



**Notice of a public meeting of  
Customer and Corporate Services Scrutiny Management  
Committee**

**To:** Councillors Williams (Chair), Galvin (Vice-Chair), Brooks, D'Agorne, Fenton, Flinders, Gates, Looker and Reid

**Date:** Wednesday, 18 April 2018

**Time:** 5.30 pm

**Venue:** The Snow Room - Ground Floor, West Offices (G035)

**AGENDA**

**1. Declarations of Interest**

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

**2. Minutes (Pages 1 - 6)**

To approve and sign the minutes of the meeting held on 22 January 2018.

**3. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Tuesday 17 April 2018**. Members of the public can speak on agenda items or matters within the remit of the Committee.

To register to speak please contact the Democracy Officer responsible for the meeting, on the details at the foot of the agenda.

### **Filming, Recording or Webcasting Meetings**

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if recorded, this will be uploaded onto the Council's website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

#### **4. Schedule of Petitions (Pages 7 - 22)**

This report provides the committee with details of new petitions received to date, together with those considered by the Executive or relevant Executive Member/Officer since the last report to the Committee.

#### **5. Third Quarter Finance & Performance Monitoring Report (Pages 23 - 36)**

This report provides a high level analysis for the services falling under the responsibility of the Customer and Corporate Services Scrutiny Management Committee, which includes all corporate, strategic and business services.

#### **6. Update Report on Section 106 Agreements (Pages 37 - 74)**

This report provides Members with further information on the administration and monitoring of Section 106 agreements, including

the implementation of the planning mitigation measures secured by these agreements

**7. Work Plan 2017/18 (Pages 75 - 76)**

Members are asked to consider the Committee's draft work plan for the remainder of the municipal year.

**8. Urgent Business**

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

Democracy Officer:

Laura Clark

Tel: (01904) 552207

E-mail: [laura.clark@york.gov.uk](mailto:laura.clark@york.gov.uk)

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جا سکتی ہیں۔ (Urdu)

 **(01904) 551550**

This page is intentionally left blank

City Of York Council

Committee Minutes

---

Meeting	Customer and Corporate Services Scrutiny Management Committee
Date	22 January 2018
Present	Councillors Williams (Chair), Ayre, S Barnes, Fenton, Flinders, Gates, K Myers, Kramm (Substitute for Cllr D'Agorne) and Richardson (Substitute for Cllr Galvin)
Apologies	Councillors D'Agorne and Galvin.

---

**34. DECLARATIONS OF INTEREST**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they had in respect of business on this agenda. No additional interests were declared.

**35. MINUTES**

Resolved: To approve and sign the minutes of the meeting held on 13 November 2017.

**36. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the council's scheme of public participation.

**37. SCHEDULE OF PETITIONS**

Members considered the report which provided information on new petitions received since the last meeting and details of those considered by the Executive or relevant Executive Member or Officer.

Resolved: To note the report and approve the recommended course of action for each of the petitions received.

**38. UPDATE REPORT ON ATTENDANCE AND WELLBEING PROJECT (SICKNESS ABSENCE)**

Members considered the report which provided an update on work being undertaken to address staff sickness absence with a focus on attendance management and employee wellbeing. It was explained that the new digital system would provide managers with a more effective way of recording absence data and that back-to-work conversations with line managers would continue to take place as usual.

Members emphasised the importance of understanding the reasons for high levels of absence and it was reported that service areas with high levels of absence had been identified for further investigation. A staff survey would be conducted for all staff over 12 months leading to a final report but with interim results available periodically during that time. Members raised their concerns that any scheme to reduce staff absence should not cause more employees to attend work while sick as this may have negative implications for staff morale and wellbeing.

The committee asked that they receive a further report at their May meeting and agreed to provide officers with the areas in which they would like specific information. These included a breakdown of long-term and short-term periods of absence and the occupations of staff within the service areas identified as hotspots of high absence.

Resolved: To receive an update report of staff absence at the meeting of the committee in May 2018.

**39. ANNUAL REVIEW OF COMPLAINTS**

Members considered the report which included the annual reports covering April 2016 to March 2017 in respect of Adult and Children's Social Care and the Corporate Complaints Policy. Cath Murray, Complaints Manager, was in attendance to present the report and to respond to Members' questions. In response to questions, she highlighted the following points:

- The Council continued to engage with the Information Governance Ombudsman but this did not prevent them from also working towards their own desired outcomes.
- The Ombudsman had identified area of concern in the council's practices, as outlined in Section 32 and 33, and would work with the council to tackle this.

- There had been a change in the way that maladministration was reported and this would now be reflected in the full reports of corporate compliance activity.
- The Independent Persons cost combined a quarterly static fee with an additional charge for each investigation carried out, and related only to Stage 2 and 3 investigations,
- Enquiries referred for resolution, presented in the report, related to complaints which had been settled. Enquiries not referred were likely to be those where the council was at fault or where a judgment was still required on whether the complaint should be investigated.

A request was made to include benchmarking figures in future reports to enable Members to see comparisons with previous years and with other Local Authorities.

It was agreed to circulate to Members the Annual Review Letter from the Ombudsman referred to in the report. The letter was received annually in July and could be brought to the Committee shortly afterwards.

Resolved: To note the information within the reports and the ongoing work required to ensure the Council meets its responsibilities.

To receive the annual letter from the Ombudsman.

#### **40. UPDATE ON IMPLEMENTATION OF RECOMMENDATIONS FROM ONE PLANET YORK SCRUTINY REVIEW**

Members considered the report which provided the first update of the recommendations arising from the One Planet York Scrutiny Review. Will Boardman and Josie Ozols-Riding were in attendance to present the report and to respond to Members' questions.

It was reported that good progress had been made but that more work was needed to centralise the model in all new work conducted within the city and that early application of the model would allow it to make the most impact. It was hoped that there would be increased understanding of the economic and social elements of the model in addition to the environmental focus.

Officers gave an update on the progress made on each of the recommendations of the review and Members were asked to sign off those which had been fully implemented. Members

agreed to sign off all recommendations excepting B, K, L and N which remained outstanding. It was agreed not to re-form the review taskgroup and instead to request a further update report on the outstanding actions.

The consideration of social value in corporate procurement practices was discussed and it was agreed to discuss this further under the agenda item on the workplan (minute 43).

Resolved: To sign off all recommendations with the exception of B, K, L and N.

To receive an update on recommendations B, K, L and N and a wider overview of the review's progress in six months time.

#### **41. UPDATE REPORT ON CONSULTATION ON DRAFT ICT POLICY**

Members considered the report which provided an update on progress against the ICT Strategy including delivery of digital projects and outcomes. Roy Grant and Amanda Clarke were in attendance to present the report and respond to Members' questions.

It was reported that work was ongoing with the voluntary sector to support people to convert to online services, though face-to-face services would continue to be available for customers coming into West Offices. The back office function for Revenue and Benefits would go live in February 2018 with other services to follow. It was reported that the Committee's earlier feedback on language and content had been taken on board.

Take-up of online services was expected to vary by service area but the overall Council target was 55%. The associated projected saving from this had been included within the current budget and future business case. Members asked to receive further information on the digital customer section of the strategy (including take-up of online council tax processing) and how far the council were in implementing this along with their future priorities.

The Chair congratulated Roy and his team for his work to make York the most connected city and for the good coverage this had attracted in the Sunday Times.



Resolved: To note the information included and to request further updates as part of the Committee's work plan.

Reason: To keep the Committee updated on the development of the ICT strategy.

#### **42. SCRUTINY REVIEW SUPPORT BUDGET**

Members considered the report which set out the current position in relation to available Council funding to support scrutiny review work. The committee was reminded that, should another source not be identified, funding for the youth council may come from their budget as agreed by council.

It was reported that spending by the scrutiny committees had been low in the current and previous year/s. Members felt this was partly because the work they'd have liked to do were outside of their financial capacity and spending a smaller budget effectively could be challenging.

In response to a suggestion to transfer their funds to another committee, Members were reminded that their budget was for a scrutiny function only. Officers agreed to circulate a briefing paper regarding the differences in the remits of CSMC and the Audit & Governance committees. It was agreed that use of the budget to supplement Member training could be looked into if there was an appetite for this.

Members felt that an increase in their budget would enable them to bring in the right expertise to undertake the required reviews and that this need should be demonstrated through a costed plan of work. It was agreed to request up to £10,000, with the final figure to be agreed by the Chief Officer in consultation with the Chair.

Resolved: To delegate to the Chief Officer, in consultation with the Chair, to make a request of up to £10,000 to the Executive for the committee's budget, prior to the Council's budget setting process for 2018/19.

To receive a briefing note via email on the remit and area of responsibility of the CSMC and Audit & Governance committees.

Reason: To inform the Executive of the level of financial support required for the new financial year.

**43. WORK PLAN 2017/18 AND DISCUSSION ON FURTHER POTENTIAL SCRUTINY TOPICS**

Members considered the Committee's draft work plan for the remainder of the municipal year and discussed further potential scrutiny topics. After discussion, it was agreed to add the following items:

- An update on any decision made about the future governance arrangements of the North Yorkshire Fire Authority.
- A report on the new scrutiny arrangements piloted within the Economy and Place directorate (March 2018).
- An update on the work to investigate and monitor staff wellbeing and attendance (May 2018).
- A six-monthly review of the ICT strategy.
- A six-monthly review of the One Planet York strategy to include a briefing on how social value is considered with regards to corporate investments and within the Council's commissioning and procurement practices.

Resolved: To approve the work plan for the municipal year with the above additions.

Reason: To keep the work plan maintained.

**44. ANY OTHER BUSINESS**

There were no other items of business.

Councillor D Williams, Chair

[The meeting started at 5.30 pm and finished at 7.05 pm]



---

**Customer & Corporate Services Scrutiny  
Management Committee**

18 April 2018

Report of the Assistant Director - Legal and Governance

**Schedule of Petitions****Summary**

1. Members of this Committee are aware of their role in the initial consideration of petitions received by the Authority. The current petitions process was considered by the Audit and Governance Committee on 2 October 2014 and endorsed by Council on 9 October 2014. This process aims to ensure scrutiny of the actions taken in relation to petitions received either by Members or Officers.

**Background**

2. Following agreement of the above petitions process, Members of the Corporate and Scrutiny Management Policy and Scrutiny Committee (CSMC) had been considering a full schedule of petitions received at each meeting, commenting on actions taken by the Executive Member or Officer, or awaiting decisions to be taken at future Executive Member Decision Sessions.
3. However, in order to simplify this process Members agreed, at their June 2015 meeting, that the petitions annex should in future be provided in a reduced format in order to make the information relevant and manageable. At that meeting it was agreed that future petitions reports should include an annex of current petitions and agreed actions, but only following consideration of the petitions by the Executive or relevant Executive Member or Officer.
4. This was agreed, in the knowledge that the full petitions schedule was publicly available on the Council's website and that it was updated and republished after each meeting of the Committee.  
<http://democracy.york.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13020&path=0>

## **Current Petitions Update**

5. A copy of the reduced petitions schedule is now attached at Annex A of the report which provides a list of new petitions received to date together with details of those considered by the Executive or relevant Executive Member/Officer since the last meeting of the Committee in June. Further information relating to petitions which have been considered by the Executive Members/Officers since the last meeting are set out below:

### **Petition Number:**

#### **86. Petition for a Clean Air Zone.**

A petition containing approximately 600 signatures requesting implementation of the Air Quality Action Plan, a Clean Air Zone for the City Centre and targeted enforcement action was handed over by Cllr D'Agorne at an Executive member for Environment decision session on 7 August 2017. It was considered as part of "A Clean Air Zone for York including Anti Idling Enforcement" report by Executive on 25 January 2018.

Executive members agreed:

(i) That the introduction of a CAZ in 2020, subject to a consultation on the details of the proposed CAZ, be approved.

(ii) That Option 2 - a single emissions standard for most vehicles operating on registered local bus services in York - be indicated as the preferred option within the consultation.

(iii) That the introduction of a minimum Ultra Low Emission Bus standard for all City of York Council (CYC) contracted bus services when new contracts are awarded be approved.

(iv) That a report be brought back to the Executive with options to introduce a similar standard in the procurement of fleet and other buses by CYC.

(v) That the use of enforcement to supplement the existing awareness-raising activities to reduce stationary vehicle idling in York be approved.

#### **91. Petition requesting a puffin crossing (or otherwise) on Lowther Street in the vicinity of Park Grove Primary School.**

This petition, containing 220 signatures, was presented at Full Council on 26 October 2017 by Cllr Flinders. It was considered by the Executive Member for Transport and Planning on 18 January 2018.

The Executive Member resolved to instruct officers to investigate, within their 2018/19 programme of works, other potential engineering measures to improve this section of Lowther Street for pedestrians.

**92. Petition on behalf of the Friends of Holgate Community Garden and local residents in the Holgate Ward to Stop York Council from bulldozing through Holgate Community Garden and Play Park**

This 1,242-name petition was emailed to Democratic Services and the Director of Economy and Place Neil Ferris on 13 November 2017. It was considered by Executive on 16 November 2017 as part of the York Central Access Road report. It had been due to be considered by CSMC on 22 January 2018 but was deferred because of the by-election on Holgate Ward and purdah.

Executive resolved that the recommendation of the York Central Partnership (YCP) - to develop a Western access option for inclusion in the York Central Master Plan and to undertake further design and legal work to ensure that the final alignment will seek to mitigate the effects of such a route on the Millennium Green and control costs to ensure deliverability – be agreed.

And: That land within YCP's control that could be used for a Southern Option be safeguarded, in order to protect against any risk to the York Central development caused by circumstances preventing successful delivery of a Western Option.

**93. Petition for the provision of a left filter land at the Hopgrove Lane South / Malton Road junction.**

This petition, containing 172 names, was presented to the Executive Member for Transport and Planning and considered by the Executive Member on 15 February 2018.

The Executive Member resolved to carry out some preliminary investigations in to the feasibility, likely cost, and impact of such a proposal.

**94. Petition to remove the £40 fee for safeguarding training (for taxi drivers in reference to taxi licensing)**

This petition, containing 286 names, was emailed to the Licensing Team and referred to a Joint Executive Member Decision Session of the Executive Member Housing and Safer Neighbourhoods and the Executive Member for Education, Children and Young People. It was considered on 10 March 2018 when it was agreed that no further action is required as an ongoing review of the training is already timetabled.

**95 Petition to “support the motion for City of York Council to restrict out of town working in our city. And do not want UBER licence to be renewed. UBER are a danger to vulnerable members of the public, they seek to take advantage by plying for hire without bookings, charge excessive surcharges and have individuals working for them whom have no knowledge of our city. We would like all drivers who work in York to be registered with a local private hire company or be a Hackney driver. We do not want UBER in York”**

This 1,353-name petition was handed in at a meeting of the Gambling, Licensing and Regulatory Committee on 12 December 2017. It was referred to a Joint Executive Member Decision Session of the Executive Member Housing and Safer Neighbourhoods and the Executive Member for Education.

It was considered at a decision session on 10 March 2018 when it was agreed that no further actions is required but that officers write again to the Department for Transport highlighting concerns regarding the number of vehicles working in York that are licensed by other authorities.

**96. Petition from Osbaldwick residents calling for the removal of 20mph signs in Osbaldwick**

The petition, containing 157 names, was presented to a Full Council meeting on 14 December 2017 by Cllr Warters. It was considered by the Executive Member for Transport and Planning on 15 February 2018 and the Executive Member resolved to:

(a) To undertake a speed survey of traffic in Osbaldwick in an area/s determined in consultation with ward councillors and to defer further decision regarding the retention of the 20mph speed limit until such a survey has been undertaken.

(b) To review the provision of the existing signs in Osbaldwick to determine if there are any that could be removed and still comply with the signage regulations / guidance.

### **98. Petition from residents of 15-37 Albemarle Road requesting Residents' Priority Parking**

This petition, containing 11 signatures, was received by email on 15 January 2018 and was considered by the Executive Member for Transport and Planning on 15 March 2018.

The Executive Member agreed that Albemarle Road be added to the Residents' Priority Parking waiting list (area to be determined by officers) and a formal consultation be undertaken when the item reaches the top of the list.

### **The Process**

6. There are a number of options available to the Committee as set out in paragraph 7 below, however these are not exhaustive. Every petition is, of course, unique, and it may be that Members feel a different course of action from the standard is necessary.

### **Options**

7. Having considered the reduced Schedule attached which provides details of petitions received and considered by the Executive/Executive Member since the last meeting of the Committee; Members have a number of options in relation to those petitions:
  - Request a fuller report, if applicable, for instance when a petition has received substantial support;
  - Note receipt of the petition and the proposed action;
  - Ask the relevant decision maker or the appropriate Executive Member to attend the Committee to answer questions in relation to it;
  - Undertake a detailed scrutiny review, gathering evidence and making recommendations to the decision maker;
  - Refer the matter to Full Council where its significance requires a debate;

If Members feel that appropriate action has already been taken or is planned, then no further consideration by scrutiny may be necessary.

8. Following this meeting, the lead petitioner in each case will be kept informed of this Committee's consideration of their petition, including any further action Members may decide to take.

### **Consultation**

9. All Groups were consulted on the process of considering more appropriate ways in which the Council deal with and respond to petitions, resulting in the current process. Relevant Directorates are involved and have been consulted on the handling of the petitions outlined in Annex A.

### **Implications**

10. There are no known legal, financial, human resources or other implications directly associated with the recommendations in this report. However, depending upon what, if any, further actions Members agree to there may, of course, be specific implications for resources which would need to be addressed.

### **Risk Management**

11. There are no known risk implications associated with the recommendations in this report. Members should, however, assess the reputational risk by ensuring appropriate and detailed consideration is given to petitions from the public.

### **Recommendations**

12. Members are asked to consider the petitions received on the attached Schedule at Annex A and as further outlined in this report, and agree an appropriate course of action in each case.

Reason: To ensure the Committee carries out its requirements in relation to petitions.

### **Contact Details:**

Author:  
Steve Entwistle  
Scrutiny Officer  
Tel No. 01904 554279  
[steven.entwistle@york.gov.uk](mailto:steven.entwistle@york.gov.uk)

Chief Officer Responsible for the report:  
Andrew Docherty  
AD Legal and Governance



Report  
Approved

Date

6 April 2018

Wards Affected:

All

**Background Papers:** None

**Annexes:**

Annex A – Extract from schedule of petitions received and action taken to date

This page is intentionally left blank

Petition Details	Petition Type	No of Signatures (Approx)	Responsible Officer	Decision maker (e.g. Executive Member, Director)	Date of Consideration	Action Agreed	Date of Consideration by CSMC & Outcome
<p><b>87. Petition for a Clean Air Zone</b> – a request for implementation of the Air Quality Action Plan, a Clean Air Zone for the City Centre and targeted enforcement action.</p>	<p>Handed over by Cllr D’Agorne at a Decision Session – Executive Member for Environment held on 7-8-2017</p>	<p>600</p>	<p>Mike Southcombe /Andrew Bradley</p>	<p>Executive  Taken as part of “A Clean Air Zone for York including Anti Idling Enforcement” report.</p>	<p>25-01-2018</p>	<p>Executive agreed:</p> <p>(i) That the introduction of a CAZ in 2020, subject to a consultation on the details of the proposed CAZ, be approved.</p> <p>(ii) That Option 2 - a single emissions standard for most vehicles operating on registered local bus services in York - be indicated as the preferred option within the consultation.</p> <p>(iii) That the introduction of a minimum Ultra Low Emission Bus standard for all City of York Council (CYC) contracted bus services when new contracts are awarded be approved.</p> <p>(iv) That a report be</p>	

Petition Details	Petition Type	No of Signatures (Approx)	Responsible Officer	Decision maker (e.g. Executive Member, Director)	Date of Consideration	Action Agreed	Date of Consideration by CSMC & Outcome
						<p>brought back to the Executive with options to introduce a similar standard in the procurement of fleet and other buses by CYC.</p> <p>(v) That the use of enforcement to supplement the existing awareness-raising activities to reduce stationary vehicle idling in York be approved.</p>	
<p><b>91. Petition requesting a puffin crossing (or otherwise) on Lowther St in the vicinity of Park Grove Primary School</b></p>	<p>Presented by Cllr Flinders at Full Council on 26 October 2017</p>	<p>220</p>	<p>Andy Vose</p>	<p>Executive Member for Transport &amp; Planning</p>	<p>18-01-2018</p>	<p>The Executive Member resolved to instruct officers to investigate, within their 2018/19 programme of works, other potential engineering measures to improve this section of Lowther Street for pedestrians.</p>	
<p><b>92. Petition on behalf of the Friends of Holgate Community Garden and local</b></p>	<p>Emailed to Democratic Services and Director Neil</p>	<p>1242</p>	<p>Tracey Carter</p>	<p>Consider at Executive 16 November in relation to the</p>	<p>16-11-2017</p>	<p>Executive resolved that the recommendation of the York Central</p>	<p>Deferred from CSMC 22 January because of by-election in Holgate</p>

Petition Details	Petition Type	No of Signatures (Approx)	Responsible Officer	Decision maker (e.g. Executive Member, Director)	Date of Consideration	Action Agreed	Date of Consideration by CSMC & Outcome
<b>residents in the Holgate Ward to Stop York Council from Bulldozing through Holgate Community Garden and Play Park</b>	Ferris on 13 November 2017.			York Central Access Road Report		Partnership (YCP) - to develop a Western access option for inclusion in the York Central Masterplan and to undertake further design and legal work to ensure that the final alignment will seek to mitigate the effects of such a route on the Millennium Green and control costs to ensure deliverability – be agreed.  And: That land within YCP’s control that could be used for a Southern Option be safeguarded, in order to protect against any risk to the York Central development caused by circumstances preventing successful delivery of a Western Option.	Ward and Purdah.
<b>93. Provision of a left filter lane at the Hopgrove Lane South/ Malton Road junction.</b>	Presented to Executive Member for Transport and	172	Tony Clarke/ Alistair Briggs	Executive Member of Transport and	15-02-2018	The Executive Member resolved to carry out some preliminary	

Petition Details	Petition Type	No of Signatures (Approx)	Responsible Officer	Decision maker (e.g. Executive Member, Director)	Date of Consideration	Action Agreed	Date of Consideration by CSMC & Outcome
	Planning			Planning		investigations in to the feasibility, likely cost, and impact of such a proposal.	
<p><b>94. “To remove the £40 fee for safeguarding training” (for taxi drivers in reference to taxi licensing)</b></p>	Emailed to Licensing team	286	Lesley Cooke	Refer to Joint Executive Member Decision Session Housing & Safeguarding & Education, Children’s & Young People	10-03-2018	It was agreed that no further action is required as an ongoing review of the training is already timetabled.	
<p><b>95. “To support the motion for City of York Council to restrict out of town working in our city. And do not want UBER licence to be renewed. UBER are a danger to vulnerable members of the public, they seek to take advantage by plying for hire without bookings, charge excessive surcharges and have individuals working for them whom have no knowledge of our city. We would like all drivers who work in York to be registered</b></p>	Handed in at Gambling, Licensing and Regulatory Committee on 12 December 2017	1353	Lesley Cooke	Refer to Joint Executive Member Decision Session Housing & Safeguarding & Education, Children’s & Young People Executive	10-03-2018	It was agreed that no further actions is required but that officers write again to the Department for Transport (DfT) highlighting concerns regarding the number of vehicles working in York that are licensed by other authorities.	

Petition Details	Petition Type	No of Signatures (Approx)	Responsible Officer	Decision maker (e.g. Executive Member, Director)	Date of Consideration	Action Agreed	Date of Consideration by CSMC & Outcome
with a local private hire company or be a Hackney driver. We do not want UBER in York							
<b>96. Petition from Osbaldwick residents calling for ‘The removal of the 20mph signs in Osbaldwick’.</b>	Handed in at Council on 14 December 2017 by Cllr Warters	157	Alistair Briggs	Executive Member for Transport and Planning	15-02-2018	<p>The Executive Member Resolved:</p> <p>(a) To undertake a speed survey of traffic in Osbaldwick in an area/s determined in consultation with ward councillors and to defer further decision regarding the retention of the 20mph speed limit until such a survey has been undertaken.</p> <p>(b) To review the provision of the existing signs in Osbaldwick to determine if there are any that could be removed and still comply with the signing regulations/ guidance.</p>	
<b>97. Petition from Residents of Strensall objecting to proposal for waiting restrictions</b>	Emailed In on the 2 <sup>nd</sup> January 2018	39	Sue Gill <i>to be considered</i>	Executive Member for Transport and	7-05-2018		

Petition Details	Petition Type	No of Signatures (Approx)	Responsible Officer	Decision maker (e.g. Executive Member, Director)	Date of Consideration	Action Agreed	Date of Consideration by CSMC & Outcome
<b>on Barley Rise, advertised as part of the Annual Review Process on the 15<sup>th</sup> December</b>			<i>along with other objections received within the Annual Review Process</i>	Planning –.			
<b>98. Petition from Residents of 15-37 Albemarle Road requesting Residents' Priority Parking</b>	Received by email on the 15 January 2018	11	Sue Gill	Executive Member for Transport and Planning	15-03-2018	The Executive Member agreed that Albemarle Road be added to the Residents' Priority Parking waiting list (area to be determined by officers) and a formal consultation be undertaken when the item reaches the top of the list.	
<b>99. Petition from patrons and supporters of The Sun Inn, Acomb Green, York, in objection to the proposed position of a new bus stop outside the property.</b>	Handed in at the Executive Member Decision Session – Transport and Planning on 15 March 2018.	116	Dave Mercer	Executive Member for Transport and Planning	tbc		
<b>100. Petition presented to Cllr Aspden from residents of Arlington Road/Tamworth Road Persmisson Estate to adopt all highways on the Arlington</b>	Handed to Cllr K Aspden and emailed to Neil Ferris/James Gilchrist 23.3.18.	144	Tony Clarke / Richard Bogg	Executive Member of Transport and Planning	tbc		



Petition Details	Petition Type	No of Signatures (Approx)	Responsible Officer	Decision maker (e.g. Executive Member, Director)	Date of Consideration	Action Agreed	Date of Consideration by CSMC & Outcome
<b>Road/Tamworth Road Persimmon Estate.</b>							
<b>101. Petition emailed on 7.3.18 to officers. “We believe a zebra or pelican crossing needs to be provided on York Road, Haxby”</b>	Email and online petition sent on 7-3-18.	120 – paper 930 - online	Andy Vose	<i>Executive Member of Transport and Planning</i>	17-05-18		

This page is intentionally left blank



---

**Customer and Corporate Services Scrutiny      18 April 2018**  
**Management Committee**

Report of the Deputy Chief Executive / Director of Customer & Corporate Services

**2017/18 Finance and Performance Monitor 3****Purpose of the Report**

- 1 This report provides a high level analysis for the services falling under the responsibility of the Customer and Corporate Services Scrutiny Management Committee, which includes all corporate, strategic and business services.

**Financial Analysis**

- 2 The Council's net budget is £119.6m. Following on from previous years, the challenge of delivering savings continues with £6m to be achieved in order to reach a balanced budget. The latest forecasts indicate the Council is facing financial pressures of £272k and an overview of this forecast, on a directorate by directorate basis, is outlined in Table 1 below. The position will continue to be monitored carefully to ensure that overall expenditure will be contained within the approved budget. The following sections provide more details of the main variations and any mitigating actions that are proposed.

**Customer & Corporate Services**

- 3 A net underspend of £200k is forecast, the same as the Monitor 2 forecast. This is despite the fact that the Crematorium will no longer overachieve on income and this is because forecasts elsewhere have improved, mainly due to staffing vacancies across a range of services including finance, democratic services and business intelligence. Agreed budget savings are being delivered in line with the original plans across a number of areas, including those within customer services. A range of other minor variations make up the directorate position. Work will continue to try and identify additional savings to help the overall position.

**Corporate Budgets**

- 4 These budgets include Treasury Management and other corporately held funds. It is anticipated that a £500k underspend will be achieved,

predominantly as a result of reviewing some assumptions on the cash flow position following a review of the profile of planned capital expenditure which will mean less interest being paid than previously anticipated.

## Performance Framework

- 5 Agreement was made at Executive of a core strategic set of indicators to help monitor the council priorities and this will provide structure for future reporting. A number of new recording measures and metrics will be created over the next reporting period in order to understand progress on these strategic performance indicators. Indicators within the core strategic set for the services falling under the responsibility of the committee are reported in the table below.

Performance – Overview			2016/17	2017/18 Q1	2017/18 Q2	2017/18 Q3	Benchmark	DoT
Service Delivery	A Focus on Frontline Services	Number of days taken to process Housing Benefit new claims and change events (DWP measure)	5.58	4.1	4.07	3.97	Above National Average	➡
	A Council That Listens to Residents	% of panel who agree that they can influence decisions in their local area	25.65%	28.41%	NC	26.87%	Above National Average	➡
		% of panel satisfied with their local area as a place to live	89.84%	91.23%	NC	89.94%	Above National Average	➡
		% of panel satisfied with the way the Council runs things	65.54%	64.76%	NC	62.13%	Above National Average	➡
		Overall Customer Centre Satisfaction (%) - CYC	92.48%	93.23%	92.51%	93.50%	NC	➡
	A Prosperous City for All	Median earnings of residents – Gross Weekly Pay (£)	£508.10	NC	519.3	NC	Below National Average	⬆️ Good
		Business Rates - Rateable Value	£247,348,791	£255,784,571	£253,966,276	£254,436,091	NC	➡
% of panel who give unpaid help to any group, club or organisation		64.30%	66.44%	NC	66.22%	Above National Average	➡	
Organisational Health Check	Performance	Red rated Major Projects - CYC	1	1	1	1	NC	➡
		Amber rated Major Projects - CYC	5	6	6	6	NC	➡
		Overall Council Forecast Budget Outturn (£000's Overspent / -Underspent)	£-542	£636	£446	£272	NC	⬇️ Good
	Employees	PDR Completion (%) - CYC - (YTD)	75.90%	40.90%	58.20%	88.42%	NC	⬆️ Good
		Staff FTE - CYC Total (Excluding Schools) - (Snapshot)	2,071.6	2043.6	2,036.8	2,001.4	NC	➡
		Average sickness days lost per FTE - CYC (Excluding Schools) - (Rolling 12 Month)	10.2	10.2	10.4	10.7	Above National Average	➡
		Voluntary Turnover (%) - CYC Total (Excluding Schools) - (Rolling 12 Month)	7.60%	8.30%	7.30%	7.21%	NC	➡
	Customers	% of external calls answered within 20 seconds - CYC	89.01%	87.57%	89.40%	91.93%	Above National Average	➡
		% of complaints responded to within 5 days	75.40%	73.20%	60.97%	65.60%	NC	➡
		FOI & EIR - % In time - (YTD)	93.14%	92.50%	91.64%	88.80%	NC	➡
Digital Services Transactions / Channel Shift			Narrative Measure			NC	➡	

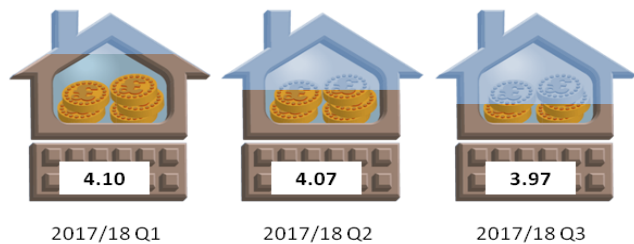
NC = Not due to be collected during that period,  
Benchmarking: N - National, R - Regional

## Performance Analysis

### Number of days taken to process Housing Benefit new claims and change events - this measure gives an understanding of the efficiency and effectiveness of a key front-line service

- 6 Performance in this area continues to be the best it has ever been in York with the average number of days taken to process a new Housing Benefit claim or a change in circumstance is now less than 4 days at the end of Q3 2017/18.

Number of days taken to process Housing Benefit new claims and change events (DWP measure)



### % of residents who agree that they can influence decisions in their local area - this measure gives an understanding of residents' recognition about how we are listening and reacting to residents views

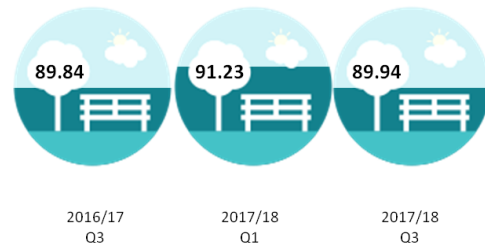
- 7 The latest national figure of 27% (Community Life Survey 2016/17) is consistent with the 27% of respondents to the latest Talkabout survey in York who agreed that they could influence decisions in their local area.
- 8 The Local Plan has been subject to substantial city-wide consultation including responses received to the Pre Publication Draft Local Plan consultation held in the autumn. A report will be taken to Executive in January asking Members to consider recommendations arising from this consultation and seek approval for a draft document which will be subject to consultation in February 2018 with the intention of submitting a plan for examination by the end of May 2018.
- 9 The work to plan the council's budget for 2018/19 is underway. With further financial challenges and major budgetary decisions to be made, the public have been asked for their views across a wide range of issues in the city and fed in these views by either completing an online survey or a paper version included in Our City. The consultation closed in mid December and the results will be presented in the Q4 Monitor.

- 10 The library public consultation commenced on the 7th November and lasts for 14 weeks, with a closing date of 14 February 2018. The framework of the consultation will be based around two methods;
- Consultation with the public, both library users and non-users, using a questionnaire and focus groups
  - Engagement with stakeholder groups: meetings to be held focussed around each library, involving stakeholder groups
- 11 We are seeking views about the future of the library service and whether the Council's vision for the service and ideas for the buildings are on the right lines. We want to know where people consider that they could most conveniently access library services in the future. We also need to know what kind of community involvement people want to have in their local libraries.
- 12 Other current consultations include:
- Marjorie Waite Court Planning Engagement – there are proposed plans to modernise Marjorie Waite Court and extend the existing scheme to increase the number of people who have access to this vital service.
  - Accessing Customer Services at the Council – the council want more people to access council services online by choice and want to offer support for those who are unable to access services in this way. The consultation will help to inform the future approach to the continued delivery of excellent customer service.
  - My Castle Gateway - a partnership between City of York Council and My Future York is consulting on the redevelopment of Castle Gateway. Stage 3 of the project is underway and views are sought on a range of plans reflecting that the public love, value or want to change. In January 2018, feedback will be used to help shape a preferred masterplan option.
  - Windsor House consultation – Residents, relatives and staff at Windsor House are being consulted on the option to close the home in early 2018 as part of plans to modernise accommodation for older people in the city.

**% of residents satisfied with their local area as a place to live - this measure gives an understanding of residents' views about the area and the quality of their ward / neighbourhood**

- 13 The results from the Q3 Talkabout survey showed that 92% of the panel were satisfied with York as a place to live and 90% with their local area. There have been non-statistically significant reductions compared to the April survey results but satisfaction levels continue to be significantly higher than the latest national figures of 78% (Community Life Survey 2016/17) and 82% (Local Government Association Poll October 17).

% of panel satisfied with their local area as a place to live



- 14 86% of respondents to the Q3 Talkabout survey agreed that it was important to feel they belong to their local area with 75% agreeing that they did belong. These non-statistically significant reductions from the previous survey are still significantly higher than the National benchmark scores of 62% in the Community Life Survey 2016/17 and 69% from LG Inform.
- 80% of respondents agree York is a good place for children and young people to grow up and 73% agree that York is a place where people from different backgrounds get on well together.

- 15 The York BID appointed a new contractor for the winter 2017 festive lights campaign with the intention of capitalising on the success of last year with plans for displays on a much larger scale. The York BID worked together with Make It York to light up the four bars, two bridges and many other streets with more than 160,000 LED lights and 125 Christmas trees. The displays have received positive reactions with Virgin Trains announcing that York is the most festive city in the UK, following a survey of Britain's social media.

**% of residents satisfied with the way the Council runs things - this measure gives an understanding of residents' satisfaction with frontline service delivery and the Council's responsiveness to residents' views**

- 16 The Q3 Talkabout survey showed that 62% of respondents were satisfied with the way the Council runs things. This is a non-statistically significant reduction compared to the April survey results but satisfaction levels continue to be significantly higher than the LG

Inform benchmark figure of 50% for 2016/17. The Council aims to deliver financial sustainability whilst improving services and outcomes for York residents and 45% of respondents agree that the Council provides value for money.

**Overall Customer Centre Satisfaction (%) - CYC - (being replaced with Digital service satisfaction 2017) - this measure gives an understanding of the quality of our face to face, phone and front office customer services (and in future our digital services through the CYC website)**

- 17 Customer Satisfaction remains high in Q3 with 94% of people rating the service as either good or very good.

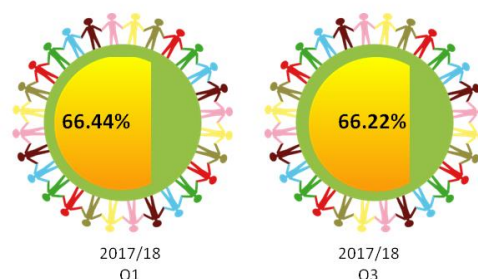
**Business Rates - Rateable Value - this measure gives an understanding of how much money the Council is likely to receive to spend on public services**

- 18 The rateable value is the legal term for the notional annual rental value of a rateable property, assessed by the valuation officers of the VOA (Valuation Office Agency). The revaluation from 1st April 2017 resulted in a 4.14% percentage change increase in the rateable value for York with Yorkshire, whilst England increased by 9.1%. Currently English authorities keep hold of 50% of locally-collected business rates with the other half going into a central government pool and redistributed back to the local authorities according to need.
- 19 The collection rate for Council Tax at the end of Q3 was 84.08% compared with 85.07% in the corresponding period in 2016/17. The collection rate for Business Rates at the end of Q3 was 83.67% compared with 83.30% in the corresponding period in 2016/17.

**% of residents who give unpaid help to any group, club or organisation - this measure gives an understanding of how much volunteering is currently being undertaken within the city**

- 20 The results of the October Talkabout survey showed that 66% (the same as the Q1 survey) of the respondents give unpaid help to a group, club or organisation which compares favourably with the government's Community Life Survey 2016/17 which found that 63% of respondents reported any volunteering in the past 12 months.

% of panel who give unpaid help to any group, club or organisation





- 21 In November, York launched its new volunteering strategy, 'people helping people' at a special event. Partners in the strategy alongside the council include York CVS, International Service, York Cares, the University of York, York St John University, North Yorkshire Police, York Timebank and the York Teaching Hospital NHS Foundation Trust. The partnership alone has over 6,000 volunteers, with people from every walk of life contributing as students, neighbours, young and older people who already make a significant difference in the city.
- 22 York is the tenth city in the UK to join the international Cities of Service coalition. The focus of Cities of Service is on 'impact volunteering'. This involves the creation of a volunteer strategy that targets community needs, uses best practice, has clear outcomes and measures progress. Impact volunteering aims to:
- Help local people find the best ways to mobilise energy, talent and passions to make a real difference to local priorities.
  - Measure results and the impact volunteers are having, rather than measuring how many people volunteer.
  - Create strong leaders to champion the approach and create support within the city.

## **Performance**

### **Major Projects - this measure gives an understanding of the performance of the large projects the Council is currently working to deliver**

- 23 There are currently 13 major projects in progress which represents no change from Q2. Each project is given a status to give an overview of significant risks and provide assurance as to how individual projects are being managed. 5 are rated Amber (one less than in Q2) and there is 1 red rated project.
- 24 The Digital Services (CRM) project is red as no work has been undertaken in the live environment. However, the project has continued to make progress within a development environment and is working with service areas to determine whether there are any fixes that can be made to the current system to close any initial issues.
- 25 The Community Stadium project is now rated as Green due to the Design, Build Operate and Maintain contract being completed and the

completion of the commercial land sale and developer offer. Site mobilisation and ground preparation started in December 2017 with full construction due to start 8 January 2018.

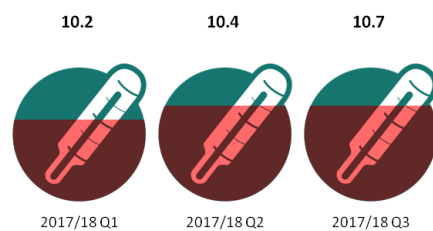
- 26 The York Central project achieved a major milestone in November 2017, when the Council’s Executive agreed to the York Central Partnership’s (YCP) recommendation to develop a Western access option and to undertake further design and legal work to ensure that the final alignment will seek to mitigate the effects of such a route on the Millennium Green and control costs to ensure deliverability. Also, the land within YCP’s control that could be used for a Southern Option is being safeguarded, in order to protect against any risk to the York Central development caused by circumstances preventing the successful delivery of the Western Option.

**Performance – Employees**

**Average sickness days lost per FTE (12 Month rolling) - this measure gives an understanding of the productivity of the organisations employees**

- 27 The 12 month rolling average of sickness days per FTE (excluding schools) has increased slightly from 10.4 days at the end of September, to 10.7 days at the end of December. This also remains higher than the CIPD Public Sector average of 8.7 days. The 12 month rolling average for Stress related absence has also increased from 2.8 days per FTE at the end of Q2 to 3.3 at the end of Q3. The organisation is continuing to manage and monitor sickness absence by ensuring that its impacts and costs are understood and discussed throughout the Council’s management structure.

Average sickness days per FTE – CYC (Excluding Schools) – (Rolling 12 Month)



- 28 A report presented to the Customer and Corporate Services Scrutiny Management Committee in January provided information on the specific work activity underway to reduce the levels of sickness absence across the organisation.
- 29 The priority for the second year of the attendance and wellbeing plan is a focus on attendance management ensuring that the wellbeing priority is addressed. The key activities in 2018 in relation to attendance and staff wellbeing include:

- The implementation of self service absence reporting into iTrent which will reduce the reporting burden for managers and assist with more accurate reporting and improved management information
- The delivery of a suite of learning for managers including attendance management training, disability awareness, support with difficult conversations.
- Specific communication to ensure all employees have a shared understanding of their roles and responsibilities regarding application of policy.
- A review of the role of Occupational Health and counselling service.
- An engagement campaign to promote an understanding of the benefits of proactive management of absence and help support managers and staff to deal with sensitive issues e.g. mental health, support with cancer and terminal illness) and promotion of flexible working and work life balance, to ensure staff have an understanding of wellbeing initiatives and how they access them.
- Review of the current attendance management toolkit to consider improvements and determine if there are any recommendations to revise policy.

**Staff Total - this measure gives an understanding of total numbers of staff, and our staffing delivery structure**

- 30 At the end of Quarter 3 there were 2,497 employees (2,001 FTEs) working at City of Council (excluding schools), down from 2,556 (2,036 FTEs) at the end of Quarter 2. This continued decrease is expected in line with the council's changing service delivery models.

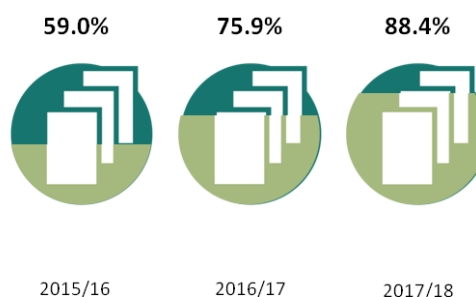
**Staffing Turnover - this measure gives an understanding of the number of staff entering and leaving the organisation**

- 31 7.2% of employees have voluntarily left the organisation in the 12 months ending December, down slightly from 7.3% at the end of Quarter 2. Total staff turnover (people leaving for all reasons not just resignations) has increased to 14% over the rolling 12 months to December an increase from 12% as at the end of September. This level of staffing turnover is expected and in line with the council's changing service delivery models.

**Staffing PDR Completion Rates - this measure gives an understanding of how we making sure that the organisations strategic aims, goals and values are being passed to all employees**

32 City of York Council is committed to developing confident, capable people working positively for York. As part of that commitment, all colleagues are entitled and encouraged to reflect on their performance and discuss future aspirations and work goals through regular one to ones and an annual Performance and Development Review (PDR) appraisal. By the end of December, 88.4% of PDRs have been undertaken through the 2017/18 annual performance review cycle, a significant improvement on the 75.9% seen during 2016/17.

PDR Completion (%) – CYC - Snapshot



**Performance – Customers**

**External Calls answered within 20 seconds - this measure gives an understanding of speed of reaction to customer contact**

33 In Q3 the percentage of all external calls answered within 20 seconds was 92% which is an increase from Q1 (88%) and is well above the industry benchmark of 80%.

34 The council’s Customer Centre is the main point of contact for residents and business visitors. During Q3 2017/18, the number of calls received reduced to 50,834 from 58,099 in the previous quarter. Of these calls, 98% were answered (the same as in Q2), with 84% answered within 20 seconds. This is a considerable increase from 73% in Q1 and demonstrates a consistently good performance.

**% of complaints responded to within 5 days**

35 In Q3 2017/18 the council received 331 stage 1 complaints, which is a decrease of 38 on the number received in the previous quarter. The council responded to 65.6% within the 5 day timescale which is an increase from 60.97% in Q2. Where timescales were not met, this was due to resource pressures in some service areas. Additional resources have been provided to deal with and monitor complaints with work ongoing to; seek to reduce the number received in first

instance, ensuring complaints performance is monitored, and that there is cross council learning from complaints in a systematic manner.

**FOI & EIR - % In time - this measure gives an understanding of our speed of reaction to FOI's**

- 36 In Q3 2017/18 the council received 489 FOIs, EIRs and SARs. In-time compliance of 85% has been achieved for FOIs (Freedom of Information requests) and 98.4% for EIRs (Environmental Information Regulations requests).

**Digital Services Transactions/Channel Shift**

- 37 The number of residents who came to West Offices reduced to 12,425 (14,664 in the previous quarter) with an average wait of less than 6 minutes. 81% of residents were seen within the target wait time of 10 minutes. 15,725 business visitors came to West Offices during Q3 2017/18 (17,077 in the previous quarter).
- 38 The reduction in demand across our face to face channel shows the changing behaviour of our residents; 3,314 payments were made using the auto payments system and 17,741 customers used the telephone auto operator.
- 39 Residents are now encouraged to complete certain transactions online. In Q3 2017/18, 58% (1,024) of all street lighting and street cleansing issues were reported by customers on-line which is an increase from 53% in Q2.
- 40 The Future Focus Team, Adult Commissioning Team, York CVS, York Healthwatch and York Age UK are working in partnership to develop the new wellbeing community website. The focus is on developing a community directory which will enable citizens to plan and help prevent problems while developing and maintaining independence for longer through conversations, information and support. The link to the community directory will be available to Social Workers and partners by 29th January, followed by a soft launch in April and a published full launch to align with the celebrating volunteering month in June as part of the People Helping People strategy which is now live.
- 41 The City of York Council are proposing to renew the ICT service contract by seeking a technology provider who will design, manage and support the council's data network services, internet, office and mobile telephone services and e-security protection services. Over

the last decade, York has become the most digitally connected city in the UK by installing a future-proof fibre network, connecting schools, universities and community buildings to high-speed internet access and making improvements to online reporting and CCTV and traffic management.

## Performance – Procurement

42 The tables below summarises to quarter 3.

Size of business	2017/18 Q3 spend		Of which in Yorkshire & Humber	Of which in a YO postcode
	£'000	% of total	£'000	£'000
Micro (less than 10 employees)	4,387	10	2,474	1,715
Small (11 to 49 employees)	13,116	29	10,715	8,235
Medium (50 to 249 employees)	9,591	22	5,967	2,479
<b>Sub total SME's</b>	<b>27,094</b>	<b>61</b>	<b>19,156</b>	<b>12,429</b>
Large (250 or more employees)	17,385	39	7,943	3,241
<b>Grand Total</b>	<b>44,479</b>	<b>100</b>	<b>27,099</b>	<b>15,670</b>

43 Spend to the end of December shows 61% of the total spend was with SME's, compared to 60% in a full year for 2016/17. Local spend has also remained broadly the same at 61% of the total (62% in 2016/17).

## Annexes

44 All performance data (and approximately 975 further datasets) within this document is made available in machine-readable format through the Council's open data platform at [www.yorkopendata.org](http://www.yorkopendata.org) under the "performance scorecards" section.

## Consultation & Options

45 This report is for information and so no options are presented.

## Corporate Priorities

46 The information and issues included in this report demonstrate progress on achieving the priorities set out in the Council Plan.

### Implications

- 47 The financial implications are all dealt with in the body of the report.
- 48 There are no other specific implications of this report.

### Recommendations

- 49 As this report is for information only there are no specific recommendations.

Reason: To update the Committee on the forecast position for 2017/18.

<b>Authors:</b>	<b>Chief Officer Responsible for the report:</b>			
Debbie Mitchell Corporate Finance & Commercial Procurement Manager Ext 4161	Ian Floyd Director of Customer & Corporate Services (Deputy Chief Executive)			
Ian Cunningham Group Manager – Shared Intelligence Bureau Ext 5749	<b>Report Approved</b>	X	<b>Date</b>	14/02/18
<b>Wards Affected:</b> All				
For further information please contact the authors of the report				

This page is intentionally left blank





---

## **Customer and Corporate Services Scrutiny Management Committee**

18 April 2018

Report of the Assistant Director Planning and Public Protection

### **Section 106 Agreements Update Report**

#### **Summary**

1. This report provides Members with further information on the administration and monitoring of Section 106 agreements, including the implementation of the planning mitigation measures secured by these agreements .

#### **Background**

2. At a meeting of the Customer and Corporate Services Scrutiny Management Committee on 4 September 2017 members received a report providing information on Section 106 agreements and how they are administered and controlled. During discussion Members stressed the importance of being able to see how these agreements were progressing easily and clearly, as Members wanted to ensure that monies were being spent appropriately.
3. Customer and Corporate Services Scrutiny Management Committee Members were provided with a copy of the “follow up” report from Veritau containing the agreed actions from the 2015/16 audit of S106 agreements.
4. Customer and Corporate Services Scrutiny Management Committee members requested that further update reports on S106 work were brought to the Committee for consideration.

#### **The administration of S106 planning obligations - on going work**

5. The “actions” recommended in the 2015/16 Veritau S106 report were implemented and on 9 August 2017 Veritau confirmed that the service had successfully addressed the issues of risk which were highlighted in the 2015/16 audit.

6. The Veritau programme of audit work for 2018 allocates time for further work relating to S106 agreements . This has been identified as : *“This review will build on the audit carried out in 2015/16 and will focus on ensuring that funding is used for its intended purpose”*. This was also a matter of interest to Customer and Corporate Services Scrutiny Management Committee when considered in September 2017.
7. Customer and Corporate Services Scrutiny Management Committee Members will be aware that S106 information is presently stored in S106 agreement legal documents , the planning application uniform system and correspondence but not in a single template / form which is public facing. The details of the financial obligations in relation to legal agreements in 2016 and 2017 have been published on City of York Council website under open data, but these spreadsheets do not include non- financial obligations forming part of many S106 agreements.
8. Since the report to Customer and Corporate Services Scrutiny Management Committee in September 2017 further work has been undertaken by the Development Management service and planning enforcement lead officer team to create a single template for each S106 agreement which contains all of the relevant information, including the appropriate elements of the legal agreement and the details of the mitigation requirements (financial contributions towards facilities and/ or non- financial actions – for example provision of an onsite play area at a defined stage in the development of a housing scheme).
9. Two examples of the draft template and details are attached at Appendix 1 (a relatively simple S106) and Appendix 2 (an example of a more complex S106 relating to 4 planning applications on major development site). The officer copies of the template will include embedded emails, plans and drawings as appropriate and relevant to the particular agreement. To illustrate this, if we consider an example of an agreement requiring a play area being provided on a site the template would include if appropriate : a plan, drawing or photo in addition to any relevant correspondence confirming implementation . As and when decisions are subsequently made in relation to the use of S106 financial contributions, these would be added with a further column. The format would allow the recording of the process from agreement to delivery / implementation of the required planning mitigation measures detailed in the S106 agreement.

10. Whilst the two attached tables have been in operation, the Enforcement Officers have looked at trying to make the template a lot simpler and would welcome Committee Members' views on the proposed Appendix 3.
11. It is envisaged the draft template which has been developed will be used to assist in the administration and monitoring of new S106 agreements. Work has recently commenced to put all S106 agreement monitoring information from 2016 – to date into this format. The Development Management team are presently working with business support colleagues to explore the possibility of publishing this information in a suitable form (or in a summarised form possibly?) on the City of York Council website. The views of Customer and Corporate Services Scrutiny Management Committee Members on this would be welcomed.

### **Council Plan**

12. This Report relates to A Prosperous City for All and A Council That Listens to Residents elements of the Council Plan

### **Options**

13. Members can choose to:
  - (i) Note the information received in this report.
  - (ii) Note the information received in this report and request further updates
  - (iii) Take another course of action.

### **Implications**

14. There are no direct implications associated with the recommendations of this report in relation to any of the following implications:
  - Financial
  - Equalities
  - Legal
  - Crime and Disorder
  - Information Technology (IT)
  - Property

### **Risk Management**

15. There are no known direct risk management implications associated with the recommendations in this report.

## Recommendations

16. Members are asked to:

(i) Note the information contained in this report and to advise if further reports are required

Reason: To ensure Members are aware of the follow up of the agreed actions from the 2015/16 audit of Section 106 agreements and the anticipated further audit work during 2018.

## Contact Details

**Author:**  
Mike Slater,  
Assistant Director for Planning  
and Public Protection  
Tel: 01904 551300  
[michael.slater@york.gov.uk](mailto:michael.slater@york.gov.uk)

**Chief Officer Responsible for the report:**  
Mike Slater,  
Assistant Director for Planning and Public  
Protection  
Tel: 01904 551300

**Report Approved**  **Date** 3/04/2018

**Wards Affected:**

**All**

**For further information please contact the author of the report**

## Background Papers:

Section 106 Agreements Report to the Customer and Corporate Services  
Scrutiny Management Committee, 4 September 2017

<http://modgov.york.gov.uk/ieListDocuments.aspx?CIId=144&MIId=10203&Ver=4>

## Appendices

Appendix 1 – Obligation Table St Leonard’s Place

Appendix 2 – Obligation Table Derwenthorpe

Appendix 3 – Obligation Table Template

## Appendix 1



• <b>Planning Ref</b>	14/02091/FULM	<b>Ward</b>	Guildhall
• <b>Enf Ref</b>	16/00474/S106	<b>Parish</b>	Guildhall Planning Panel
• <b>Site Address</b>	1 - 9 St Leonards Place York YO1 7ET	<b>Date of Unilateral Undertaking/ S106 Agreement</b>	27 February 2015
• <b>Cttee/Del Approval date</b>	22 01 2015	<b>Decision date</b>	27 February 2015

<b>Requirement</b>	<b>Contribution (and facility to be provided)</b>	<b>Trigger Point/Implementation</b>	<b>Contribution provided</b>	<b>Date</b>
<b>1 Notice</b>				
1.1 Owner shall notify the Council		Upon first occupation of the development		
<b>2 Affordable Housing Contribution</b>				
2.1 Pay Affordable Housing Contribution in accord with instalment provision				
2.2 When supplying each notification for para 2.2.1, 2.2.3 and 2.2.5 provide evidence				
2.2.1 Notify the Council of the development achieving Sales Value		28 days after achieving a Sales Value £5,721,750.00	See e mail dated 20 June 2017	
2.2.2 Pay first instalment of Affordable Housing Contribution	£99,389.00	28 days after notification of achieving sales value	£101,298.49 received including Late Payment Interest Receipt FICS21101304	4 July 2017
2.2.3 Notify the Council of		28 days after achieving a Sales	See e mail dated 20 June	

## Appendix 1

development achieving Sales Value		Value £11,443,500.00	2017	
2.2.4 Pay second instalment of Affordable housing contribution	£99,390.00	28 days after notification of achieving sales value	£100,894.47 received including Late Payment Interest Receipt FICS21101304	4 July 2017
2.2.5 Notify the Council of development achieving sales value		28 days after achieving a Sales Value £20,598,300.00	See e mail dated 20 June 2017	
2.2.6 Pay final balance of Affordable Housing Contribution	£99,389.00	28 days after notification of achieving sales value	£100,524.14 received including Late Payment Interest Receipt FICS21101304	4 July 2017
2.3 Provide Sales Value Figure evidence to Council		Upon written request from the Council.		
<b>3. Open Space Contribution</b>				
3.1 Pay Open Space contribution in accord with instalment provision				
3.1.1 Pay first instalment of Open Space Contribution	£32,250.00	Not allow first Occupation of any dwelling	£33,154.99 received including Late Payment Interest Receipt FICS21101034	4 July 2017
3.1.2 Pay the balance of the Open Space Contributions	£32,250.00	Not to allow Occupation of more than 39 dwellings	£32,250.00 received Receipt 21121685	18 January 2018
<b>4 Archaeology &amp; Interpretation Contribution</b>				
4.1 On receipt of draft Archaeology & Interpretation Scheme Owner shall		Within 28 days of receipt	E mail exchange with Archaeology section commenced on 3 July 2017	
4.1.1 Provide comments on scheme	In respect of design and content			
4.1.2 pay amount of the		£2,000.00		

## Appendix 1

Archaeology & Interpretation Contribution				
4.2 Owner shall		Not allow first Occupation of any dwelling		
4.2.1 Pay the balance of Archaeology & Interpretation Contribution or	£5,500.00	Not allow first Occupation of any dwelling		
4.2.2 If Council has not submitted a draft Scheme	£7,500.00	Not allow first Occupation of any dwelling		
<b>5 Sustainable Transport Scheme</b>				
5.1 Owner shall	Provide the occupier with a Sustainable Transport Pack	Upon first occupation of each dwelling	 SLP Letter.pdf	 St Leonards Place York Update.pdf

This page is intentionally left blank



## Appendix 2

• <b>Planning Ref</b>	03/02709/OUT 12/02163/OUTM 13/02279/FULM 16/00342/FULM	<b>Ward</b>	Osbaldwick and Derwent
• <b>Enf Ref</b>	07/00469/S106	<b>Parish</b>	Osbaldwick Parish Council
• <b>Site Address</b>	Land Lying To The West Of Metcalfe Lane Osbaldwick York	<b>Date of Unilateral Undertaking/ S106 Agreement</b>	4 October 2006 13 March 2013 introduces new application 4 March 2014 introduces new application 17 November 2016 introduces new app 4A with new obligations if implemented and varies original agreement anyway..
• <b>Cttee/Del Approval date</b>	31.01.2005 26.07.2012 05.03.2013 08.06.2016	<b>Decision date</b>	09.05.2007

Requirement	Contribution (and facility to be provided)	Trigger Point/Implementation	Amount Paid/Facility Provided	Date
<b>3. Education Contributions</b>				
<del>3.1 a Pay the First Education Contribution</del> Replaced by Consequential Amendments 17 November 2016 agreement see below.	<del>£206,330.00 (Index Linked)</del>	<del>Prior to Occupation of 60 Residential Units</del>	<del>£206,330.00 Receipt 21006180 £ 58,377.80 (Ind Link) Receipt 21077485</del>	<del>11 March 2015 15 December 2016</del>
<del>3.1 b Pay the Second Education Contribution</del> Replaced by Consequential Amendments 17 November 2016 agreement see below	<del>£150,000.00 (Index Linked)</del>	<del>Prior to Occupation of 150 Residential Units</del>	<del>£150,000.00 Receipt 21045742 £ 44,610.78 (Ind Link) Receipt 21077485</del>	<del>05 February 2016 15 December 2016</del>
<del>3.1 c Pay the Third Education Contribution</del>	<del>£150,000.00 (Index Linked)</del>	<del>Prior to Occupation of 400 Residential Units</del>		

## Appendix 2

Replaced by Consequential Amendments 17 November 2016 agreement see below				
<del>3.1 d Pay the Fourth Education Contribution</del> Replaced by Consequential Amendments 17 November 2016 see below	<del>£100,000.00 (Index Linked)</del>	<del>Prior to Occupation of 490 500 Residential Units Agreed Amendments in 17 November 2016 Agreement.</del>		
<b>4. Public Access Areas</b>				
<del>4.1 a Submit the relevant Public Open Space Details</del> Replaced by Consequential Amendments 17 November 2016 agreement see below		<del>At the same time as the reserved matters application for that part of the development which includes the Public Open Space</del>		
<del>4.1 b Accompany Public Open Space details</del> Replaced by Consequential Amendments 17 November 2016 agreement see below	<del>i timetable for completion of Public Open Space ii Public Access and Management Plan in respect of Public Open Space</del>	<del>By reference to Occupation of Residential Units within that part</del>		
4.1 c Lay out and construct and complete all Public Open Spaces				
4.1 d Unless otherwise agreed with the Council		Not to Occupy more than the number of Residential Units specified within the timetable		
4.1 e Manage and maintain Public Open Spaces Replaced by	At Developers own expense	For the life of the Development		

## Appendix 2

Consequential Amendments 17 November 2016 agreement see below				
<b>4.2 Pedestrian and Cycle Routes</b>				
<del>4.2 a submit relevant Public Access Routes details</del> Replaced by Consequential Amendments 17 November 2016 agreement see below		At the same time as the reserved matters application for that part		
<del>4.2 b Accompany Public Open Space details</del> Replaced by Consequential Amendments 17 November 2016 agreement see below	i timetable for completion of Public Access Routes ii Public Access and Management Plan in respect of Public Access Routes	By reference to Occupation of Residential Units within that part		
4.2 c Lay out and construct and complete all Public Access Routes				
4.2 d Unless otherwise agreed with the Council		Not to Occupy more than the number of Residential Units specified within the timetable		
<del>4.2 e Manage and maintain Public Open Spaces and allow access</del> Replaced by Consequential Amendments 17 November 2016 agreement see below	At Developers own expense	For the life of the Development, provided that obligation ceases to have effect in relation to Public Access Route maintainable at public expense.		
<b>4.3 LAPs</b>				
4.3 a Submit relevant		At the same time as the		

## Appendix 2

LAP details Replaced by Consequential Amendments 17 November 2016 agreement see below		reserved matters application for that part		
4.3 b Accompany LAP details with Replaced by Consequential Amendments 17 November 2016 agreement see below	i timetable for completion of LAP ii Public Access and Management Plan in respect of LAP	By reference to Occupation of Residential Units within that part		
4.3 c Lay out and construct and complete all LAPs				
4.3 d Unless otherwise agreed with the Council		Not to Occupy more than number of Residential Units specified within the timetable		
4.3 e Manage and maintain the LAPs and allow access Replaced by Consequential Amendments 17 November 2016 agreement see below	At Developers own expense	For the life of the Development, provided that obligation ceases to have effect in relation to any LAP if Council or other body assume responsibility		
<b>4.4 On Site Recreational Facilities</b>				
4.4 a Submit On Site Recreational Facilities Details Replaced by Consequential Amendments 17 November 2016 agreement see below		At the same time as the reserved matters application for that part		
4.4 b Accompany On Site Recreational Facilities details with	i timetable for completion of On Site Recreational Facilities	By reference to Occupation of Residential Units within that part		

## Appendix 2

Replaced by Consequential Amendments 17 November 2016 see below	<del>ii Public Access and Management Plan in respect of On Site Recreational Facilities</del>			
4.4 c Lay out and construct and complete On Site Recreational Facilities				
4.4 d Unless otherwise agreed with the Council		Not to Occupy more than number of Residential Units specified within the timetable		
<del>4.4 e Manage and maintain the On Site Recreational Facilities and allow access</del> Replaced by Consequential Amendments 17 November 2016 agreement see below	<del>At Developers own expense</del>	<del>For the life of the Development, provided that obligation ceases to have effect in relation to any On Site Recreational Facilities if Council or other body assume responsibility</del>		
<b>4.5 Temporary Closures</b>				
4.5 Agreed that Developer may from time to time prevent or restrict public access to any Public Access Area.				
<b>4.6 Rules and Regulations</b>				
The Developer may make reasonable rules and regulations with regard to the conduct of persons using any Public Access Area		Provided that such rules and regulations and any modifications thereto shall first be notified to the Council.		


## Appendix 2

<b>4.7 Public Access and Management Plans</b>				
<p>It is hereby agreed that the Developer may submit a single plan dealing with Public Access to and the maintenance and management of some or all of the Public Access Areas instead of separate plans for each such area</p>				
<b>4.8 Off Site Recreational Facilities Contribution</b>				
<p><del>4.8 a Pay Council 25% of Off Site Recreational Facilities Contribution</del> Replaced by Consequential Amendments 17 November 2016 See below</p>	<p><del>£79,500.00 (Index Linked)</del></p>	<p><del>Prior to Occupation of 60 Residential Units</del></p>	<p><del>£ 79,500.00 Receipt 21006180 £ 22,493.26 (Ind Link) Receipt 21077485</del></p>	<p><del>11 March 2015 15 December 2016</del></p>
<p><del>4.8 b Pay Council a further 25% of Off Site Recreational Facilities Contribution</del> Replaced by Consequential Amendments 17 November 2016 see below</p>	<p><del>£79,500.00 (Index Linked)</del></p>	<p><del>Prior to Occupation of 150 Residential Units</del></p>	<p><del>£ 79,500.00 Receipt 21045742 £ 23,643.71 (Ind Link) Receipt 21077485</del></p>	<p><del>05 February 2016 15 December 2016</del></p>
<p><del>4.8 c Pay Council a further 25% of Off Site Recreational Facilities Contribution</del> Replaced by Consequential</p>	<p><del>£79,500.00 (Index Linked)</del></p>	<p><del>Prior to Occupation of 400 Residential Units</del></p>		

## Appendix 2

Amendments 17 November 2016 see below				
4. d Pay to the Council the further sum of £79,500.00 (Index Linked) (being a further 25% of the Off Site Recreational Facilities Contribution) Pay Council a further 25% of Off Site Recreational Facilities Contribution Replaced by Consequential Amendments 17 November 2016 see below	£79,500.00 (Index Linked)	Prior to Occupation of 490 500 Residential Units. Agreed Amendments in 17 November 2016 agreement.		
<b>No paragraph 4.9 in Principal Agreement but inserted in Consequential Amendments 17 November 2016 Agreement</b>				
<b>4.10 Maintenance of other areas</b>				
Any areas of hard or soft landscaping or hard surfaces which are not within the ownership of individual Occupiers which are not subject to any management of maintenance obligation. Replaced by Consequential	Developer shall management or maintain those areas			

## Appendix 2

Amendments 17 November 2016 see below				
<b>5 Affordable Housing</b>				
5.1a	Not less than 40% of the Residential Units provided within the Development shall be Affordable Housing			
5.1b Unless otherwise agreed	<p>i 25% of the Residential Units shall be provided as Affordable Rented Units</p> <p>ii 15% of the Residential Units shall be provided as New Build Homebuy Units.</p> <p>iii Newbuild Homebuy units shall be provided on the basis of initial equity to the purchaser of between 25% and 75%.</p>			
5.2	Unless otherwise agreed with the Council the Affordable Housing Units shall be provided in general accordance with the dwelling type tenure and mix set out in the Table at Schedule 6	 Scan_Swithenbank_Mandy_20180129-09		
5.3	a) prior to or concurrently with the first app for the approval of reserved matters for the Development will submit the Affordable Housing			



## Appendix 2

	Plan to the Council for approval			
	b) not implement development until Council has approved the Affordable housing Plan.			
	c) will carry out the Development “and the Phase 4A Development” in accordance with the Affordable Housing Plan as approved insertion through 17 November 2016 agreement			
<b>6. Ecohomes</b>				
6.1	a) 535 of the Residential Units will be provided to a minimum standard of “very Good”			
	b) 5 Residential Units will be provided to a “innovative Plus” (5 star rating).			
	c) all Residential Units will be constructed to achieve a maximum carbon dioxide emission of 24 kilograms/sq m of gross internal floor area per annum			
<b>7 Community Initiatives Partnership Committee</b>				
7.1	Maintain the Partnership Committee for the			

## Appendix 2

	duration of the Development			
7.2	Partnership Committee shall appoint 3 sub-committees to consider a) Traffic issues b) Environmental c) Community	No later than 6 months following the grant of Planning Permission. Each Sub committee shall include representatives from residents of the Development.		
7.3	Terms of reference for Sub Committees shall be agreed between Developer and Council	Developer make community fund available after 50% occupation of Residential units. Developer shall have final decision on application of Community Fund.		
7.4	Provide a management presence on the site or immediately adjacent to the site and staffed a minimum of 20 hours per week.	On or Before occupation of 20 Residential Units and for a minimum period of 12 months or 24 months if car club continues to operate.		
7.5	At the end of the 12 or 24 months the office shall be provided if and as may be agreed.			
<b>8. Sustainable Travel</b>				
8.1 Pay the Council To be used towards annual running costs of the Bus Service	£60,000.00 (Index Linked)	Prior to occupation of any residential unit in Fifth Avenue or Meadlands or Temple Avenue	£ 10,500.00 Highways Invoice £ 10,000.00 Highways Invoice £ 39,500.00 Receipt 21101572 £ 20,099.30 (Ind Link) Receipt 21101572	23 October 2015 28 October 2015 05 July 2017 05 July 2017
	£60,000.00 (Index Linked) So making £240,000.00	On each anniversary of the payment above for a period of 3 years.		
8.2 Council will use reasonable endeavours		Prior to the date of first occupation of any		

## Appendix 2

to ensure that the Bus Service is operating		Residential Unit within Fifth Avenue, Meadlands or Temple Avenue		
<b>9. Construction Traffic Management</b>				
9.1	<p><del>a) Council approve Construction Traffic Management Plan for that neighbourhood</del>  <del>b) ensure that contractors engaged on construction comply with Construction Traffic Management Plan</del>            Replaced by Consequential Amendments 17 November 2016 Agreement see point 12 below</p>	Not to commence works		
9.2 After approval of Construction Traffic Management Plan	<p>a) i) carry out joint survey of state and condition of highways which may be used.            ii) agree a schedule of the state and condition</p>	Within 20 working days of approval of CTMP		
	<p>b) Upon Practical Completion of the Neighbourhood carry out joint survey of state and condition and agree a schedule</p>	Within 20 working days of practical completion.		
	Any damage occurred Council to serve notice	Within 20 working days of the completion of the Survey		
<b>10. Nature Conservation</b>				

## Appendix 2

<b>Replacement Nature Conservation Land</b>				
10.1	a) submit Replacement Nature Conservation Land Details and Replacement Nature Conservation Land Management Plan	Prior to implementation		
	b) i) provide Replacement Nature Conservation Land in accord with RNCLD ii) manage and maintain the Replacement Nature Conservation Land in accord with the RNCLMP	Prior to occupation of 200 residential units and subject to the grant of any planning permission		
<b>Hedgerows</b>				
10.2	a) Submit Hedgerow Details and Hedgerow Management Plan to Council	Prior to implementation		
	b) i) <del>Carry out and complete hedgerow planting in accord with Hedgerow Details</del> ii) <del>thereafter manager and maintain in accord with the Hedgerow Management Plan</del> Replaced with Consequential Amendments 17 November 2016 see point 13 below	<del>Prior to occupation of 500 residential units.</del>		
<b>Other Nature Conservation Measure</b>				

## Appendix 2

10.3	a) will also submit Nature Conservation Measures Details with any Public Open Space details			
	b) accompany such Nature Conservation Measures Details with i) <del>timetable for implementation of Nature Conservation Measures</del> Replaced by Consequential Amendments 17 November 2016 see point 14 below ii) a Nature Conservation Management Plan in respect of the Nature Conservation Measures in question.			
	Implement the Nature Conservation Measures in accord with the Nature Conservation Measures Details as approved	In accord with the timetable and not to occupy more than the number of residential units specified within the timetable.		
	At own expense and for the life of the development “and the Phase 4A Development” added in Consequential Amendments 17 November 2016 see point 14 below to manage and maintain the Nature Conservation	Obligation shall cease if Council or any other statutory body shall assume responsibility for the management and maintenance of such Nature Conservation Measures.		

## Appendix 2

	Measures in accord with the applicable Nature Conservation Management Plan			
<b>11. Development Surpluses</b>				
11.1	a) Development Surpluses Plan agreed with the Council	Unless otherwise agreed with the Council will not implement the development		
	b) Development Surpluses shall be applied towards all or any of i) Provision of additional Affordable Housing on site or elsewhere in Council's area ii) enhancing the environmental sustainability of the development iii) enhancing community facilities within the development or within the vicinity of the site.			
11.2	Where freehold interest sold in parts then the formula set out in definition of Development Surpluses shall be calculated notified to the Council each time.			
11.3	Only apply to the initial disposal of the Site following acquisition of			

## Appendix 2

	the freehold interest in the Site from the Council.			
<b>12. Additional Obligations of the Council</b>				
12.1 The Council covenants	a) provide written evidence of satisfaction of each and every separate obligation on the part of the Developer and if so requested to execute a deed of release from the relevant provision and enter on the Local Land Charge	At the request of the Developer		
	b) assist and co-operate with the Developer to enable carrying out any obligation			
	Place sums in an interest bearing account	Within 5 working days of receipt of any payment		
	Apply all payments made: Education solely towards the provision of foundation or primary facilities in localities accessible to and convenient for residents Off Site Recreational Facilities solely towards the provision of the Off Site Recreational Facilities in localities accessible to/convenient for (1 mile radius of the			

## Appendix 2

	<p>site)            Clause 8.1 solely towards the provision of the Bus Service or alternative sustainable transport measures            Clause 8.6 solely towards the provision of the car sharing club</p>			
	<p>Provide the Developer with a breakdown of expenditure from the said payments and identify any unexpended payments</p>	<p>From time to time upon reasonable request (not more frequently than once every month)</p>		
	<p>Any such sum from the said payments is applied to provide the Developer with full written details of the purpose for which it has been applied.</p>	<p>Within 20 working days of the date sum or part of sum applied.</p>		
	<p>Repay any sums or part thereof as shall not have been used for their specified purposes</p>	<p>By the end of the period of 5 years beginning with the date of receipt by the Council. Repayment made within 10 working days of the end of the 5 year period</p>		
	<p>Ensure any recreational facilities provided of the Site with the Off-Site Recreational Facilities Contribution are appropriate as part or all of the youth and adult provision required in that part of the Council's</p>			



## Appendix 2

	Area within which the site is location and available for use by residents of the Development at all reasonable times.			
	Where details, plans or specifications are to be submitted to the Council for approval with no timescale			
<b>Supplemental Deed part of Agreement signed 17 November 2016</b>				
<b>First Schedule</b>				
<b>1</b>	Not to build on Phase 4A land and			
<b>2</b>	Terms of the principal S106 Agreement be varied in accordance with the Agreed Amendments set out in the Fourth Schedule to this deed and			
<b>3</b>	Terms of the Principal S106 Agreement be varied in accordance with the Consequential Amendments set out in the Third Schedule to this deed			
<b>4 Affordable Housing</b>				
4.1	Procure and complete at own cost Phase 4A New Build Homebuy Unit in accordance with the	The Phase 4A New Build Homebuy Unit will be completed prior to no more than 80% of Market		

## Appendix 2

	Affordable Housing Plan and Clause 5.6(a) and (b) of Principal S106 Agreement	Housing Units within the Phase 4A Development being first occupied		
4.2	Not to occupy the Phase 4A New Build Homebuy Unit other than in accordance with the Affordable Housing Plan.			
4.3	Developer shall give the Council notice in writing	Not less than 5 working days prior to 80% of the Market Housing Units with in Phase 4A development being first occupied		
	Those Market Housing Units within Phase 4A which equate to more than 80% of the Market Housing Units	Shall not be occupied unless and until the notice has been served		
4.4	Upon written request from the Council send the Officer written notification of the number of Market Housing Units that are first Occupied within the Phase 4A Development			
<b>5 Phase 4A Education Contribution</b>				
5.1 Pay the Phase 4A Education Contribution	£85,180.00 (Phase 4A Index Linked)	Prior to the first Market Housing Unit within Phase 4A being first Occupied	£88,484.53 (Including Phase 4A Index Linked) receipt 21126126	21 February 2018
<b>6 Phase 4A Off-Site Recreational Facilities Contribution</b>				
6.1 Pay the Phase 4A Off-Site Recreational	£24,448.00 (Phase 4A Index Linked)	Prior to the first Market Housing Unit within Phase	£21,241.27 (Including Phase 4A Index Linked) receipt 21126126	21 February 2018

## Appendix 2

Facilities Contribution		4A being first Occupied		
<b>7 Phase 4A Sustainable Travel</b>				
7.1 Provide to the First Occupier at the election of the Occupier	a) £150.00 towards a travel pass for one adult or b) £150.00 voucher as contribution to bicycle purchase	Upon each Unit being First Occupied		
7.2 Provide the first Occupier of each unit	Car Club Incentive equivalent value of £160.00 provided that if the Car Club ceases to exist notify the Council and thereafter not be required	Upon each Unit being First Occupied		
<b>Third Schedule</b>				
<b>Consequential Amendments</b>				
<b>1 Definitions</b>				
<b>2 Consequential Amendments to Education Contributions Triggers Clause 3 deleted and replaced with</b>				
a Pay first Education Contribution	£206,330.00 (Index Linked)	Prior to Occupation of 60 Residential Units (excluding Phase 4A)	£206,330.00 Receipt 21006180 £ 58,377.80 (Ind Link) Receipt 21077485	11 March 2015 15 December 2016
b Pay second Education Contribution	£150,000.00 (Index Linked)	Prior to Occupation of 150 Residential Units (excluding Phase 4A)	£150,000.00 Receipt 21045742 £ 44,610.78 (Ind Link) Receipt 21077485	05 February 2016 15 December 2016
c Pay third Education Contribution	£150,000.00 (Index Linked)	Prior to Occupation of 356 Residential Units (excluding Phase 4A)		
d Pay fourth Education Contribution	£100,000.00 (Index Linked)	Prior to Occupation of 446 Residential Units		

## Appendix 2

		(excluding Phase 4A)		
<b>3 Consequential Amendments to Public Open Space Details</b>				
A Clause 4.1(a) and 4.1(b)(i) deleted replaced with	a Submit relevant Public Open Space Details to the Council b accompany Public Open Space Details with timetable for completion by reference to occupation of residential units within that part of the development	At the same time as the reserved matters application for that part of the Development		
B Clause 4.1(e) deleted and replaced with	e at own expense manage and maintain the Public Open Spaces and allow access thereto in accordance with the applicable Public Access and Management Plans as approved unless other body assume responsibility	For the life of the development or Phase 4A development		
<b>4 Consequential Amendments to Pedestrian and Cycle Routes</b>				
A Clause 4.2(a) and 4.2(b)(i) deleted and replaced with	a Submit relevant Public Access Routes Details to the Council for that part of the development and submit “New East Fields” Public Access Routes Details on implementation of Phase 4A Development	At the same time as the reserved matters for that part of the development		

## Appendix 2

	b Accompany such Public Access Routes Details with (i) timetable for completion of Public Access Routes by reference to Occupation of residential units within that part of the development.			
B Clause 4.2(e) deleted and replaced with	e at own expense manage and maintain the Public Access Routes and allow access in accordance with the applicable Public Access and Management Plan as approved unless maintainable at the public expense	For the life of the Development or Phase 4A Development		
<b>5 Consequential Amendments to LAPS</b>				
A Clause 4.3(a) and 4.3(b)(i) deleted and replaced with 4.3 In relation to those LAPS which are not to be provided within any of the Public Open Spaces	a Submit relevant LAP Details to the Council for that part of the Development and Phase 4A Development for approval b accompany such LAP details with (i) timetable for completion by reference to occupation of residential units within that part of the development	On implementation of Phase 4A Development		
B Clause 4.3(e) deleted and replaced with	e at own expense manage and maintain the LAPS and allow	For the lifetime of the Development or Phase 4A Development		

## Appendix 2

	access thereto in accordance with the Public Access and Management Plan unless Council or any other statutory body shall assume responsibility			
<b>6 Consequential Amendments to On-Site Recreational Facilities</b>				
A Clause 4.4(a) and 4.4(b)(i)(ii) shall be deleted and replaced with	a to submit the On-Site Recreational Facilities Details to the Council for approval, and to submit the On-Site Recreational Facilities for the Phase 4A Development	At the same time as the reserved matters application for that part of the development which includes the On-Site Recreational Facilities and on Implementation of the Phase 4A development		
b Accompany such On-Site Recreational Facilities Details with	i a timetable for completion of the On-Site Recreational Facilities	By reference to Occupation of Residential Units within that part of the Development or Phase 4A Development as applicable		
e at its own expense	Manage and maintain the On-Site Recreational Facilities and allow access thereto in accordance with the applicable Public Access and Management Plan as approved by the Council	For the life of the Development or Phase 4A Development as applicable		
<b>7 Consequential</b>				

## Appendix 2

<b>Amendments to Off-Site Recreational Facilities Contribution Triggers</b>				
A Clause 4.8 shall be deleted and replaced with				
a pay to the Council	£79,500.00 (Index Linked) (25% of Off-Site Recreational Facilities Contribution)	Prior to Occupation of 60 Residential Units within the development excluding those pursuant to Phase 4A	£ 79,500.00 Receipt 21006180 £ 22,493.26 (Ind Link) Receipt 21077485	11 March 2015 15 December 2016
b pay to the Council	£79,500.00 (Index Linked) (further 25% of Off-Site Recreational Facilities Contribution)	Prior to Occupation of 150 Residential Units within the Development excluding those pursuant to Phase 4A	£ 79,500.00 Receipt 21045742 £ 23,643.71 (Ind Link) Receipt 21077485	05 February 2016 15 December 2016
c pay to the Council	£79,500.00 (Index Linked) (further 25% of Off-Site Recreational Facilities Contribution)	Prior to Occupation of 356 Residential Units within the Development excluding those pursuant to Phase 4A		
d pay to the Council	£79,500.00 (Index Linked) (further 25% of Off-Site Recreational Facilities Contribution)q	Prior to Occupation of 446 Residential Units within the Development excluding those pursuant to Phase 4A		
<b>8 Consequential Amendments to Maintenance of Other Areas</b>				
A Clause 4.10 shall be deleted and replaced with				
Any areas of hand or soft landscaping or hard surfaces within the site	Developer shall manage and maintain those areas	For the life of the Development or Phase 4A Development and shall		

## Appendix 2

which are not within the ownership of individual Occupiers which are not subject to any management or maintenance obligation		cease to have effect if Council or any other statutory body assume responsibility		
<b>9 Consequential Amendments to Affordable Housing</b>				
A Clause 5.1(a) shall be deleted and replaced with	Not less than 40% of the Residential Units provided within the Site shall be Affordable Housing Units			
B Clause 5.2 shall be amended	Insert the words “or the Phase 4A Planning Permission where applicable” after the words “reserved matters application”.			
C Clause 5.2 shall be deleted and replaced with	It will carry out the Development and the Phase 4A Development in accordance with the Affordable Housing Plan as approved by the Council.			
D Clause 5.4(b) shall be deleted and replaced with	It will carry out the Development and the Phase 4A Development within each Neighbourhood in accordance with the Affordable Housing Neighbourhood Plan for that Neighbourhood as approved by the Council.			



## Appendix 2

<b>10 Consequential Amendments to Prevent Double Counting</b>				
<p>A An additional clause shall be inserted into the Principal S106 Agreement by inserting after clause 4.8</p>	<p>In the event both the Phase 4A Off-Site Recreational Facilities Contribution and the Phase 4A Education Contribution has been paid in accordance with the Supplemental Agreement dated 17 November 2016 then the Off-Site Recreational Facilities Contribution and the Education Contribution shall be reduced by the Reduction Amount being subtracted from the instalments due pursuant to clause 4.8(c) and clause 3.1 (c)</p>	<p>In any event that Prior to the Occupation of 356 Residential Units</p>		
<b>11 Consequential Amendments to Sustainable Travel</b>				
<p>A Clause 8.5(a) shall be deleted and replaced with</p>	<p>a It shall provide to the Occupier of such Unit at the election of such Occupier</p>	<p>Upon first Occupation of each Unit within the Development (for the avoidance of doubt excluding those units built pursuant to the Phase 4A Planning Permission)</p>		
<p>B Clause 8.5(b) shall be amended by the insertion of</p>	<p>“within the Development (for the avoidance of Doubt excluding the</p>			

## Appendix 2

	Units built pursuant to the Phase 4A Planning Permission)” after the words “Residential Units”			
<b>12 Consequential Amendments to Construction Traffic Management</b>				
A Clause 9.1(a) shall be deleted and replaced with	Until Council has approved a Construction Traffic Management Plan for the Neighbourhood	Not to commence works pursuant to the Development or the Phase 4A Development in any Neighbourhood		
<b>13 Consequential Amendments to Hedgerows</b>				
A Clause 10.2(b) shall be deleted and replaced with	(b) Carry out and complete the hedgerow planting in accordance with the Hedgerow Details as approved by the Council pursuant to clause 10.1(a) and that it will thereafter manage and maintain such hedgerow planting in accordance with the Hedgerow Management Plan as approved by the Council pursuant to clause 10.1(a)	Prior to the Occupation of 450 Residential Units		
<b>14 Consequential Amendments to Other Nature Measures</b>				
A Clause 10.3(b)(i) shall be deleted and replaced	i a timetable for implementation of the	By reference to Occupation of Residential		

## Appendix 2

with	Nature Conservation Measures	Units within that part of the Development and/or the Phase 4A Development		
B Clause 10.3(e) shall be amended by the insertion	“and the Phase 4A Development” after the word “Development”			
<b>15 Consequential Amendments to Plans and Schedules</b>				
A Plan 2 shall be deleted and replaced with Plan 2 showing Neighbourhood Areas to the Supplemental Deed 17 November 2016				
B Plan 3 being the Affordable Housing Distribution Plan 2016 to the Supplemental Deed 17 November 2016 shall be inserted and referred to as Plan 3				
C Public Access Areas Plan within Principal S106 Agreement shall be deleted and replaced with the plan annexed to the Supplemental Deed marked Plan 4 showing the Public Access Areas as revised to accommodate Phase 4A Development and shall be referred to as Plan 4				
D Plan 5 showing Phase 4A Land annexed to				

## Appendix 2

Supplemental Deed shall be inserted and shall therein be referred to as Plan 5				
E Table at Schedule 6 of Principal S106 Agreement shall be deleted and replaced with the Table annexed to Supplemental Deed and marked Schedule 6 Table.				



This page is intentionally left blank

<b>Meeting dates</b>	<b>Customer &amp; Corporate Services Scrutiny Management Committee Work Plan 2017-18</b>
Mon 12 June 2017 @ 5:30pm	<ol style="list-style-type: none"> <li>1. Attendance of Executive Leader (Finance &amp; Performance) - Priorities &amp; Challenges for 2017/18</li> <li>2. Schedule of Petitions</li> <li>3. Draft Annual Scrutiny Report</li> <li>4. Update Report on Customer Relations Management System (CRM) and digital inclusion</li> <li>5. Draft Work Plan 2017/18 &amp; Discussion re potential topics for 2017/18</li> </ol>
Mon 31 July 2017 @ 5:30pm	<ol style="list-style-type: none"> <li>1. Schedule of Petitions</li> <li>2. Year End Finance &amp; Performance Monitoring Report</li> <li>3. Police and Crime Commissioner presentation on future governance of North Yorkshire Fire and Rescue Service</li> <li>4. Update Report on Section 106 Agreements including simplified public report (Deferred until September)</li> <li>5. Overview Report on CYC Sickness Absence (Deferred until September)</li> <li>6. Consultation on Draft ICT Policy</li> <li>7. Work Plan 2017/18</li> </ol>
Mon 4 Sept 2017 @ 5:30pm	<ol style="list-style-type: none"> <li>1. Schedule of Petitions</li> <li>2. First Qtr Finance &amp; Performance Monitoring Report</li> <li>3. Consultation on Draft ICT Policy (Deferred from July)</li> <li>4. Overview Report on Financial Inclusion</li> <li>5. Update Report on Section 106 Agreements (Deferred from July)</li> <li>6. Overview Report on CYC Sickness Absence (Deferred from July)</li> <li>7. Work Plan 2017/18</li> </ol>
Mon 13 Nov 2017 @ 5:30pm	<ol style="list-style-type: none"> <li>1. Schedule of Petitions</li> <li>2. Second Qtr Finance &amp; Performance Monitoring Report</li> <li>3. Electoral Arrangements Scrutiny Review Draft Final Report</li> <li>4. Work Plan 2017/18 and discussion on further potential scrutiny topics.</li> </ol>

<p>Mon 22 Jan 2018 @ 5:30pm</p>	<ol style="list-style-type: none"> <li>1. Schedule of Petitions</li> <li>2. Update Report on Attendance and Wellbeing Project (Sickness absence)</li> <li>3. Annual Review of Complaints</li> <li>4. Update on Implementation of Recommendations from One Planet York Scrutiny Review</li> <li>5. Update Report on Consultation on Draft ICT Policy</li> <li>6. Scrutiny Review Support Budget.</li> <li>7. Work Plan 2017/18 and discussion on further potential scrutiny topics.</li> </ol>
<p>Mon 12 March 2018 @ 5:30pm (rearranged for 18 April)</p>	<ol style="list-style-type: none"> <li>1. Schedule of Petitions</li> <li>2. Third Qtr Finance &amp; Performance Monitoring Report</li> <li>3. Update Report on Section 106 Agreements.</li> <li>4. Work Plan 2017/18</li> </ol>
<p>Tues 8 May 2018 @ 5:30pm</p>	<ol style="list-style-type: none"> <li>1. Schedule of Petitions</li> <li>2. Update report on Attendance and Wellbeing Project (Sickness absence)</li> <li>3. Overview report on corporate approach to social values.</li> <li>4. Update report on ways of working in scrutiny and effectiveness of scrutiny</li> <li>5. Draft Work Plan 2018-19</li> </ol>

June / July: Update on implementation of recommendations from electoral arrangements scrutiny review.

Delivery of ICT strategy

One Planet York