

MEETING	THE EXECUTIVE
DATE	2 MAY 2006
PRESENT	COUNCILLORS S F GALLOWAY (in the Chair), S GALLOWAY, HALL, MACDONALD, ORRELL, REID, RUNCIMAN, SUNDERLAND and WALLER

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

### **205. DECLARATIONS OF INTEREST**

The Chair invited Members to declare at this point any personal or prejudicial interests which they might have in the business on the agenda.

Councillors Macdonald and Reid each declared a personal and prejudicial interest in agenda item 6 (Possible Sites for the Relocation of Arc Light), as members of the Planning Committee that would consider the planning application for the proposed relocation site. They both left the room during consideration of this item and took no part in the discussion or decision thereon. Councillor Waller declared a personal, non prejudicial interest in the same item, as a member of St Olave's Church. Councillor Waller also declared a personal, non prejudicial interest in agenda item 12 (Proposals for the Merger of Lowfield School and Oaklands School), as a governor of Oaklands School.

### **206. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the Press and public be excluded from the meeting during consideration of the following, on the grounds that they contain information which is classed as exempt under Schedule 12A to Section 100A of the Local Government Act 1972. (as revised by The Local Government (Access to Information) (Variation) Order 2006), as indicated below:

- Annex 8 to agenda item 6 (Arc Light) and Annex 2 to agenda item 13 (The Hungate Sites) - information relating to the financial affairs of particular persons, classed as exempt under paragraph 3 of Schedule 12A;
- Annex B to agenda item 7 ([easy@york](mailto:easy@york) Programme) – information relating to particular individuals, classed as exempt under paragraph 1 of Schedule 12A.

## 207. MINUTES

RESOLVED: That the minutes of the Executive meeting held on 18 April 2006 be approved and signed by the Chair as a correct record.

## 208. PUBLIC PARTICIPATION AND OTHER SPEAKERS

### a) Public Participation

The following speakers addressed the meeting, having registered to speak under the Council's Public Participation Scheme, all in relation to agenda item 6 (Possible Sites for the Relocation of Arc Light):

- (i) Emma Walker spoke in objection to use of the Marygate car park site, on the grounds of poor access to the site, potential danger to elderly residents, and the likely costs and delays to the relocation due to the position of the site in a conservation area that was prone to flooding.
- (ii) Suzanne Jaconelli spoke in objection to use of the Nunnery Lane site, on the grounds of the difficulty and inappropriateness of building next to the City walls, problems of access and air quality and the high number of objections from residents in the area.
- (iii) Jeremy Bloom spoke in objection to use of the Union Terrace Car Park site, as a representative of CUPRA. He referred to the 62-page report and petition submitted by CUPRA in support of their case. He also expressed the view that information on the Piccadilly site had been withheld at the consultation stage and that the Council had already discounted that site in advance of the meeting.
- (iv) Trevor Kidd spoke in objection to use of the Piccadilly site, on the grounds that the piecemeal development of this site would spoil the regeneration of the area as a whole and that the proposed Coppergate II development would not be a supportive environment for Arc Light.
- (v) Lee Lambley spoke in support of using the Piccadilly site, on the grounds that it was already designated for housing use in the Local Plan, had the most support from York residents, would be convenient for Arc Light residents and was therefore the best choice in the long term, despite its potential inclusion in the Coppergate II development.
- (vi) Paul Wordsworth spoke as Chair of the Arc Light trustees. He explained Arc Light's aims of "Assist, Re-settle, Care" and pledged to work with residents, whichever site was chosen, to address their fears and concerns. He noted that there was no legal requirement to consult residents generally on the location of premises for homeless people and York was the only city that had done so.

- (vii) John Gilham spoke on behalf of York Housing Association, who would develop the chosen site. He provided a brief technical assessment of the four potential sites and recommended Union Terrace as the site that best met the developers' requirements to provide a suitable building within the time and resources available.
- (viii) Jamie spoke as a current resident of Arc Light, to explain how the centre had helped him to turn his life around since his arrival there last June. He had once been a drug addict and shoplifter but was now drug free, involved in activities and planning to do voluntary work. He pointed out that crime levels in Arc Light's current location were very low and urged people not to think the worst of its residents.
- (ix) Jeremy Jones spoke as Director of Arc Light. He noted that Arc Light had operated successfully in York for over 6 years and provided a brief assessment of the four potential sites against the agreed criteria, particularly security and accessibility. He recommended Union Terrace as the best site on the basis of this assessment.
- (x) Supt. Martin Deacon spoke on behalf of the Police. He confirmed that Arc Light was a well run establishment and that the police were fully supportive of the contribution it made to reducing crime. Crime levels in Arc Light's current location were not unusually high and the amount of crime actually committed by Arc Light residents was low. Police advice on crime reduction would be part of the process of designing the new premises.

b) Other speakers – ward councillors

With the permission of the Chair, the following ward councillors addressed the meeting in relation to the Arc Light item:

- (i) Cllr Looker spoke on behalf of Guildhall ward. She expressed support for Arc Light's role and welcomed the public consultation. However, she was concerned that the report included information on the Piccadilly site that had not been evident during the consultation. In her view, that site had much to recommend it and there were problems with all the other site, as noted by earlier speakers. On that basis she would support the comments made by the Shadow Executive on this item at their meeting on 26 April, recommending the Piccadilly site.
- (ii) Cllr Merrett spoke on behalf of Micklegate ward. He acknowledged the need to find a new site for Arc Light, whose current premises were inadequate, but noted the number of arrests of Arc Light residents. He noted the dissatisfaction on the consultation process expressed at the joint ward meeting but recognised the attempt to consult. He urged the Executive not to choose the Nunnery Lane site, on the basis of the number of objections from residents, the loss of car parking and the impact on community safety that would result from adding to the number of homeless and similar premises already based in this area.

c) Other speakers - UNISON

With the permission of the Chair, Heather McKenzie, of UNISON, spoke in relation to agenda item 7 (easy @ york Programme). She noted that a number of staff concerns about the proposed contact centre were still outstanding and re-iterated the concerns set out in paragraphs 35-37 of the report in relation to the effects on staff of the potential extension of opening hours. She confirmed that discussions were still ongoing with the easy @ york team on the need to ensure that staff would not be forced to work inappropriate shift patterns or to carry the fully burden of “flexibility”.

**209. EXECUTIVE FORWARD PLAN**

Members received and noted an updated list of items currently scheduled on the Executive Forward Plan.

**210. POSSIBLE SITES FOR THE RELOCATION OF ARC LIGHT**

Members considered a report which presented the outcome of consultation on, and appraisal of, four possible sites for the relocation of the Arc Light homeless centre and sought the Executive’s views on which site would be the most suitable.

At their meeting on 7 February, the Executive had approved consultation on a set of criteria to be applied to a list of 36 potential relocation sites. No objections had been received to these criteria, so they had then been applied to the 36 sites and a shortlist of four sites selected for further consultation, namely:

- Marygate Car Park
- Nunnery Lane Car Park
- 17/21 Piccadilly
- Union Terrace Car Park

Consultation had been carried out by way of information leaflets delivered to about 11,000 homes in Micklegate, Guildhall and Clifton wards, a special joint ward meeting held on 10 April, and information on the Council’s website.

The report, and Annexes 1-2, summarised responses received to the consultation and key issues raised in respect of each site. A full set of consultation responses had also been circulated to each Executive Member. A comparative analysis of each site had been carried out by the Head of Property Services and the results were detailed in Annexes 3-6 to the report.

During their discussion, Executive Members commented on those aspects of the proposals that related to their individual portfolio areas, and in particular:

- The Executive Member for Housing confirmed that the service offered by Arc Light helped to contribute to the Council’s work by offering young homeless people access to services and hope for the future.

- The Executive Member for Social Services and Health praised Arc Light's work in helping those with complex mental health and other issues to turn their lives around.
- The Executive Member for Education and Children's Services confirmed that, to her knowledge, no issues of danger caused by Arc Light residents had ever been raised by York schools.
- The Executive Member for Commercial Services noted the contribution to improving the City made by those Arc Light residents who took part in the PACY scheme – over 100 had volunteered during the past year.
- The Executive Member for Environment and Sustainability confirmed that all four potential relocation sites lay within a designated Air Quality area.

The Executive Leader then made a statement on the proposals, commenting on the necessity of finding a new site for Arc Light and on the objections raised to the proposed sites both during the consultation and at the meeting. He stressed that the Executive's decision must be based upon their interpretation of the facts, as presented by their professional advisors and tested through the consultation process.

Having considered the advice of the Shadow Executive, the comments made under Public Participation and the submissions of ward councillors, it was

**RESOLVED:** That the new Arc Light homeless centre be located on the Union Terrace car park, subject to York Housing Association obtaining a satisfactory planning permission, and that the site be leased on terms to be agreed with the York Housing Association, which are to be consistent with the arrangements made by the Council in the past for the release of land for social housing purposes.

**REASONS:**

- (i) A new building for Arc Light will help provide a pioneering solution to tackling the problems of rough sleeping and inspire similar projects elsewhere in the country.
- (ii) The Union Terrace site meets the criteria agreed by the Executive on 21 March, does not have the problems associated with the other potential sites and is the preferred choice of Arc Light and the York Housing Association. Although the car park is well used, alternative parking is available nearby and there is scope for a trade-off of spaces with the coach park. The Council is willing to enter into a dialogue with local residents and businesses on measures to address their security concerns in respect of this site.

**211. EASY @ YORK PROGRAMME – PROGRESS REPORT, YORK  
CUSTOMER CENTRE OPENING HOURS AND IEG 6 STATEMENT**

Members considered a report which provided a general update on the easy@york programme, fed back results of staff consultation on the proposal to enable extended opening hours of the new York Consultation Centre (YCC) and asked the Executive to decide on the initial opening hours of the YCC. The report also sought formal approval of the Implementing e-government Statement (IEG6), which been agreed by the Executive Member for Resources and submitted by the deadline of 6 April 2006.

In December 2005, the Council had achieved its predicted 100% against BVPI 157 (e-enablement of services). To date, eleven e-enabled customer-facing and web-based projects had been delivered. Details of these were set out in paragraph 6 of the report and in an additional information sheet circulated at the meeting. Paragraph 7 set out details of projects still to be implemented and paragraphs 8 and 9 highlighted the outcomes and benefits of the full programme. Further to the draft timetable reported to Members in December, it was now evident that the “going live” date for phase 1b of the programme would have to be delayed until November 2006. The revised key Programme milestones were set out in paragraph 22.

Results of the staff consultation on the YCC’s opening hours were detailed in Annex B to the report and UNISON’s comments thereon were set out in paragraphs 35-37. Members were asked to consider three options:

**Option 1** – open weekdays 8am – 7pm, Saturdays 9am – 12 noon. This would require some staff to work a 6-day contract and shift work.

**Option 2** – open weekdays 8am – 7pm with no plans for Saturday working. This would mean some shift work – on average 1-2 late shifts per week.

**Option 3** – open weekdays 8am – 7pm with a future review of Saturday working. This was the option recommended by the Change Management Stream and the Programme Board, as it would provide the opportunity to assess customer take-up of the new service before deciding whether to extend to Saturday opening.

Having considered the advice of the Shadow Executive, it was

RESOLVED: (i) That the progress to date, as set out in paragraphs 5-15 of the report, be noted with thanks to the Officers concerned, and that Officers be requested in subsequent reports to make every effort to provide information about the volume of users for each service.

REASON: For information and to ensure proper monitoring of the new services.

(ii) That the IEG6 submission, as set out in paragraphs 16-18 and Annex A, be approved.

REASON: In view of the submission deadline and agreement of the IEG6 statement by the Executive Member for Resources.

(iii) That the revised timetable set out in paragraph 22 be noted.

(iv) That the adoption of Option 3 for the opening hours of the YCC be supported, but that the precise date for the introduction of these hours be subject to consideration of a further report highlighting any risks of extended hours and presenting a timetable and process for the change.

REASON: So that available resources can be concentrated on expanding electronic access to services, whilst retaining the possibility of Saturday opening, and to ensure that a cautious approach is adopted to extended opening hours, in view of the potential effects upon staff.

## **212. ANNUAL HIGHWAY MAINTENANCE REPORT**

Members considered a report which provided a brief review of the service performance in highway maintenance over the last year and proposed programmes of work to be undertaken in the financial year 2006/07, as well as a revision to the structure of the highway maintenance inspection team.

The report outlined performance and successes over the past financial year (2005/06) and issues arising during this period. Proposals for 2006/07 included revised proposals to provide the £45k savings that had been expected from the deletion of a senior post on the establishment. The review of the inspection team outlined in Annex J to the report would provide savings of £25k and a further £15k would be saved by continued use of Safecoat as the treatment for winter maintenance.

Following the budget settlement and delays in the procurement of highway maintenance services, some of the initial proposals approved by the Executive Member for Planning and Advisory Panel would need to be adjusted. The report highlighted the need to increase the budget for dealing with day to day maintenance issues. To ensure sufficient funding, it was proposed to undertake a non-recurring transfer of works to the value of £276k from capital to revenue. This would mean reducing the size of the A1237 capital scheme and deferring the scheme at Manor Lane, Rawcliffe to a future year. Details of budget headings and proposed spend on schemes in 2006/07 were set out in Annexes A-B and C-H respectively.

Having considered the advice of the Shadow Executive, it was

RESOLVED: (i) That the performance and success in 2005/06, as shown in paragraphs 3-13 of the report, be noted.

- (ii) That the issues arising in 2005/06, as shown in paragraphs 14-23, be noted.
- (iii) That the allocation of budgets for 2006/07, as shown in Annexes A and B to the report, be approved.
- (iv) That a one-off transfer, from revenue to capital, of structural maintenance schemes to the value of £276k be approved.
- (v) That implementation of the proposed programmes, as described in Annexes C to H, be approved.
- (vi) That the revised staffing arrangements, outlined in paragraph 24 and detailed in Annex J, be approved.

REASONS: To acknowledge the successes of the last financial year and to secure a programme that will maintain spending on highway maintenance, which is a key concern for City of York residents.

### 213. HIGHWAY SERVICES CONTRACT

Members considered a report which presented short, medium and long term proposals for maintaining highway services, as a first stage towards developing a new highway services contract.

In November 2005, Members had approved the appointment of a preferred and reserve provider for these services, subject to further clarification of the tender prior to awarding the contract. Due to the risks identified during that clarification process, the Council's Corporate Management Team (CMT) had decided to suspend the current procurement, pending consideration of other options. These options were now presented to Members, as follows:

**Option A** – complete the current procurement for both parts of the service. Not recommended, due to the risks identified by CMT.

**Option B** – abandon the current procurement and re-tender a different package with more definition around commercial requirements. Recommended for further consideration before detailed work commenced.

**Option C** – abandon the current procurement pending a submission for PFI credits. Recommended for immediate progress, in view of the benefits offered by a PFI contract, including clearer definition of risks and certainties.

**Option D** – abandon the current procurement and re-tender on the basis of a package of services under a term contract with an in-house client. Recommended for consideration if the other options were unsuccessful.



Pending development of the new long term arrangements, urgent action was needed to secure continuity of service and to minimise the risk of challenge to contracts extended beyond their due date. The report set out proposals to extend contracts with Amey (street lighting) and Colas (surface dressing) in the short term and to develop minimum 18 month medium term contracts, extendable annually, based on existing arrangements to tender and award contracts by the end of September 2006.

Having considered the advice of the Shadow Executive, it was

RESOLVED: That the following be approved:

- (i) The short term arrangements to extend the contracts with Amey (street lighting) and Colas (carriageway surface dressing) for a period of 12 months, to maintain safety on the highway network.
- (ii) The maintenance of the current arrangements with Commercial Services (reactive and routine maintenance, including small footway improvement schemes) for 12 months, to maintain safety on the highway network.
- (iii) The medium term arrangements to tender the carriageway and large footway schemes, integrated transport schemes and ward committee schemes for a period of 18 months, starting from September 2006, extendable annually, with the design and management function to remain in-house.
- (iv) The decision made by the Corporate Management Team to suspend the current procurement process to allow investigation of the new emerging options to address the backlog of highway maintenance.
- (v) That the in-house procurement team investigate long term options B (Extended Scope Contract) and C (PFI Contract) and report back to Members on the outcome.
- (vi) The proposed management arrangements of a Project Board and a Steering Group.
- (vii) The pursuit of Option D in the event that both options B and C are unsuccessful.

REASONS: In order to develop proper arrangements for the future delivery of highway maintenance services, which will minimise potential risks to the Council, and to secure continuity of vital services in the meantime.

## **214. LEISURE FACILITIES UPDATE**

Members considered a report which provided an update on progress with the Council's programme to replace and upgrade its leisure facilities.

The report set out current progress on the sale of the Barbican site, the proposed partnership with the University on a new pool, maintenance works at Yearsley pool, refurbishment or reprovision of the Edmund Wilson pool, new facilities at Oaklands and community use of the sports centre at All Saints school. A breakdown of the offer for the Barbican site was set out in paragraph 30. It was noted that the agreed contribution of £137k from Leisure and Heritage would not be achievable via section 106 funding and had therefore been removed, reducing the net usable receipt from the sale to £7,482k.

Officers reported at the meeting that the sale of the Barbican site was now due for completion by the end of May. Progress on the sale of the Kent Street coach park site had been delayed pending the outcome of consultation with local residents on the provision of a community facility on the site. The results of that consultation indicated a majority in favour of accepting the £200k for investment in local facilities, in lieu of a community building. It was also reported that:

- provision of the new gym building at Edmund Wilson was on schedule;
- Yearsley pool would be closed for an extra 2 weeks due to the need to drill out concrete to reach the source of a leak.
- Absolute Leisure were well advanced in preparing their entertainments programme for summer 2007.

Having considered the advice of the Shadow Executive, it was

RESOLVED: (i) That approval be given to include a revised scheme in the capital programme of £7.482m, to bring it in line with the anticipated receipt.

REASON: In view of the reduction of the anticipated receipt resulting from the removal of the Leisure and Heritage contribution.

- (ii) That, in the light of the results of the public consultation exercise on whether to lease a new community building on the Kent Street coach park site (to be provided by the developer) or to invest the equivalent value in other local community facilities, the coach park site be sold to Barbican

Venture for £1m, subject to the conditions resolved previously.

- (iii) That Officers be requested to bring back a further report in due course on how the £200k referred to above should be spent. In doing so, Officers should respect the following criteria:
- Facilities should benefit residents in the immediate vicinity of the Barbican;
  - The money should be invested in existing facilities to improve community access and / or the quality of service offered;
  - Preference should be given to schemes that lever in funding from other sources;
  - Priority should be given to schemes that benefit those groups most disadvantaged by the loss of facilities on the Barbican site;
  - Investment must be in the form of capital, not revenue;
  - Schemes must be sustainable (i.e. there must be no consequent revenue demand falling on the Council).

REASON: In accordance with the wishes of local residents, as expressed in the response to consultation.

## **215. NIGHT TIME NOISE – FIXED PENALTY LEVEL**

Members considered a report which updated them on the revised guidance for the issue of fixed penalty notices and sought approval to set the level of the fixed penalty notice (FPN) for night time noise offences (NTNOs) at £110.

On 8 March 2006, the Executive Member for Environment & Sustainability and Advisory Panel had set the level of the FPN at £200. Further guidance had since been unexpectedly published by DEFRA limiting local authorities' discretion in setting the FPN for NTNOs to between £75 and £110.

Having considered the advice of the Shadow Executive, it was

RESOLVED: That the report be noted and the level of the fixed penalty notice approved at £110.

REASON: In view of the revised advice received from DEFRA.

## **216. PROPOSALS FOR THE MERGER OF LOWFIELD SCHOOL AND OAKLANDS SCHOOL**

Members considered a report which informed them of the outcome of the recent consultation following the publication of statutory notices proposing a

new secondary school for the west side of the City, and sought approval to establish the new school.

The report set out the reasons for the proposals, summarised the consultation undertaken to date, described the statutory procedures and possible timescales for establishing the new school and detailed the capital funding secured to refurbish and extend the existing buildings on the Oaklands site.

Having considered the advice of the Shadow Executive, it was

- RESOLVED:
- (i) That it be noted that Statutory notices were published on 24 February proposing the following changes to school organisation, in accordance with the School Standards and Framework Act 1998:
    - In accordance with section 29(1) of the Act to discontinue Oaklands School, Cornlands Road, Acomb, with effect from 31 August 2007.
    - In accordance with section 29(1) of the Act to discontinue Lowfield School, Dijon Avenue, Acomb, with effect from 31 August 2007.
    - In accordance with section 28(1) of the Act to establish a new Community Secondary school for 1050 boys and girls between the ages of 11 and 16 from 01 September 2007. The number of pupils to be admitted to the school at age 11 from 01 September 2007 and in subsequent years will be 210. The new school will open on 1 September 2007, and will operate initially on a split site basis on the sites of Oaklands and Lowfield Schools.
  - (ii) That it be noted that the proposals are supported by the governing bodies of both schools.
  - (iii) That it be noted that no objections were received during the six week statutory “representation” period following publication of statutory notices.
  - (iv) That the changes proposed in the statutory notices be approved and that a new community secondary school be established for the west of York.

REASON: In order to move forward with this project, which aims to enable the authority to fulfill its requirement to keep surplus capacity under review and ensure supply of school places matches demand, and which has the

support of the local population and the communities of the two existing schools.

## **217. THE HUNGATE SITES**

Members considered a report which sought approval to sell the freehold interest in a number of sites located within the Hungate Development Area to Hungate (York) Regeneration Limited (HYRL).

HYRL, a development consortium, had already acquired a substantial freehold ownership in the area and had obtained outline planning permission for a number of residential, office and retail and other buildings. The Council still held the freehold of a number of sites in the area which HYRL were seeking to acquire; these were shown on the plan in Annex 1 to the report. Heads of terms for the sale of these sites, which sought to support the comprehensive development of Hungate and achieve best consideration for the land, had been provisionally agreed and were detailed in Annex 2.

Due to the circumstances in which the Council had originally acquired the land, it was currently held by Housing Services and the ground rents credited to the Housing Revenue Account (HRA). The capital receipt was therefore protected by legislation and, in order to retain the full receipt, it was proposed to allocate it in full to the Housing capital programme.

Having considered the advice of the Shadow Executive, it was

- RESOLVED:
- (i) That approval be given to sell the freehold interest in the Hungate sites, on the terms and conditions set out in Annex 2 to the report.
  - (ii) That approval be given to use the capital receipt from the sale of HRA land to contribute to meeting the decent homes standard.
  - (iii) That the switch of equivalent funding from the Housing Right to Buy receipts to contribute to the Administration Accommodation project be approved.

REASONS: In order to support the comprehensive development of this important regeneration area, secure the best consideration for the Council's land interest and ensure the retention of 100% of the capital receipt for the sites.

**S F GALLOWAY (Chair)**

[The meeting started at 2:00 pm and finished at 5:05 pm].