

Meeting	Cabinet
Date	6 May 2014
Present	Councillors Alexander (Chair), Crisp, Cunningham-Cross, Levene, Looker, Merrett, Simpson-Laing (Vice-Chair) and Williams
In attendance	Councillors Barton, Cuthbertson, D'Agorne, Fitzpatrick, Funnell, Galvin, Reid, Steward and Watt

129. Declarations of Interest

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

Councillors Merrett, Simpson-Laing and Williams declared a personal non prejudicial interest in relation to agenda item 8 (School Meals Scrutiny Review Final Report) as their daughters all had school meals.

Councillor Crisp declared a personal non prejudicial interest in relation to agenda item 13 (New Social Housing Down Sizing Opportunity) as she lived adjacent to the site.

130. Exclusion of Press and Public

Resolved: Resolved: That it was agreed to exclude the press and public from the meeting during consideration of Annex A to agenda item 13 (New Social Housing Downsizing Opportunity- Minute 141 refers) on the grounds that it contained information relating to the financial or business affairs of particular persons (including the authority holding that information). Such information is considered 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).

131. Minutes

Resolved: That the minutes of the Cabinet meeting held on 1 April 2014 be approved and signed by the Chair as a correct record.

132. Public Participation

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme, and that four Members of Council had requested to speak on items, details of which are set out below:

Lendal Bridge Trial Evaluation Report

Gwen Swinburn spoke to raise concerns in relation to the decision making process undertaken as part of the reopening of Lendal Bridge. She also referred to issues of democratic accountability in respect of an important decision for the city which had prevented any input from members and residents.

Cllr Steward referred to the lack of cross party discussion in relation to the Lendal Bridge closure and reopening and his concerns at the length of time prior to the decision taken to reopen the bridge. He highlighted the lack of tangible metrics and how success would have been measured.

Cllr D'Agorne spoke to welcome the detailed assessment of the Lendal Bridge trial and to the setting up of a cross party congestion commission. He expressed regret that the evidence had not been considered prior to the reopening of the bridge and changes made to parking charge whilst there was still a need to find solutions to traffic congestion in the city centre.

Cllr Cuthbertson spoke of the damage done to the reputation of the city in relation the Lendal Bridge trial. He questioned whether sufficient information on footfall could be gained from one camera and pointed to longer journeys and air quality issues during the trial. He asked for a cross party scrutiny review of the Lendal Bridge trial to ensure that lessons were learnt and other measures taken to tackle congestion.

Final Report of the Corporate and Scrutiny Management Committee on the Night Time Economy Scrutiny Review

Cllr Steward referred to the final report on the night time economy as a good example of cross party work which had resulted in a good balance of recommendations.

Cllr D'Agorne also welcomed the detailed assessment of the night time economy and to the approach taken to undertake a corporate scrutiny review.

Additional £2 Capital Funding for Improving the Condition of the Unclassified Carriageway and Footway Network

Cllr Reid expressed support for additional investment to improve the carriageway and footway network, following a lack of investment in previous years. She referred to the backlog of repairs and highlighted residents complaints in relation to The Horseshoe and Westhorpe in her ward as in particular need of repair work.

133. Forward Plan

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

134. Lendal Bridge Trial Evaluation Report

Consideration was given to the final evaluation report of the Lendal Bridge traffic restriction trial, implemented using an Experimental Traffic Regulation Order which had restricted vehicles from using the bridge between 10.30am and 5.00pm each day. The report provided information covering the six month period up to 26 February 2014 and up to the decision taken to revoke the order on 8 April 2014.

It was noted that analysis of the data recorded during the trial, in transport terms, had achieved many of the original objectives to improve the environment for pedestrians and cyclists and reduced public transport journey times. Considerable concern had however been raised by residents and businesses regarding implementation of the trial.

Following questions regarding the legality of the enforcement of the restriction a request had been made to the Chief Adjudicator for the decision to be reviewed. A presentation of the finding of the trial had subsequently been made and the Leader had exercised his powers to remove the restrictions from the bridge which had resulted in it being reopened shortly after. At that time it had also been agreed to set up an independent commission to review how traffic congestion could be addressed in the city.

Cabinet Members acknowledged the problems that had arisen during the trial but confirmed that advice had been sought prior to the trial closure from both the Department for Transport and the Driver and Vehicle Licensing Agency. Members expressed their continued support for undertaking the trial as there was still a need to tackle congestion in the city. It was noted that alternative measures would have to be examined to meet future traffic challenges the city faced, particularly as traffic in the city would increase by 19 to 30% in the next 5 years, resulting in further congestion.

Officers referred to the difficulties encountered in running the trial and to the large amount of data collected which required further work, although some of the trials objectives had been achieved.

Members expressed appreciation for the work undertaken by officers both during the trial and subsequently in the analysis of data and preparation of the final report.

Following further lengthy discussion it was

Resolved: That Cabinet agree:

- (i) To note the Leaders decision made on 8th April 2014 to end the Lendal Bridge trial from 12th April 2014.
- (ii) That no expenditure is committed from the net receipts at this time prior to the resolution of the legal process. This will be subject to a future cabinet report.
- (iii) That Councillor Reid's motion is referred back to Council in July 2014 together with details of any discussion on the issues raised. ¹.

- (iv) To note the Leaders decision to establish an independently chaired, cross party congestion commission and to request that the scope of the commission be brought to a future meeting. ².

- Reason:
- (i) As a result of significant public interest that emerged on the issue and the need for urgent clarification.
 - (ii) This is the most prudent approach to treating the income at this time.
 - (iii) In accordance with the Council's Constitution.
 - (iv) To consider how the impacts of future congestion can be mitigated.

Action Required

- 1. Refer motion back to 17 July Council meeting. JP
- 2. Schedule report on the legal issues and scope of the Commission on Forward Plan. RS

135. Final Report of the Corporate and Scrutiny Management Committee on the Night Time Economy Scrutiny Review

Members considered the final report from the Corporate Scrutiny review of York's Night Time Economy and Cabinet were asked to approve the recommendations arising from the review.

Councillor Galvin, confirmed this as the first corporate review involving all the standing Overview and Scrutiny Committees in some aspect of the review, in line with their individual terms of reference. He spoke of the success of the review which had received all party support and thanked the Task Group, Members and Officers, in particular the two Scrutiny Officers for all their work on the review. He asked Cabinet to support the introduction of a pilot scheme to extend retail opening hours in the Coppergate Shopping Centre on Friday evenings, from early July in the first instance, and to the aspiration of rolling this out to surrounding areas if successful. He also drew Members attention to the Health Scrutiny Committees recommendation regarding the establishment of a city centre treatment and recovery centre on Friday and Saturday night's to assist with alcohol related incidents and provide a place of safety.

Members thanked Councillor Galvin and all the Overview and Scrutiny Committee members and officers for their work on this comprehensive review and to the excellent ideas put forward for further consideration. They confirmed the need to engage partners and cultural and creative providers in the proposals and to input required from the new marketing organisation and the City Team to achieve the best outcomes. It was noted that Cllr Crisp would be taking the report and recommendations to York@Large for further consideration.

Following further lengthy discussion it was

- Resolved:
- (i) That Cabinet thanks the Corporate Scrutiny Management Committee and the Overview and Scrutiny Committee's for their work in respect of this corporate review.
 - (ii) That, the recommendations arising from the Night Time Economy Corporate Scrutiny Review Final Report, as detailed in paragraphs 11 and 12 of the cover report be received and accepted in principle subject to further detailed consideration, including funding. ¹.

Reason: To conclude the Scrutiny Review in line with CYC Scrutiny procedures and protocols.

Action Required

1. Examine implementation of recommendations of Task Group and report back to Cabinet

KS

136. School Meals Scrutiny Review Final Report

Consideration was given to the final report and recommendations arising from the School Meals Scrutiny Review, at Appendix A, carried out by a Task Group with the aim of improving the take-up of school meals and free school meals.

Councillor Reid, as Chair of the Learning and Culture Overview and Scrutiny Committee presented the report, and confirmed that the review had been overtaken by the introduction of the new duty to provide free school meals for all Key Stage 1 pupils from September 2014. She referred to the low take up of meals found in many schools, particularly free school meals for which

a pupil premium was received by the school. She thanked both the Task Group, schools and pupils and all those that had assisted with this review.

Councillor Fitzpatrick also spoke, as Chair of the Task Group, congratulating schools on their staff/pupil ethos. She outlined the work undertaken by the Group and referred to the good quality of the lunchtime offering to pupils. She expressed the hope that, with the introduction of free meals for KS1 pupils this would reduce the price of school meals and encourage additional take up to improve afternoon learning.

The Cabinet Member endorsed the work undertaken by the Task Group and highlighted the cost of meals together with the need to break down prejudices against the take up of free school meals as the main issues affecting take up.

Following further discussion it was

- Resolved: (i) That Cabinet thanks the Task Group for their work in respect of this review.
- (ii) That, the recommendations arising from the School Meals Scrutiny Review Final Report, as detailed in paragraphs 10 and 11 of the cover report be received, noted and taken forward for further detailed consideration.¹

Reason: To conclude the Scrutiny Review in line with CYC Scrutiny procedures and protocols.

Action Required

1. Examine implementation of recommendations of Task Group and report back to Cabinet MS, ME

137. Personalisation Scrutiny Review Final Report

Members considered the final report and recommendations of the Personalisation Scrutiny Review, at Appendix 1, undertaken to review, with key partners, areas of strength and areas for development around personalisation to enable people to exercise as much choice and control over their lives as possible.

Councillor Funnell, as Chair of the Task Group and Health Overview and Scrutiny Committee, presented the report, expressing disappointment that the Group were not able to properly complete the review, for a variety of reasons, including the particular objectives originally chosen. She referred to the reorganisation complexities

- Resolved: (i) That Cabinet thanks the Task Group for their work in respect of this review.
- (ii) That, the recommendations arising from the Personalisation Scrutiny Review, as detailed in paragraph 16 of the cover report be received, noted and taken forward for further detailed consideration. ¹.

Reason: To conclude the Scrutiny Review in line with CYC Scrutiny procedures and protocols.

Action Required

1. Examine implementation of recommendations of Task Group and report back to Cabinet

GT

138. Construction Skills Scrutiny Review Final Report

Consideration was given to the final report of the Construction Skills Scrutiny Review, at Appendix 1, a review undertaken to investigate ways of increasing the supply of local people with building and construction skills.

Councillor Watt, as Chair of the Task Group, appointed to undertake the review, confirmed that this had been a worthwhile and rewarding review, undertaken at the right time, with the anticipated increase in house building over the next 15 years. He acknowledged the work of the Task Group and of the input from apprentices at York College and other bodies who had been part of the review. He acknowledged that work in the construction industry had not been promoted as a career path in schools however he hoped that the Task Groups recommendations would change this.

Members welcomed the recommendations which it was hoped would provide a longer term approach to the supply of workers with the correct skills to meet the demands of the industry.

- Resolved: (i) That Cabinet thanks the Task Group for their work in respect of this review.
- (ii) That, the recommendations arising from the Construction Skills Scrutiny Review as detailed in paragraph 11 of the cover report be received, noted and taken forward for further detailed consideration. ¹.

Reason: To conclude the Scrutiny Review in line with CYC Scrutiny procedures and protocols.

Action Required

1. Examine implementation of recommendations of Task Group and report back to Cabinet. DR

139. Additional £2m Capital Funding for Improving the Condition of the Unclassified Carriageway and Footway Network

Members considered a report which set out details of the proposed programme of works for an additional £2m allocation by the Council to the highway maintenance budget to improve the condition of the unclassified carriageway and footway network.

The Big York Survey had highlighted residents concerns as to the condition of the unclassified roads and footways and the annual condition survey, details reported at Annex 1, had shown that the unclassified carriageway network had the largest percentage of poor or very poor condition categories.

The Cabinet Member confirmed that the proposed works were being undertaken as a result of resident's feedback and included a list of additional highway schemes detailed at Annex 2 of the report.

Resolved: That Cabinet:

- (i) Approve the allocation of £2m to be split evenly between carriageway and footway highway maintenance schemes on the unclassified network.

- (ii) Approve the implementation of the additional highway maintenance scheme programme. ¹

Reason: To improve the condition of the unclassified highway network.

Action Required

1. Implement the additional highway maintenance schemes.

AB

140. Economic Infrastructure Fund - May 2014 Funding Decisions

Consideration was given to a report which set out proposals for funding the following projects from the Economic Infrastructure Fund (EIF):

- Public Realm Investment in Hungate - £175k
- Biovale cluster, University of York/Biorenewables Development Centre - £75k

Further details of the business cases in relation to the two projects were set out in Appendix A to the report. It was noted that both projects provided deliverability, value for money and met the Council's priorities of creating jobs and growing the economy.

Members confirmed that the allocation of funding for improvements to the public realm in the Hungate area would be additional to any planning gain received from the Hiscox development.

Resolved: That Cabinet agree to:

- (i) Approve Economic Infrastructure funding (EIF) of £175k for the Hungate Public Realm project, pending appropriate consultation with residents and businesses in the area, and with the intention that detailed plans for the development will be brought back to Cabinet in due course for final sign off. ¹
- (ii) Approve in principle and subject to business case, the £75K from the EIF to support development of the Biovale cluster.

- (iii) Delegate responsibility to the Council's Chief Executive and Director for Customer and Business Support Services (and CYC's s151 Officer) for receiving the business case for this funding when it is prepared, and if approved, releasing the £75K for spend. ².

Reason: To approve investment required to create a world class quality destination in and around Hungate as a vital gateway to the city centre and to support development of the Biovale innovation cluster.

Action Required

- 1. Funding approved, and schedule report back to Cabinet for final sign off. KS
- 2. Subject to receipt of a satisfactory business case release funding. KS, IF

141. New Social Housing Down Sizing Opportunity

Members considered a report which set out details of an opportunity which had arisen for the Council to acquire 14 new apartments to be built on the site of the former Pack of Cards Public House in Acomb.

An analysis of the council's housing stock had shown that there were a number of under-occupied properties, many occupied by the elderly. It was therefore intended that the apartments would be prioritised for down-sizers in order to release much needed family housing.

The purchase would be funded from the Housing Revenue Account and the properties built to a Code for Sustainable Homes Level 4 in order to achieve a reduction in carbon emissions and savings in running costs.

The Cabinet Member referred to the lengthy marketing of the site as a development opportunity following no interest being expressed in the public house as a business. She expressed her support for the unique opportunity the site offered which would free up family housing.

Consideration was given to the following options:

Option 1- To approve an 'off-the-shelf' purchase of the Pack of Cards development for new council housing at Code for Sustainable Homes Level 3, subject to the satisfactory conclusion of due diligence.

Option 2 – To approve an 'off-the-shelf' purchase of the Pack of Cards development for new council housing at Code for Sustainable Homes Level 4, subject to the satisfactory conclusion of due diligence.

Option 3 - To reject the opportunity to purchase new council housing at the Pack of Cards development, with the Housing Strategy and Development Team attempting to broker a deal with partner housing associations to purchase the completed homes.

Resolved: That Cabinet agree Option 2, to approve an 'off-the-shelf' purchase of the Pack of Cards development for new council housing at Code for Sustainable Homes Level 4, subject to the satisfactory conclusion of due diligence, to be funded from the Housing Revenue Account investment fund, affordable housing commuted sums, and Right to Buy receipts. ¹.

Reason: To allow the council to add 14 new homes to its existing asset base and help to alleviate the acute housing need in the city, through an opportunity that does not require the use of any of the council's land assets.

Action Required

1. Proceed with purchase of development.

AK

142. Draft Revised Financial Regulations

Members considered a report which presented the Council's draft revised Financial Regulations, at Annex A, incorporating a number of amendments, particularly around external arrangements and the provision of grants and loans to outside bodies. The regulations provided an effective regulatory framework that allowed the organisation to operate with minimum risk.

Changes arising from the recommendations of the Loans and Grants Scrutiny Review were set out at table 1 of the report with other key changes at table 2.

The Cabinet Member confirmed that the new regulations now reflected the recommendations of the Loans and Grants review, although it was highlighted that the Council only had one loan in excess of £100k in respect of Yorwaste.

Consideration was then given to the following options:

Option 1 – Recommend Audit and Governance Committee approval of the amendments to the Financial Regulations as set out at paragraph 5, 6, 7, 8 and Annex A;

Option 2 – Recommend to Audit and Governance Committee that the amendments are not approved.

Resolved: That Cabinet agree the draft revised Financial Regulations, at Annex A of the report, including the key changes set out at Paragraph 5, 6, 7 & 8 and recommend the regulations to Audit and Governance Committee for their consideration and formal recommendation to Full Council. ¹.

Reason: To ensure that the revised draft Financial Regulations are appropriate in maintaining the integrity of the council's financial arrangements and can be recommended to Audit and Governance Committee.

Action Required

1. Refer to Audit & Governance Committee.

JC, AD

143. Reoccupation Relief Rate Scheme

Consideration was given to a report which set out details of a new reoccupation rate relief scheme which would provide a reduction in business rates of up to 50%, or the 'state aid' limit, for qualifying businesses.

It was noted that the relief would help sustain employment, encourage growth of the economy in particular new business. Any relief awarded to local businesses would then be met in full by central Government.

The Cabinet Member confirmed that this was an update report following receipt of final details of the scheme from Government. Members were asked to consider the following options in relation the provision of relief using the scheme:

Option 1 – Approve all applications from businesses (within state aid rules) excluding those set out at paragraph 4 reserving the right of the Chief Financial Officer in consultation with the relevant Cabinet Member to exclude any businesses that they would deem do not support the councils wider objectives or the community at large;

Option 2 – Provide no reoccupation relief at all.

Resolved: That Cabinet:

- (i) Agree Option 1, to approve of all applications from businesses (within state aid rules) excluding those set out at paragraph 4 reserving the right of the Chief Financial Officer in consultation with the relevant Cabinet Member to exclude any businesses that they would deem do not support the councils wider objectives or the community at large;
- (ii) Approve the power to make individual awards to the Chief Financial Officer as set out at Paragraph 10 of the report. ¹.

- Reason:
- (i) To provide clarity in respect of the categories for which the council will not consider awarding reoccupation relief.
 - (ii) To ensure that all applications are dealt with immediately when they are received and that where a business qualifies their bill is promptly amended.

Action Required

1. Implement scheme using agreed delegation to make individual awards.

DW

144. Chairs Comments

On behalf of the Cabinet, the Leader thanked Darren Richardson, Director of Environment and City Development, for all his work in relation to a number of key city projects. All Members joined the Leader in wishing him well in the future.

Cllr J Alexander, Chair

[The Meeting started at 5.30 pm and finished at 7.50 pm].