



## Notice of meeting of

### Shadow Executive

- To:** Councillors Scott (Chair), Gunnell, King, Looker, Merrett, Potter and Simpson-Laing
- Date:** Wednesday, 15 October 2008
- Time:** 5.30 pm
- Venue:** The Guildhall, York

### AGENDA

#### 1. **Declarations of Interest**

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

#### 2. **Exclusion of Press and Public**

To consider excluding the public and press from the meeting during consideration of any exempt information as detailed on the agenda for the Executive meeting to be held on 21 October 2008, under Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

#### 3. **Minutes** (Pages 1 - 8)

To approve and sign the minutes of the Shadow Executive meeting held on 1 October 2008.

#### **4. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Shadow Executive's remit can do so. The deadline for registering is Tuesday 14 October 2008, at 5.00 pm.

#### **5. Executive Meeting on 21 October 2008 - Calling-in**

To consider the items on the agenda for the Executive meeting to be held on 21 October 2008, and to take a decision on whether to call-in any of these items.

Please note that the reports relating to these items will be published on the Council's website on 10 October 2008. The website address is **[www.york.gov.uk](http://www.york.gov.uk)** Copies of the Executive agenda and reports are also available for viewing at public libraries in York and can be obtained by telephoning Democracy Support Group on York (01904) 551088.

#### **6. Any Other Matters which the Chair decides are urgent under the Local Government Act 1972.**

##### Democracy Officer:

Name: Simon Copley

Contact details:

- Telephone – (01904) 551078
- E-mail – [simon.copley@york.gov.uk](mailto:simon.copley@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

Contact details are set out above.

## About City of York Council Meetings

### Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

### Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন অর্ধাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোঅবী সর্ববরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

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### **Holding the Executive to Account**

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

### **Who Gets Agenda and Reports for our Meetings?**

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Committee Minutes

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MEETING	SHADOW EXECUTIVE
DATE	1 OCTOBER 2008
PRESENT	COUNCILLORS SCOTT (CHAIR), GUNNELL, KING, LOOKER, MERRETT, POTTER AND SIMPSON-LAING

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**84. DECLARATIONS OF INTEREST**

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

The following interests were declared:

- Cllr Potter – a personal interest in Executive agenda item 8 (Transformation of Community Transport Services), as a member of the management committee of York Wheels, and a personal interest in Executive agenda item 10 (First Performance and Financial Monitor – 2008/09), as a parent of a child using the schools music service.
- Cllr Merrett – a personal interest in Executive agenda item 10, as a parent of a child using the schools music service.

**85. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the meeting during any discussion relating to the contents of Annex B to Executive Item 11 (Capital Programme – Monitor One) (minute 94 refers) on the grounds that it contains information relating to the financial and business affairs of any particular person (including the authority holding that information). This information is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

**86. MINUTES**

RESOLVED: That the minutes of the last meeting of the Shadow Executive held on 17 September 2008 be approved and signed by the Chair as a correct record, subject to the 3<sup>rd</sup> and 4<sup>th</sup> bullet points of the comments under Minute 78 (Outer Ring Road Improvement Options) being amended to read as follows:

- *But is concerned that the notional figure of £4m is not enough to satisfy provision of ancillary*

*measures around the city centre needed to improve alternative transport provision, including cycling*

- *Is concerned that the trip generation effects of the various improvements have not yet been evaluated.*

## **87. PUBLIC PARTICIPATION**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Mark Warters spoke in relation to the site of the Edmund Wilson Pool, an item which was scheduled on the Forward Plan for the Executive meeting on 21 October, on behalf of the York Natural Environment Trust. He raised a number of concerns about the planned sale of this site and asked the Shadow Executive to consider calling in the item to seek clarification on the status of the land and its designated use.

## **88. EXECUTIVE FORWARD PLAN**

The Shadow Executive made the following comments on the Forward Plan at page 13 of the papers circulated for the Executive meeting to be held on 7 October 2008:

*The Shadow Executive agrees to request officers' attendance provisionally for the following items on the Executive Forward Plan:*

*Executive meeting on 21 October*

- *Thriving City Report Back*
- *Accommodation Project – Site Options Appraisal*

*Executive meeting on 4 November*

- *Child Poverty in York*

## **89. ATTENDANCE MANAGEMENT UPDATE**

The Shadow Executive considered a report which was listed as item 6 on the agenda for the Executive meeting on 7 October 2008, at page 15. The report provided an update on the implementation of the new Attendance at Work policy, procedures and guidelines, and indicated progress on a number of strategic approaches to maximise attendance and further the reductions in sick absence levels throughout the Council.

Having discussed the issues set out in the report and questioned Officers present at the meeting, the following comments were agreed:

*The Shadow Executive:*

- *Welcomes this positive report and is pleased to see a reduction in the number of sickness absences.*

- *Recognises that there is still a long way to go and that it will take time for the figures to work through the system – which is likely to lead to further reductions in the future.*
- *Welcomes the positive action outlined in paragraph 17 of the report but in relation to no smoking packages and the health fair open day would advise that one session is often not enough and that further sessions should be held and the results brought back to Members.*
- *With regard to the heavy manual work carried out by Neighbourhood Services, would like to see the most modern tools being used, in order to reduce injuries to staff in this department.*
- *Welcomes the proposals in paragraph 26, would like to see working practices modernised wherever possible and hopes that staff will take advantage of this opportunity.*

RESOLVED: (i) That the Executive be asked to take the above comments into account when considering this item.

(ii) That the item not be called in.

## **90. ADOPTED REGIONAL SPATIAL STRATEGY AND PARTIAL REVIEW**

The Shadow Executive considered a report which was listed as item 7 on the agenda for the Executive meeting on 7 October 2008, at page 23. The report described the background to the development of the recently adopted Regional Spatial Strategy (RSS), summarised its key points and highlighted key issues for York. It then outlined the purpose and key timescales for the Partial Review of the RSS which had now commenced to address the challenges coming out of the Housing Green Paper. The report sought approval of the response made by officers to the Call for Evidence, which was the first stage of the review process.

Having discussed the issues set out in the report, the following comments were agreed:

*The Shadow Executive:*

- *Is pleased that the RSS reflects their view of the increased need for housing.*
- *Is very disappointed, however, by the response at Annex A to the report, which is un-ambitious, and inconsistent in its approach to the traffic consequences of residential and employment use.*
- *Maintains its previous position regarding the un-sustainability of offloading housing needs onto Selby and Malton.*
- *Advises that housing needs should be matched to employment and that a higher amount of affordable housing is required, in line with the housing needs assessment.*
- *Is appalled that there has been no Member involvement in drafting the response to the Call for Evidence - it is clear from paragraph 12 of the report that there was ample time to facilitate this - and would ask why it did not happen.*

- RESOLVED: (i) That the Executive be asked to take the above comments into account when considering this item.
- (ii) That the item not be called in.

## 91. TRANSFORMATION OF COMMUNITY TRANSPORT SERVICES

The Shadow Executive considered a report which was listed as item 8 on the agenda for the Executive meeting on 7 October 2008, at page 39. The report updated the Executive on progress to date on the transformation partnership to improve City of York Council community transport provision, improve service quality and make significant efficiency savings.

Having discussed the issues set out in the report and questioned Officers present at the meeting, the following comments were agreed:

*The Shadow Executive:*

- *Is concerned at the low level of savings achieved so far by this project and the amount of savings expected in the remaining 12 months.*
- *Has concerns about the handling of the changeover to York Wheels and the inadequate notice and advice given to some parents.*
- *Is concerned about the arrangements for the installation of seatbelts, CCTV and environmentally friendly engines (paragraph 14) and re-iterates its previous recommendation that all vehicles should be fitted with seatbelts.*
- *In the light of the information received at their meeting, would hope that a higher standard would be sought for environmentally friendly engines than the current minimum standard of Euro 1, which is a dated and relatively poor standard.*
- *Is pleased that the vehicles are being used throughout the day, resulting in an overall cost saving.*
- *Advises that care is needed regarding the potential effect of the project on other users of York Wheels and Dial and Ride vehicles and would like to see feedback from these users at a later stage.*

- RESOLVED: (i) That the Executive be asked to take the above comments into account when considering this item.
- (ii) That the item not be called in.

## 92. CORPORATE CUSTOMER STRATEGY

The Shadow Executive considered a report which was listed as item 9 on the agenda for the Executive meeting on 7 October 2008, at page 53. The report set out the draft Corporate Customer Strategy for shaping by Members.

Having discussed the issues set out in the report, the following comments were agreed:



*The Shadow Executive:*

- *Considers that the draft Strategy contains a lot of words but not much substance.*
- *Thinks that the consultation, as set out in paragraph 16 of the report, seems random and un-focused and is not convinced that it will achieve a proper response – a focused consultation programme would be more appropriate.*
- *Is concerned about the definitions around the 'persistent complainant', and would like the Executive to revisit these and consider how they wish to describe such people, who may have legitimate grounds for complaint.*
- *Has concerns about whether the definition of what constitutes a 'complaint' in this paper will be the same as that in the eyes of residents.*

RESOLVED: (i) That the Executive be asked to take the above comments into account when considering this item.

(ii) That the item not be called in.

**93. FIRST PERFORMANCE AND FINANCIAL MONITOR - 2008/09**

The Shadow Executive considered a report which was listed as item 10 on the agenda for the Executive meeting on 7 October 2008, at page 125. The report provided details of the headline performance issues from the performance monitor period for 2008/09. It also built on this to present the latest projection of the Council's revenue income and expenditure for the current year.

Having discussed the issues set out in the report and questioned Officers present at the meeting, the following comments were agreed:

*The Shadow Executive:*

- *Suggests that, in view of the scope of the report and the number of annexes attached, some signposting is needed to direct Members to the essential information in the report.*
- *Thinks that the Executive should take control of the budget – the challenges faced by this Council are no different from those faced by residents and other councils.*
- *Is concerned about the projected overspends in Children's Services, as detailed in paragraphs 65.2 and 65.4, particularly those relating to legal fees, which seem to be rising rapidly. There is a need to examine what is causing these increases.*
- *Notes the increase in fuel cost indicated at paragraphs 69.5 c) and d). The Member efficiency and energy champions should seek to give guidance to the Executive and Directorates to reduce consumption. Notes also that this increase is equal to other expectations not being met at 69 b).*
- *Has concerns about the use of the contingency fund and the fact that funding requests are being made so early in the financial year.*

*It appears that contingency is being used as a hiding place for planned spending.*

- *Considers that, overall, the current administration should be able to balance its books by acting prudently and addressing the matters raised. Today's Press headlines are another example of scaremongering by this administration.*

RESOLVED: (i) That the Executive be asked to take the above comments into account when considering this item.

(ii) That the item not be called in.

#### **94. CAPITAL PROGRAMME - MONITOR ONE**

The Shadow Executive considered a report which was listed as item 11 on the agenda for the Executive meeting on 7 October 2008, at page 191. The report informed Members of the likely outturn position of 2008/09 Capital Programme based on the spend profile and information to August 2008. It informed the Executive of any under or overspends and sought approval for any resulting changes to the programme, detailed any slippage and sought approval for the associated funding to be slipped to or from the financial years to reflect this, and outlined the funding position of the capital programme, taking account of the current capital receipts forecasts for the three year capital programme.

Having discussed the issues set out in the report and questioned Officers present at the meeting, the following comments were agreed:

*The Shadow Executive:*

- *Notes that issues have been raised at their meeting by York Natural Environment Trust regarding the sale of Edmund Wilson Baths and, as this matter features in the private annex to this item, recommends that the Executive obtains expert advice on:*
  - *designation of the land upon which Edmund Wilson Baths is situated*
  - *whether it was removed from the stray*
  - *whether there are any restrictive covenants or other restrictions on the use of the land – e.g. for education and leisure*
  - *whether any revenue from the baths had been previously agreed to go to the charitable organisation that runs the Micklegate Stray.*

*The Executive may wish to obtain this advice before the report on this item is due, on 21 October.*

- *Notes the £3.5m increase in the Headquarters building costs.*
- *Refers the Executive to paragraph 31 of the report and the warning contained therein.*
- *Recommends action in accordance with paragraph 32.*
- *Notes the significant differentials between the actual and projected receipts e.g. differentials in 13 out of 36 for the 3 year period, or 13 out of 18 expected for the current year*

- *Is concerned about the delays in receipts.*
- *Is concerned about the £1.2m shortfall at Yearsley referred to in paragraph 29(b), which represents a differential of more than a quarter, and queries whether receipt from Metcalf Lane can now be guaranteed.*
- *Is disappointed that the Disabled Facilities Grant Scheme should be dependent upon Right To Buy (paragraph 29(a)). This scheme should be a right, and not dependent upon the discretion of the Executive.*

RESOLVED: (i) That the Executive be asked to take the above comments into account when considering this item.

(ii) That the item not be called in.

CLLR D SCOTT, Chair

[The meeting started at 5.35 pm and finished at 6.35 pm].

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