps will be put in place to limit the liability of CYC in this regard?”

(xv) To the Cabinet Member for Leisure, Culture and Social Inclusion, from Cllr Healey:

“Regarding the Community Stadium, should the NHS or the University of York St John fail to take part as tenants of the stadium, have potential alternative tenants been identified and have preliminary discussions been held?”

(xvi) To the Cabinet Leader, from Cllr Runciman:

“Will the leader please confirm the total reduction in the core government grant anticipated for the financial year 2012/13? And the subsequent reduction anticipated for the year 2013/14?”

(xvii) To the Cabinet Leader, from Cllr Runciman:

“Will the leader confirm that all officer and other supporting reports to be considered by Cabinet members will continue to be made available for public scrutiny on the Councils web site at least 1 week before the decision is scheduled to be taken?”

(xviii) To the Cabinet Member for City Strategy, from Cllr Hyman:

“Given that the planning inspector has confirmed that it is not the case that areas of search will not be touched “for at least 25 years”, will the Cabinet member now undertake a full public consultation on the use of Green Belt land?”

- (xix) To the Cabinet Member for City Strategy, from Cllr Hyman:
“Would the Cabinet member for City Strategy state when he now expects that new low emission buses will be introduced onto stage carriage services in the City?”
- (xx) To the Cabinet Member for Corporate Services, from Cllr Firth:
“Would the Cabinet member state how much the City of York Council has contributed towards the costs of providing present "free" WiFi access in the City Centre?”
- (xxi) To the Cabinet Member for Neighbourhoods and Communities, from Cllr Reid:
“Would the Cabinet member list for each Ward Committee in the City the votes cast for, and estimated costs of, each of the 10 most popular schemes balloted on in the autumn by residents and which of these schemes is likely to get the go ahead given the reduced level of funding now being made available?”
- (xxii) To the Cabinet Member for Neighbourhoods and Communities, from Cllr Orrell:
“What budgetary assumptions has the Cabinet member made on a likely increase in accident claims arising from the reduction in highways maintenance expenditure agreed by the Council at its last meeting?”
- (xxiii) To the Cabinet Member for Neighbourhoods and Communities, from Cllr Reid:
“Would the cabinet member state the number and type of lampposts that will remain to be tested and replaced at the end of the 12/13 financial year?”
- (xxiv) To the Cabinet Member for Neighbourhoods and Communities, from Cllr Firth:
“What assumptions did the Cabinet member make on the additional costs which would arise at the other two recycling centres in the City to reflect the transfer of activity from Beckfield Lane?”
- (xxv) To the Cabinet Member for Neighbourhoods and Communities, from Cllr Reid:
“Could the cabinet member outline the budget implications of

the additional cleansing costs to address the increase in fly tipping that has been forecast by one of his colleagues?”

(xxvi) To the Cabinet Member for Neighbourhoods and Communities, from Cllr Cuthbertson:

“Given the obvious effect on residents in the surrounding areas, why has there been no public consultation on the implications of the decision to close Beckfield Lane?”

(xxvii) To the Cabinet Member for Neighbourhoods and Communities, from Cllr Reid:

“Can the cabinet member confirm the total amount spent on road repairs in 2010/11, 2011/12 and the budget for 2012/13”

(xxviii) To the Cabinet Member Leisure, Culture and Social Inclusion, from Cllr Ayre:

“Could the Cabinet member state how much rental has now been received from the organisers of last year's Christmas Grotto in Exhibition Square and say whether she plans to repeat this, or a similar event, in 2012?”

(xxix) To the Cabinet Member Leisure, Culture and Social Inclusion, from Cllr Ayre:

“Can the Cabinet member please outline the total ward committee budget for each of the last four years and for this year?”

(xxx) To the Cabinet Member Leisure, Culture and Social Inclusion, from Cllr Ayre:

“Will the Cabinet Member confirm that all salt bins currently funded by Ward Committees will now be filled and refilled from the core budget?”

(xxxii) To the Cabinet Member for Education, Children and Young People's Services, from Cllr Ayre:

“Will the Cabinet member please provide assurances that Hempland Kids Club will not be evicted following the public consultation on Burnholme School?”

(xxxii) To the Cabinet Member for Education, Children and Young People's Services, from Cllr Aspden:

“Can the cabinet member commit to a successful future for

Street Sport following the ward committee cuts?”

(xxxiii) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Cuthbertson:

“Can the cabinet member outline plans to cater for the needs of those people affected by the change in eligibility criteria from moderate to severe during the transitional period?”

(xxxiv) To the Cabinet Member for Crime and Community Safety from Cllr Orrell:

“Can the cabinet member outline what he considers his main achievement in the past year?”

(xxxv) To the Cabinet Member for Crime and Community Safety from Cllr Orrell:

“Does the cabinet member agree that his £14,700 Special Responsibility Allowance would have more direct effect on reducing low level crime and Anti-Social Behaviour if it was used to fund Community Ranger patrols in 3 Ward Committee areas?”

16. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer for this meeting:

Name: Jill Pickering

Contact details:

- Telephone – (01904) 552061
- E-mail – jill.pickering@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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CITY OF YORK COUNCIL

Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Thursday, 8th December, 2011, starting at 6.30 pm

Present: The Lord Mayor (Cllr David Horton) in the Chair, and the following Councillors:

ACOMB WARD

Simpson-Laing

BISHOPTHORPE WARD

Galvin

CLIFTON WARDDouglas
King
Scott**DERWENT WARD**

Brooks

**DRINGHOUSES &
WOODTHORPE WARD**Hodgson
Reid
Semlyen**FISHERGATE WARD**D'Agorne
Taylor**FULFORD WARD**

Aspden

GUILDHALL WARDLooker
Watson**HAXBY & WIGGINTON WARD**Cuthbertson
Firth
Richardson**HESLINGTON WARD**

Levene

HEWORTH WARDBoyce
Funnell
Potter**HEWORTH WITHOUT WARD**

Ayre

HOLGATE WARD

Alexander
Crisp
Riches

HULL ROAD WARD

Barnes

HUNTINGTON & NEW
EARSWICK WARD

Hyman
Orrell
Runciman

MICKLEGATE WARD

Fraser
Gunnell
Merrett

OSBALDWICK WARD

Warters

RURAL WEST YORK WARD

Gillies
Healey
Steward

SKELTON, RAWCLIFFE &
CLIFTON WITHOUT WARD

Cunningham-Cross
McIlveen

STRENSALL WARD

Doughty
Wiseman

WESTFIELD WARD

Jeffries
Burton
Williams

WHELDRAKE WARD

Barton

Apologies for absence were received from Councillors Fitzpatrick and Watt.

43. 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.

The following **prejudicial** interests were declared:

<u>Councillor</u>	<u>Agenda Item</u>	<u>Description of Interest</u>
Burton	7. Recommendations of the Staffing Matters & Urgency Committee, in respect of the Community Covenant	Employed by the Ministry of Defence.
Cuthbertson	7. Recommendations of the Staffing Matters & Urgency Committee, in respect of the Community Covenant	Member of Board of Directors of North Yorkshire Credit Union, a possible beneficiary.
Healey	12(i) – Notice of Motion re Feed in Tariff for solar panel electricity generation.	Business interest.
Hodgson	7. Recommendations of the Staffing Matters & Urgency Committee (Community Covenant)	Employed by the Ministry of Defence
Looker	7. Recommendations of the Staffing Matters & Urgency Committee (Community Covenant)	Chair of Board of Directors of North Yorkshire Credit Union
Merrett	6. Cabinet Recommendations, relating Cabinet, 6 December 2011 (Community Stadium Project)	As his daughter was a member of the junior gym.
Semlyen	12(i) – Notice of Motion re Feed in Tariff for solar panel electricity generation.	In receipt of feed-in tariff payments from solar panels and occasional income from recommending

		solar panels
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Note: The above members left the room during the debate / vote on the relevant items and took no part in the decisions thereon.

The following **personal** interests were declared:

<u>Councillor</u>	<u>Agenda Item</u>	<u>Description of Interest</u>
Alexander	9. Report of Cabinet Member and 13 – Questions to the Cabinet Leader and Cabinet Members relating to terms and conditions and Union members	Member of GMB Union
Boyce	12B (i) – Notices of Motion	As trustee of a charity hoping to benefit from the Feed in Tariff
Crisp	9. Report of Cabinet Member and 13 – Questions to the Cabinet Leader and Cabinet Members relating to terms and conditions and Union members	Retired Member of Union
D'Agorne	12B (i) – Notices of Motion 6. Cabinet Recommendations of 6 December 2011, relating to the Community Stadium Project	As he was in receipt of the solar panel tariff. Taken an interest in proposals and attended the public exhibition and campaign.
Doughty	6. Cabinet Recommendations, relating Cabinet, 6 December 2011 (Community Stadium Project)	Season ticket holder York City Football Club

Fraser	9. Report of Cabinet Member and 13. Questions to the Cabinet Leader and Cabinet Members relating to terms and conditions and Union members	Member of retired section of Unison and Unite (ACTS/TGWU Sections)
Funnell	7. Recommendations of the Staffing Matters & Urgency Committee, in respect of the Community Covenant	Member of York Credit Union
Hodgson	6. Report of Cabinet Leader and Cabinet Recommendations	Member of Unison.
Merrett	12B (i) – Notices of Motion	As he was investigating the installation of solar panels in his own property.
Potter	9. Report of Cabinet Member and 13 – Questions to the Cabinet Leader and Cabinet Members relating to terms and conditions and Union members	Member of Unison
Reid	12B (i) – Notices of Motion	In receipt of Feed in Tariff.
Simpson-Laing	6. Cabinet Recommendations, relating Cabinet, 6 December 2011 (Community Stadium Project) 7. Recommendations of the Staffing Matters & Urgency Committee 12. Notices of Motion (iv)	Daughter a member of York Athletics Club. Member of Planning Committee Member of Unison In receipt of Child Tax Credit

Taylor	6. Report of Cabinet Leader, relating to free city centre wi-fi	As his employee City Screen provided free wi-fi
Warters	6. Cabinet Recommendations, relating Cabinet, 6 December 2011 (Community Stadium Project)	As he undertook work for Mr J Guildford but had no other connection with York City Knights or the stadium.
Watson	6. Cabinet Recommendations, relating Cabinet, 6 December 2011 (Community Stadium Project)	As a sponsor of players York City Knights
Williams	9. Report of Cabinet Member and 13 – Questions to the Cabinet Leader and Cabinet Members relating to terms and conditions and Union members	Member of Unison and Unite

44. MINUTES

- RESOLVED:
- i) That the minutes of the two Special meetings of Council held on 6 October 2011 be approved and signed by the Chair as correct records.
 - ii) That the minutes of the Ordinary Council meeting held on 6 October 2011 be approved and signed by the Chair as a correct record subject to:
 - The addition in Minute 30 (Declarations of Interest) of the declaration of a personal and prejudicial interest by Cllr Barnes in Agenda item 6 – Notices of Motion (i) Health and Social Care Bill as an employee of a healthcare organisation. *Cllr Barnes left the room during the debate/vote on this item and took no part in the decisions thereon.*

- The amendment of Cllr Barnes personal interest also in Minute 30 to state 'Member of Unite' rather than 'Unison'.

45. CIVIC ANNOUNCEMENTS AND LORD MAYOR ELECT

The Lord Mayor asked members to join him in wishing Councillor Taylor their deepest condolences at this sad time following the recent death of his partner.

Councillor Taylor expressed his sincere thanks to the many members and officers who had contacted him and for the many kind messages of condolence which had been much appreciated.

The Lord Mayor reported receipt of the civic gift of a picture of the 214th Squadron of 2 Signal Regiment.

The Lord Mayor then invited Cllr Runciman to nominate the Lord Mayor Elect for the Municipal Year 2012/13. Cllr Runciman nominated, and Cllr Alexander seconded Cllr Keith Hyman as the Lord Mayor Elect and this nomination was unanimously agreed. Cllr Hyman replied that he would be honoured to accept this office and nominated Cllr Paul Firth as Sheriff for the 2012/13 Municipal Year.

46. PUBLIC PARTICIPATION

The Lord Mayor announced that one member of the public had registered to speak at the meeting.

Reverend Tony Hand, Lord Mayor's chaplain, Vicar of the Church of the Holy Redeemer, Boroughbridge Road and a resident of Boroughbridge Road, spoke about progress being made with regard to the planning arrangements, in particular public consultation for the proposed development of the British Sugar and old Manor School sites. He informed members that he had followed, with interest, the potential for development of these sites. He stressed the importance of public consultation, in order that residents could view plans and have the opportunity to comment on proposals. He asked that he be kept informed with regard to when public consultation would take place so he could make sure residents were aware through ward Committee meetings and a leafleting campaign.

47. **PETITIONS**

The Lord Mayor reported that there were no petitions to be presented by Members at the meeting.

48. **REPORT OF CABINET LEADER AND CABINET RECOMMENDATIONS**

A written report was received from the Cabinet Leader, Cllr James Alexander, on the work of the Cabinet.

A Questions

Notice had been received of sixteen questions on the written report, submitted by Members in accordance with Standing Orders. The first seven questions were put and answered as follows:

- (i) From Cllr Aspden
“Does the Cabinet Leader’s vision of a “leaner Council” include a reduction in the number of Cabinet Members?”

The Leader replied:

“It doesn’t at the moment as the manifesto we were elected on six months ago committed us to create a high level post to take responsibility for crime and community safety. This is following a model put forward by many other councils, including Hammersmith and Fulham. The cost of an assistant director to deliver this manifesto pledge would be circa £55k. The cost of a cabinet member is under £15k. Therefore we have delivered on our manifesto pledge at the cheapest cost possible.

I have the power to appoint up to 9 Cabinet Members, and we are below that number. We are also below the ten Tory Oxfordshire has and equal to the eight Lib Dem Three Rivers council has.

Members may also be interested to know that I have asked for information on the feasibility of reducing the number of councillors just as the Government is reducing the number of MPs.

(ii) From Cllr Reid

“Can the Cabinet Leader explain how he thinks the homelessness figures for 2010/11 were affected by changes to Housing Benefits which did not come into force until the 2011/12 financial year?”

The Leader replied:

“I apologise if this was not explained clearly enough but the homeless figure has been affected by the compound nature of a number of changes in housing legislation since the general election in conjunction with the downturn in the economy.”

(iii) From Cllr Steward

“The Council Leader criticises changes to housing benefit. Does he believe there should be no changes to housing benefit and/or does he believe all current charges for York council houses are fair?”

The Leader replied:

“Changes to housing benefit are necessary but York should be a special case because York has the highest private rent levels in Yorkshire. York has rents at similar to levels in the South East and so capping housing benefit along regional lines will penalise residents in York over residents in other cities across Yorkshire. Labour is sticking up for residents in York whereas the Conservatives locally prioritise their party and Government over local people. We are currently discussing council housing rent levels but I am concerned about Conservatives and Liberal Democrats in Government who want York to increase rents to 80% of the market value. This will see many poorer families no longer able to afford to live in York. This will affect the private sector who sometimes rely on a low wage work force. This will affect economic growth.”

(iv) From Cllr Steward

“The Council Leader declares that free Wi-Fi supports his pledge to ‘support business’, can he advise how many of the users are local businesses?”

The Leader replied:

“The login system for the city centre wi-fi does not distinguish between individual users and businesses. However individual

users also spend in city centre businesses. One retail manager along Coney Street said:

“Expanding the wi-fi coverage within York like the free wi-fi initiative, is really good news for our customers who are increasingly buying wi-fi enabled products from us.”

It may also be interesting to note that today Selby Chamber of Commerce and local businesses have followed our lead and set up a free wi-fi scheme in Conservative Selby. I think this is evidence of the importance businesses give to such schemes.”

In response to a supplementary question, the Cabinet Leader advised Members that the free wi-fi scheme in Selby was a private initiative and without private funding it would not have been possible as the Council did not wish to provide funding for the scheme.

(v) From Cllr Runciman

“Does the Cabinet Leader support the Fairness Commission’s proposal of a ‘Tourist Tax’?”

The Leader replied:

“I think this should be looked at as a possibility and I have discussed it with Visit York in the past. Its view would be instrumental before any such decision is made. Initial discussions appeared on the surface to be positive. However, it is a good thing that Conservatives and Liberal Democrats in Government are willing to give Labour councils such as York the option.”

(vi) From Cllr Hyman

“Given the financial strain on York residents, does the Cabinet Leader believe it would be reasonable to impose a Council Tax rise of between 3.5% and 6% as proposed by the Fairness Commission?”

The Leader replied:

“A balance needs to be achieved between ensuring the viability of essential services for vulnerable people and the cost residents can afford. I personally believe that a 6% rise would be too high. However it may be interesting to note that in 2006/07 you voted along with the rest of Liberal Democrats for a rise of almost 6% and this was when the

organisation was in a much better financial situation than what the council has been left in when your administration left office in May.

In any event, the Government has imposed a cap of 3.5% on council tax increases, so any proposed increase could not exceed this amount without a referendum, which would add extra cost to the authority.

(vii) From Cllr Orrell

“As the Fairness Commission have proposed completely cutting Ward Committee budgets, can the Cabinet Leader say whether he is committed to the future of Ward Committees?”

The Leader replied:

“I can say I am committed to resident engagement but I am open to what form this will take.”

The time limit having expired for this item, written answers were circulated after the meeting to the remaining questions as follows:

(viii) From Cllr Steward

“The Council Leader proposes a VAT cut although there is concern about the implications this will have for our country’s interest rates. Can the Leader reassure councillors that he understands this area by detailing his experience in international bond markets and dealing with credit rating agencies?”

Reply:

“I have no experience in international bond markets. I believe you are the only York councillor who has. Does this mean you are the only person qualified amongst York councillors to discuss matters on the economy? If so why has David Cameron not given you a peerage and elevated you to Chancellor? Is it because you have gone unnoticed? Or is it because David Cameron believes this is not relevant to managing the local economy. I was at University with Chloe Smith MP and she is now at the age of 29 Economic Secretary to the Treasury. She is the same age as me and she studied English where as I studied Economic History. She went on to become a management consultant before becoming an MP and now a minister. She has no experience of international bond markets. Would you like me to write to

David Cameron outlining your concern for people like Chloe Smith speaking on the economy without international bond market experience?"

(ix) From Cllr Runciman

"Can the leader confirm he believes residents who have a political affiliation do not have a right to request impartial information from the council regarding the business it conducts on their behalf?"

Reply:

"If the information is purely for political point scoring and costs the council taxpayer significantly, yes. To save money to the council taxpayer I am going to look at using the freedom of information legislation and consider levying a reasonable charge for freedom of information claims."

(x) From Cllr Ayre

"Given the Cabinet Leader seems to feel candidates who are not successful in elections have no right to hold authorities to account, can he reassure Council that he has not had any interaction with the national Government that could be described as 'party political point scoring' since his failed attempt to be elected in York Outer in 2010?"

Reply:

"No, because unlike other councillors from this chamber who stood in the general election I am still here and I am the Leader of this Council. It is a part of my job to interact with the Government. Furthermore Government Ministers have asked to speak with me, including Liberal Democrat Transport Minister, Norman Baker."

(xi) From Cllr Cuthbertson

"Given that answers to questions put at Full Council are dealt with by officers and published online in a similar manner to FOI requests and so should cost the same, is it not the case that he only encourages questions to be asked at Full Council so he can censor the answers?"

Reply

"Officers may have dealt with the Leader's answers under the previous Liberal Democrat administration but officers do not answer my questions for me. This is now a member led authority and not an officer one."

The answer to your question is no. I ask so that the computer servers do not have to be rebooted, thousands of e-mails checked by hand and then legal officers come into to redact content. This is more expensive to the council taxpayer than asking this public question for which it only takes my time to answer.”

(xii) From Cllr Orrell

“Does the Cabinet Leader believe the Freedom of Information request he put in to North Yorkshire Police earlier this year about the cost of helping with policing the riots was a waste of Police money for information he could have received through other channels?”

Reply:

“No. The reason why is because I was asking for one specific piece of information and the police kindly e-mailed me the report with the one piece of information I asked for included. The cost of this will no doubt be the labour of one person forwarding me the correct document. This is very different from freedom of information requests asking for all correspondence and e-mails on Union Terrace, on all cabinet travel costs, which may be paid from different directorates or all correspondence regarding Reinvigorate York. Such requests by the Liberal Democrats in York since the election are far more extensive, labour intensive and costly. The real cost of these claims has been approaching £1k and this is more than the amounts of expenditure the Liberal Democrats then complain about. I would suggest that the information they seek can be asked for through different channels including questions such as this at Full Council. Asking for all e-mails for political point scoring is unjustified to the council taxpayer at a time of financial restraint.”

(xiii) From Cllr Ayre

“Given the leaders commitment to transparency and an open council does he feel it is acceptable that his cabinet colleague has so far failed to respond to a request from 15th November to substantiate or retract allegations she made publicly about a fellow councillor and given his letter to the Press of 15th October will he be reporting the matter to the standards board?”

Reply:

"I know Councillor Ayre is still smarting since the election but he really should get over it. I advised the Councillor in question to not respond to your questioning as it was as erroneous as this question."

(xiv) From Cllr Steward

"The Council Leader welcomes the electrification of the transpennine line. Will he be writing to the Secretary of State in praise of this decision?"

Reply:

"I have already expressed publicly my support for this decision that has followed lobbying from a number of councils across the transpennine route. I see no reason for such a sycophantic letter. I suggest he writes on behalf of the other members of the George Osborne fan club, including Councillor Joe Watt if he is still a member of the group today."

(xv) From Cllr Reid

"Does the £10k cost of free parking on Boxing Day take into account staff savings, or is it just an indication of lost income?"

Reply:

"This cost is loss of income only. The savings therefore on staff will be minimal as few staff are employed on Boxing Day primarily collecting cash from the machines so they do not get full."

(xvi) From Cllr Steward

"The council leader incorrectly states that the Conservative proposal for free January parking is uncoded. Given his correct view that all savings should be coded what does he think of his party's national refusal to detail the over £100 billion of savings they say they would have made?"

Reply:

"The Conservative proposals for free parking in January were uncoded by the local Conservatives. A release of the policy idea was made without any costs attached or any means of paying for it. This is a sloppy way of making policy. I have coded the scheme and it would cost £40k. If the Conservatives are serious about their proposal they need to

explain what they would cut to fund it. This is how you gain credibility in the decision making process. The second part of this question is not relevant to my report.”

B Cabinet Recommendations

Capital Programme – Monitor 2

Cllr Alexander moved, and Cllr Simpson-Laing seconded the following recommendation contained in Minute 64 of the Cabinet meeting held on 1 November 2011.

“[That Council] approve the following net adjustments to the capital programme, as detailed in the report and Annex A:

- An increase of £0.587K in 2011/12*
- An increase, as a result of re-profiling, of £1.121m in 2012/13”*

On being put to the vote, the recommendation was declared CARRIED and it was

RESOLVED: That the above recommendation in respect of the Capital Programme – Monitor 2 be approved. ¹

Treasury Management Monitor 2 Mid Year Review and Prudential Indicators 2011/12

Cllr Alexander then moved, and Cllr Simpson-Laing seconded the following recommendation contained in Minute 65 of the Cabinet meeting held on 1 November 2011.

“[That Council]

- approve the changes to the Prudential Indicators in the light of the HRA reform; specifically, the Authorised Borrowing Limit at £347m.*
- note that the HRA reform is to be approved by the Government White Paper in November 2011, and that the payment of £112m is to be made to the CLG on 28 March 2012.*
- note the expected impact on the capital and treasury activities of the HRA reform.”*

On being put to the vote, the recommendation was declared CARRIED and it was

RESOLVED: That the above recommendation in respect of the Treasury Management Monitor 2 Mid Year Review and Prudential Indicators 2011/12 be approved.²

Affordable Housing Targets

Cllr Alexander then moved, and Cllr Simpson-Laing seconded the following recommendation contained in Minute 81 of the Cabinet meeting held on 6 December 2011, and set out in the additional papers circulated around the chamber.

“[That Council] approve Option 1 as recommended by the Local Development Framework Working Group to reduce the affordable housing target on rural sites to the targets identified in Table 2, page 51, of the officers’ report.”

On being put to the vote, the recommendation was declared CARRIED and it was

RESOLVED: That the above recommendation in respect of affordable housing targets be approved.³

Community Stadium Update

Cllr Alexander then moved, and Cllr Simpson-Laing seconded, the following recommendation contained in Minute 82 of the Cabinet meeting held on 6 December 2011 and set out in the additional papers circulated around the chamber. At the request of the Council Leader, Members had also been provided with a breakdown of the expenditure for the community stadium project.

“[That Council] approve the allocation of £200k of the £4M allocated in the Council’s capital programme for the Community Stadium being released for the purpose of developing the business case to the next key stage.”

On being put to the vote, the recommendation was declared CARRIED and it was

RESOLVED: That the above recommendation in respect of the Community Stadium be approved. ⁴

Gym Expansion at Energise

Cllr Alexander then moved, and Cllr Simpson-Laing seconded, the following recommendation contained in Minute 83 of the Cabinet meeting held on 6 December 2011, and set out in the additional papers circulated around the chamber.

“[That Council] approve the addition to the Capital Programme in 2011/12 of £540k in order to expand the gym at Energise.”

On being put to the vote, the recommendation was declared CARRIED and it was

RESOLVED: That the above recommendation in respect of the gym expansion at Energise be approved. ⁵

Action Required

- | | |
|---|--------|
| 1. Make the necessary adjustments to the capital programme. | RB |
| 2. Take any action necessary in respect of the HRA reform. | RB |
| 3. Implement new targets. | MG |
| 4. Release funds and proceed with the business case. | AL, PL |
| 5. Amend capital programme accordingly. | TA, CC |

49. RECOMMENDATIONS OF THE STAFFING MATTERS & URGENCY COMMITTEE

Cllr Alexander moved, and Cllr Gillies seconded the following recommendations contained in Minute 68 of the Staffing Matters and Urgency Committee meeting held on 7 November 2011.

“[That Council] be asked to endorse the views of the Staffing Matters and Urgency Committee, in supporting a community covenant, and pledge its support to establish a Community Covenant.”

Authorise the Chief Executive to hold discussions with representatives of our local armed forces to progress establishing a covenant.”

Cllrs Alexander, Runciman, D'Agorne and Warters all spoke in support of the covenant to support relationships between the people of York and local armed forces.

On behalf of the Armed Forces Community, Brigadier Bibby, Commander of 15 (North East) Brigade and York Garrison confirmed their proud involvement with this initiative. He confirmed that York had always been a service-friendly city, with the local community supporting their local personnel, both past and present, and their families.

On being put to the vote, the recommendation was declared CARRIED and it was

RESOLVED: That the above recommendation in respect of the Community Covenant be approved. ¹

[At this point in the meeting, all Group Leaders and the Chief Executive together with representatives of the Armed Forces and the CVS signed the Covenant, for future display at the Mansion House.]

Action Required

1. Undertake discussions to progress establishment.

CC, LH

50. SCRUTINY - REPORT OF THE CHAIR OF THE SCRUTINY MANAGEMENT COMMITTEE

Council received a report from Councillor Galvin, Chair of the Scrutiny Management Committee, on the work of the committee.

51. REPORT OF CABINET MEMBER

Council received a written report from Cllr Gunnell, Cabinet Member for Corporate Services.

Notice had been received of sixteen questions on the report, submitted by Members in accordance with Standing Orders. The first four questions were put and answered as follows:

- (i) From Cllr Healey
"Could the Cabinet Member expand on the four major cost pressures facing the Council as outlined in the 2012-14 Budget Update presented at Tuesday's Cabinet Meeting?"

The Cabinet Member replied:

The report that I presented clearly set out what the pressures for this Local Authority are. However, I will provide more detail on the four areas mentioned:

- *The coalition Government has cut the Formula Grant settlement by £5m*
- *Pay and Pension costs: It covers the potential impact of a pay award and the impact of the pension revaluation.*
- *PFI – This has been reported to Members previously, so should be fully aware of the need for the council to increase its budget by £750k per annum*
- *There is a rise in numbers of clients in Adult Social Care and a rise in numbers of Looked after children*

In response to a supplementary question regarding feedback from the recent North Yorkshire meeting on pay and pensions, the Cabinet Member confirmed that all local authority employees would be updated as negotiations proceeded.

(ii) From Cllr Steward

“The Cabinet Member refers to the need to save £21 million this year. Is this a saving she views as consultants helping or hindering with and can she say what has been spent on consultants in the current and preceding two years?”

The Cabinet Member replied:

We are committed and quite clear on the fact that we will reduce the number of consultants and the amount spent on consultants. However, there will always be occasions where the assistance of a consultant is needed to provide specialist expertise when it is cost effective.

Spend:

- 2009/10 £1,304,703
- 2010/11 £1,152,256
- 2011/12 £ 348,688

In response to a supplementary question the Cabinet Member confirmed that there would always be a need to employ consultants in relation to specialist work, for example in respect of West Offices.

(iii) From Cllr Barton

“Can the Cabinet Member outline for Council what she learned from the Keynote Speakers at the Chartered Institute of Public Finance and Accountancy Conference that will influence in the “robust mitigation strategies” she refers to?

The Cabinet Member replied:

The annual CIPFA conference which I attended on the recommendation of Senior Officers and endorsed by the cross-party Member Development Steering Group, under the Lib Dem administration, was very worthwhile. The conference took place against a backdrop of profound financial uncertainty and change for the public sector. Following the Spending Review the conference acknowledged and encompassed the challenges to the public sector to reshape organisations and services to cope with the new financial circumstances.

As you will be fully aware CIPFA is one of the leading professional accountancy bodies in the UK and the only one which specialises in Public Services.

Having listened to several keynote speakers what I brought away was an insight and confirmation of the severity that the future brings with huge funding cuts from the Conservative-Lib Dem Government. Meeting these cuts by simply cutting services is not acceptable. The local authority needs to lower its overall costs and increase productivity. It needs to be prepared to reshape its services and most definitely challenge out-of-date and old fashioned behaviours but always addressing the needs of local people. And that is exactly what I mean by robust mitigation strategies. This administration is working quite clearly to this agenda and the Officers and all staff are working extremely hard to deliver.

(iv) From Cllr Ayre

“Does the Cabinet Member agree that the new media protocol allowing Cabinet Members to feature in press releases has been a distraction from ensuring key information is given to residents?”

The Cabinet Member replied:

No

In response to a supplementary question regarding a press release in relation to bin collections, the Cabinet Member confirmed that residents had been given notice of changes to bin collections for the coming year.

The time limit having expired for this item, written answers were circulated after the meeting to the remaining questions as follows:

(v) From Cllr Firth

“As the new media protocol is supposed to ensure Cabinet Members are more accountable to residents, can the Cabinet Member provide Council with some examples of when Cabinet Members have been quoted commenting on bad news, rather than just commenting on positive announcements?”

Reply

Yes – we have commented publically and on several occasions on the reality of the severe and devastating £20+ million pounds worth of cuts to this Local Authority. Plus we have commented on the changes to welfare changes which you as a Lib Dem Councillor endorse by the way of supporting the Coalition Government.

Unlike his party’s administration we will defend our decisions.

(vi) From Cllr Ayre

“The Cabinet Member’s report states that the Communications Team has “standardised the font size on external communication.” Can she confirm if all external correspondence from all departments now follows the council’s policy of 14 point font and if not what percentage is not in compliance?”

Reply

All new external communications are in size 14 font. As supplies of existing forms and publications are exhausted, new versions will be provided in size 14 font.

(vii) From Cllr Steward

“Many will question the lack of substance of many of the cabinet member’s ‘Key Achievements’, for example, ‘More Social Media’. Can she advise how many residents she thinks would have this in their top ten priorities?”

Reply

The continuous growth of numbers of people using social media as a means of communication would substantiate that social media is a priority. As I have already said, the council has over 2000 followers on Facebook and Twitter.

It's possible that the councillor's list of priorities differs to those of many young people in the city, but both are equally worth hearing.

(viii) From Cllr Cuthbertson

"How many customers are now using the CYC Facebook site?"

Reply

I am extremely pleased to say the overwhelming majority of young people in this city will consider access to Facebook and Twitter to communicate as being an absolute necessity along with people of all generations. Since May we have extended the use of Facebook and Twitter and have over 2000 followers – most of which are younger people. This is the way that younger people want to communicate with Councils and is an achievement. Also our new 'do it online service' is another example of how we are making it much easier for those who want to communicate and interact with the Council electronically, able to do that.

(ix) From Cllr Barton

"Will the Cabinet Member please define her understanding of the phrase "to trade?"

Reply

Councillor Barton had an opportunity to question – intelligently - the City of York Trading Company as I have mentioned within my report.

Instead the question very simply and quite definitely relates to 'her understanding of the phrase to trade'. In direct response to Cllr Barton's question and within my capacity of the Cabinet Member for Corporate Services and as the proposed Non-Exec Director plus Chairperson of the City of York Trading Company.

My understanding of the word 'Trade' reflects the dictionary definition:

As a noun trade means:

- 1. The business of buying and selling commodities; commerce.*
- 2. The people working in or associated with a business or industry: a textile-exporting publication for the trade.*
- 3. The customers of a specified business or industry*
- 4. The act or an instance of buying or selling*
- 5. An exchange of one thing for another*
- 6. An occupation, especially one requiring skilled labour*

As a verb trade means:

- 1. To engage in buying and selling for profit*
- 2. To make an exchange of one thing for another*
- 3. To be offered for sale*
- 4. To shop or buy regularly*
- 5. To give in exchange for something else*
- 6. To buy and sell*
- 7. To pass back and forth*

And finally, as an adjective trade means:

- 1. Of or relating to trade or commerce*
- 2. Relating to, used by, or serving a particular trade*
- 3. Of or relating to books that are primarily published to be sold commercially.*

(x) From Cllr Barton

"Does the item "A further increase in Council Tax " refer in any way to past bad debts that have never to date been collected?"

Reply

Unfortunately the 'quote' Councillor Barton makes is not written in totality. I will correct this error and then respond.

In my report and under paragraph 28 under the heading 'Portfolio Part Six – Transactional Services'

As part of the '2011/12 objectives' the quote which Councillor Barton's refers to actually states 'A further increase in Council Tax income collection of 200k'.

To answer the question it refers quite clearly to the objective of 'in year collection' – as in 2011/12.

Under the Labour administration the objective has been clearly achieved and superseded 2010/11 and we have collected £300k higher than the same point in time as last year.

(xi) From Cllr Cuthbertson

“What percentage reduction in the amount of paper used has been achieved through the introduction of multi functional devices and how much has this saved?”

Reply

The introduction of multi functional devices was only carried out in the past six weeks. However, what it does allow now in comparison to before is that monitoring is being undertaken and this will be included within my quarterly monitoring updates.

(xii) From Cllr Aspden

“The Cabinet Member’s report states a new contract has been signed for staff mobile phones. Can the Cabinet Member confirm what the annual spend on mobile phones currently is?”

Reply

Last year 10/11 the Council spent approx £186k on mobile/smart phones, these costs include calls, data down loads/uploads, any from of connectivity and handset rentals, so its important for people to realise that this isn’t just call costs.

It’s also worth noting that as we expect staff to work differently and with the drive to mobilise more of the work force to help improve the customer experience/service delivery model, we will see a growth in mobile devices/usage. Some of this growth is being managed within the new mobile/smart phone contract that ICT have secured. For example, based upon the number of devices and usage pattern of 10/11, the costs would reduce to £136k over two years. This has secured a far better service that offers savings and a more agile/flexible bundle to Council.

(xiii) From Cllr Steward

“Can the Cabinet Member expand on the achievement ‘Procurement Strategy’, is she suggesting there was not one until her party came to power or if there was what tangible benefits have occurred due to her party’s actions?”

Reply

No, I am not saying there wasn’t a strategy but that the procurement strategy was old, out of date and not fit for the challenges we are facing.

Since the new administration came to power we are developing a strategy based upon creating a group of skilled staff in-house to manage procurement work. This will ensure that there is less reliance on external support and that we ensure that there is appropriate focus and opportunity for city suppliers.

The revision of the strategy responds to the growing financial challenges faced by the Council. It balances ethical, sustainable and transparent procurement with the need to collaborate and support the local economy. But crucially it will also deliver value for money.

(xiv) From Cllr Steward

“As part of her procurement strategy can the Cabinet Member confirm what proportion of legal advice that the council requires is obtained from the local York legal firms?”

Reply

“The Council’s in-house legal team provides an overwhelming majority of the legal advice which the Council needs. The Council’s reliance on external lawyers has significantly reduced over recent years. Indeed last year payments to external solicitors firms reduced by over £300,000 compared to the year before. There will always be a need for some work to be outsourced. That may be because it requires specialist skills which the Council will need infrequently. It may be because it requires a large team to deliver a specific project. It may be that there is a need for urgent advice and insufficient capacity within the legal team to respond in the timescale required. The Council needs to ensure that it awards contracts to undertake such work in a manner which ensures it receives the right advice and in accordance with its contract procedure rules.

There have only been a handful of new matters that have required external legal advice since I became Cabinet Member and the majority of those matters have actually been handled by a firm with a York Office. Inevitably there are other matters which have been ongoing for some time with advisers from York and elsewhere.

(xv) From Cllr Ayre

“Cabinet Member’s report states that detailed space planning on the new HQ is now taking place. Can she confirm what consultation has been done with EAG prior to this work?”

Reply

It is a core part of the transitional work being undertaken that the Equality Advisory Group has been and will continue to be involved within this process. In addition the Cabinet Member for Leisure, Culture and Social Inclusion is meeting regularly to ensure equalities are embedded at every stage and that includes working with SERG along with myself.

(xvi) From Cllr Steward

“On ‘Customer Service Highlights’, which are regarded as ‘achievements’, is for example, ‘5,000 visits to reception areas’ regarded as good and would the member like this to be higher?”

Reply

The number relates to visitors to Guildhall, Library Square and St Leonard’s. The figure doesn’t include an additional circa 2,385 visiting benefits, as compared to 1,965 for the old City Finance Centre in October 2010. If these 2010 visitors were all benefits claimants, this equates to an increase of 18% in footfall. There are not comparable figures for all the pre-combined Face to Face reception areas for 2010. The number of visitors is higher for St. Leonards as they deal with low value/quick transactions, and Library Square with more complex queries relating to Housing and other family related services. As more services become available on line before the move to West Offices we anticipate a significant reduction in low value transactions.

52. ACTIVITIES OF OUTSIDE BODIES

Minutes of the following meetings had been made available for Members to view on the Council's website:

- Quality Bus Partnership – Minutes - 8 Sept 2011
- Safer York Partnership/Drug Action Team Partnership Board Meeting – Minutes - 26 Sept 2011

No questions had been submitted to representatives on outside bodies.

53. APPOINTMENTS AND CHANGES TO MEMBERSHIP

RESOLVED: That the appointments to, and changes to membership of, committees, outside bodies and working groups set out in the revised list circulated around the Council Chamber (and attached as an annex to these minutes) be approved. ¹

Action Required

1. Ensure that the agreed changes to membership are implemented.

JP

54. NOTICES OF MOTION

(i) Solar Energy – Feed in Tariff

It was moved by Cllr Funnell and seconded by Cllr Levene that:

“Council notes the benefits of solar power in reducing energy bills and our dependence on oil. It is the environmentally responsible option for business, the public sector and for private households.

Council expresses alarm at the Conservative-Liberal Democrat Government's announcement to bring forward, from 1st April 2012 to 12th December 2011, a reduction in the Feed in Tariff for solar panel electricity generation of around 61% for schemes tackling fuel poverty, such as City of York Council's, which was to provide solar panels to around 2,000 homes.

Council expresses its disappointment at the decision to reduce the Feed in Tariff, threatening the overall viability of the York solar

scheme. Council also expresses concern at the loss of jobs, in York, that the solar installation industry has reported will result from the announcement.

Council requests that the Chief Executive writes to Gregory Barker MP, Minister of State for Climate Change, and requests that all those signed up to schemes and that have undertaken preparatory work prior to the Minister's statement on 31st October, receive the Feed in Tariff rate previously agreed and promoted by his Government.

Council requests that officers and both York MPs lobby the Government following news reports that the Minister may be considering phasing in the Government's proposed cuts in response to strong opposition."

In accordance with his powers under Standing Orders, the Lord Mayor ruled the following amendment which had been submitted by Cllr Healey out of order:

First Paragraph, third line, delete "oil" and replace with "fossil fuels".

Second paragraph, first line, delete "expresses alarm at" and replace with "notes".

Fourth line, delete "of around 61% for schemes tackling fuel poverty of" and replace with "from 43.3p kWh to 16p per kWh".

Second paragraph, fifth line, after "Council's," add "which this financial year was".

Third paragraph, delete entire paragraph after the first word, "Council" and replace with "asks officers to work with Community energy Solutions to review the scheme so it can continue to provide affordable energy to council residents, noting in particular the reduction of 40%+ in the wholesale price of solar panels, the Council's 20% 'roof rent' and the continued low interest rates which currently only benefits the financiers. Council schemes should aim to break even."

Fourth paragraph, second line, delete "and requests that all those signed up to schemes and that have undertaken preparatory work prior to the Minister's statement on 31st October, receive the Feed in Tariff rate previously agreed and promoted by his Government." And replace with "to ask that he put in place a stable subsidy framework to enable medium-term planning."

Fifth paragraph, delete the entire paragraph.

On being put to the vote, the original motion was declared CARRIED and it was:

RESOLVED: That the above notice of motion be approved.¹

(ii) Proposals for a Council Tax Freeze

The following motion had been submitted by Cllr Steward

“Council welcomes the coalition Government’s efforts to reduce the deficit and to provide a period of financial stability following 12 years of economic mismanagement by Labour. Council therefore supports the Government’s offer of financial incentives to councils which commit to no rise in council tax.

In support of the coalition Government’s policy of freezing council tax CYC pledges to undertake such a council tax freeze for the next two financial years.”

On the advice of the Chief Executive and in accordance with the provisions of Standing Orders, the Lord Mayor ruled that the above motion be referred to the Cabinet for a full report to consider the budgetary implications of making such a decision at this stage on the Council Tax. He advised that there would therefore be no further debate on the motion in accordance with Standing Order 12.1²

(iii) Financial Management Skills for Young People

It was moved by Cllr Cuthbertson and seconded by Cllr Potter that:

“Council believes that personal financial education for young people is vital to ensure that they have the skills needed to prosper in a complex economy.

Council notes that, while a petition calling on the Government to make personal financial education part of the national curriculum has attracted more than 100,000 signatures, there are as yet no plans to make such education compulsory or to specify what should be covered.

Council therefore resolves to take action to ensure that children and young people in York are taught these important financial management skills. Council requests that officers bring a report to Cabinet outlining the options available to encourage and support schools in providing personal financial education for every young person in our city.”

On being put to the vote, the motion was declared CARRIED and it was:

RESOLVED: That the above notice of motion be approved.³

(iv) Effect of Changes to education and welfare on children and young people

It was moved by Cllr Cunningham-Cross and seconded by Cllr Boyce that:

“Council places on record its grave concern over the number of young people aged 16-24 years old who are unemployed, which reached an all time record high of 1.02m last month.

Council wishes to express its concern over the continued attacks on the future of children and young people in York, including the cutting of:

- Educational Maintenance Grant
- Future Jobs Fund
- Care to Learn Grant
- Child Tax Credit
- Child Trust Funds

And partial cuts through:

- Childcare element of Working Tax Credit reduced from 80% to 70% of costs
- Three year freeze on Child Benefit.

Council also notes the increase in university fees which will stop many York young people entering higher education.

Council instructs the Chief Executive to write to the Secretaries of State for Education and Work and Pensions to express Council’s grave concern over changes to education and welfare that will affect the daily lives and future prospects of York’s children and young people.”

Cllr Healey then moved and Cllr Steward seconded, an amendment to the above motion as follows:

“In the fourth line of the first paragraph, after “Council” delete “wishes to express its concern over the continued attacks on the future of children and young people in York, including the cutting of:” and replace with “notes the changes to the following benefits:” In the twelfth line of the first paragraph, delete “partial cuts through:” and replace with “changes to”.

In the first line of the second paragraph, after “fees” delete “which will stop many York young people entering higher education” and replace with “that resulted from the Labour initiated Lord Browne “Independent Review into Higher Education Funding and Student Finance”.

In the second sentence of the third paragraph, delete “grave”. In the third sentence of the third paragraph, delete remainder of sentence after “welfare”.

Add final fourth paragraph: “Council also instructs the Chief Executive to write to the Shadow Secretaries of State for Education and Work and Pensions asking whether they would reverse these changes and if so how they would finance any changes.”

On being put to the vote, the amendment was declared LOST.

Cllr Runciman then moved, and Cllr Aspden seconded, an amendment to the original motion as follows:

“At the end of the first paragraph add “after rising by almost 40% under the previous Government.”

In the second paragraph after “concern over the” insert “perception of”.

After “Council notes the” insert “misinformation about the”.

After “which will” insert “put many York young people off”.

After “higher education” insert “despite the new system not requiring upfront fees and ensuring that graduates do not pay back loans until they earn more than £21,000 a year.”

In the final paragraph, after “grave concern over” insert “the need to do more to explain the”

After “welfare” insert “to ensure that the”

After “young people” insert “are not harmed by misleading claims which suggest they may not get the support they need.”

On being put to the vote, the amendment was declared LOST.

The original motion was then put to the vote and declared CARRIED and it was

RESOLVED: That the above notice of motion be approved ⁴

Action Required

- | | |
|---|----|
| 1. Write to the Minister of State for Climate Change and lobby York MP's in the terms agreed. | LH |
| 2. Prepare report to Cabinet and add to the Forward Plan. | KB |
| 3. Prepare report to Cabinet and add to the Forward Plan. | PD |
| 4. Write to Secretaries of State for Education and Work and Pensions in the terms agreed. | LH |

55. QUESTIONS TO THE CABINET LEADER AND CABINET MEMBERS RECEIVED UNDER STANDING ORDER 11

Twenty seven questions had been submitted to the Cabinet Leader and Cabinet Members under Standing Order 11.3(a). The guillotine having fallen at this point, Members agreed to receive written answers to their questions, as set out below:

- (i) To the Cabinet Leader from Cllr Steward:
“Can the Leader explain to my residents how it is fair for Labour members who are members of unions to merely ‘declare an interest’ and then be able to vote on increasing funding to the unions?”

Reply

“It is no less fair than your Conservative colleagues, Councillor Richardson and Councillor Doughty taking part in the same vote after declaring their Unite and RMT trades union memberships respectively.”

- (ii) To the Cabinet Leader, from Cllr Barton:
“What does the Leader believe is the optimum number of people to attend a Britain in Bloom information event?”

Reply

“I would say for a Britain in Bloom ‘information event’ probably two people – one officer and one cabinet member. For a ‘national awards ceremony’ where York came second for the first time I would say probably more.

I can understand your disappointment that the Liberal Democrat requested freedom of information claim for cabinet transport costs did not encourage any more criticism than one award ceremony for a scheme the previous Liberal Democrat administration signed the council up to.

I would like to place on record my disappointment of the criticism of the £1k expenditure that has arisen from almost £1k of freedom of information claims for political point scoring the opposition has made use of. This is hypocritical.

I am concerned at the unhappiness over some opposition members to the Cabinet travelling to do their duties. I have expressed this concern to both Conservative and Labour Council Leaders in the region who found the attack ridiculous.

This episode has also lost both opposition parties credibility with the private sector. One prominent local business person was not happy at the political tactic of using a freedom of information claim to attack cabinet travel. They e-mailed me to say:”

“Inevitably there will be some who lack ambition or who are complacent that will carp at these costs. These expenses will be as nothing compared to the prize of economic benefit to reward the citizens of York in years to come”.

- (iii) To the Cabinet Leader, from Cllr Runciman:
“What plans does the Cabinet Leader have to release budget information to the opposition groups?”

Reply

“None at the moment.”

- (iv) To the Cabinet Leader, from Cllr Boyce:
“Government cuts to the BBC will mean BBC Radio York losing six hours of local programmes per day and ten hours each weekend, resulting in reduced coverage of local news and York City matches, both of which are valued by residents, as well as result in diminished coverage of council business. Will the Cabinet Leader please write to the Secretary of State for Culture, the Director General of the BBC and the Chair of BBC Governors requesting that the BBC’s funding for local radio services is reviewed?”

Reply

“I will indeed. The scale and speed of reductions by Conservatives and Liberal Democrats in Government are bad for York. It will see more national and regional output in York at the expense of local news and programming. It will also see a reduction in journalists. Both are not healthy for local democracy and will lead to local politicians being held less to account.”

- (v) To the Cabinet Leader, from Cllr Steward:
“Can the Leader detail how many members of the public have attended Cabinet meetings as they move around the city and does the Leader consider the moving around worthwhile?”

Reply

“It is odd that you ask a question that points towards saying moving meetings around the city is not worth doing and then in the same set of questions for council ask a question pointing towards it being unfair that meetings have not been held in certain areas. I would like to suggest some consistency in Conservative policy. This question exhibits the same consistency as Councillor Watt calling for no reductions in management staff in the interest of stability and Councillor Gillies two days later portraying Labour proposed management reductions not going far enough so advocating instability by sacking the Chief Executive.

From memory at the first meeting of the Cabinet at York Explore Library there was approximately five members of the public present. At the second meeting of the cabinet at The Priory Street Centre there was approximately thirty people present. At the third meeting of the cabinet at the Guildhall there was approximately twenty residents present. At the

fourth meeting of the cabinet at Acomb Explore Library there was approximately three residents present. At the fifth meeting of the cabinet at Auden House there was approximately ten residents present. At the sixth meeting of the cabinet there was approximately fifty residents present. More residents seem to be attending Cabinet meetings in different locations than when Executive meetings were held at the Guildhall.”

- (vi) To the Cabinet Leader, from Cllr Steward:
“Can the Leader explain what role the Council is paying Trade Unions for that could not be carried out by the Human Resources Department?”

Reply

“City of York Council does not make any payments to trade unions.”

- (vii) To the Cabinet Leader, from Cllr Cunningham-Cross:
“Will the Cabinet Leader please inform Council where York’s Fairtrade City status certificate and plaque are and confirm whether they can be displayed in a prominent place in the Guildhall until the move to West Offices?”

Reply

“I am not sure where the previous Liberal Democrat administration placed this certificate but clearly it was not been given the prominence it should have. I will instruct the Chief Executive to liberate the certificate from whatever drawer or cupboard it is currently sitting in and display it in the Guildhall reception. It will also be given prominence in West Offices under a Labour administration.”

- (viii) To the Cabinet Leader, from Cllr Steward:
“Does the Leader consider that the Fairness Commission having zero meetings outside the ring road, zero meetings in villages and zero meetings in Conservative wards to be fair?”

Reply

“No less than I consider it fair for Conservatives having zero councillors outside of villages or in the wards inside the ring road. However I take your point. This is a reason why the Cabinet is holding meetings in different locations. The Fairness Commission is independent and it is best asking the Commission if they think where they held meetings was

fair.”

- (ix) To the Cabinet Member for City Strategy, from Cllr Steward:
“Can the Cabinet Member for City Strategy confirm that with the Council’s focus on ‘fairness’ and the existing inequality between rural and urban buses he will work to address this and encourage the retention of these important rural buses?”

Reply

“I will continue to support public transport to both rural and urban areas as far as is possible within the significantly declining resource base resulting from the massive Conservative / Lib Dem Government cuts to Local Councils and to the bus industry, and recognising that conventional public transport is uneconomic for very small rural settlements unless on more interurban routes.

The support I have given for the experimental provision of the 195 villages service to Pocklington and the revised service 21 to Rawcliffe and Skelton demonstrates our commitment. It will be crucial that residents in the communities these services reach make reasonable use of them if they to be made permanent. Coun. Steward’s and local Members’ support in achieving this will be extremely important.”

- (x) To the Cabinet Member for City Strategy from Cllr Aspden
“Given the delay in publishing the Air Quality Action Plan, what will the Cabinet Member be doing to ensure positive actions to improve air quality are undertaken quickly for the Fulford Road corridor?”

Reply

“The delay in the AQAP recognises that solutions to the Fulford Problems are necessarily linked to a wider approach to tackling traffic and air quality issues across the whole city, and the inadequacy of the previous Lib Dem administration’s Low Emission Strategy to actually resolve the problem. I am looking forward to proposals coming forward on both issues early in the new year.”

- (xi) To the Cabinet Member for Education, Children & Young People’s Services, from Cllr Richardson:
“Does the Cabinet Member condemn those who disrupted children’s education last week by participating in a union

walk-out whilst negotiations with the Government were and are still ongoing?”

Reply

“I can understand the frustration felt by individuals who see an important part of their contracts of employment being rewritten in a way which they see as prejudicial to their future. Negotiations have indeed been ongoing for a long time, and it was the lack of meaningful progress which made many thousands of very ordinary working people take a day’s strike action. We should always be mindful that at the end of the day, it is the legal right for people to express their views around their employment by striking, as the Member will know being a trade union member himself, and this is a dispute between the Unions representing many millions of workers, and the Government. We did our best to make sure there was as little disruption to vulnerable children and young people as possible.”

- (xii) To the Cabinet Member for Education, Children & Young People’s Services, from Cllr Aspden

“Given that Pupil Premium funding is tied to the number of pupils registered for free school meals, what steps are the Council taking to promote take up of free school meals ahead of the schools census on 19th January?”

Reply

“Schools are very aware of the impact the Pupil Premium may have on their individual school budgets. The Council has reminded schools about this, and the issue was raised again at yesterday’s meeting of the York School’s Partnership.

The latest reminder went to all schools last month concerning eligibility for free school meals, following the one that was sent in January early this year. The support to schools on this included a parent letter/flyer to aid them in encouraging take up of free school meals.”

- (xiii) To the Cabinet Member for Education, Children & Young People’s Services, from Cllr Richardson:

“Will the Cabinet Member consider following Lincolnshire County Council’s example and encourage all schools to become academies?”

Reply

“A simple answer might be “No”. It is of course ultimately a decision for individual Heads and Governing Bodies, but as you are aware only two schools in York have so far taken the decision to go down that route. York has a strong basis of quality education in its schools, an Education Department that has regularly been highly ranked by Ofsted; it has also developed a strong culture of partnership working so that the Heads, both Primary and Secondary, regularly meet to share ideas and good practice and have always been fully involved in the big decisions that need to be taken by the Authority. I have always believed that in Education “co-operation” is better than “competition” and I think the consistently high performance of the York Education Service has borne that out.

I was very pleased to attend the first meeting of the York Partnership Board which has been set up to formally enshrine these co-operative pathways and fully involve Heads and Governors with officers in future planning and arrangements for the York Education Service.”

- (xiv) To the Cabinet Member for Corporate Services, from Cllr Steward:

“Can the Cabinet Member for Corporate Services clarify whether in the budget consultation the Cabinet will be as, less or more willing to listen to people than it was at the Union Terrace ‘consultation’?”

Reply

“The Cabinet is committed to listening to the people impacted by the decisions it takes. The budget consultation includes various options to ensure a dialogue and conversation between the Cabinet and local residents, businesses and the voluntary sector. The Cabinet will be listening to people’s growing concerns, worries and their needs given the savage £20m worth of further cuts that have been imposed on this local authority by the Conservative-Liberal Democrat Government.”

- (xv) To the Cabinet Member for Corporate Services, from Cllr Steward:

“Can the Cabinet Member for Corporate Services detail how many hours of council staff paid time have been spent on

Fairness Commission related work and what is the cost of literature produced?"

Reply

"A wide range of Council staff have supported the Fairness Commission. Information has been provided about our customers, services and finances. The Commission has also been supported at public meetings and was provided with a point of contact within the Policy Team to ensure that information requests could be coordinated across the Council. All support to the Commission was provided alongside work that officers were doing and didn't impact adversely on Council services.

The cost relating to drafting and printing the Commission's report is £5,325."

(xvi) To the Cabinet Member for Health, Housing & Adult Social Services, from Cllr Cuthbertson:

"Would the Cabinet Member please give an assurance that the facilities at our elderly persons homes, which are enjoyed by the wider community, will still be available during the re-organisation?"

Reply

"The provision of day care and respite care has been carefully considered in the proposed transformation of our Elderly Persons Homes.

Day Care: Some limited day care activity is provided in 6 of the EPHs. However, this is not undertaken within dedicated facilities; visitors join with residents in activities but numbers are restricted in line with regulations and the impact on permanent residents. Whilst this model of day care provides a welcome break for carers and the people who use the services it is a poorer model than found in day care facilities designed and operated specifically for that purpose. The responses during the three month consultation overwhelmingly supported the view that the current day activity provided in our EPH's should be re-provided in the community. On 1st November Cabinet approved this direction of travel and officers have been making arrangements to expand existing and establish new day activities in the community in partnership with voluntary and independent sector organisations.

Older people currently receiving day care have been supported to consider the choices available to them and to access the new capacity coming on stream in April 2012. There will be an increase of 15 places in the number of day care places available as a result of this change.

Respite Care : There was understandable support in the consultation for the proposed expansion in the number of respite beds from 14 currently to 20 in the new facilities. During the programme of change the current number of respite beds will be maintained and opportunities taken to expand these wherever possible especially during the next two years whilst awaiting new build facilities to open if the programme gets the go ahead at the 10th January meeting of the Cabinet."

(xvii) To the Cabinet Member for Health, Housing & Adult Social Services, from Cllr Steward:

"Can the Cabinet Member for Health confirm, with a simple yes or no, whether her Labour government committed to a real terms increase in NHS funding for York's residents at the last General Election?"

Reply

"Alistair Darling's March 2010 budget said:

In the 2009 Pre-Budget Report the Government made a clear commitment to protect key frontline public service priorities in 2011-12 and 2012-13 and announced that:

- NHS frontline spending – the 95 per cent of near-cash funding that supports patient care – will rise in line with inflation;*

So under Labour, for the two financial years 2011/12 and 2012/13, NHS funding would've risen with inflation. In real terms this is flat funding.

From Andrew Lansley prior to the General Election we heard:

"Only the Conservatives will protect the whole of the NHS budget – both Labour and the Lib Dems have refused to do so. We will cut NHS bureaucracy by a third and we will make sure frontline patient care comes first."

From Andrew Lansley after the election we got:

- *A cut in real terms to the NHS of £800m in 2010-11.*
- *The biggest reorganisation in the NHS's history, through the Health and Social Care Bill, at a cost of between £2bn and £20bn, which will mean more public bodies, and more money spent on bureaucracy. "*

(xviii) To the Cabinet Member for Health, Housing & Adult Social Services, from Cllr Riches:

"Will the Cabinet Member for Housing please give her assessment of the potential impact of the Government's Housing Strategy paper, 'Laying the Foundations: A Housing Strategy for England?"

Reply

"The Government's Housing Strategy Paper 'Laying the Foundations: A Housing Strategy for England' has the potential to be devastating. Here is a summary of the consequences:

Local Housing Allowance rates will leave York residents £2.9 million short of payments as payments are based on the lowest 30% of rents. This will mean:

Low paid workers may have to move as 91% (around 1,950 people) of existing LHA customers will lose on average £12.57 a week. Average loss per affected customer would be around £653 p.a. or £12.57 pw

Average market rents for 2 and 3 bed homes in York:

£648 per month for 2 bed – LHA up to £500 per month (lowest 30%)

£801 per month for 3 bed – LHA up to £580 per month (lowest 30%)

Increases in LHA rates from 2013 are to be linked to the Consumer Price Index rather than the higher Retail Price Index. Shelter suggest that York is likely to become unaffordable for people on housing benefit by 2026

Under 35 year old room rent: The average difference between the new LHA for a shared room rate for a resident between 25 and 35 years old and what they currently receive

for a 1- bed self contained is £30, but some individuals will lose out by up to £51.61 per week. This could lead to many vulnerable people having to live in unsuitable accommodation.

The Getting Britain Building Scheme means a reduction to already agreed 106 agreements which provide schools, parks and transport infrastructure, all important for new housing schemes.

Right to Buy: 50% discount is not what it seems – the Government have said that for each home sold a new one will be built. Financing is viewed as questionable as out of the 50% received from the capital sale only half will go to a new build, say £30k in York. The rest required to build will come from loans taken out by Registered Social Landlords who will then need to charge the new 80% of market rent model. This means that these homes will be unaffordable for most.

Reduced Tenancies – Tenants of Social Housing will not have security of tenure and this can affect tenants' well-being.”

(xix) To the Cabinet Member for Health, Housing & Adult Social Services, from Cllr Orrell:

“What steps are the Council taking to help organisations like York People First adjust to the personalisation agenda and cope with the reduced availability of grants?”

Reply

“York People First does not receive grant support from the Council but as with other voluntary sector groups they can access support from York CVS for advice about funding options.

Support for the Voluntary Sector to adjust to the Personalisation Agenda has been provided through a voluntary sector forum and through CVS in York. York People First are linked in to these through the CVS-hosted Learning Disability Forum.”

- (xx) To the Cabinet Member for Health, Housing & Adult Social Services, from Cllr Cuthbertson:

“Given the increase in the number of people with dementia, both now and forecast, is the Cabinet Member confident that there will be sufficient capacity in the new proposals to accommodate this?”

Reply

“Based on demographic predictions for York and known trends it is estimated that CYC will need 180 beds providing a mixture of high dependency, dementia, and nursing care. This is a considerable increase on the 57 dementia beds currently provided in our EPH’s and there is a shortage of dedicated dementia beds in the wider private sector in York. In line with the Long Term Commissioning Strategy there be a requirement to increase the number of respite care beds from 14 to 20 (including 8 dementia care respite beds) which will help support carers in the city. This will bring the total number of beds required to 200. We believe that this number of beds will meet the projected demand.

I would also point out that this information was provided in the reports to Cabinet in July and November, both of which Cllr Cuthbertson could have attended and questioned and that he could have made a submission to the consultation process which neither he nor the Lib Dem Group did.”

- (xxi) To the Cabinet Member for Leisure, Culture & Social Inclusion, from Cllr Ayre

“What does the Cabinet Member believe would be the minimum requirement of facilities for a true community stadium?”

Reply

“This administration has always been committed to delivering a stadium that will genuinely be for all the people of York, a source of real civic pride, and one which will provide exciting community facilities for everyone.

The question talks about “minimum requirements” because that reflects the previous administration’s thinking:

*A football stadium with minimum community access.
We, on the other hand, have well advanced plans to deliver:*

- *A stadium which in addition to hosting the professional clubs will accommodate a wide range of junior finals and other community fixtures in addition to hosting concerts and other community events*
- *Conferencing facilities that will benefit a wide range of York's community organisations*
- *Meeting, learning, eating and socialising spaces including an Explore Gateway*
- *Community health facilities that will make a positive impact on health inequalities in the city, especially amongst those least likely to use traditional health services*
- *A dedicated learning hub where York St John University will run sports courses that will have a real impact on the development of community sport in the city and draw in schools who will be able to have lessons in inspiring state of the art facilities*
- *Investment to upgrade the current facilities at Waterworld including sport and fitness provision*
- *Children's play facilities*
- *And of course, a brand new athletics track and cycling facility to be sited at the new York Sports Village*

The stadium will be fully inclusive and provide activities for everyone."

(xxii) To the Cabinet Member for Leisure, Culture & Social Inclusion, from Cllr Hodgson:

"Will the Cabinet Member for Leisure, Culture and Social Inclusion voice her opposition to specific changes contained within The Legal Aid, Sentencing and Punishment of Offenders Bill, changes that will severely limit entitlement to legal aid and access to justice for some of the most vulnerable residents in our city?"

Reply

"I am more than willing to add my voice in opposition to changes to Legal Aid proposed within the Sentencing and Punishment of Offenders Bill.

The intention of this bill is to remove the right to Legal Aid for 'civil matters' including principally benefit appeals. Under the proposed new system, people who are unhappy with a decision made on their benefit entitlements for housing, welfare, and so on will not be able to claim legal aid to appeal against the decision. They will be forced to find, and

pay for, their own legal representation; clearly many will simply not be able to afford to do this.

This will clearly have an adverse affect on benefit claimants of all ages and across all backgrounds: It cannot be just.

Furthermore, victims of domestic violence will only qualify for legal aid if it is deemed that they are at 'high risk of violence' however this is to be defined.

It seems clear to me that these changes are designed specifically to hurt the most vulnerable in society and I call on the Government to abandon them."

(xxiii) To the Cabinet Member for Leisure, Culture & Social Inclusion, from Cllr Ayre

"How many Ward Committees need to agree to fund the planned York 800 celebrations for the plan to be viable and what is the fall back plan if there is insufficient sign up?"

Reply

"I'm pleased to be able to inform members that since my appointment as the responsible Cabinet Member I have been working tirelessly with partners across the city to bring together an exciting programme of activities to celebrate 800 years of self-government in this city.

Highlights include the world famous York Cycle of Mystery Plays being revived in the Museum Gardens for the first time since the 1980s.

There will also be enhancements to existing festivals such as the Viking Festival, Illuminating York and the Residents First Festival together with a new Chocolate Festival, a specially-themed Big City Read and plans for a medieval summer.

The year will be a platform for York to build its reputation on the international stage as a vibrant city, capable of staging exciting and memorable events.

Funding to support many of these activities has already been secured from partners across the city or from allocated budgets within the council. In addition, funding bids to the Arts Council: England and other grant giving bodies are being made.

The proposed programme is still open to enhancement and I am delighted that many neighbourhoods are getting involved.

Further ideas will no doubt emerge as the year progresses and many groups will just get on and organise their own local York 800 celebrations: Most won't require additional funding and they certainly don't need our permission!

In short, it's a case of the more the merrier but we already have an excellent programme in place and we won't let the scathing cuts by the Liberal Democrat- Conservative Government spoil our enjoyment of a very special year for this city."

(xxiv) To the Cabinet Member for Leisure, Culture & Social Inclusion, from Cllr Ayre

"What advice will the Cabinet Member be giving Ward Committees and Community groups on how to deal with public expectations for Ward Committee funded schemes, given the current uncertainty around the amount of money available to Ward Committees next year?"

Reply

"I would give the same advice that I would give to anyone who holds a Council budget or receives Council funding. The financial situation that has been forced upon the Council by the current Conservative-Lib Dem Government means that we have to look very carefully at all areas of the Council's expenditure.

It is inevitable that we will have to make difficult decisions to reduce spending in a range of areas. I think the public understand this and who is responsible for it.

Ward Committee funding is no exception. The responsible thing to do for all ward members therefore will be to be cautious in dealing with the public's expectations prior to the Council's budget being set in February."

(xxv) To the Cabinet Member for Leisure, Culture & Social Inclusion, from Cllr Ayre

"Does the Cabinet Member support the Fairness Commission proposal to scrap Ward Committee funding?"

Reply

"I welcome the initial findings of the Fairness Commission. The Cabinet will be looking at it very carefully.

I note that the overarching direction of the Fairness Commission's recommendations is to direct funding to where it is most needed. This is a principle that we will be applying to our new model of Neighbourhood Working that I will be bringing to Cabinet in January.

It will ensure that there are effective mechanisms to understand what residents' priorities are for their communities, to streamline front line services to deliver on those priorities and to allocate resources sensibly to remove the previous administration's repeated wastefulness and duplication and finally to ensure that scarce resources reach the areas that need them most."

(xxvi) To the Cabinet Member for Communities and Neighbourhoods, from Cllr Reid

"Given Labour's manifesto commitment to increase highways spending, will the Cabinet Member be rejecting the proposals by the Fairness Commission to make major savings in this area?"

Reply

"Labour's manifesto commitment was to increase the road resurfacing budget for 2011-12. We did this at 30th June meeting of Full Council, which your Group voted against. The Fairness Commission recommendations are being evaluated as part of the budget setting strategy for 2012-14."

(xxvii) To the Cabinet Member for Crime & Community Safety, from Cllr Steward:

"Can the Cabinet Member for Crime detail what the Council is doing to combat the problem of metal theft?"

A rise in the worldwide price of copper, lead and other non-ferrous metals has led to a dramatic increase in the number of metal thefts across the UK.

Over the City of York area the Safer York Partnership (SYP) and North Yorkshire Police (NYP) are working hard to target offenders and reduce this kind of crime, with combating metal theft having been made both a force and local priority in York.

In the last two years across the City there have been approximately just under 500 recorded incidents involving

metal theft from buildings, including churches (29), commercial premises (111), dwellings (220), education premises (31), gardens/sheds (25), public open spaces (34) and vehicles (7). The number of incidents has almost doubled over the two years (2010 – 2011 to date). The Wards experiencing the greatest incidence have been Clifton, Guildhall, Heworth, Hull Road, Micklegate and Westfield.

Safer York Partnership have produced a poster for use at sites vulnerable to lead theft, such as building sites, and a general leaflet offering advice on how to make premises and sites more secure from this category of theft, and to make property less desirable to metal thieves.

On the specific category of theft of catalytic converters, of which there has been some 20 recorded incidents across York in the last 7 months, following discussion at the SYP Autocrime Task Group, around the increasing amount of such theft, City of York Council Trading Standards are to lead on an initiative initially developed by Suffolk constabulary which involves indelible marking of catalytic converters and placing stickers in car windows to indicate they are marked. Marking cannot be removed unless ground off, therefore scrap dealers should know to be suspicious of catalytic converters with evidence of this. The marking will also assist in NYP in identifying stolen converters when searching premises. The City of York's Motor Traders Fair Trading Scheme members are to be involved by using their premises for marking.

Nationally, Members may be aware that the LGA has been lobbying the Government to bring forward amending legislation to improve the regulation of the legitimate scrap metal dealer trade, including the introduction of annual licences for dealers, requiring the installation of CCTV with automatic number plate recognition in scrapyards and tightening up the regulations on keeping a log of those selling scrap to dealers. There have also been calls for the trade's traditional cash-based payments to be outlawed, so that trade based cashless transactions becomes the requirement, making it easier to trace the sellers. Given his involvement with the Community Safety discussions at the LGA, as Cllr Gillies will know, York's representative on the Community Safety Advisors Group has been generally

supportive of the LGA position. There is also currently a Private Member's Bill (Graham Jones MP) under consideration in the Commons.

In the meantime, discussions have commenced, involving CYC Trading Standards Department and SYP, with a view to developing a voluntary code with the legitimate scrap metal trade to tighten up the regulation of the industry locally.

NB – the reported crime statistics included in the above have an estimated accuracy of 10-15% and do not include metal thefts from the railway, which are the responsibility of the British Transport Police (BTP). (Steps are being taken to improve the exchange of information between BTP and SYP in this respect).

Cllr D Horton

LORD MAYOR OF YORK

[The meeting started at 6.30 pm and concluded at 10.00 pm]

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Membership of Committees, Working Groups and Outside Bodies

Committees/Working Groups

Planning Committee

To appoint Cllr Cunningham-Cross to replace Cllr Williams as chair of the Committee. Cllr Williams to remain as a Committee member.

Learning and Culture Overview and Scrutiny Committee

To appoint Mrs Rachel Barber and Mrs Paula Widdowson to the Committee as Statutory Co-opted Members (Parent Governor Representatives) [Note: They will only be required to attend meetings where educational issues are being discussed]

Scrutiny Management Committee

To appoint Cllr Potter to replace Cllr Williams as a member of the Committee as he is now a Cabinet Member.

Community Safety Overview and Scrutiny Committee

To appoint Cllr Potter to replace Cllr Williams as a sub on the Committee as he is now a Cabinet Member.

Economic and City Development Overview and Scrutiny Committee

To appoint Cllr Potter to replace Cllr Williams as a member of the Committee as he is now a Cabinet Member.

Health Overview and Scrutiny Committee

To appoint Cllr Richardson in place of Cllr Wiseman on this Committee.

To appoint Cllr Doughty in place of Cllr Wiseman as Vice Chair of this Committee.

City Centre Access Ad-Hoc Scrutiny Committee

To appoint Cllr Boyce to replace Cllr Williams as a member of the Committee as he is now a Cabinet Member.

Equality Advisory Group

To appoint Dan Sidley (LGBT Forum) as a non-voting co-opted member, in place of Simon Rodgers.

Member Development Steering Group

To appoint Cllr Douglas to replace Cllr Williams as a member of the Committee.

Young People's Working Group

To appoint Cllr Looker to the Group in place of Cllr Potter.

Independent Remuneration Panel

To appoint the following to the Panel:

David Dickson

Elizabeth Heaps

Janet Hopton

Peter Kay

John Lister

Andrew Scott

Dr Richard Shephard

Patrick Shepherd

Partnership Bodies

YorOK Board

To appoint Cllr Looker as Vice-Chair of the YorOK Board, in place of Cllr Potter.

York Education Partnership

To appoint Cllr Looker to the Partnership in place of Cllr Potter.

Outside Bodies

Charity of Jane Wright

To re-appoint Miss Anne Sains for a further 4 year period from 4 December 2011.

Health and Wellbeing Board

To appoint Cllr Wiseman to the Board.

To appoint Cllr Williams to the following outside bodies to replace Cllr Looker:

Association for Public Service Excellence (APSE)

PATROL Adjudication Joint Committee

York and North Yorkshire Waste Partnership (Members)

Yorventure Management Group

Yorwaste

To appoint Cllr Looker to the following outside bodies to replace Cllr Potter:

Consultation Meetings with Looked After Young People "Show Me That I Matter"

Early Years and Extended Schools and Community Partnership

LA Admissions Forum

Learning City York

Local Government Yorkshire and Humber Regional Improvement and Efficiency Partnership

OFSTED Sub-Group

Portage Service

Schools Forum

Wenlock Terrace (looked after children)

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Councillor James Alexander
Labour Leader of City of York Council
Report to Full Council – March 2012

It has been three months since my last report to council. This is a long period of time in an ever changing landscape of local Government in flux.

2012, the Lord Mayor and Internationalisation

This year is a fantastic year for York. We have the Olympic torch, Paralympic torch, York 800, the queen visiting. This year will be a year of celebration and an opportunity to refocus the role of the Lord Mayor.

I wish to convene a meeting of current, future and previous Lord Mayor's to talk about the structures required to impart continuity in the role and ensure additional resources are given to the Lord Mayor in relation to economic development.

It has been clear over the passed year that the Lord Mayor plays a significant role in attracting influence and inward investment. It has also been clear to me that despite a good working relationship with the current Lord Mayor, in hindsight greater pre-planned co-ordination could have led to further opportunities for York. I have discussed this with the incumbent Lord Mayor and the next.

I am keen for the Economic Infrastructure Fund to fund a post from economic development to work directly with the Lord Mayor.

I am also asking for the Chief Executive to assess the possibility of taking on a military officer through the defence career partnership to assess our customs when dealing with international visitors. I also think the gifts we give to international visitors need to be improved. Gifts are so important to some cultures that we are trying to attract inward investment from.

Apprenticeships

Councillor Julie Gunnell and I have signed up to become apprenticeship ambassadors of the National Apprenticeship Service. This is a part of our commitment to increasing the number of apprentices in York. City of York council has recruited 34 apprentices since the change of control in May 2011. We want to encourage other organisations to also become ambassadors and encourage others to take on board apprentices.

The Chair of the York Business Forum, Adam Sinclair has signed up to become an ambassador. There are 33 ambassadors in Yorkshire and the Humber and I would like to beat this number in York alone.

This follows the Labour manifesto pledge to seek to increase apprenticeships.

Police Commissioners

I am alarmed at the news the election for police commissioner will have no free mail shot like Parliamentary and European elections. I have expressed my dismay at this to other council leaders in the region of both parties.

The Government expects people to look at a national website to see who the candidates are. This will severely affect the electoral turnout and in turn the mandate of him or her who is elected Police Commissioner for North Yorkshire. It will also affect the engagement of people in rural areas, with not access to broadband, the elderly who are less likely to use broadband and the poor who cannot afford it.

I am going to write to Theresa May expressing my concern and I will be asking other group leaders to co-sign this letter with me. This is an issue about democracy and not about party politics.

FTRs

Gone.

This follows the Labour election pledge to get rid of the ftr purple bus.

Organisational Review

Interviews are taking place for challenged assistant director posts. This is clearly a difficult time for some staff and it is right that we all pay tribute to their dedication and hard work despite being denigrated by the Government.

It is however right that we have looked to decrease management costs at a time of severe Government funding cuts.

City of York Council's First Phone Application

We will be launching soon the council's first phone application. This application will be multiplatform (Android, Apple OS, Windows and Blackberry etc.). It will be free and allow residents to report in grotspots across the city through a touch of a button. The image will then be uploaded to the council's website along with location and time of reporting. The council will then clean up the area and report when the job is closed.

The application comes out of my visit to Lewisham council with Councillor Janet Looker last summer. The programme has also been taken up by the Mayor of London, Boris Johnson.

We will be the first in Yorkshire to develop this app. It will save money on pre-inspection costs, call centre costs and increase accountability of the service.

This shows we are becoming a forward thinking council.

Local Enterprise Partnerships

I am concerned at the lack of debate about LEPs in this council. I feel this is currently where a lot of the real business is done.

The Government is looking on LEPs with increasing importance. The Government also wants more joined up functions between LEP areas. This puts York in a difficult position as it straddles two LEPs.

Retail Strategy Group and Portas Report

Following the publication of the Portas report I asked for a meeting with retailers to discuss City of York Council's response. I also think we should bid towards the Government funding for high streets. However to put it into context the Government is giving £1m to high streets in the UK. This council is looking at least £2m for Reinvigorate York alone.

It has been agreed with retailers and interested parties that we extend the retail strategy group to include others and become a city centre team, much more focussed on the city centre, rather than just retail.

Eric Pickles

Will be addressing council leaders at the next meeting of Local Government Yorkshire and Humber. This meeting will have occurred before full council and I am happy to take questions on this meeting.

The Government's Budget

This will also have been announced by the time of full council and I am happy to take any questions on the affect upon residents in York.

Bill Woolley

Bill will be retiring soon and I would like to take this opportunity to publicly thank him for his unparalleled service to this council and this city.

Minimum Wage

I am disappointed that the minimum wage has not increased for under 21s as it has done for over 21s. The cost of living is the same for both. The Government is increasingly denigrating young people and it is not on. If someone under the age of 21 does the same job as that over, they should be paid the same and Government legislation should reflect this.

I am going to ask the Chief Executive to ensure that this is considered as part of the work required to introduce the living wage. My understanding is that this council does not differentiate between the pay of substantive posts aged under 21 and above. This should continue.

It has been ten months of the Labour administration and already we are making a difference. We are honouring our manifesto pledges. We said before the election York deserves better and after winning, we are delivering it.

Councillor James Alexander
Labour Leader of City of York Council
20th March, 2012

MEETING	CABINET
DATE	6 MARCH 2012
PRESENT	COUNCILLORS ALEXANDER (CHAIR), CRISP, FRASER, GUNNELL, LOOKER, MERRETT, SIMPSON-LAING (VICE-CHAIR) AND WILLIAMS

PART B - MATTERS REFERRED TO COUNCIL

118. NEIGHBOURHOOD WORKING - A NEW APPROACH

[See also under Part A minutes]

This item was the subject of a pre-decision call in.

Members considered a report that proposed a new model of Neighbourhood Working through which the Council would work with partners to deliver better services for York's communities.

It was noted that paragraph 19 of the report should read...
"There will be three ward publications a year for each ward..."

The Cabinet Member stated that the proposed model of working had taken into account the financial situation and the changing demographics. It would be more efficient than the current arrangements and would bring improvements for Members, residents and the voluntary sector. There would be clear channels for reporting problems and ward credits would enable funding to be targeted where it was most needed. No decisions had yet been made in respect of staffing.

Members stated that there were a number of flaws in the current arrangements and they expressed their support for the proposed model of Neighbourhood Working. It would enable resources to be allocated where they were most needed.

Discussion took place regarding the importance of ensuring that there was a fair allocation of youth services in wards and that

these were linked to need. The provision of activities for young people was an important issue for many residents.

RECOMMEND: That Council approve a change in the Council's constitution in respect of ward committee arrangements, as set out in the Annex to the report.

REASON: To deliver better services for York's communities.

Councillor Alexander, Chair
[The meeting started at 5.30 pm and finished at 7.10 pm].

Summary and Explanation

Ward Committees

7.1 There are 22 Wards in the City of York which in some cases are merged to create 18 Ward Committees. These Ward Committees provide local citizens an opportunity to influence local service delivery and to have a say more widely in Council affairs. They are responsible for considering local matters and have a devolved budget to spend on supporting local community groups and initiatives. The Ward Committees are comprised of Councillors for each Ward(s) who must exercise their delegated authority in consultation with local residents at annual meetings that are held in public.

In addition to the annual meeting there are up to two themed ward committee meetings each year that provide an opportunity for residents to be involved in exploring specific issues and identifying solutions.

Every household is notified of details of the Ward Committee meetings and all local residents are encouraged to attend and have their say.

Responsibility for Functions

9.1 The function of a Ward Committee is to:

(a) Consider the needs of local communities and, taking account of the views of local residents, prepare a Community Contract for each Ward that is consistent with the Council Plan policies and priorities in so far as they relate to the Ward.

(b) Formulate, develop and approve an Action Plan for the Ward based on the priorities in the Community Contract and scrutinise the delivery of local services based on the Plan.

(c) Continuously monitor services and facilities within the ward to identify specific improvements which the Council or partners could introduce within available resources and make recommendations.

(d) Provide wide-ranging opportunities for residents to monitor service delivery, inform service redesign and for communities to deliver services where practicable and appropriate.

(e) Bring to the attention of the Council the views of local people on any matter of local concern and identify practical arrangements which might improve communications between the Council and the people it serves.

(f) Consider and provide advice to the appropriate Cabinet Member or Director on the provision of services within the ward by the Council and other bodies including any set up by the community.

(g) Promote the principles and standards of the Council's Open Government policy.

(h) Decide on the allocation of resources contained within the Ward Committee budget in accordance with the Council's Procedure Rules as set out in Part 4 in this Constitution except:

- i) Resources will only be used to award grants to community groups in the ward to support their contribution to the priorities set out in the Community Contract;
- ii) Services that require an "authorised officer" of the Council to exercise statutory functions.

(i) Comment on proposals of the Cabinet, Committees and Sub – Committees of Council which have an impact on their Ward.

PART 4C - ADDITIONAL STANDING ORDERS RELATING TO ANNUAL WARD COMMITTEES

1 Meetings of the Annual Ward Committee

- 1.1 The Annual Ward Committee meeting will be called by the Chair and meet once per year.
- 1.2 Any member of the Committee may place an item of business on the agenda.

2 Minutes

- 2.1 Copies of the draft minutes of the previous meeting will be circulated to Members on the day the agenda is circulated, no less than 10 clear days before the meeting is to be held.
- 2.2 The minutes will be agreed at the next meeting of the Ward Committee and signed by the Chair.

- 2.3 The minutes of the Ward Committee will be entered in a Minute Book and be available for public inspection no more than five working days after they have been approved.

3 Voting

- 3.1 Voting at a meeting will be by a show of hands. Any Member may require their vote to be recorded in the minutes.
- 3.2 In the event of any vote being equally divided the Chair will have a second or casting vote.
- 3.3 Where only two Members are present any delegated powers can only be exercised if both Members are in agreement.

4 Access

- 4.1 Ward Committees will be subject to current access to information provisions. In addition the following will apply:-
- (a) The Chair of the Ward Committee will introduce all agenda items then allow public debate.
 - (b) The Chair of the Ward Committee will sum up at the end of the debate and together with other Members take a decision.
 - (c) Meetings of the Ward Committee will be open to all residents of the ward to attend.
 - (d) The agenda will be publicised no less than five clear working days before a meeting is held.
 - (e) Agenda will include a residents' question time (Have Your Say).
 - (f) A public notice board will be established for the ward on which all public information will be displayed. (The Press and social media will be recognised as a public notice board.)
 - (g) Council officers will be able to attend and speak at meetings where the subject area is relevant to the ward or where a citywide issue might impact on residents in a ward.
 - (h) Members may invite representatives of other agencies to attend and advise at meetings where relevant items are to be discussed.
 - (i) The Council will communicate the findings on any issue raised with them by a resident to that person within ten clear days - unless the inquiry raises issues of law or practice, requiring a provisional response to be sent or where an issue requires further action and /or investigation the Council will communicate that this is the case providing a deadline for completion.

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MEETING	CABINET
DATE	6 MARCH 2012
PRESENT	COUNCILLORS ALEXANDER (CHAIR), CRISP, FRASER, GUNNELL, LOOKER, MERRETT, SIMPSON-LAING (VICE-CHAIR) AND WILLIAMS

PART B - MATTERS REFERRED TO COUNCIL

119. THE COMMUNITY STADIUM: BUSINESS CASE

[See also Part A minute]

Members considered a report that set out the business case for the Community Stadium to pre-procurement stage. An addendum to the report was tabled at the meeting and is attached to the on-line agenda papers.

Details were given of the proposals and facility mix and the funding for the scheme. Members' attention was drawn to the risk analysis detailed in the report.

The Chair responded to specific issues that had been raised under the public participation item on the agenda.

Councillors Merrett, Simpson-Laing and Williams abstained from voting as they served on the Planning Committee which would consider the planning application for this site.

RECOMMEND: That Council:

- (i) Approve the business case as presented noting the financial risks and potential resultant liabilities that may arise as a result of proceeding with the scheme.
- (ii) Approve its submission to the Planning Committee in support of the outline

planning application submitted by Oakgate Group plc.

- (iii) Approve the inclusion in the Capital Programme of the Community Stadium scheme at the value of £19.2m to be funded from £14.85m of S106 Contribution, £4m of Prudential Borrowing (£200k 11/12 and £3.8m 12/13) and £350k York City FC. Members should note that the funding from York City Football Club could be higher than a £350k contribution and this would result in a reduction of the Council's contribution.
- (iv) Approve the release of the balance of the Council's £3.8m Prudential Borrowing as shown in the capital programme in 12/13 in order to progress the Community Stadium project.
- (v) Approve, that as part of the release of the £3.8m capital funding available, that £2m be allocated for the new athletics facility with York University and commit to the delivery of the project. Note the risks outlined in paragraph 50 of the report that if the stadium scheme does not proceed that £2m of CYC Prudential Borrowing will be spent on delivering athletics provision for the City.
- (vi) To note, and accept, the risks set out in the risk management section of the report, and the financial implications section.

REASON: To enable plans for the community stadium project to be developed and progressed.

Councillor Alexander, Chair

[The meeting started at 5.30 pm and finished at 7.10 pm].

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Cabinet

6 March 2012

Report of the Cabinet Members for City Strategy and Communities and Neighbourhoods.

The Community Stadium: Business Case

Summary

1. This report sets out the business case for the Community Stadium to pre-procurement stage. Cabinet members are asked to recommend to Council to:
 - Approve the business case as presented noting the financial risks and potential resultant liabilities that may arise as a result of proceeding with the scheme.
 - Approve its submission to the Planning Committee in support of the outline planning application submitted by Oakgate Group plc.
 - Approve the inclusion in the Capital Programme of the Community Stadium scheme at the value of £19.2m to be funded from £14.85m of S106 Contribution, £4m of Prudential Borrowing (£200k 11/12 and £3.8m 12/13) and £350k York City FC. Members should note that the funding from York City Football Club could be higher than a £350k contribution and this would result in a reduction of the Councils contribution
 - Approve the release of the balance of the Council's £3.8m Prudential Borrowing as shown in the capital programme in 12/13 in order to progress the Community Stadium project.
 - Approve that as part of the release of the £3.8m capital funding available that £2m to be allocated for the new athletics facility with York University and commit to the delivery of the project. Note the risks outlined in paragraph 50 that if the stadium scheme does not proceed that £2m of CYC Prudential Borrowing will be spent on delivering athletics provision for the City.

- To note, and accept, the risks set out in the risk management section of this report, and the financial implications section.

Background

2. Previous reports to the Council's Executive and Cabinet have provided summaries of the development of the Community Stadium project to date. A review of the project's history is included in the Business Case (Confidential Annex A). The outline stage of the Business Case was first agreed by members in June 2009. It was then further developed to support the decision of the Executive in July 2010 that the stadium would be located at Monks Cross South and would be delivered as part of an enabling development at the centre of a range of community facilities.
3. On 8 December 2011 Council agreed that £200k of the Council's £4m capital allocation for the project should be used to progress the project to the next key stage. Since then officers have undertaken:
 - Cost management reports on all strands of the capital work.
 - Further development of the key stakeholder partnerships for the provision of the community facilities.
 - Financial and due diligence work.
 - Sensitivity analysis on the operation of the leisure facilities.
 - Stage 2 feasibility and survey work at the University Sports Village in order to proceed with the athletics proposals.
 - Architectural and design work to develop the specifications / design guides for the new facilities, prepare schematics, developing the indicative plans provided as part of the outline planning application.
4. The business case has now been developed to the point where members are in a position to sign-off the core principles of the way the stadium and associated community facilities will be delivered, operated and maintained based on projections of the principal costs and income streams supported by a robust evidence base and sensitivity analysis identifying the relevant risks.
5. Following approval of this report, officers will move to:
 - Preparation of the procurement packages.

- Appointment of the council's design / construction / legal / procurement and financial specialists that will work for the council throughout the procurement exercise.
 - Preparation and submission of detailed planning / reserved matters applications for development relating to the community stadium, community sport & dedicated training facilities and the county standard athletics track.
 - Undertake detailed discussions / negotiations with key project stakeholders now Heads of Terms have been secured with all parties.
 - Undertaking further community consultation.
 - Continue to develop the business case as the planning, procurement and design process progress.
6. A planning application has been submitted for the enabling development by Oakgate Group plc. The application includes a S106 agreement which pays £14.85M towards the delivery of the community stadium. This will be the principal funding stream. It is proposed that the Council submit the business case into the planning process in order to demonstrate that the Community Stadium is deliverable and sustainable and will deliver community benefits that justify the enabling development.

The Business Case

7. The business case for the community stadium was first formally submitted to the council in June 2009. Since then it has developed as part of an iterative process. It is now at a stage that provides members with sufficient information to make an informed decision relating to the key issues and risk associated with the delivery of the project.
8. The detailed business case and supporting documents are set out in **Annex A**. Due to the commercially sensitive nature of much of the information the document is confidential. This cabinet report contains a summary of the key issues.
9. The key principles for the project are that it will:
- Be a community focused project that will deliver an exciting range of sports, learning, and health focused services and facilities for the City and region.

- Make the new 6,000 all-seater stadium the focal point of a new community hub that will play a key role in community leisure provision across the City.
- Provide a new high quality county standard athletics facility as part of the York Sports Village at Heslington East Campus.
- Ensure that all the facilities are fully inclusive and owned by the Council for the benefit of the people of York.
- Ensure that all commercial uses / activity will support the community objectives of the project.
- Establish the most efficient and cost effective arrangements for the operation of the facilities.
- Create commercially sustainable facilities.
- Enable the project partners to thrive, with no adverse impact through the delivery of the project.

Proposals and facility mix:

10. The scheme proposes an extensive range of community facilities, these are set out below:

- **Community Stadium:** 6,000 all seat stadium with hospitality & support facilities and capable of extension to 12,000 capacity – shared between rugby league and football. It will also act as a base for the clubs' extensive community activities, provide them with offices, boardroom, administration and high quality hospitality facilities and a top class playing surface. The stadium will host community sports events / finals and be available for occasional events such as concerts.

The stadium and its associated facilities will act as a focal point for community sports activity. This will be a base for the clubs to deliver their community activities, building on their present programmes. This will also give schools, adult education providers and other community groups the chance to use the stadium and sport as means of motivation to encourage educational development and participation. There will be access to the meeting areas and hospitality lounges for community use and the stadium itself to host finals for schools and leagues across the City.

- **3G Floodlit Games Courts:** Linked to the stadium and working with the Football Association (FA), Football Foundation (FF) and

local leagues, to provide a 3G pitch with a youth focus, linked to the development structure of the professional clubs. The facility will also be available for local 5-a-side leagues and training for the professional teams. This would be built with a 'shock pad' allowing rugby to be played, offering considerable opportunity for YCKs to run elements of their community programme and be used as a training facility.

- **Community Sport & Training Pitches:** Three options are provided to deliver a dedicated training and reserve team facility for Rugby League enabling the pitch quality of the community stadium to be maintained. The objective is to also invest into community sports provision across the city in delivering this facility.
- **County standard athletics facility:** 500 capacity grandstand, club and support facilities at the York Sports Village. It will act as a hub for the new regional closed circuit cycle track to be developed with the university and offer scope for other sports such as triathlon. This will be a key part of the City's Olympic legacy and establish York as sporting centre of regional importance. It will provide a sports pitch in the centre of the track (which will replace the pitch ultimately lost at Bootham Crescent, satisfying Sport England's requirements) and the business case for the provision of an additional training pitch adjacent to the facility is being explored.
- **Investment into Leisure Portfolio:** Potential to bring much needed investment into the leisure facilities at Waterworld / Huntington Stadium to secure the facilities' long-term sustainability through the procurement exercise to secure an operator. Feasibility has identified £3M investment requirement. This element of the project is not included in the stadium financial model. However, this will be considered as part of the wider procurement exercise underway as an invest-to-save initiative.
- **Community Hub:** a range of community focused facilities and uses are also proposed. These will be built as part of the Stadium's main stand, incorporated into an iconic atrium, providing a focal point for all the community activity at the Huntington site. It will be designed around a large, high quality cafe and informal communal / reception area.

The primary function of the hub is to provide a commercial revenue stream to support the community stadium's running costs and to

support the clubs in delivering their community sports programmes. However, one of the key objectives of the project has been to maximise the potential community benefits. To this end, extensive work has been undertaken to establish a mix of community facilities and users that will add considerable value to the community stadium with far reaching benefits to the City whilst providing a revenue stream at the same time. Heads of Terms have been agreed for commercial rental agreements to deliver the following:

- **York NHS Hospital Trust Community health / well-being drop-in centre:** Providing a range of clinical uses such as physiotherapy & phlebotomy , health information and services such as sexual health and health in-equalities that can use the power of sport and the attraction of the new destination to encourage use, particularly by hard to reach groups.
- **York St John University Community Institute of Sport & Wellbeing:** Linked to the NHS facility offering a range of learning opportunities and placements to provide a unique integrated learning model for sport and health studies, research and development. The work of the sports institute could provide support to the clubs and community health uses, offering access strength and conditioning and physiotherapy services.
- **Independent Living Assessment Centre:** Providing a community 'retail' facility for those with mobility problems. This important service will be given a high profile frontage as part of the new sports / community and retail destination providing excellent accessibility for a use that is currently in an inappropriate and inaccessible location. Scope exists to link this and extend the provision to include services such as stroke rehabilitation etc.
- **Training, development and conference centre:** Using the main hospitality area of the stadium (non-match day use) to deliver a range of seminars, training courses meetings, conferences. Led by York NHS Trust & YSJU and offering use for wider community use. This facility will also be used by the sports clubs to offer high quality match-day hospitality, as well as access for functions and other events in the evenings and at other times.

- **Gateway Explore Library:** Providing a new way of delivering library services, will be integrated into this new multi-agency environment. This would be at the very heart of the hub, being part of the atrium, linking into the cafe / informal areas, providing access to books, IT equipment and a range of other learning activities and spaces.
- **Child's play facility, crèche and day nursery:** Offering a new unique and exciting concept, extending to 800sq m. It will also include a day nursery (providing an excellent location with close access to the park and ride facility) a crèche – offering a new concept for the wider destination of parents wishing to drop off their children to either shop, use the leisure facilities or watch a game.

Facilities provided in other locations

11. A number of the proposed facilities that form part of the wider project are to be delivered in other locations. These relate to the replacement athletics facilities, community sport / dedicated training facilities and interim ground share arrangements.

Athletics

12. It will be essential that replacement athletics facilities are provided before work starts of the new stadium so that there is no gap in provision. This is to protect York City Athletics Club who would otherwise be without facilities in the interim period. It is proposed that the Council provide a £2m grant to the University to fund the construction of a county standard athletic facility, including spectator stand and playable grass pitch in the centre of the track, at York Sports Village.
13. York Sports Village LLP will build this facility on the land owned by the University and will be responsible for its ongoing maintenance and operation.
14. The facility will incorporate a 500 capacity stand which will include changing facilities, toilets, flexible space for meetings, clubroom, kitchen, storage and have scope for offices for the use of the University. This building may also be used by other sports users i.e. those using the potential cycling facilities and users of the grass pitch in the centre of the running track.

15. A legal agreement will secure community use. Draft heads of terms are set out for approval at **Annex8** of the Business Case.
16. Sport England has indicated that they would agree to a maximum of one year gap between the demolition of the stadium and the re-provision of the new facility. This would be a worse case and would have significant impact on the athletics club and community sport in the city. Members should be aware that this may be during or just after the Olympic year. It is therefore recommended that the grant of £2M from the council's capital programme is made to the University in order to secure an early start on the athletics provision without making it conditional on planning permission being secured for the Community Stadium because:
 - The new facilities need to be completed before work can start on the new stadium.
 - The current athletics facilities at Huntington Stadium are nearing the end of their useful life and are unlikely to obtain a further certificate to hold competition events; new facilities are therefore needed in any event.
 - There is limited impact on the continuity of the operation of the athletics club supporting and developing the far reaching community sports work delivered by the club.
 - Should planning permission not be obtained for the Community Stadium the current facilities at Huntington Stadium are unlikely to be sustainable and it will be necessary to relocate the athletics prior to any decision about what to do with the site.

Community Sport / Training Facilities

17. With two clubs using the pitch for matches at the Community Stadium it will not be possible for the pitch to be used for training or reserve matches. Consideration will be given to using a re-enforced pitch at the stadium that has been successfully used at a number of shared stadia across the UK. This may allow for some reserve team and other community based use. However, it is important that a facility is available for both clubs if they were to have a reserve team in the future.
18. The York City Knights currently have a first team and an under 18s extended scholarship team who use Huntington Stadium for games and for training. They had a reserve team up until 2011 but it was disbanded at the end of the season. In the future the Knights plan to revive the reserve team and also hope to have extended scholarship

teams for under 15s and under 16s in the future. They currently have no provision or designated facilities for either.

19. As part of the Community Stadium project it will be necessary to create additional facilities for training and reserve matches. A number of options have been considered. Those that are potentially feasible are set out below. Selection of the best option is subject to further negotiation between site owners / operators, the Council, York City Knights and others.
20. An options paper for the training facilities has been prepared (**Annex 3** of the Business Case). There has been an ongoing dialogue with the two sports clubs. It has also been suggested that another option should be considered as York College have expressed an interest. These facilities would need to be operational prior to the demolition of the new stadium. The main options are:
 - Acorn Amateur Rugby Football League Club
 - York Sports Village
 - York City's Wigginton Road training facilities
 - York College
21. There are a minimum of three options that are deliverable within the identified budget. It is now proposed to enter detailed dialogue with the relevant partners to develop a preferred option and detailed development proposal.

Interim Ground Share Facilities

22. York City FC has agreed to allow York City Knights access to use their ground during the construction of the new stadium. A licence agreement has been prepared. The parties are in discussion regarding this at present. Both parties agree in principle to this as an interim solution. £250k of the training facilities budget (£750K) is allocated to cover any costs associated with implementing these interim arrangements this will be based on open book accounting. The draft licence agreement is provided in **Annex 4** of the Business Case.
23. The entire scheme will result in around £20M investment in the city's community facilities using only £4M of public money (CYC capital). Thus, for every £1 of public money used, £4 of private funds will be invested into the project and the City's future. The range and

extent of community facilities and services provided, with such minimal reliance on public funds will be a first in the UK.

Table 1: Summary of cost / funding

Expenditure (cost)	£19.2M
Total Funding	£19.2M

Community Benefits

24. Using both quantitative and qualitative techniques, an independent Community Impact Assessment has been undertaken by Drivers Jonas Deloitte (DJD). A summary of the benefits are provided in Section 9 of the report setting out the ‘Magnitude and Significance’ of this positive impact provided by the proposals. DJD’s independent report concludes that:

‘The impacts from the Community Proposals are numerous, significant and beneficial. The cumulative impact of the development in its entirety will drive the most beneficial impact, with the main thrust of the benefits being assisted by the development of the community hub which will be the beating heart of the Community Proposals. The opportunities for collaboration, knowledge sharing and joined-up thinking around sport, health and community care make this a unique a development proposal of significant beneficial community impact.’

25. Key quantitative benefits and impacts of the Community Proposals

- The Community Proposals have the potential to create up to 90 additional permanent FTE positions.
- The Community Proposals have the potential to create 22 temporary FTE positions during the 24 month construction period.
- The new stadium should generate an increase of between 20% and 40% in visitor numbers, which would equate to up to 8,400 additional visitors per year from outside the City of York and up to £247,500 additional expenditure associated with the stadium.

- Up to £2,000,000 additional expenditure is expected to be created indirectly by the Community Proposals through job creation for York's residents.

26. Key qualitative benefits and impacts of the Community Proposals are set out in table below:

Table 2: Key qualitative benefits

Community focal point	Youth sport opportunities	Strategic policy fit
Targeted recruitment	Improved youth health	Improved male health
Improved skills and education	Delivery of sport programmes	Collaborative working and knowledge sharing
Co-ordinated service provision	York's only FA junior compliant 3G games court facility	Improved standard of healthcare provision
Additional opportunities for football and rugby community engagement	Increased youth participation	Reduction of access and health inequalities
Conferencing and hospitality provision for community	Increased chance of football and rugby team promotion	Community health outreach opportunities
Promotion of independent living	Additional stadium family visits	Visible library location
Free Wi-Fi and internet facilities	Health & education and training	High quality public realm
Community cohesion	Nurturing of talented athletes	Sustainable transport provision
Reduction in anti-social behaviour	High quality playing pitch	Healthy food provision
Reduced pressure on existing NHS facilities	Sport and health professional CPD opportunities	Education and literacy promotion
Support for carers	Raising awareness of ILAC	Increased access to learning
Increased sport-based knowledge for York	Work experience and intern opportunities	Anonymity for service users

Impact on Physical Activity Participation Levels

27. In York our Sport and Physical Activity targets are based around encouraging those who are least active to participate in Physical Activity. Local research shows that 42.1% of the adult population are not achieving at least 150 minutes of physical activity per week in accordance with UK Chief Medical Officer's recommended guidelines on physical activity. Males, those aged 17 to 25, 75+, those with a limiting disability and those in socio economic groups D

and E are least likely to be meeting the physical activity targets. This indicator is one of those included in the new Public Health Outcomes Framework which the city will be measured on by national research.

28. The stadium and associated sports and leisure facilities offer an ideal opportunity to address the imbalances in activity levels. The proposed new and upgraded facilities and extended cycle routes, as well as the fully accessible, off site re-provision of athletics facilities and likely creation of a closed circuit cycling facility will all offer additional opportunities for sports participation.
29. It is not just the facility improvements however that will help to address inactivity, equally important is the opportunity for community participation in activity as a result of the programming and operation of the facilities. Both York City Knights and York City Football Club have community sports / activity development teams who will be based at the stadium. They will run programmes for children and young people, linking local junior leagues with the clubs' own development routes. It is intended that the stadium will also operate programmes like "fit fans" which have been shown to have a significant impact on participant's weight, health and activity rates in other cities. These programmes will be targeted at young and middle aged males from lower socio economic groups who are the least active but the most likely to be regular sports spectators.
30. The 3G pitch will be programmed to attract the highest possible participation rates. After school and holiday periods will be used to attract young people to sports development activities run by the two professional clubs' community sports / activity teams. Sunday morning periods will be made available to local junior leagues for match fixtures; this will be managed through a usage agreement between the local leagues and the stadium management similar to the arrangements that have been made for the 3G pitch shortly to open at the University of York. Evening periods will focus on provision of adult small sided soccer, Back to Rugby / Touch Rugby which is in high demand and targets the 17 to 25 age bracket.
31. The existing gym facilities will be available for open membership but will have the added advantage of having the professional clubs training there too which will allow the "fit fans" participants to train along side the players. The links with York St John University Sports institute on site and the NHS clinical hub will also support and strengthen the ability to address health inequalities brought about by

inactivity. The Council's Sport & Active Leisure team are already working in partnership with the hospital's physiotherapy teams and GP's practices to run a series of community activities designed to address a number of health conditions such as back pain, risk of heart disease and weight management, specifically targeting those who do no physical activity. The co-location of NHS teams with sports/ fitness facilities offers the scope to extend this programme to operate in a new range of facilities and with a new client base.

Market testing

32. Extensive feasibility work has been undertaken to identify the optimum means of procuring and constructing the Community Stadium, operating the facilities along side the Council's existing leisure facilities in order to ensue best value. This work has been supported by a detailed market testing exercise, backed up by specialist legal and commercial advice, which suggests that:
- The proposals set out above are deliverable.
 - There is market interest in the operation of the new stadium and community facilities.
 - The operation of the facilities will be more attractive to the market if the Council's wider leisure facilities are included in the package.
 - There is potential to bring investment to the city's wider leisure facilities to ensure their long-term sustainability by including them in the package.
 - In particular, investment is needed in the facilities at Huntington Stadium (Waterworld, Courtney's and the Stadium) where there has been limited investment over the last 14 years. Should the current lease be surrendered (which could happen any time from November 2012) the Council would potentially be left with a significant capital and revenue budget pressure.
 - A number of different options exist for the management / operation of the Community Stadium, hospitality areas and catering that would be best explored as part of a dialogue process involving the principal stakeholders.
 - It will not be commercially desirable to appoint an extensive, dedicated stadium management company for the operation of the stadium component; the Council's intention is to let a contract for the leisure management of the Community Stadium facilities as a whole, alongside its other facilities.

- The operation of the athletics facility should be excluded from the leisure management contract as arrangements have already been agreed with the University and the City of York Athletics Club.
- Running separate (but dovetailed) procurements for construction and leisure management respectively is most likely to produce a commercially sustainable design for the Community Stadium, ensuring that the future operator has input to the design.

Procurement Strategy

33. The proposed procurement strategy is based around the following key principles:
- In respect of the Community Stadium, adopting a ‘hub and spoke’ operational model that provides a single over-arching management contract for all the facilities, focused around a community hub (shared by all users) and from which all the facilities (or spokes) are accessed. This will offer flexibility and is likely to attract the strongest market interest, with scope to achieve the leanest operational model; the exact number of ‘spokes’ will be finalised at the detailed design stage. It is important that input from stakeholders and potential operators feeds into the design process shaping the final proposals.
 - Developing the community stadium and hub to become the focal point for community sport and well-being for the City, maximising community activity and outputs focused around sport, well-being, learning and play.
 - Facilitating commercial operator input into the design process for the Community Stadium facilities to ensure a commercially sustainable design.
 - Securing essential investment required for the existing leisure facilities at the Huntington site so they continue to be commercially sustainable.
 - Encouraging niche operators to bring forward proposals for the operation of the specific spokes of the community hub that would fit into the hub & spoke model.
 - Delivering savings in operation of the Council’s leisure facilities.
34. Procurement of the operator is already being progressed following a decision taken by the Cabinet Member for Leisure, Culture and Social Inclusion on 10 January.

35. It is likely the Procurement of the construction contract will follow an “EU Restricted” procedure. The following table shows that stages in the process set next to the process for procurement of the operator:

Table 3: Outline Procurement timetable

Date	Operation & Maintenance (Competitive-Dialogue)	Design & Construction (EU Restricted)
March/ April 2012	Pre-procurement preparation	Pre-procurement preparation
May/ June 2012	Issue OJEU Notice & bidders awareness	Pre-procurement / design & feasibility
July/ Aug 2012	PQQ Process & initial dialogue	Issue OJUE Notice
Sept/ Dec 2012	Targeted dialogue	PQQ / ITT process
Jan/ March 2013	Close dialogue / ITFST	ITT evaluation / Contract award
April/ May 2013	Evaluation	Progress detailed planning submission
June 2013	Preferred Bidder - contract	
Sept 2013	Contract operational	Construction mobilisation
Nov/ Dec 2013		Construction commences
Nov 2014/ March 2015		Facilities operational

Capital Costs

36. The capital costs for this project have developed as part of an ongoing process, from the initial proposals put forward in July 2010. The figures below (for stadium and community facilities) are based on the plans prepared by DLA Architects which form part of the outline planning application, but also include the key requirements of the design brief prepared by Holmes Miller.
37. Gardiner & Theobald (G&T), who specialise in cost and project management for stadiums, have advised the council throughout the feasibility stage. Their report relating to the project’s costs also draws on an informal tender exercise undertaken recently with three leading stadia construction firms. The costs for the indicative proposals set out in the outline planning application are set out in the table below:

Table 4: Summary of capital costs for community stadium proposals

Component	Total (£000s)	Capital Cost (£000s)	Fees (£000s)	Contingency (£000s)	Comment
Stadium	11,000	9,350	1,125	525	As per Gardiner & Theobold Cost Estimate Report.
External works	1,500	1,300	70	130	As per Gardiner & Theobold Cost Estimate Report
Community floor space	3,000	2,550	307	143	As per Gardiner & Theobold Cost Estimate Report
Athletics Facilities	2,000	2,000			Delivered through funding agreement with York University.
3G Floodlit Games Court	200	180	10	10	As per commercial quotation
Community sport facilities	750	650	65	35	To include interim ground sharing / training facilities / costs.
Project Costs	750	750			This figure reflects the preferred procurement routes for the stadium and athletic track facilities.
Total	19,200	16,780	1,577	843	

38. Value engineering options that could be used to lower the overall cost of the construction up to £1M are covered in G&T's report. These will act as a further contingency if necessary.
39. VAT is not included in the above costs. This is consistent with advice provided by the Director of CBSS. Issues relating to VAT are covered in the financial Implications section of this report.
40. There are three key funding sources, these are set out in the table below:

Table 5: Funding sources

Component	Capital Cost (£000s)	Comment
S106 Contribution	14,850	Based on Oakgate development appraisal to form part of S106.
CYC Capital	4,000	CYC approved capital programme
YCFC Capital	350	Contribution following Bootham Crescent disposal
External Funding	-	External funding options exist however none are secured.
Total	19,200	

41. A detailed risk analysis of the funding and capital costs is provided later in this report. The key issues and risk associated with capital are summarised below:

- The capital costs are supported by detailed design and cost management work. Gardiner & Theobald have conducted a detailed review of the proposal which has been backed up by a market testing exercise with leading stadia construction firms.
- Further value engineering options exist to deliver the stadium that will offer a further contingency of up to £1M. Gardiner & Theobald advise that costs savings beyond this are achievable but this would involve the use of temporary stands for the new stadium.
- The majority of the funding will be provided through the S106 which will be secured if planning permission is granted. Subject to the approval of this business case, the council's £4M is also secured and is allocated within the Capital Programme.
- York City Football Club has an historic commitment to pay the Council a £2m contribution towards a new stadium, based on the FSIF loan. FSIF are committed to convert this loan into a grant if a new all-seater stadium with an appropriate safety certificate is delivered in the agreed timeframe.
- The heads of terms agreed with YCFC secure the following:
 - 1) CYC having the final charge on the land for up to £2M
 - 2) Capping the level of YCFC debt up to July 2014 that will release will enable some funds to be acquired from the sale of the land. Any further debt charges will be subject to a review by CYC and YCFC at this stage.
 - 3) YCFC's occupancy of the new stadium.
 - 4) Option of a claw back on any shortfall of the £2M not achieved through the sale of Bootham Crescent. This will form part of the July 2014 review mechanism. It could involve a precept on ticket prices.
- A recent valuation undertaken by Sanderson Weatherall will result in a contribution of c. £800k; however this is subject to changes in land values and planning permission etc. Thus the required contribution to deliver the project of £350K considered to be low

risk. However, if more than £350K is secured the Council will have the option to consider whether to further invest into the stadium or reduce the CYC funding allocation.

- To ensure continuity of the provision and development of athletics in the city, there should be no gap between the opening of the new track and the demolition of the existing stadium the development of the new athletics facility needs to be progressed. Authority is needed to spend the £2M, so the scheme can be progressed through the funding agreement with the university.
- If the stadium project did not progress (due to call-in or other judicial process) the situation could arise that there were two athletics tracks (new and old). With the athletics track and club moved to the new facilities at Heslington East – it would allow the council to consider disposing of Huntington Stadium. Based on a recent valuation undertaken by Sanderson Weatherall would raise considerably more than the £2M committed to deliver the new track. Thus there would be a low long-term financial risk to the council.

Revenue

42. This revenue section is based on following operational model:

- i. For the purposes of this report the financial model assumes all the proposed facilities form part of the community hub. The main profit and loss account is structured with separate leases for the stadium and other community / commercial uses. CYC would own the facilities. They would all be operated by an over-arching leisure management contract.
- ii. The community hub would be the main focal point of the operation (shared by all users) from which all the facilities are accessed.
- iii. The stadium would be one of these spokes operated under lease. The selected contractor may choose to introduce a specialist operator, such as a catering firm or possibly one of the two sports clubs, to operate the stadium component as part of the community hub.

43. The estimated financial operating performance of the Community Stadium is set out in detail in Chapter 9 of the Business Case. A detailed and strong evidenced financial model has been created by:

- i. Providing comprehensive benchmark figures to allow stakeholders to have confidence in the financial assumptions used are achievable.
 - ii. Testing specific income streams with commercial operators and commercial agents. Evidence to support this model is sourced from the following specialist advisors:
 - Edwards Symmons – stadia income / cost valuation
 - Gardiner & Theobald – stadia cost consultants,
 - UHY Calvert Smith – accountants
 - Lawrence Hannah – commercial & property agent
 - DJD – economic impact and visitor numbers
 - KPMG – financial due diligence, in addition to the Council's own financial analysis
 - iii. Formalising heads of terms with commercial partners to establish accurate levels of rental income.
 - iv. Undertaking financial and due diligence work.
 - v. Sensitivity and risk analysis on all operational figures.
44. The results of this financial modelling provides a sound base to conclude that the Community Stadium can be commercially sustainable, which neither leaves the sports clubs financially disadvantaged nor exposes the Council to a high risk of being requested to support elements of the scheme on an ongoing revenue basis.
45. It must be noted that this is an illustration of one operating scenario which is deliverable. It is not a final proposal.
46. The summary table below shows the results of the base model, using the cautious financial assumptions and provides a revenue surplus of £83,000 per year. Even if a further allowance were to be prudently applied for an operational contingency fund (£20k per annum) the operating forecasts would still suggest a residual operating profit (before tax and any profit distribution) of £63k (or c. 10% of the overall estimated turnover of £601k across the stadium and community hub facilities).

Table 6: Summary Profit & Loss Account

Component	Surplus / (loss) (£000s)	Comment
Stadium, conference and hospitality areas	14	Assumes base model according to assumptions as set in detailed business case Chapter 9.
Commercial rents from community hub and atrium	266	Assumes commercial rent for 1,815sqm – see breakdown in detailed business case Chapter 9.
Sinking fund & maintenance	(197)	Assumes contribution for all facilities based on advice provided by Gardiner & Theobold. Detail provided in Business Case Chapter 9.
Surplus / (loss)	83	

47. To help understand how the model works and assess the risks a summary of the underlying assumptions relating to the stadium's operating position and that of the two sports clubs is provided.

Stadium

48. This would be operated by lease agreement with the leisure operator or appropriate special purpose vehicle. The stadium profit and loss account based on a number of principles, namely:

- Operated under lease by a third party, but as part of an overarching management contract for the wider community complex.
- Maintenance and sinking fund contributions are included for the wider facility to ensure a high level of on-going investment for all the community facilities. The allocations are based on guidance set out in a report from Gardiner & Theobold.
- Catering and hospitality operation is contracted competitively to a professional catering firm, responsible for all match day and non-match day catering / hospitality.
- Match-day income for the clubs under such an arrangement would be based on a profit share arrangement with the relevant clubs (to be agreed with the clubs).
- York NHS Hospital Trust leases the hospitality facilities on exclusive terms from Monday to Friday 9-5 as a training, development, conference and teaching centre.

- Rental levels, naming rights and other income have been evidenced from a number of specialist commercial agents.
- All costs for running the stadium (staffing, insurance, facilities management, utilities and rates) are based on figures provided by YCFC then tested against leisure operators in the market and other stadia.

Table 6: Estimated Community Stadium Profit & Loss Account

Item	£000
Fixed rental payment – YCFC	125
Fixed rental payment – YCK	25
Non match day income - lease & functions	97
Naming rights	50
Net rental on floodlit 3G artificial grass pitch	28
Telecoms rentals	10
Sub-total: estimated income	335
Pitch staff	(40)
Buildings insurance	(30)
Stadium specific facilities management costs	(101)
Utilities	(90)
Rates	(60)
Sub-total: estimated operating costs	(321)
Surplus / (loss)	14

York City FC & York City Knights RLC

49. A financial review of YCFC and YCKs has been undertaken by Accountants UHY Calvert Smith. The finding of this report provides detailed up to date financial information relating to YCFC. Issues relating to an updated position for YCKs have not yet been concluded, thus the model draws on numbers provided in the previous financial review of the clubs in 2010 for YCKs. Adjustments to the model can be made when this information is finalised.
50. Evidence provided by in an independent report (Edward Symmons) provides a range of rents for clubs occupying Local Authority controlled stadiums. Their assessment is that the rents proposed in this model are as follows: YCFC at the lower end of the average range and YCKs well below the average range.
51. Analysis suggests a substantial £278k improvement in YCFC's operating position, a figure broadly in line with annual losses at currently incurred by the club. This is consistent with the club's objective to break even and put the club on a more sustainable

financial footing as a result of any move. This will result in the football club being in a minority position of operating without a loss. (See KPMG report and evidence).

52. With regards to YCKs an improvement of £50K would be achieved. It must be noted this is based on the previously reviewed 2009/10 accounts and may be subject to change.
53. The rental arrangements set out in this model are an illustration one scenario. They have not been formally agreed with the clubs. These are based with a balance of the club's ability to pay and the market rent. If below average rentals are agreed, it would reflect the recognition of the community work secured and delivered through the occupancy of the stadium. These rates are based on existing average attendances. Any future agreement would include a profit share or uplift mechanism on a risk / reward basis. There would however need to be a fine balance – as the clubs must have a strong incentive to attract crowds to progress, this is one of the underlying principles of the project.

Sensitivity and risk analysis

54. A detailed risk and sensitivity analysis has been undertaken as part of the business case. In addition KPMG has undertaken a review of the project's deliverability and robustness. The key points raised in this report are covered in the financial implications section.
55. The risk analysis considers 28 key risks, ranked high, medium or low. A summary of the risks with the highest ranking likelihood is provided below:

Table 7: Summary of High / Medium Risks

Rating	Risk	Value	Comments / Mitigation measures
Medium	Planning committee defer application and seek reduction in retail floorspace	£14,850M Capital	<p>IMPACT Any material reduction in retail floor space would have a critical impact on the project.</p> <p>MITIGATION There are limited options for mitigation. The scheme is undeliverable if the funding is reduced by a significant level.</p>

Rating	Risk	Value	Comments / Mitigation measures
High	Planning permission refused	£14,850M Capital	<p>IMPACT No other deliverable solution. Significant future impact on future of professional sport in city, the community work undertaken by clubs and the future sustainability of Huntington stadium leisure complex.</p> <p>MITIGATION None</p>
Medium	Not realising rental income on commercial space (including café)	£93k of the £266k total income	<p>IMPACT Not sufficient revenue to ensure all running costs of stadium is fully covered.</p> <p>MITIGATION Heads of Terms have been signed and received from all four potential tenants giving indication of their commitment to the project. A commercial process could be used to find new tenants if any of these dropped out. A report prepared by commercial agent Lawrence Hannah states there would be strong market interest in letting the space to other potential tenants. If all partners dropped out, we would remove this part of the build and invest in Leisure and Health & Fitness, as this has a strong revenue return equal to the amounts generated by the commercial use. (See Annex 10 in business case). Leisure and Health & Fitness would offer a better revenue return, with less community benefits.</p>
Medium	Not realising £2M income from YCFC / FSIF	Up to £2M capital	<p>IMPACT Low impact on the deliverability of the project. Only £350K is required from the sale of Bootham crescent. There high risk of not securing the full to £2M from the sale. Council will have option to reduce their contribution if more than £350K is secured.</p> <p>MITIGATION Result of the procurement testing exercise confirmed several construction companies that could deliver quality stadia for under £10 million. This removes the need for the funding from YCFC, as the project can be financed without this contribution. Based on current valuation, a 'worse case' contribution of c. £800k would be secured. Heads of Terms have been agreed for a legal mechanism to secure the payment of the YCFC funds which includes the option of a claw back mechanism for any shortfall in the £2M commitment made by the club.</p>

Rating	Risk	Value	Comments / Mitigation measures
Medium	Capital cost over-run	Assuming a potential 10% cost over-run	<p>IMPACT Limited impact on the delivery of the project, though VE cost options could see a slight reduction in the quality of the facilities. Potential call on council for more funding.</p> <p>MITIGATION The initial procurement exercise would ensure the stadium contract was let with costs fixed and determined at the outset of the project. This would mitigate any real risk of capital over-run. All the costs have a minimum 5% contingency built into them. Further VE options exist. Strong chance of securing more than £50K funds from Bootham Crescent.</p>
Medium	Sport clubs unable to meet rental commitments	Up to £150K	<p>IMPACT Not sufficient revenue to ensure running costs of stadium is fully covered. May require council subsidy.</p> <p>MITIGATION Heads of Terms have already been agreed with the clubs. Specialist reports suggest rates at low end of market norm. Financial review undertaken suggests that this is affordable and sustainable to the club.</p>
Medium	Planning delayed by Call-in or Judicial Review	Up to £250K extra on project costs c. £300K on BC capital receipt	<p>IMPACT This would add to the project costs. FSIF timelines must be re-negotiated with the FSIF. YCFC financial position would become worse.</p> <p>MITIGATION Limited mitigation options. Position would need to be reported back to members when adjusted timelines known. Risk of abortive costs if project does not proceed.</p>
Medium	Athletics Track delivered but Community Stadium is not built	£2,000,000 Cost for the facilities.	<p>IMPACT Two athletics facilities exist (new and old), £2M CYC capital spent but the stadium project not delivered.</p> <p>MITIGATION The Athletics track will deliver a number of community benefits and secure continuity of provision. Moving the Athletics track enables the disposal of Huntington Stadium. Value considerably higher than £2M committed for the athletics track.</p>

Rating	Risk	Value	Comments / Mitigation measures
Medium	Value engineering proposals can not be realised due to desire for a better spec or greater capacity. Stakeholders put pressure on the Council to underwrite the funding gap rather than take the pain of VE.	Up to £700k Capital	<p>IMPACT</p> <p>If VE cannot be realised then a pressure of between 0 to -£700k is possible. This also has a negative affect on the projects cash flow.</p> <p>MITIGATION</p> <p>The Council may choose to cash flow the shortfall. It is likely more than £350K will be realised from the disposal of Bootham Crescent. The legal mechanism claw back funds from YCFC could also be considered.</p>
Low	Ongoing maintenance costs exceed sinking fund allowance (Life cycle costs versus planned maintenance costs)	Up to £11k per annum	<p>IMPACT</p> <p>Low impact, assuming a potential 20% overrun against sinking fund & maintenance allowance, there is a contingency in the revenue account.</p> <p>MITIGATION</p> <p>In the short term, the fund is unlikely to be needed as there would be little 'improvement' maintenance required. In the longer term, this could be developed as part of the rent reviews of the clubs and a contingency built in for the tenants to contribute. Gardiner & Theobald have evidenced a life cycle cost are correct for this facility. Our research shows that few if any stadiums have lifecycle costs in their budgets, thus it is unlikely to be critical to the business model particularly in the short and mid-term.</p>
Medium	There may be significant abortive costs should the project not build a Community Stadium	<p>Total exposure</p> <p>May12 -57 Nov12 -159 May13 -312 Oct13 -750</p>	<p>IMPACT</p> <p>Development costs being charged against Capital need to be charged against Revenue.</p> <p>The impact in financial terms is dependent on when the project is aborted. Classified as a Medium likelihood but Low impact. Expect to change to Low likelihood but Medium impact after November 12.</p> <p>MITIGATION</p> <p>The risks that could result in cessation of the project are identified elsewhere in the risk register.</p> <p>A report would be taken back to members to advise on the position if there is a call-in / JR.</p>

Rating	Risk	Value	Comments / Mitigation measures
Medium	Potential negative impact of VAT on revenue model	Up to £20,000 per annum	<p>IMPACT Potentially impact the stadium revenue model. A number of options exist relating to VAT treatment. This may have a potential impact on lease structures and abilities of some tenants to fully reclaim VAT.</p> <p>MITIGATION All rental levels in the business case are excluding VAT, however, as part of the feasibility. Further VAT work required and discussion with partner organisations to ensure the VAT liability is mitigated.</p>

56. It is also useful to consider some positive financial scenarios, not least to the extent that it will assist with ongoing negotiations with the sports clubs and firming up a set of mutually acceptable lease terms. A detailed sensitivity analysis has been undertaken that models some potential improvements on the financial position. Two examples are provided below:
57. **Naming rights:** Evidence suggests that the figure of £50K identified in the base case could be improved significantly. However, this is often influenced by local circumstances. A number of smaller clubs have achieved more than £100K per annum. An additional £25K could easily be achieved.
58. **Additional attendances:** Strong evidence suggests that attendances improve at new stadia by between 40-50%. However, the long term retention of these attendances is often then based on future performance. The base case assumes no increase in attendances. The financial impact of 15% and 25% increase has been considered. Working on a fixed rental agreement:
- 15% increase would give an additional annual income to YCFC of £98k and YCKs of £19K.
 - 25% increase would give an additional annual income to YCFC of £162K and YCKs of £31K.
59. This arrangement provides no benefit to the stadium's operating vehicle, therefore a profit share arrangement should be considered. The above scenario shows between £117K and £193K per annum additional income would be generated. A prudent estimation would

provide a minimum of c. £50K per annum improvement to the stadium's operating position. The business model provides options of how this could be achieved, however further detailed discussion is required with the clubs.

Options

60. The principal options open to members are to:
- Approve the current business case at its current stage of development as attached to this report.
 - Reject the business case and commission further work on it.

Analysis

61. This is a complex development scheme which requires the business case to be developed in stages as the project progresses. This is an iterative process which continues all the way through the procurement and construction of the project through to delivery. The current stage of development is fit for purpose to give members confidence to sign off of the core principles of the way the stadium and associated community facilities will be delivered, operated and maintained.
62. The business case provides a robust evidence base to demonstrate the following:
- i. There would be extensive and far reaching community, social and economic benefits from the proposed community stadium project. These benefits are set out in an independent report undertaken by DJD.
 - ii. The shared vision for the community stadium at a cost of £19.2M. This is set out in a report by stadium cost specialists Gardnier & Theobold.
 - iii. There is certainty over £18.85M of funding. This leaves a capital shortfall of £350K, which can be secured through the disposal of Bootham Crescent.
 - iv. The revenue model presents a sustainable business plan with an operating surplus of £83K per annum. This is based on current average attendances. It also includes a sinking fund and maintenance programme of £197K.

- v. Heads of terms have been secured exist with York University for a funding agreement to deliver the new athletic facilities with minimal risk to the council. This is reliant on providing the commitment of £2M funding so the procurement process can begin and the facilities are in place prior to the demolition of the stadium.
- vi. Heads of Terms have been secured with all the potential stakeholders proposing to occupy the new community hub. This provides financial security for the business plan, but adds significant weight to the cumulative social and economic benefits arising from the scheme.
- vii. Specialist commercial evidence provided by Edward Symmons and Lawrence Hannah supports the rental levels proposed financial arrangements set out in the business plan. Strong evidence also exists to demonstrate there would be considerable market interest if some of the proposed tenants were to withdraw their interest.
- viii. A fall back option exists if the proposed community hub proved undeliverable. The £3M investment into a new health and fitness suite would deliver a better return on the capital investment. However, the community benefits would be significantly less.
- ix. Based on the information provided, the operating model would have either a neutral or positive impact on both sports clubs. If attendances increase with the new stadium, for which there is strong evidence to support, the operating position of clubs would further improve.

Impact of project not proceeding

- 63. The council must also consider the impact of this scheme not progressing. As set out in the Report to the Cabinet Member for Leisure, Culture and Social Inclusion, 10 January 2012 the current operator of the leisure facilities at the Huntington Stadium complex has a lease that could be terminated as early as November 2012.
- 64. The council currently receives an income of £160K per annum from the facilities. Greenwich Leisure Limited (GLL) has written to the council stating that they are making considerable losses running the existing facilities. If the project does not proceed and the prospect of investment into the wider site is removed, it is probable they will

not be able to not continue with the operation. This would have considerable and immediate financial impact on the council and sports clubs.

65. Recent feasibility work has established that in its current format the facilities would cost an additional c. £300k to operate, with c. £78K costs relating to the stadium. If a contract were to be let for long term operation the annual costs would likely be higher accounting for lifecycle and maintenance costs.
66. YCFC have written to the Council setting out the impact of the project not proceeding. They would not be able to remain as a full time professional club and their community programme and youth investment would be severely reduced.
67. YCK and the athletic club currently have no long-term security of tenure at the stadium. Their rents do not cover the true costs of running the stadium. There would be considerable uncertainty for both clubs as the council would need to consider how to address the significant financial pressure that would exist.

Conclusion

68. The nature of such a complex project which involves multiple sites, partners and funding streams, inherently has a large number of risks. The main emphasis relates to the ongoing operation.
69. Many of these operational risks are manageable in isolation. Members need to be aware that the cumulative impact of some of these risks may be harder to mitigate. Although there is a reasonable operating contingency and there are potential upsides with many of the income streams. The council would be ultimately responsible for the asset and operation of the facility if there was considerable under-performance in a number of areas. This would ultimately mean the council being called upon to underwrite the ongoing operation of the facility.
70. The business case demonstrates that the proposed facilities are deliverable and sustainable and deliver community benefit. However, the benefits of the proposal do need to be carefully balanced against the potential risks.
71. On balance it is recommended to endorse the progression of the business case to the next stage and approve it as a capital project

and to be submitted as a supporting document for the outline planning application.

Next Steps

72. Officers will undertake the following actions:

- If approved, submit the business case as a supporting document for the outline planning application currently being determined.
- Begin detailed discussions with relevant stakeholders regarding 1) the design of the stadium, athletics facilities and community facilities as part of the preparations for the procurement exercise and 2) finalise the options for the community sport and training facilities and identify a preferred option within the identified budget and time constraints.
- Finalise the funding agreement with the university and agree the terms of the delivery of the new athletics track.
- Recruit a project team to assist the council in designing, developing and delivering the proposed facilities.
- Continue with the preparations for the procurement exercise for the wider operation of the council's leisure facilities to include the delivery of the community stadium. There is an estimated £3M investment need into these facilities and additional revenue pressure that is not covered in this paper.

Council Plan

73. The intention to deliver the Community Stadium is set out in the Council Plan 2011-2015 in order to help deliver 'an improved community infrastructure'. This in turn supports one of the key 5 priorities, 'Build Stronger Communities'. In addition the Council has signed up to the Co-operative Councils initiative as part of its core capabilities. This procurement exercise has the potential to deliver a social enterprise operator.

Implications

74. **Financial:** To date revenue funding of £500k has been made available by the Council to support this project to this stage. This is now fully committed. In December 2011 Council approved drawing down of £200k of the £4m capital funding approved in the programme for the project. This report recommends drawing on the

£3.8m balance of the £4m capital budget. It should be noted that as with the £200k certain costs incurred and funded from the £4m should the scheme not progress successfully will result in abortive costs that would ultimately need to be funded from revenue resources.

75. The capital costs are set out in sections 36-41 and are summarised below, along with sources of finance. Any additional costs in excess of the budget would potentially need to be met by the Council, and would require additional borrowing.

Table 8 Capital Summary Table

Expenditure Component	£,000s
Stadium	11,000
External works	1,500
Community floor space	3,000
Athletics Facilities	2,000
Floodlit 3G Artificial Grass Pitch	200
Community sport facilities	750
Project Costs	750
Total	19,200
Funding Sources	
S106 Contribution	14,850
CYC Capital	4,000
YCFC Capital	350
Total Funding	19,200

76. Both the revenue and capital costs have risks which are set out in paragraph 55.
77. Further advice has been sought from KPMG with regard to the financial assumptions, including capital and revenue costs, in order to provide further financial analysis to support the Councils internal financial assessment. The KPMG report concludes that the key underlying financial assumptions for the project and the Stadium as set out in the Business Plan are in general reasonable and wherever possible have been substantiated by external advice. The opinion concluded that overall the Profit and Loss account appears to have been prepared on a prudent basis and it is largely based on third party evidence.

78. The projected annual operating position of the stadium management company is set out in paragraphs 42-48 and is summarised below:

Table 9: Summary Profit & Loss Account

Component	Surplus / (loss) (£000s)
Stadium, conference and hospitality areas	14
Commercial rents from community hub and atrium	266
Sinking fund & maintenance	(197)
Surplus / (loss)	83

79. As part of developing the Business case the Council has taken advice from KPMG with regard to VAT. A number of options have been considered and the impact on CYC and stadium operation model been assessed. The recommended approach from the Director of CBSS is that the Council opts to tax on the Community Stadium project, to ensure the Councils partial exemption on VAT is not lost. The effect of this is to make all rents payable under the leases subject to VAT and all input tax incurred on the construction would be recoverable. All capital costs are stated net of VAT on the basis that the chosen procurement method will enable full recovery of input VAT.
80. The Profit and Loss account has been prepared on the basis that there is no VAT leakage on the various leases. It is assumed that the lessee will be able to recover the input VAT in full.
81. It should be noted that the ability to mitigate risks is much more difficult when a combination of risks such as a capital cost overrun and the non achievement of a certain stream of capital funding combine. In such cases the combined impact of this would naturally be more significant than one individual risk.
82. Members should note the risks associated with the capital and revenue costs, and consider these in the overall decision making process.
83. Members need to fully accept that these financial risks bring with them potential liabilities for the Council in the form of additional capital contributions, or ongoing revenue costs. Whilst the business case sets out a prudent assessment of planned capital and revenue assumptions, and sets out mitigation to manage risk, there remain risks

that could have potentially significant financial implications for the Council.

84. **Legal:** Under Section 1 of the Localism Act 2011, the Authority has a general power of competence. This part of the Act came into force on 18th February 2012 and replaces the general well-being powers contained in Section 2 of the Local Government Act 2000. This new Act gives local authorities the power to do anything that individuals may do, whether or not for the benefit of the Authority, its area or people resident or present in its area. This power is wide ranging and would cover the proposed capital contribution to the Community Stadium Project.
85. Where a public authority provides financial support to a private body this may constitute State Aid under Article 87 of the EC Treaty. In order for there to be a State Aid, all components of the State Aid test in Article 87(1) must apply namely:
 - i. The measure is granted through state resources;
 - ii. It confers an economic advantage to an undertaking;
 - iii. The aid is selective and favours a particular undertaking or category of undertaking; and
 - iv. The aid has the potential to distort competition and affect trade between Member States.
86. State Aid might potentially arise in relation to the proposed £4 million capital contribution to the development costs; in connection with the benefit of the new stadium to the commercial users, principally the Sports Clubs; or the financial contribution to the interim training budget.
87. In regard to the contribution to the development costs, provided this is given as part of an open and competitive procurement process to select a developer, this should not amount to State Aid, as the aid is not selective and would not distort competition between Member States. In relation to the benefit to the Clubs, provided they use the Stadium under a commercial arrangement with the Authority, no economic advantage would be gained and there would therefore be no distortion of competition and no State Aid. As regards contributing to the temporary training facilities, this is unlikely to amount to State Aid as the clubs are small local clubs and any aid granted to them would not distort competition between Member States.
88. The Authority also has a common law fiduciary duty to act for the benefit of taxpayers within its area. This places a duty on the Council to ensure that it is spending public money prudently, and for the overall

benefit of taxpayers. This duty does not, however, mean that financial considerations must outweigh all others. It is a matter of balancing competing interests and making sure that the fiduciary obligation is given proper consideration and significance.

89. With regard to the £2 million contribution from York City Football Club, this is to be secured by way of a legal charge over Bootham Crescent. This will be a third charge and will only become payable if and when the ground is sold and if there is sufficient monies left over after discharging the first and second charges. An agreed consent from the first and second charge holders would also be required before creating a charge in favour of the Council. The Council would also need to formalise the arrangements contained in the Heads of Terms with the Football Club to ensure it has a binding agreement to secure any outstanding monies due.
90. The Section 106 contribution is dependant upon obtaining planning permission from the Planning Authority. The timing of the payment will be subject to negotiations between the Council and the Applicant Developer, and be decided by the Planning Committee.
91. Legal advice will be provided in relation to the procurement and appointment of the Design and Build contractor, the Developer and the Operator of the facilities, and all commercial agreements.
92. **Property:** The structure of the various property related leases and agreements between the Council as freeholders of the asset, the various stakeholders and users of the facility and the operating company will be determined as part of the procurement exercise. The overriding outcome, from a property asset viewpoint, should be that community use is ensured and future costs, both revenue and capital, to the Council are minimised.
93. **Equalities:** An Equalities Impact Assessment (EIA) has been drafted which reflects the research, consultation and engagement undertaken by the Community Stadium Project Team including:
 - Discussions regarding equalities with other stadia in the UK.
 - Taking initial community stadium concepts to the Social Working Inclusion Group (in December 2009) for ideas, issues and discussion.
 - Taking the project vision and proposals to the Equalities Advisory Group (18 July and 10 October 2011) for ideas, issues and discussion.

- Engagement and consultation with individuals and groups from protected equalities characteristics as a follow up to attending the Equalities Advisory Group: York Independent Living Network, North Yorkshire Sport Disability Officer, City of York Council Disability Officer and York Youth Council.
94. The EIA is continually developing and further work will be undertaken in the New Year if planning permission for the stadium is granted. This will include a community consultation which will explain and raise the profile of the community elements of the project.
95. The EIA will be used in the procurement of the stadium. It will be submitted as a 'user specification' to potential bidders so they understand the vision that the Council, its partners and residents have for the Community Stadium.
96. There is no Crime and Disorder, Human Resources, or Information Technology implications.

Risk Management

97. A detailed report regarding the project's risks was presented to the Audit and Governance Committee on both 6 December 2010 and 19 April 2011. Risks are addressed, reviewed, analysed and updated regularly through the fortnightly Community Stadium Officer Team meetings.
98. An in depth risk analysis has been undertaken as part of the Business Case in **Annex A**.
99. KPMG's risk report is included in **Annex B**.

Recommendations

100. The Cabinet is asked to recommend to Council to:
- Approve the business case as presented noting the financial risks and potential resultant liabilities that may arise as a result of proceeding with the scheme.
 - Approve its submission to the Planning Committee in support of the outline planning application submitted by Oakgate Group plc.
 - Approve the inclusion in the Capital Programme of the Community Stadium scheme at the value of £19.2m to be

funded from £14.85m of S106 Contribution, £4m of Prudential Borrowing (£200k 11/12 and £3.8m 12/13) and £350k York City FC. Members should note that the funding from York City Football Club could be higher than a £350k contribution and this would result in a reduction of the Councils contribution

- Approve the release of the balance of the Council’s £3.8m Prudential Borrowing as shown in the capital programme in 12/13 in order to progress the Community Stadium project.
- Approve that as part of the release of the £3.8m capital funding available that £2m to be allocated for the new athletics facility with York University and commit to the delivery of the project. Note the risks outlined in paragraph 50 that if the stadium scheme does not proceed that £2m of CYC Prudential Borrowing will be spent on delivering athletics provision for the City.
- To note, and accept, the risks set out in the risk management section of this report, and the financial implications section.

Reason: To enable plans for the community stadium project to be developed and progressed.

Annexes:

- A. Business Case (including Annexes 1-12 please note Annex 2 to follow) (Confidential)
- B. KPMG Letter (Confidential)

Contact Details

Author:	Chief Officer responsible:
Tim Atkins Community Stadium Project Officer (01904) 551421 Charlie Croft, Assistant Director (Communities and Culture) (01904) 550074	Sally Burns Director of Communities and Neighbourhoods (01904) 552003 Bill Woolley Director of City Strategy (01904) 551301

	Report Approved	✓	Date	24.02.12
Specialist Implications Officer(s)				
Ross Brown Principal Accountant	Philip Callow Head of Asset and Property Management			
Glen McCusker Legal Services	Zara Carter Procurement			
Wards Affected:			All	✓
For further information please contact the author of the report				

Background Papers:

- Community Stadium Report to Staffing and Urgency Committee 21st May 2008
- Staffing and Urgency Committee Minutes 21st May 2008
- Deloitte report on community stadium for CYC 20th June 2008
- Active York's Sport and Leisure Strategy
- Executive Reports of 15th July 2008, 9th September 2008, 20th January 2009, 23rd June 2009, July 6th 2010, October 19th 2010, 6 December 2011
- Report to the Cabinet Member for Leisure, Culture and Social Inclusion, 10 January 2012

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Addendum for Community Stadium Business Case report 6th March 2012 Cabinet

This addendum has been provided for the Cabinet in considering the Community Stadium Business Case item. A number of amendments and additional information are provided to supplement the report.

Key quantitative benefits

Under para 25, 4th bullet (Cabinet Report) and Para 117, 5th bullet (Annex 1) change to:

- £1M additional expenditure is expected to be created indirectly by the community proposals through job creation for York's residents.

Summary of Qualitative Benefits

Add at para 26 (Cabinet report) and para 118 (Annex 1):

- **Community focal point:** The new stadium will be a positive community focal point for the city which will instil pride and will be an important cultural asset.
- **Increased supporter demand for football and rugby:** The new stadium has the potential to increase supporter demand and attendance numbers. The new facility will accommodate this increase where the existing facilities are unable to do so.
- **Additional opportunities for community engagement with football:** The new stadium, with improved conference facilities and function rooms, will provide the opportunity for the community to attend sessions at the stadium, in greater numbers than could be engaged with previously. York City FC have indicated that if they do not move to the new stadium, their community work would have to be downsized considerably, to even stop entirely, due to financial constraints and lack of revenue.

- **Development of the visitor economy:** The new stadium will provide continued support for the development of the visitor economy in York by providing a new venue for events.
- **Provision of fully compliant pitches:** The 3G floodlit games court will be the correct dimensions (60 yards x 40 yards) to comply with the Football Foundation's mini-soccer and junior soccer regulations. This will be the only facility of its kind in York and will therefore be a unique opportunity for youth participation in competitive football.
- **Collaborative working:** The NHS clinical hub will have the opportunity to work collaboratively with the YSJ facility on research programmes, preventative healthcare programmes and professional training programmes. This has the potential to increase the quality of service provision for the community.
- **Ability to take advantage of the footfall from the stadium:** The ILAC facility and the library will be suitably located to take advantage of the footfall from the stadium to maximise their community benefit. In addition, the NNS and YSJ facilities will use the stadium visitors to promote preventative healthcare.
- **High quality children's play facilities:** The Clip and Climb Adventure Centre and the indoor and outdoor skateparks will provide unique leisure activity for the children and teenagers of York.
- **Community meeting place:** The café provided within the community hub will be a centralised meeting point for visitors and staff to relax and communicate in a high quality environment.

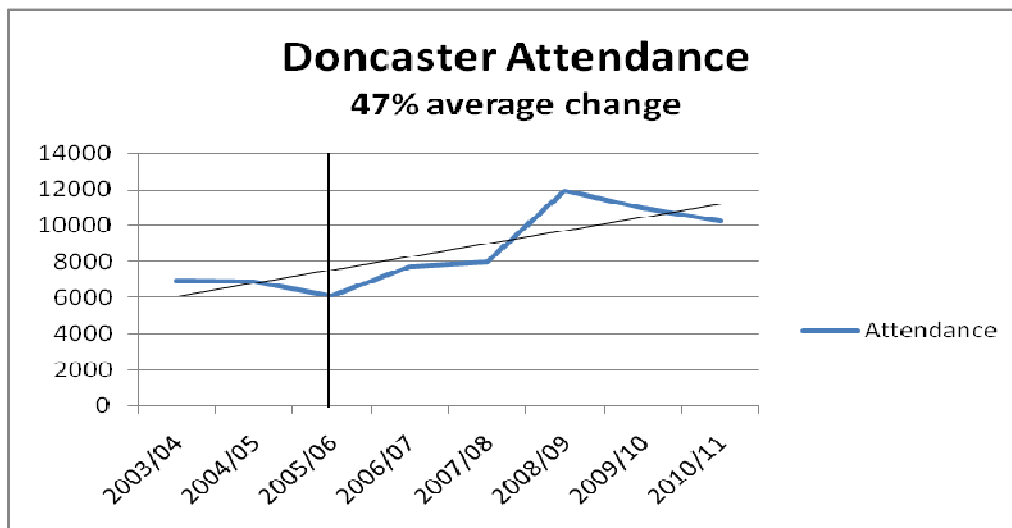
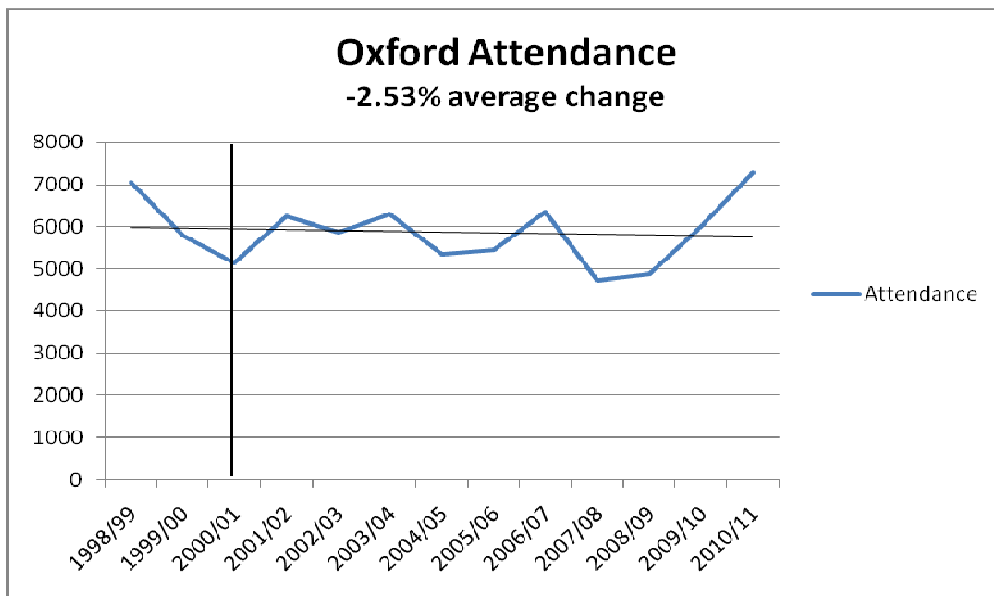
New Stadium Impact

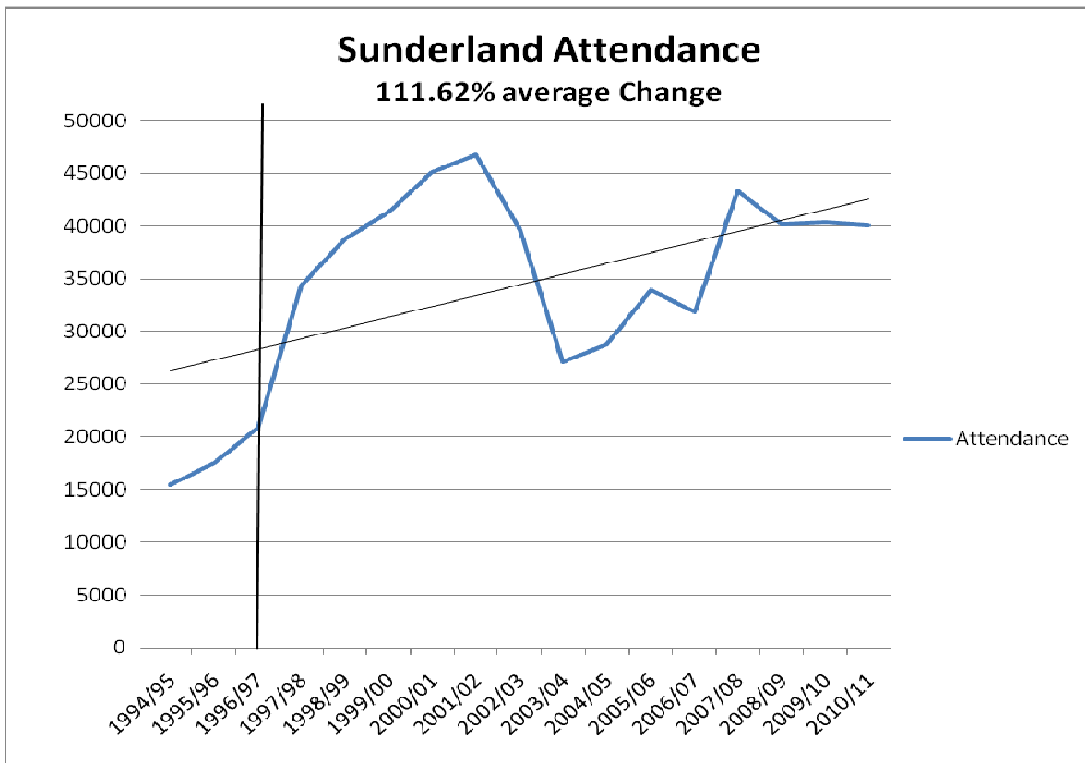
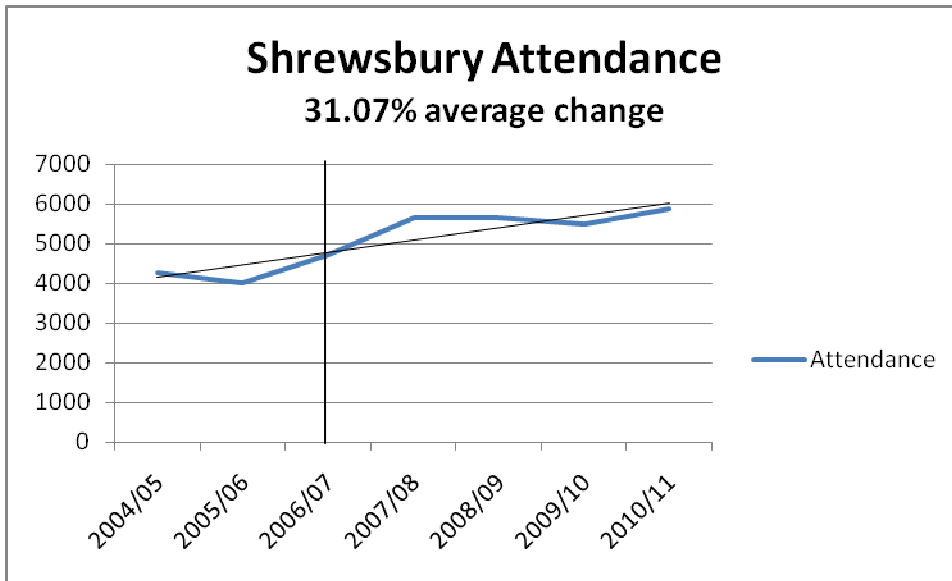
The financial model in this business case is based on the current average gates of both sports clubs. York City FC 3092 and York City Knights 1,080. The ticket prices used in the model are also based on the season 2008/09 YCFC and 2009 YCKs.

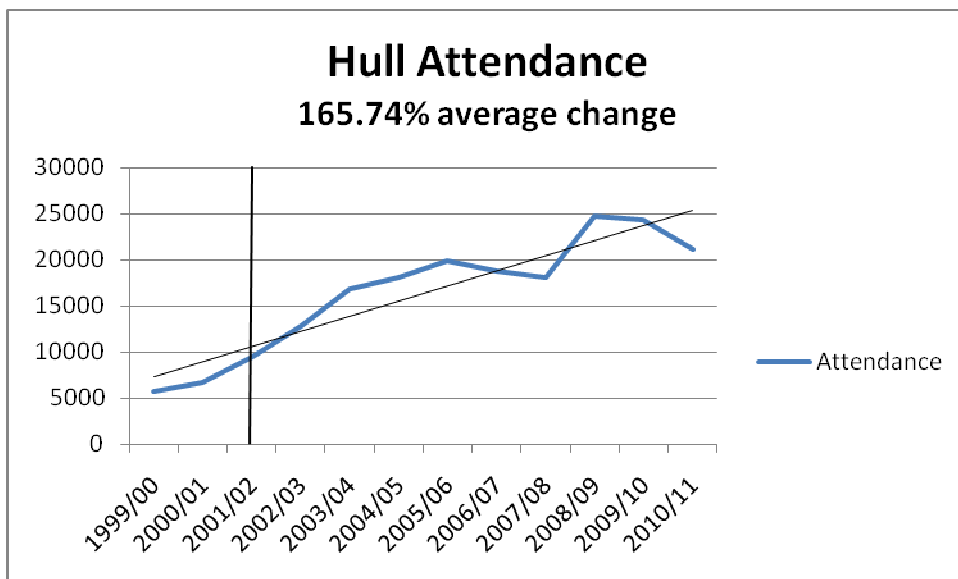
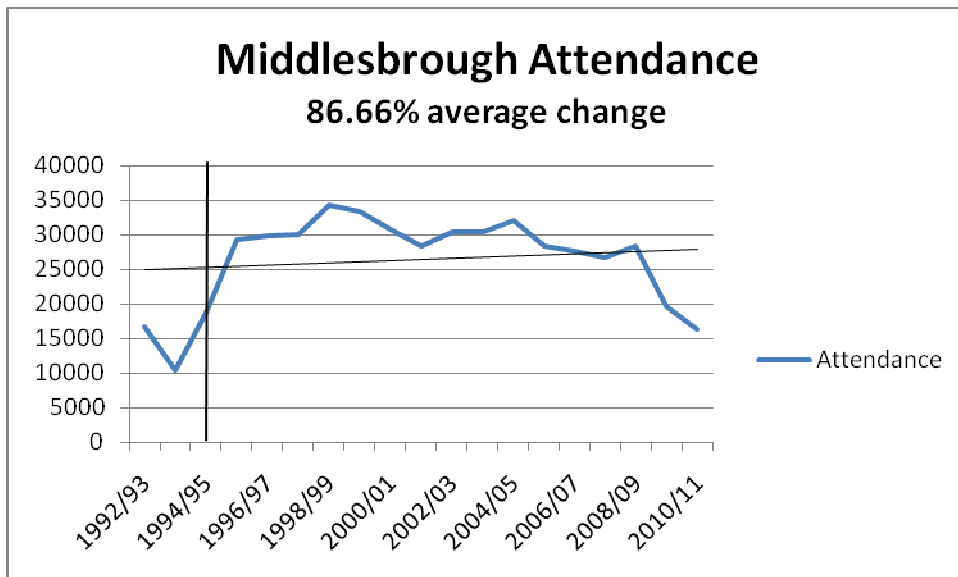
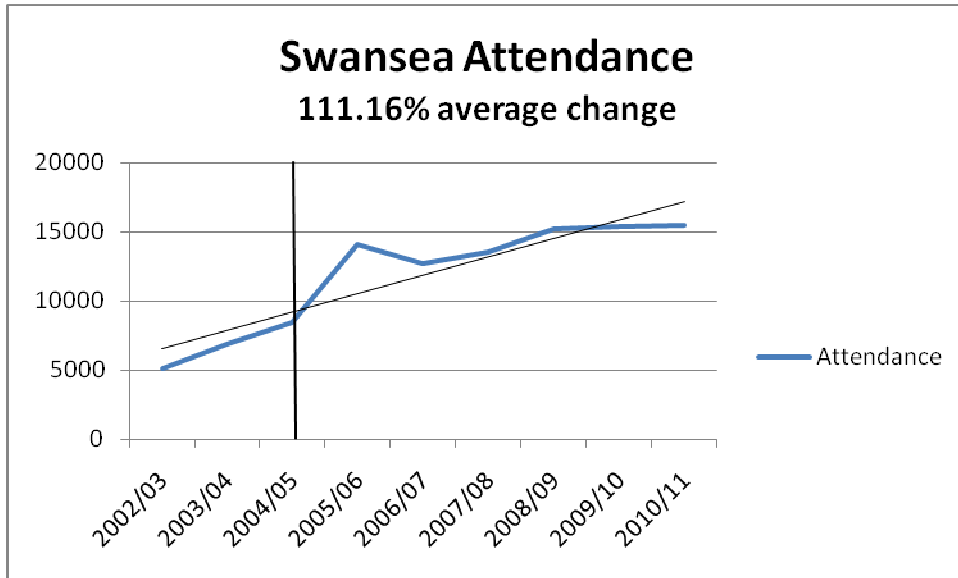
Some of estimated community and social benefits have worked on increases in attendance between 20-40%.

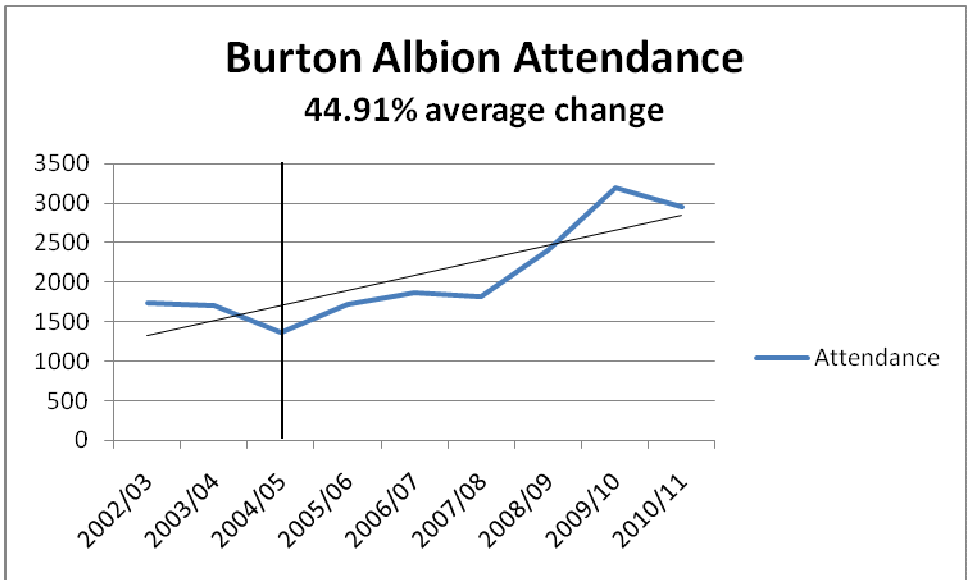
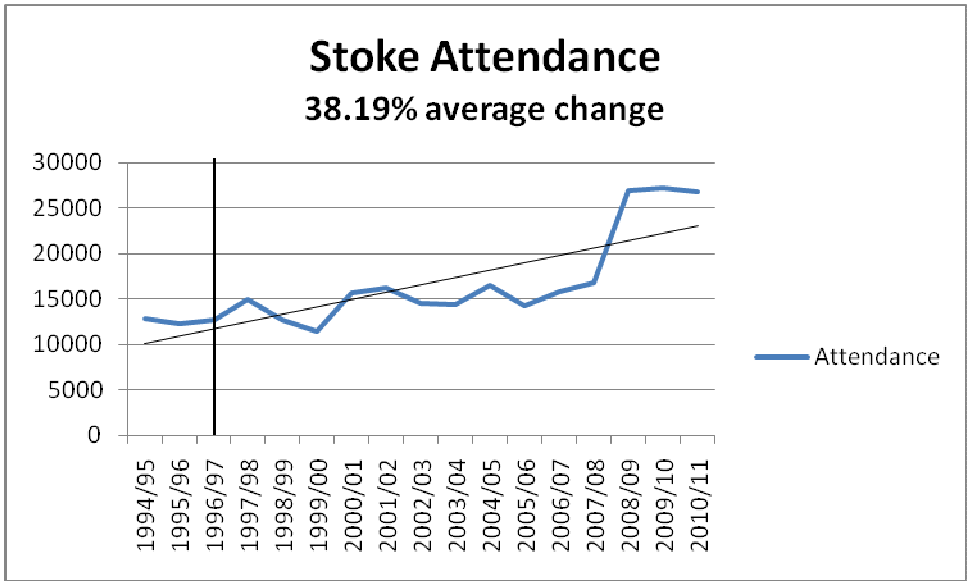
The risk analysis undertaken in (para 54 Cabinet Report and Chapter 11 Annex A) considers the impact of attendances not being achieved. The report also examines the potential positive impact of increase attendances modelling two scenarios of 15% and 25% uplift.

Further evidence is provided examining the longer term and sustained impact a new stadium could have on attendances. Each example has unique characteristics, but the evidence shows that it is not unreasonable to assume over a 10 year period a sustained improvement of 20-40%.









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 <p>CITY OF YORK COUNCIL</p>	
Council	29 th March 2012
Cabinet Member for Corporate Services	

Pay Policy 2012/13

Summary

1. The purpose of the report is to present the council's Pay Policy Statement for 2012/13 for approval.
2. To note that Annex A reflects the Chief Officer structure in existence at the time of adoption of the Policy.

Background

3. Section 38 – 43 of the Localism Act 2011 requires the council to produce and publish a policy statement that covers a number of matters concerning the pay of the council's senior staff, principally Chief Officers.
4. It will be an ongoing requirement for the Council to produce an annual Pay Policy Statement by the start of the financial year.
5. Guidance has been issued by the Secretary of State for Communities and Local Government and also by Local Government Yorkshire & Humber on this matter. This guidance has been followed in the production of the Pay Policy Statement.

Consultation

6. Consultation on the Policy Statement took place with Corporate Management Team at the meeting of 15th February 2012.

Options

7. Option one - To endorse the Pay Policy Statement.
8. Option two - To reject / amend the Pay Policy Statement.

Analysis

9. The Localism Act 2011 sets out specific details of what should be included in the Policy Statement. Local Government Yorkshire and Humber have provided guidance and templates which comply with these requirements. The council has adopted these templates as have many others in the region.
10. The salaries quoted in the documents are based on full time equivalent salaries and the median average has been used in calculating the pay multiple. It should also be noted that apprentices have been excluded from the statement as they are employed on training contracts, and paid outside of the council's grading structure.
11. Salary information is already published for certain senior staff under the requirements of The Accounts and Audit (England) Regulations (2011). Information can also be found in the council's website at:
<http://www.york.gov.uk/council/information/opendata/salaries/>.
12. It is proposed that the Pay Policy Statement and its annexes are also published in this section of the website.

Council Plan

13. The production of this Policy Statement contributes to the council's core capability of being a confident and collaborative organisation by meeting its legal obligations in a timely and effective way

Implications

14.

(a) **Financial**

There are no financial implications for the report.

(b) **Human Resources (HR)**

There are no human resources implications for the report, other than this statement reflects current HR Policy in relation to senior pay in the council.

(c) **Equalities** (Contact – Equalities Officer)

There are no equalities implications for the report.

(d) **Legal**

The Pay Policy Statement meets the requirements of the Localism Act and also meets the requirements of guidance issued by the Secretary of State for Communities and Local Government to which the authority is required to have regard under Section 40 of the Act.

(e) **Crime and Disorder**

There are no implications for crime and disorder.

(f) **Information Technology (IT)**

There are no implications for IT.

(g) **Property**

There are no implications for property.

(h) **Other**

Other implications are covered in the body of the report.

Risk Management

15. There are no significant risks associated with production of the Policy.

Recommendations

16. That in order to fulfil the requirements of Sections 38 - 43 of the Localism Act 2011:

- (i) Council approves the Pay Policy Statement for 2012/13 relating to the pay of the Council's senior staff.
- (ii) Council notes that Annex A reflects the Chief Officer structure in existence at the time of adoption of the Policy.

Contact Details

Authors:	Cabinet Member Responsible for the report:		
Judith Bennett Strategic Workforce Development & Resourcing Manager <i>Tel No. 01904 551716</i>	Councillor Julie Gunnell Cabinet Member for Corporate Services		
	Report Approved	√	Date 19.3.12
Pauline Stuchfield AD Customers & Employees 01904 551706			
Specialist Implications Officer(s) AD Legal, Governance & IT			
Wards Affected: None			All <i>tick</i>
For further information please contact the author of the report			

Background Papers:

Communities & Local Government:
'Openness and accountability in local pay:
Guidance under section 40 of the Localism Act'

Annexes:

City of York council Pay Policy Statement 2012 to 2013
Pay Policy Statement 2012 to 2013 Annex A - Details
Pay Policy Statement 2012 to 2013 Annex B - Policies

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City of York Council – Pay Policy Statement for the period 1 April 2012 to 31 March 2013.

Introduction

Under Sections 38 – 43 of the Localism Act 2011 the council is required to produce a policy statement that covers a number of matters concerning the pay of the council's Senior staff.

This Policy Statement meets the requirements of the Localism Act in this regard and also meets the requirements of guidance issued by the Secretary of State for Communities and Local Government to which the Council is required to have regard under Section 40 of the Act.. This policy also relates to the data on pay and rewards for staff which the council publishes under the Code of Recommended Practice for Local Authorities on Data Transparency and the data which is published under The Accounts and Audit (England) Regulations (2011). This Policy Statement does not cover or includes school staff and is not required to do so.

This Policy Statement was considered and approved by full Council at its meeting on 29th March 2012.

Definition of officers covered by the Policy Statement

This Policy Statement covers the following posts:

1. Head of the Paid Service, which in this council is the post of Chief Executive.
2. Monitoring Officer, which in this council is the post of Assistant Director of Legal, Governance and IT.

3. Statutory Chief Officers, which in this council are the posts of
Director of Adults, Children and Education;
Director of Customers and Business Support Services.

4. Non-statutory Chief Officers which in this council are the posts of:
Director of City Strategy;
Director of Communities and Neighbourhoods
Assistant Director of Policy Performance and Partners
Assistant Director of Education
Assistant Director of Customers and Employees
Assistant Director of Financial Services
Assistant Director of Environment
Assistant Director of Communities and Culture
Assistant Director of School Organisation and Planning
Assistant Director of Planning and Sustainable Development
Assistant Director of Housing and Public Protection
Assistant Director of Adult Provision and Transformation
Assistant Director of Economy and Asset Management
Assistant Director Integrated Commissioning
Assistant Director Children's Special Services
Assistant Director Strategic Planning and Transport
Assistant Director Adult Assessment and Personalisation

Policy on remunerating Chief Officers

It is the policy of this council to establish a remuneration package for each Chief Officer post based on evaluation of the role to determine its size and consequently its position in the Chief Officer grading structure. The salaries attached to the structure are derived from the national framework for Chief Officers. A review and analysis of Assistant Director roles and pay was carried out by the Hay Group in 2010 where pay levels were compared against the National Public Sector pay market. The majority of roles fell in the lower quartile of pay for equivalent roles in the sector.

Increases to the salary scales are based on nationally negotiated settlements by the Joint Negotiating Committee for Chief Officers of Local government and progression through a salary scale is based on incremental progression.

The remuneration of the Chief Executive is set by the Council and is that which is sufficient to attract and retain staff of the appropriate skills, knowledge, experience, abilities and qualities that is consistent with the

council's requirements of the post in question at the relevant time. Comparison of Chief Executive pay was carried out in 2011. The data used was from the latest Salaries and Numbers Survey undertaken by the LGE, published in October 2009 relating to the 2008/09 year. The data showed City of York Council to be paying around the average for Unitary Chief Executives. The regional picture however showed that York was the lowest paying single tier council.

Further details on the council's policy on remunerating Chief Officers is set out in the schedule that is attached to this Policy Statement at Annex B.

Policy on remunerating the lowest paid in the workforce

The council applies terms and conditions of employment that have been negotiated and agreed through appropriate collective bargaining mechanisms (national or local) or as a consequence of authority decisions, these are then incorporated into contracts of employment. The lowest pay point in this council is Grade 1, this relates to an annual salary of £12,180 and can be expressed as an hourly rate of pay of £6.31. This pay point and salary was determined by the council as part of a pay scale for employees employed on Local Government Services Terms and Conditions on 1st April 2009 and has been applied since that date. The pay rate is increased in accordance with any pay settlements which are reached through the National Joint Council for Local Government Services.

Policy on the relationship between Chief Officer remuneration and that of other staff

The highest paid salary in this council is £133,750 which is paid to the Chief Executive. The average median salary in this authority (not including schools) is £21,719. The ratio between the two salaries, the 'pay multiple' is 6.2:1. This council does not have a policy on maintaining or reaching a specific 'pay multiple', however the council is conscious of the need to ensure that the salary of the highest paid employee is not excessive and is consistent with the needs of the authority as expressed in this policy statement.

The council's approach to the payment of other staff is based on locally or nationally negotiated grading and salary structures to ensure that the

council meets any contractual requirements for staff including the application of any local or national collective agreements, or council decisions regarding pay.

Policy on other aspects of Chief Officer remuneration

Other aspects of Chief Officer remuneration are appropriate to be covered by this policy statement, these other aspects are defined as recruitment, pay increases, additions to pay, performance related pay, earn back, bonuses, termination payments, transparency and re-employment when in receipt of an LGPS pension or a redundancy/severance payment. These matters are addressed in the schedule that is attached to this Policy Statement at Annex A.

Approval of Salary Packages in excess of £100,000

The council will ensure that, at the latest before an offer of appointment is made, any salary package for any post (not including schools) that is in excess of £100,000 will be considered by full Council or a meeting of members. The salary package will be defined as base salary, any bonuses, fees, routinely payable allowances and benefits in kind that are due under the contract.

Flexibility to address recruitment issues for vacant posts

In the vast majority of circumstances the provisions of this policy will enable the council to ensure that it can recruit effectively to any vacant post. There may be exceptional circumstances when there are recruitment difficulties for a particular post and where there is evidence that an element or elements of the remuneration package are not sufficient to secure an effective appointment. This policy statement recognises that this situation may arise in exceptional circumstances and therefore a departure from this policy can be implemented without having to seek full Council approval for a change of the policy statement. Such a departure from this policy will be expressly justified in each case and will be approved through an appropriate council decision making route.

Amendments to the policy

The information contained in this Statement and its annexes were accurate at the time of approval, any changes to the main Policy

Statement during the year will be presented back to full Council.

Policy for future years

This Policy Statement will be reviewed each year and will be presented to full Council to ensure that an approved Policy is in place prior to the start of each financial year.

Annexes:

Annex A Chief Officer Remuneration Details

Annex B Chief Officer Remuneration Policies

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Chief Officer Remuneration Details

Annex A

Post	Base Salary	Expenses	Bonuses	PRP	Earn-Back	Honoraria	Ex-Gratia Payments	Election Fees	Joint Authority Duties	Severance Arrangements
Chief Executive	£133,750	Travel and other expenses are re-imbursed through normal authority procedures	The terms of the contract of employment do not provide for the payment of bonuses	The terms of the contract of employment provide for a performance element to the salary scale .	The terms of the contract of employment do not provide for an element of base salary to held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Paid expenses as Presiding Officer during Elections.	There are no payments related to joint authority dutie	The authority's normal policies regarding redundancy and early retirement apply to the postholder.
Director of Adults and Children Services	£102,766	Travel and other expenses are re-imbursed through normal authority procedures	The terms of the contract do not provide for the payment of bonuses.	The terms of the contract of employment do not provide for PRP	The terms of the contract of employment do not provide for an element of base salary to held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are in accordance with normal authority procedures	There are no payments related to joint authority duties s	The authori normal polic regarding redundancy early retirer apply to the postholder.
Director of Customers and Business Support Services	£102,766	Travel and other expenses are re-imbursed through normal authority procedures	The terms of the contract do not provide for the payment of bonuses.	The terms of the contract of employment do not provide for PRP	The terms of the contract of employment do not provide for an element of base salary to held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are in accordance with normal authority procedures	There are no payments related to joint authority duties s	The authority's normal policies regarding redundancy and early retirement apply to the postholder

Chief Officer Remuneration Details

Annex A

<p>Director of City Strategy</p>	<p>£102,766</p>	<p>Travel and other expenses are re-imbursed through normal authority procedures</p>	<p>The terms of the contract do not provide for the payment of bonuses.</p>	<p>The terms of the contract of employment do not provide for PRP</p>	<p>The terms of the contract of employment do not provide for an element of base salary to held back related to performance</p>	<p>Honoraria payments for any increased duties and responsibilities do not apply</p>	<p>There are no plans for the postholder to receive any ex-gratia payments</p>	<p>Election duty fees are in accordance with normal authority procedures</p>	<p>There are no payments related to joint authority duties s</p>	<p>The authority's normal policies regarding redundancy and early retirement apply to the postholder</p>
<p>Director of Communities and Neighbourhoods</p>	<p>£102,766</p>	<p>Travel and other expenses are re-imbursed through normal authority procedures</p>	<p>The terms of the contract do not provide for the payment of bonuses.</p>	<p>The terms of the contract of employment do not provide for PRP</p>	<p>The terms of the contract of employment do not provide for an element of base salary to held back related to performance</p>	<p>Honoraria payments for any increased duties and responsibilities do not apply</p>	<p>There are no plans for the postholder to receive any ex-gratia payments</p>	<p>Election duty fees are in accordance with normal authority procedures</p>	<p>There are no payments related to joint authority duties s</p>	<p>The authority's normal policies regarding redundancy and early retirement apply to the postholder</p>
<p>Assistant Director of Policy, Performance and Partners</p>	<p>£73,401</p>	<p>Travel and other expenses are re-imbursed through normal authority procedures</p>	<p>The terms of the contract do not provide for the payment of bonuses.</p>	<p>The terms of the contract of employment do not provide for PRP</p>	<p>The terms of the contract of employment do not provide for an element of base salary to held back related to performance</p>	<p>Honoraria payments for any increased duties and responsibilities do not apply</p>	<p>There are no plans for the postholder to receive any ex-gratia payments</p>	<p>Election duty fees are in accordance with normal authority procedures</p>	<p>There are no payments related to joint authority duties s</p>	<p>The authority's normal policies regarding redundancy and early retirement apply to the postholder</p>

Chief Officer Remuneration Details

Annex A

Assistant Director of Education	£73,401	Travel and other expenses are re-imbursed through normal authority procedures	The terms of the contract do not provide for the payment of bonuses.	The terms of the contract of employment do not provide for PRP	The terms of the contract of employment do not provide for an element of base salary to held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are in accordance with normal authority procedures	There are no payments related to joint authority duties s	The authority's normal policies regarding redundancy and early retirement apply to the postholder
Assistant Director of Customers and Employees	£73,401	Travel and other expenses are re-imbursed through normal authority procedures	The terms of the contract do not provide for the payment of bonuses.	The terms of the contract of employment do not provide for PRP	The terms of the contract of employment do not provide for an element of base salary to held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are in accordance with normal authority procedures	There are no payments related to joint authority duties s	The authority's normal policies regarding redundancy and early retirement apply to the postholder
Assistant Director of Legal Governance and IT	£73,401	Travel and other expenses are re-imbursed through normal authority procedures	The terms of the contract do not provide for the payment of bonuses.	The terms of the contract of employment do not provide for PRP	The terms of the contract of employment do not provide for an element of base salary to held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are in accordance with normal authority procedures	There are no payments related to joint authority duties s	The authority's normal policies regarding redundancy and early retirement apply to the postholder

Chief Officer Remuneration Details

Annex A

Assistant Director of Financial Services	£73,401	Travel and other expenses are re-imbursed through normal authority procedures	The terms of the contract do not provide for the payment of bonuses.	The terms of the contract of employment do not provide for PRP	The terms of the contract of employment do not provide for an element of base salary to held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are in accordance with normal authority procedures	There are no payments related to joint authority duties s	The authority's normal policies regarding redundancy and early retirement apply to the postholder
Assistant Director of Environment	£68,413	Travel and other expenses are re-imbursed through normal authority procedures	The terms of the contract do not provide for the payment of bonuses.	The terms of the contract of employment do not provide for PRP	The terms of the contract of employment do not provide for an element of base salary to held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are in accordance with normal authority procedures	There are no payments related to joint authority duties s	The authority's normal policies regarding redundancy and early retirement apply to the postholder
Assistant Director of Communities and Culture	£68,413	Travel and other expenses are re-imbursed through normal authority procedures	The terms of the contract do not provide for the payment of bonuses.	The terms of the contract of employment do not provide for PRP	The terms of the contract of employment do not provide for an element of base salary to held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are in accordance with normal authority procedures	There are no payments related to joint authority duties s	The authority's normal policies regarding redundancy and early retirement apply to the postholder

Chief Officer Remuneration Details

Annex A

Assistant Director of School Organisation and Planning	£68,413	Travel and other expenses are re-imbursed through normal authority procedures	The terms of the contract do not provide for the payment of bonuses.	The terms of the contract of employment do not provide for PRP	The terms of the contract of employment do not provide for an element of base salary to held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are in accordance with normal authority procedures	There are no payments related to joint authority duties s	The authority's normal policies regarding redundancy and early retirement apply to the postholder
Assistant Director of Planning and Sustainable Development	£68,413	Travel and other expenses are re-imbursed through normal authority procedures	The terms of the contract do not provide for the payment of bonuses.	The terms of the contract of employment do not provide for PRP	The terms of the contract of employment do not provide for an element of base salary to held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are in accordance with normal authority procedures	There are no payments related to joint authority duties s	The authority's normal policies regarding redundancy and early retirement apply to the postholder
Assistant Director of Housing and Public Protection	£68,413	Travel and other expenses are re-imbursed through normal authority procedures	The terms of the contract do not provide for the payment of bonuses.	The terms of the contract of employment do not provide for PRP	The terms of the contract of employment do not provide for an element of base salary to held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are in accordance with normal authority procedures	There are no payments related to joint authority duties s	The authority's normal policies regarding redundancy and early retirement apply to the postholder

Chief Officer Remuneration Details

Annex A

Assistant Director of Adult Provision and Transformation	£68,413	Travel and other expenses are re-imbursed through normal authority procedures	The terms of the contract do not provide for the payment of bonuses.	The terms of the contract of employment do not provide for PRP	The terms of the contract of employment do not provide for an element of base salary to held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are in accordance with normal authority procedures	There are no payments related to joint authority duties s	The authority's normal policies regarding redundancy and early retirement apply to the postholder
Assistant Director of Economy and Asset Management	£68,413	Travel and other expenses are re-imbursed through normal authority procedures	The terms of the contract do not provide for the payment of bonuses.	The terms of the contract of employment do not provide for PRP	The terms of the contract of employment do not provide for an element of base salary to held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are in accordance with normal authority procedures	There are no payments related to joint authority duties s	The authority's normal policies regarding redundancy and early retirement apply to the postholder
Assistant Director of Integrated Commissioning	£68,413	Travel and other expenses are re-imbursed through normal authority procedures	The terms of the contract do not provide for the payment of bonuses.	The terms of the contract of employment do not provide for PRP	The terms of the contract of employment do not provide for an element of base salary to held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are in accordance with normal authority procedures	There are no payments related to joint authority duties s	The authority's normal policies regarding redundancy and early retirement apply to the postholder

Chief Officer Remuneration Details

Annex A

Assistant Director of Childrens Specialist Service	£68,413	Travel and other expenses are re-imbursed through normal authority procedures	The terms of the contract do not provide for the payment of bonuses.	The terms of the contract of employment do not provide for PRP	The terms of the contract of employment do not provide for an element of base salary to held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are in accordance with normal authority procedures	There are no payments related to joint authority duties s	The authority's normal policies regarding redundancy and early retirement apply to the postholder
Assistant Director, Strategic Planning and Transport	£68,413	Travel and other expenses are re-imbursed through normal authority procedures	The terms of the contract do not provide for the payment of bonuses.	The terms of the contract of employment do not provide for PRP	The terms of the contract of employment do not provide for an element of base salary to held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are in accordance with normal authority procedures	There are no payments related to joint authority duties s	The authority's normal policies regarding redundancy and early retirement apply to the postholder
Assistant Director Adult Assessment and Personalisation	£66,068	Travel and other expenses are re-imbursed through normal authority procedures	The terms of the contract do not provide for the payment of bonuses.	The terms of the contract of employment do not provide for PRP	The terms of the contract of employment do not provide for an element of base salary to held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the postholder to receive any ex-gratia payments	Election duty fees are in accordance with normal authority procedures	There are no payments related to joint authority duties s	The authority's normal policies regarding redundancy and early retirement apply to the postholder

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Aspect of Chief Officer Remuneration	Council Policy
Recruitment	<p>The post will be advertised and appointed to at the appropriate approved salary for the post in question level unless there is good evidence that a successful appointment of a person with the required skills, knowledge, experience, abilities and qualities cannot be made without varying the remuneration package. In such circumstances a variation to the remuneration package is appropriate under the authority’s policy and any variation will be approved through the appropriate authority decision making process.</p>
Pay Increases	<p>The council will apply any pay increases that are agreed by relevant national negotiating bodies and/or any pay increases that are agreed through local negotiations. The council will also apply any pay increases that are as a result of council decisions to significantly increase the duties and responsibilities of the post in question beyond the normal flexing of duties and responsibilities that are expected in senior posts.</p>

Chief Officer Remuneration Policies

Annex B

<p>Additions To Pay</p>	<p>The council would not make additional payments beyond those specified in the contract of employment.</p>
<p>Performance Related Pay</p>	<p>A performance element applies to the incremental progression of the Chief Executive’s post, with 50% of each incremental point being reserved for achievement of objectives. The council does not currently operate a performance related pay system for other posts as it believes that it has sufficiently strong performance management arrangements in place to ensure high performance from its senior officers. Any areas of under-performance are addressed rigorously.</p>
<p>Earn-Back (Withholding an element of base pay related to performance)</p>	<p>The council does not operate an earn-back pay system as it believes that it has sufficiently strong performance management arrangements in place to ensure high performance from its senior officers. Any areas of under-performance are addressed rigorously.</p>
<p>Bonuses</p>	<p>The council does not pay bonus payments to senior officers.</p>

Termination Payments	The council applies its normal redundancy payments arrangements to senior officers and does not have separate provisions for senior officers. The council also applies the appropriate Pensions regulations when they apply. The council has agreed policies in place on how it will apply any discretionary powers it has under Pensions regulations. Any costs that are incurred by the council regarding senior officers are published in the authority accounts as required under the Accounts and Audit (England) Regulations 2011.
Transparency	The council meets its requirements under the Localism Act, the Code of Practice on Data Transparency and the Accounts and Audit Regulations in order to ensure that it is open and transparent regarding senior officer remuneration.

<p>Re-employment of staff in receipt of an LGPS Pension or a redundancy/severance payment</p>	<p>The council is under a statutory duty to appoint on merit and has to ensure that it complies with all appropriate employment and equalities legislation. The council will always seek to appoint the best available candidate to a post who has the skills, knowledge, experience, abilities and qualities needed for the post. The council will therefore consider all applications for candidates to try to ensure the best available candidate is appointed. If a candidate is a former employee in receipt of an LGPS pension or a redundancy payment this will not rule them out from being re-employed by the council. Clearly where a former employee left the authority on redundancy terms then the old post has been deleted and the individual cannot return to the post as it will not exist. The council will apply the provisions of the Redundancy Payments Modification Order regarding the recovery of redundancy payments if this is relevant. Pensions Regulations also have provisions to reduce pension payments in certain circumstances to those who return to work within the local government service.</p>
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City of York Council	Committee Minutes
MEETING	AUDIT & GOVERNANCE COMMITTEE
DATE	13 FEBRUARY 2012
PRESENT	COUNCILLORS JEFFRIES (CHAIR), BARNES, BROOKS (VICE-CHAIR), BURTON, CUTHBERTSON, WATSON AND STEWARD

PART B - MATTERS REFERRED TO COUNCIL.

54. CHANGES TO THE CONSTITUTION

[See also under Part A Minutes]

Members considered a report which asked for their support for a number of changes to the Council's Constitution.

The report outlined a number of changes which Members considered in turn as outlined below.

Cabinet Member Decision Sessions

Members deferred making a decision on the abolition of Cabinet Member Decision Sessions and asked that a further report be brought back to the Audit and Governance Committee after further consideration of how public involvement might be maintained in the decision making process.

Member Champions

Due to pressures on Cabinet Members time, some Members felt that it would be beneficial to keep the Member Champions in place to provide an additional point of contact for residents and community groups. Other Members felt that the roles were not fully effective and the cross over with Cabinet Members and the Shadow Spokespersons made it viable to remove the constitutional recognition of the role.

Merger of Scrutiny Management Committee with Effective Organisation Overview and Scrutiny Committee.

Members agreed to the proposed merger and suggested that Membership should be proportional. Officers advised that Membership would be a matter for the political groups and would be subject to the annual meeting in May.

Abolition of Cabinet Working Groups

Members recommended that the Cabinet continue to be advised by a Mansion House Advisory Group to enable Members and the Public to continue be informed about the governance of the house. Members agreed to the abolition of the Young Peoples Working Group in light of the establishment of a successful Youth Council.

Establishment of a Corporate Parenting Board

Members agreed to the establishment of a Corporate Parenting Board.

Policy Framework

Members agreed that the HR, Procurement and Risk Management Strategies should be removed from the Constitution.

HR and ICT Procedure Rules

Members agreed to the removal of the HR and ICT procedure rules from the Constitution and noted that removing these rules would not affect controls within the Council.

Officer Decision Log

Members suggested that rather than removing the requirement for decisions to be recorded in an Officer decision log, that the wording in the Constitution be amended to reflect that only decisions that are considered noteworthy should be recorded.

Pre-Decision Call In

Some Members argued that pre-decision call in is useful for the public and members, especially for controversial decisions. However, other Members agreed that such call-ins are rare and as call-in meetings take

place after any decision has been made, the practice should be discontinued.

RECOMMENDED: That Council approve the following Constitutional changes:

- i. Remove references to Member Champions from the Constitution.
- ii. Merge the terms of reference for the Effective Organisation Overview and Scrutiny Committee and the Scrutiny Management Committee from the start of the next municipal year.
- iii. Note the abolition of the Young People's Working Group with a recommendation to Cabinet for the retention of a Mansion House Advisory Group.
- iv. Welcome the establishment of a Corporate Parenting Board and to agree that membership should be formalised at each annual meeting.
- v. Agree that the Procurement Strategy, the HR Strategy and the Risk Management Strategy no longer be treated as part of the Council's policy framework.
- vi. Agree to the removal of the HR Procedure Rules and the ICT Procedure Rules from the Constitution.
- vii. Retain the requirement for Officer decisions to be recorded within the Officer decision log with an amendment to the Constitutional wording to record only the decisions which the decision makers consider to be exceptionally noteworthy.
- viii. Remove provisions for pre-decision call in.

REASON:

To ensure the Council has effective and efficient Constitutional arrangements in place.

Councillor Jeffries, Chair

[The meeting started at 5.30 pm and finished at 8.30 pm].

MEETING	AUDIT & GOVERNANCE COMMITTEE
DATE	19 MARCH 2012
PRESENT	COUNCILLORS JEFFRIES (CHAIR), BARNES, BROOKS (VICE-CHAIR), BURTON, CUTHBERTSON, WATSON AND STEWARD

PART B - MATTERS REFERRED TO COUNCIL.

57. CONSTITUTIONAL CHANGES.

Members considered a report which followed on from a report brought to the previous meeting of the Audit and Governance Committee. It sought to address some matters discussed in relation to the abolition of Cabinet Member Decision Sessions. The report also referred to proposals for amending the terms of reference for Ward Committees which the Cabinet is recommending to Council. The report also provided an update on the proposed abolition of Cabinet Working Groups.

Cabinet Member Decision Sessions

The Audit and Governance Committee had indicated its support for the general principle of ceasing the current practice of routinely holding formal meetings for individual Cabinet Member decisions at its last meeting. However, it was recognised that some of these meetings such as the City Strategy Decision Session, attract public interest. Members had asked the Assistant Director for Governance and ICT to give consideration to some arrangements which might allow for members of the public to require a public meeting to be held.

Following consultation with the Leader of the Council, the Assistant Director advised that the recommendation remains that the decision about holding public decision sessions should remain with the Cabinet Members and the Leader, as any potential options would do little to reduce the work load involved in organising the meetings.

Members made the following comments:

- It was disappointing that no options for a potential process to enable members of the public to require a decision to be made at a public meeting had been included in the report, as Members of the Committee had specifically asked for this to be presented to them.
- City of York Council had a history of exceeding the minimum requirement for public participation and some Members were disappointed to see the suggested abolition of the Decision Sessions and commented that it was a move towards minimum level public participation.
- Whilst some Members recognised that it was not cost effective to have all decisions made in public, concern was expressed that the decision to have a public meeting or not would be made by the Cabinet Member and the Leader, with the Leader being able to over rule the Cabinet Member.
- Some Members felt that it would be beneficial for the Audit and Governance Committee to have a yearly report back on the cabinet member decisions being taken in private and in public to enable the Committee to monitor the new system.

It was moved and seconded to remove references to Cabinet Member decision sessions from the Constitution. When put to the vote, Councillors Brooks, Cuthbertson and Steward voted against the recommendation.

Abolition of Cabinet Working Groups

At the last Audit and Governance meeting the Committee voted against the cessation of the Mansion House Advisory Group. As reported previously, the use of Working Groups is a matter for the Cabinet and does not require a decision by the Audit and Governance Committee. Further to the last meeting, the Leader has confirmed that he is happy to seek and receive advice informally from former Lord Mayors.

Some Members felt that there was still a need for a formal advisory group comprising of a range of Members and former Lord Mayors but accepted that the update was for noting and that the matter was for the Cabinet.

Ward Committees

Cabinet at its meeting on 6th March 2012 had resolved to recommend to Council changes to the Ward Committee arrangements as set out at Annex A to the report. The Audit and Governance Committee was invited to comment on the proposals and made the following observations:

- References in the document to the Chairs of Ward Committees requires clarification as some Wards have 3 Members from differing political parties who may all want to Chair the meetings.
- How residents are notified of the details of Ward Committee meetings should be specified as it would not be acceptable to use only social media.
- If there is to be only 1 formal meeting per year that can make decisions, it should be made clear.
- Clarification of who can request Council Officers to attend Ward Meetings is required as in the past Officers have not attended when they have been requested to.
- Members queried the clerking arrangements for the informal Ward Committees and how residents would be notified of any response to queries raised at such meetings.

- RECOMMENDED: (i) That Council agree to remove references to Cabinet Member decision sessions from the Constitution
- (ii) That Council note the above comments in respect of the Mansion House and Mayoralty Advisory Group.
- (ii) That Council note the above comments in respect of the proposed Constitutional provisions for Ward Committees.

REASON: To ensure that the Council has effective and efficient Constitutional arrangements in place.

Councillor Jeffries, Chair

[The meeting started at 5.30 pm and finished at 6:45pm]

City of York Council

Minutes

MEETING	STANDARDS COMMITTEE
DATE	16 MARCH 2012
PRESENT	MRS BAINTON (INDEPENDENT MEMBER IN THE CHAIR) COUNCILLORS SCOTT (VICE-CHAIR), BARTON, RUNCIMAN AND TAYLOR (CITY OF YORK COUNCIL MEMBERS) COUNCILLORS FORSTER AND MELLORS (PARISH COUNCIL MEMBERS) MR DIXON (INDEPENDENT MEMBER)
APOLOGIES	COUNCILLOR CRAWFORD AND MR HALL

PART B - MATTERS REFERRED TO COUNCIL

18. NEW STANDARDS ARRANGEMENTS

Members considered a report that updated them on progress with the putting in place of new arrangements for dealing with standards issues affecting City of York Council and the local Parish Councils with effect from 1 July 2012. Members were reminded that the Council would need a new Code of Conduct in place from that date and would need to make arrangements for dealing with complaints that the Code had been breached. Such arrangements would cover Parish complaints as well as complaints against City Councillors. The legislation required an independent person to be involved in certain aspects of handling complaints.

(i) Transitional Arrangements

Members had previously been advised that the new legislation did not permit an existing independent member of the Committee to take on the role of an independent person. Members were advised that there had now been an indication from Government that provisions would be introduced enabling existing independent members to act as independent persons for a transitional period. It was unclear what conditions, if any, might attach to such appointments and whether the vacancy would still need to be advertised.

(ii) Code of Conduct

The Monitoring Officer informed the committee that the Local Government Association had taken on work, which had been started by ACSES, to develop a model code and NALC had been working on a Parish Model Code. The publication of these had been delayed, in part, because the Regulations had not yet been issued. Those Regulations would define Disclosable Pecuniary Interests (DPIs) which would need to be registered and would prevent Members participating in meetings. Failure to comply with these provisions would be a criminal offence.

The Committee's attention was drawn to difficulties that the Council might have in considering a model Code and adopting a new Code before 1 July given the dates of scheduled Council meetings. The Committee was therefore asked to consider making a recommendation to Council regarding interim arrangements that should be put in place if Council is unable to adopt a new Code in time. It was suggested that the interim position could be to continue to use the existing Code with the addition of a requirement to register and declare DPI's.

(iii) Standards Committee

Consideration was given to the results of the consultation that had taken place with parish councils. The majority of those who had responded had indicated support for a joint committee. Committee members felt that this was the best option given that it would allow for voting Parish Members. Members commented that it was regrettable that the law did not allow for voting independent members.

(iv) Arrangements for dealing with complaints

Further consideration was given to the arrangements for dealing with complaints. Annex 3 of the report detailed suggested procedures based on the committee's recommendations at their last meeting. The Committee confirmed its support for the Monitoring Officer to be given powers to filter complaints and seek local resolutions where appropriate. Concerns were expressed that the procedure did not offer the right of appeal to a councillor

who had been found to have breached the Code and asked that such a right be added to the draft procedures.

(v) Independent Persons

Discussion took place regarding the role of the independent person and the number that should be appointed. It was agreed that two independent people should be appointed and that they would both be consulted if allegations were made regarding a breach of the Code. By appointing two people to carry out this role there would also be opportunities for them to support each other.

(vi) Dispensations

Further discussion took place regarding a mechanism by which Parish Councillors would be able to obtain dispensations from requirements to disclose interests. It was suggested that the Standards Committee could be asked to deal with such issues.

RECOMMEND: That Council be recommended:

- (i) To adopt an interim Code of Conduct, whereby the existing Code continued with the addition of a requirement to register and declare Disclosable Pecuniary Interests, until Council was in a position to adopt a new Code at its meeting on 19 July 2012.
- (ii) To establish a joint Standards Committee with parish councils. The membership to be as follows:
 - 4 City of York Councillors (one from each of the main political groups)
 - 3 Parish Councillors with voting rights (nominations to be made by the Local Association)

The Standards Committee to have the power to co-opt non-voting

community members if this benefits the work of the Committee.

The Chair of the Committee to be appointed by the Committee at its first meeting of the municipal year.

- (iii) That two independent persons be appointed to undertake the functions set out in the Act and the draft procedures.

REASON: To recommend to Council new arrangements for dealing with standards issues.

C BAINTON

Independent Member, In the Chair

The meeting started at 2.30 pm and finished at 4.00 pm.

Scrutiny Report to Council March 2012

Report of the Chair of Scrutiny Management Committee

1. This report is submitted by the Chair of Scrutiny Management Committee (SMC), in accordance with the constitutional requirements set out in Standing Order 4.3(l) to update Council on scrutiny work during the period of activity since the last Council meeting and to set out any recommendations such as may be made to Council in relation to that work.

Scrutiny Management Committee (SMC)

Budget for Scrutiny

2. In accordance with its constitutional role to consider what budget might be appropriate for undertaking scrutiny reviews, SMC made a recommendation to Budget Cabinet in February 2012 for scrutiny to be provided with a small budget of £5k for 2012/13. This has now been approved. As a result of which, Scrutiny will have a small amount available in 2012/13 to support any review activities. SMC will be considering how this should be allocated.

3. **Work Planning**

SMC has agreed to bring together all Scrutiny Members, Cabinet and Chief or Lead Scrutiny Officer for an annual work planning event. Invitations have already been sent out for the event which will be held on 2nd May at 5pm. As ever, this will be crucial to engaging us all in committing our collective resources to effective priorities for scrutiny under the Council Plan 2011-15, for the coming new Municipal Year. Scrutiny Committees will, of course, additionally be able to continue with their own planned work priorities for 2012/13 and urgent issues requiring the attention of scrutiny may well arise during the course of the year. Can I urge all Members and relevant lead scrutiny officers of the Council to make themselves available for this key session.

4. **Merging Effective Organisation & SMC**

SMC considered a report in March, proposing the above merger as recommended by Audit & Governance Committee, amongst a range of other constitutional changes. SMC has made a specific recommendation to Council at this meeting supporting this merger with some proposed terms of reference. Additional to the financial and efficiency savings arising from running one committee instead of two, SMC felt that a

combined Corporate & Scrutiny Management Committee would provide scrutiny with a more manageable and effective corporate and strategic overview role. It is suggested that the new merged committee be called the 'Corporate & Scrutiny Management Committee.

5. **Call-ins**

Since last Full Council in December 2011, SMC has considered the following call-ins and decided in both cases not to refer the issues back to the Cabinet for further consideration, having had the opportunity to look the issues in more detail:

- (i) Revision to Council's Administrative Accommodation Strategy to incorporate the Guildhall and St Anthonys House;
- (ii) The Community Stadium and Council Leisure Facilities – Procurement of Operator Arrangements

At its meeting on 26 March 2012, SMC will be reviewing the decision by Cabinet (6 March) to adopt a new approach to the Council's neighbourhood working arrangements. The Cabinet Member has agreed to be present to answer questions.

Standing Overview & Scrutiny Committees

- 6. Each of the standing Overview & Scrutiny Committees has received a third quarter finance and performance monitoring report since the last scrutiny report to Council.
- 7. **Community Safety Overview & Scrutiny Committee** have met three times since the last scrutiny report to Council. In January 2012 they received a briefing on the formation of a Police & Crime Panel to be made up of Councillors from all the Local Authorities within the North Yorkshire Police region. They also received a report from their ASB Task Group which recommended that the remit originally set the review on ASB not be progressed and asking instead that the Committee identify an alternative remit. The Committee is now considering carrying out a review on Drug & Alcohol related ASB.
- 8. At a meeting in early March the committee received performance reports from Safer York Partnership (SYP) and North Yorkshire Police. And, more recently in March the Committee met with the relevant Cabinet Members and senior officers to discuss possible topics for scrutiny review in the coming municipal year.
- 9. **Effective Organisation Overview & Scrutiny Committee** have met twice in 2012. In January they received a briefing paper on the budget,

and a monitoring report on the implementation of their recommendations arising from their previously completed scrutiny review of CYC's Workforce Plan. In February they received a presentation on the results from the recent staff wellbeing survey and a report on the Future Use & Options for the Guildhall. The Committee has asked to be consulted on any suggestions on the future of the Guildhall arising from the ongoing consultation.

10. In addition, the Task Group they set up to carry out a review of CYC's Sickness Absence Management has met a number of times and an interim report on their ongoing work is due to be presented at the next meeting of the full Committee in April 2012.
11. **Learning & Culture Overview & Scrutiny Committee** have met three times in 2012. They have completed their review on Primary School Demographics and the final report is due to go to Cabinet in early April. The Committee have also received two presentations on the outcomes for 'Looked After' Children, in support of a suggested review, and as a result agreed no review was required. They also received a presentation on Public Parks and agreed the topic was unsuitable for review at this time. Instead, the Committee has commenced work on a review of the York Museums Trust's collections management following a topic submission by Cllr Watson.
12. The Committee have also met with the Chairs of York@Large and Learning City and the relevant Cabinet Members. They have also received a further update on the implementation of the outstanding recommendations arising from their previously completed reviews on the Cultural Quarter & Casual Play.
13. **Economic & City Development Overview & Scrutiny Committee** has met three times since the last SMC report to Council in December 2011. They have received regular finance and performance monitoring reports and their regular six monthly updates on major transport initiatives and issues and major developments within the city. They also invited the Cabinet Member for Health, Housing & Adult Social Services to one of their meetings to discuss the housing aspect of her portfolio.
14. They have also closely monitored the recommendations arising from two previous scrutiny reviews namely 'Newgate Market Review' and the Councillor Call for Action regarding Water End. The Committee will continue to monitor progress in relation to these at regular intervals until they are satisfied they can sign them off as having been fully implemented.

15. In addition to this a small Task Group formed from Members of the Committee has undertaken some further work on the Committee's chosen review – '*Reducing the Carbon Footprint in the Privately Rented Sector*'. After consideration of various pieces of information it became apparent that the Task Group would need to wait until further information was available on the 'Green Deal' initiative. The review was therefore postponed, with SMC agreeing to carry this over into the 2012/13 municipal year. A further date for the Task Group to meet will be set once information on the 'Green Deal' is available. However, in order that the issue remains live, there are plans to promote this scrutiny review at a forthcoming housing summit for local landlords. This will be a very good opportunity to ask any landlord who might be interested in becoming involved with the scrutiny review to express their interest; this will mean that when the review recommences the Task Group will already have contacts of interested parties that they can consult with.
16. **Health Scrutiny Overview & Scrutiny Committee** have been very busy over the last quarter having met formally on four occasions. They have received numerous reports including:
- Regular finance and monitoring reports
 - Update from Yorkshire Ambulance Service on their complaints procedure
 - Update on the Joint Health Scrutiny Committee's response to the consultation on Children's Congenital heart Surgery
 - Consideration of proposals to create an Urgent Care Centre
 - The Local Account for Adult Social Care 2011
 - Briefing from the new provider of Mental Health Services in the city
 - Briefing on the closure of Ward 3 at Bootham Park Hospital
 - Briefing on the Major Trauma Network
 - Update on the Dementia Strategy and Action Plan
 - Update on the Shadow Health & Wellbeing Board
 - Yorkshire Ambulance Service – Priority Indicators for Quality Accounts
 - Regular monitoring reports on the transition from LINKs to Healthwatch
17. In February 2012 the Committee held a packed meeting attended by NHS North Yorkshire & York and many representatives from the voluntary sector; this was to discuss recent funding cuts that had been made by NHS North Yorkshire & York to various voluntary sector organisations. The outcome was, on the whole, positive, especially for one organisation which is to have a significant amount of its funding cut in June this year. They have now been given a further opportunity to submit a business case for funding to the new Vale of York GP Commissioning Consortium.

18. The Committee has also monitored the recommendations arising from two previous scrutiny reviews:

Carer's Review – the Committee received a comprehensive update report on this which contained information from key partners across the city. Whilst the bulk of the recommendations have now been signed off, there are still a few outstanding and these have been rescheduled into the Committee's work plan for a further update in the new municipal year.

Childhood Obesity Review – the Committee decided to sign off the recommendation arising from this review but were mindful that this was a very important issue that they did not want to lose sight of. They will be requesting that the interim Director of Public Health consider this to be an issue of high priority.

19. Much work has also been undertaken on the Committee's Review on 'End of Life Care – The Use & Effectiveness of DNACPR Forms'. Several informal meetings have been held which have been attended by various key partners. These have provided a wealth of information and debate. An interim report is currently being prepared for the Committee in order that they may review the information to date and consider their next steps. SMC have agreed that this review can be carried forward into the new municipal year.
20. **City Centre Access Ad Hoc Scrutiny Committee** – progress has been fairly slow on this review topic. However, work is underway at the moment on a set of consultation questions which will be used by both this Ad Hoc Scrutiny Committee for their review work and by the Cabinet Member for the ongoing Footstreets Review.

Councillor John Galvin
Chair of Scrutiny Management Committee

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MEETING	SCRUTINY MANAGEMENT COMMITTEE
DATE	27 FEBRUARY 2012
PRESENT	COUNCILLORS GALVIN (CHAIR), RUNCIMAN (VICE-CHAIR), BARNES, CUNNINGHAM-CROSS, KING, MCILVEEN, POTTER AND STEWARD

PART B - MATTERS REFERRED TO COUNCIL.

17. PROPOSED AMALGAMATION OF EFFECTIVE ORGANISATION AND SCRUTINY MANAGEMENT COMMITTEES

[See also Part A Minutes]

Members considered a report which updated them on the proposals to merge Effective Organisation and Scrutiny Management Committee into one new scrutiny committee, responsible for corporate scrutiny management and overview.

Members agreed that the merging of the two committees was a sensible approach in order to form a higher level corporate scrutiny committee. Members made the following comments and suggestions on the proposed terms of reference attached at Annex A:

- The usefulness of Performance Indicator reports being brought to the new Committee as they are often outdated and the content rarely changes.
- Some Members queried whether performance reports should go to any of the Scrutiny Committees and asked for further consideration of the suggestion at a future meeting.
- The name of the merged Committee and who would decide it.

Members were invited by the Chair to email to him any further comments and observations they wished him to bring to the attention of Council.

RECOMMEND: (i) That Council approves the proposed merger of Scrutiny Management Committee and Effective Organisation Overview and Scrutiny Committee.

(ii) That Council approves the terms of reference as revised by any applicable comments received by the Chair and other Members of this Committee and taking into account the comments detailed above.

REASON: To ensure that scrutiny function remains robust and fit for purpose.

Councillor J Galvin, Chair

[The meeting started at 5.00 pm and finished at 6.15 pm].

The Constitution – Pt 3C

Council Committees and Other Bodies

12 The Corporate and Scrutiny Management Committee

12.1 The functions of the **Corporate & Scrutiny Management Committee** are:

No.	Delegated authority	Conditions
1	<ul style="list-style-type: none"> • To oversee and co-ordinate the work of Scrutiny Committees. This will include: • allocating responsibility for issues which fall between more than one Scrutiny Committee; • allocating, in consultation with the Chair/Vice-Chair, urgent issues to be considered by an appropriate Committee (including Ad-Hoc Scrutiny Committee) , as may be necessary; • reviewing progress against the Work Plans of the Overview & Scrutiny Committees, as may be necessary and receiving bi-annual updates from Chairs of those Scrutiny Committees, as required; • receiving periodical progress reports, specific scrutiny reviews, as requested; • Considering and commenting upon any final reports arising from completed reviews produced by the Overview & Scrutiny Committees, as required 	Subject to budget and resource availability
3	To consider any decision “called in” for scrutiny in accordance with the Scrutiny Procedure Rules as set out in Part 4 of this Constitution and to question any Cabinet Member in relation to decisions made, as may be required	
4	To exercise the powers of an overview and scrutiny Committee under section 21 of the Local Government Act 2000 and to promote a culture of continuous improvement across all corporate, strategic and business services through developing, challenging and reviewing those services	
5	To provide an annual report to Full Council on the work of the Overview & Scrutiny function	
6	To consider and recommend to the Cabinet an appropriate budget to support undertaking scrutiny reviews as part of the Council’s budget setting process and to manage the overall allocation of any	

The Constitution – Pt 3C

Council Committees and Other Bodies

No.	Delegated authority	Conditions
	such budget	
7	To periodically review the overview and scrutiny procedures to ensure that the function is operating effectively and recommend to Council any appropriate constitutional changes, relating to the scrutiny structure or procedural rules.	

Report to Council from Cabinet Member for Leisure, Culture and Social Inclusion, March 2012

Introduction

During my time as Cabinet Member, my aim has been to put leisure, culture and social inclusion at the heart of the city's agenda, making the case for culture in a very challenging financial climate, and ensuring that it delivers on the city's key priorities, especially the economy.

My chief focus in achieving this has been to protect services, consider alternative service delivery options where necessary to do so, drive service improvement and, without taking any satisfaction from so doing, implementing my portfolio's share of the Government's cuts.

More positively, 2012 is a hugely exciting time for York and for me as portfolio holder responsible for York 800. It is a year I will ensure York takes full advantage of to maximise the benefits for the city.

I would appeal to all Members to make as much noise and tell as many people as possible about what a special year this is going to be for our city, including getting people to come here and experience it for themselves.

On a personal note, I represent the city on the LGA Urban Commission and I am pleased to report that I have now been appointed to the LGA Urban Commission **Steering** Group.

I have also recently been appointed to the Regional Arts Council.

I attend regular meetings with Tourism, Leisure and Culture Leaders both across the region and nationally and we exchange ideas and information on good practice.

I have spoken at LGA workshops and conferences on the pressures and the changing climate of Leisure and Culture locally due to Central Government funding cuts. It is clear that when those cuts are twinned with the associated cuts in the budgets of supporting arts, culture and sports related organisations such as the Arts Council for England, there are real threats to Leisure, Culture, Sports and Tourism portfolios everywhere.

However, the good news is that York now has a growing reputation for being an outward looking, innovative council and I have played my part in relaying the message that York is open for business once again.

Culture

I have launched the York 800 civic celebration. This important initiative is designed to build an understanding of York's unique heritage as a city, create a sense of belonging in the present for all our communities, and contributes toward a shared vision of the future of York. Through the year-long programme we will enhance our established festival offer and work with partners to undertake a range of additional activities, consisting of:



- A visit from H.M. The Queen;
- The staging of York Mystery Plays in Museum Gardens bringing 30,000 additional visitors to the city;
- Charter Weekend celebration on our rivers with a regatta, and giving the city a new choral voice with the performance of Ebor Vox involving over 25 local choirs;
- York Stories, a story-capturing programme going out to a wide range of communities across the city to record their stories of this special city and create a unique archive of York in 2012;
- A range of one-off events with partners covering community activity such as the Hamilton Panthers Youth Football Gala, Heworth Golf Club York 800 Open Challenge and City of Quilts;
- The launch of festival activity that we hope to continue on an annual basis including the Chocolate Festival in April and the Medieval Festival in August.

The programme aims to promote participation in cultural activities by York residents, attract additional profile for the city in regional and national media, and enhance the visitor economy.

The year's programme began with an expanded Holocaust Memorial Day (HMD) programme including a series of lectures, films, and public discussions, a photographic exhibition drawn from survivors of the Holocaust living in Britain today and the civic events at Clifford's Tower and Tempest Anderson Hall.

The event was hailed as much improved and more inclusive than previous years and we aim to continue that by encouraging increasingly diverse participation on the HMD Steering Group.

We have successfully applied to host both the Olympic and Paralympic torch relays. The Olympic torch relay will be in the city overnight on 19th and 20th June and we are hosting an evening celebration at the Racecourse provided in conjunction with The London Organising Committee of the Olympic and Paralympic Games (LOCOG) which is expected to attract 10,000 visitors with a further 5,000 lining the route through the city.

The BBC is interested in broadcasting the relay and the arrival of the flame on stage will be broadcast on national BBC News. The Council will use this opportunity to launch 19 weeks of Olympic Sports-focused activity with its partners in community sport all across the city. A bid has been submitted for York to be a UNESCO Creative City. Although UNESCO's funding position means that the programme is on hold, we still expect to take our place in the Creative City network.

I am working to ensure that the Illuminate York Festival grows in 2012 and increases its profile with a big name artistic offer, which would attract many more people to the city, helping the York economy.

After extensive discussions with Great City Attractions I'm delighted to have helped drive the process forward to a point where the Planning Committee was in a position to pass the application for a Big Wheel to return to the city. It has proved a worthy addition to York's tourism offer.

I have secured The Arts Development UK 2012 conference for York to be held at the Barbican. Again, this is great news for the profile of the city and for the local economy.

After significant involvement in the process for selecting public art for West Offices, funded from £220k of developer contributions, I'm delighted to confirm that a number of local artists have been confirmed to produce works for the new HQ.

Leisure

The Sport and Active Leisure (SAL) team have assisted in providing over 25,000 opportunities for residents to take part in walking and cycling programmes and our “kick start” participation events such as charity runs have resulted in over 15,000 people participating in mass sporting events, an increase of 5,000 over last year.

In the library service, the cafés at York and Acomb Explore Centres have been refurbished and takings are up around 25%. The installation of self-issue machines has been undertaken which will help to reduce costs.

A “pump” bike track has been opened at Rawcliffe Country (a pump tracks is a continuous loop consisting of a series of rolling bumps and banked corners - originally developed for professional racers to improve their skills they have now turned into a fun activity for anyone who can ride a bike). The idea came from young people and is part of my commitment to deliver on what young people tell us that they want.



A restoration process has commenced in Tower Gardens (focussing on footpath improvements and tree removal).

We have secured a £50k lottery award for Bootham Allotments for security and drainage with the aim of opening up new plots.

We have supported 55 Voluntary sports clubs in the city through officer time and expertise to gain nationally recognised accreditation.

A number of indicators are exceeding their targets including:

- Through an opt-in offer with the reissue of the York Card approximately 15,000 members have now signed up to receive the monthly Yortime e-newsletter, which provides up-to-date information on all Communities and Culture events from festivals and author events to new adult education programme and sports initiatives (far exceeding the 2,500 target).

- There have been increases in the number of views on the Shine page of the YorOk website, and in the number of children and young people gaining their new York card; more than half of the population of young people now have cards
- The targeted sport and active leisure programme continue to show success with continued increases in the number of people with a limiting disability undertaking 3 x 30 minutes of active leisure per week

Staffs are to be congratulated for their part in the following achievements:

- Energise has been identified from the APSE (Association for Public Service Excellence) data analysis as one of the best national performers for Sports and Leisure facility management and was nominated for the performance network's best performer award this year.
- Acomb Explore has been awarded the "Good Place to Come" award from the Children's Society aimed at disabled children
- We have been successful at Stage 1 of an HLF bid to create a new City Archive accessible to everyone in York. The Stage 2 bid will be submitted in July
- We have been awarded £36k from the National Catalogue Grant Scheme to catalogue the City Archive for the first time in over 100 years
- In Britain in Bloom the city was Awarded Silver Gilt in 2011

Inclusion

York hosted its second Celebrating Ability Day in August 2011 which I attended with over 300 disabled people sampling over 20 sport and physical activity opportunities including tag rugby, athletics, football, climbing, health walks, sportsability, danceability, goalball, wheelchair basketball, badminton, wheelchair rugby and cycling. The event was Inspire Marked and held up by the London Organising Committee for the Olympic Games as an example of best practice.



I also attended a number of new active leisure programmes many of which have been launched including a new Pilates session as part of the HEAL (health, exercise, activity lifestyle) programme for those with neurological conditions has been launched with 12 attendees now regularly attending, whilst Eng-AGE in physical activity launched Zumba

Gold and Tai-Chi sessions at the Heworth Without Community Centre in September. This has been a great success with 35 Zumba and 25 Tai-Chi participants attending weekly since October 2011.

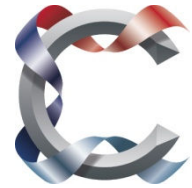
The Council has signed up to City of Sanctuary, aiming to investigate potential new ways of supporting marginalised and vulnerable people in York.

The Council reached “Achieving” status in July in the Equalities Framework for Local Government. There is a long way to go to get to “Excellent” but I am putting in place a robust plan to get there by March 2014.

A number of Change Champions events have been held designed to involve and engage with children and young people to gain an understanding of local issues that affect them. One of the highlighted issues of the Acomb Change Champion event was older teenagers drinking alcohol in the under 8’s play area. Working with the Police young people talked through the possible alternative methods of addressing this behaviour. As a result of the actions taken this is now an area which can be enjoyed by young people with no incidents of young people drinking alcohol in the area reported for several weeks.

Following a successful active citizenship programme which took local democracy sessions into schools and engaged with over 2,000 children, Take Part York has produced a primary school resource called "Future Decision Makers". It's packed full of activities, lesson plans and ideas which schools can use as part of lessons about local democracy, community issues, the role of ward and school councillors, and whet an appetite for lifelong participation in democracy as future voters.

City of York Council has entered into a Community Covenant with the armed forces and is now actively investigating new ways to engage with armed forces staff, personnel and veterans. Four applications were submitted in the latest round of the Community Covenant Fund including bids to enlist York's forces personnel in York 800, and for sport and play initiatives. Following an approach to me from a York resident who is a member of the armed forces, we are working on a new corporate membership deal for forces members in our leisure facilities.



Free Wi-Fi has been installed in all Libraries (as well as at Energise) and I am reviewing the offer in all libraries so that it is more closely tailored to the needs of the community that each library serves.

Two volunteering roles have been developed providing one to one support to help people to get online. I have spent time volunteering on that project at York Explore which has enabled me to learn more about what support is required. We have so far recruited 10 volunteers.

A voluntary sector Transformation Fund has been set up and operated resulting in a number of awards to innovative schemes around community transport, community cohesion, and setting up social enterprises to support various communities of interest.



We have recruited and trained 64 Snow Wardens who took up their snow scoops in January this year. A second recruitment drive is ongoing and the training programme now includes Age UK 50+ information ensuring snow wardens concerned about vulnerable neighbours can signpost them in the future.

Over twenty front line staff from a wide range of organisations have undertaken 'Community Conversations' training. This will enable us to assist local communities experiencing tensions.

Council Officers have worked in partnership with the Sports and Active Leisure team (SAL) to carry out consultation with older people to establish what activities they would like to access. The consultation on the Older People's Activities Survey was enhanced by the involvement of volunteer community interviewers.

The "Tell Me More" programme has been running for 12 months. It is a series of hour long seminars for CYC, voluntary and private sector front line service deliverers looking at cross-cutting topics. Subjects covered have included Community Contracts, cohesion, hate crime and the older people's strategy. One of the ideas arising from the Parish Charter session was to develop and circulate a good practice guide. They have been very well attended.

The following awards have been achieved in this area:

- Acomb Explore has been awarded the "Good Place to Come" award from the Children's Society aimed at disabled children
- The Upfaders youth project was shortlisted for the LGC "Making a Difference" award

