

Meeting	Cabinet
Date	7 October 2014
Present	Councillors Alexander (Chair), Crisp, Cunningham-Cross, Levene, Looker, Merrett, Simpson-Laing (Vice-Chair in the Chair for Agenda item 9) and Williams
In attendance	Councillors Brooks, Cuthbertson, Healey, Richardson, Runciman, Steward, Warters and Watson

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#### **41. Declarations of Interest**

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

Councillor Alexander declared a personal prejudicial interest in relation to agenda item 9 (Delivering Marketing, Culture, Tourism and Business Development – Stage 3) as a Director of Visit York and he left the room and took no part in the discussion and voting thereon.

Cllr Alexander also declared a personal non prejudicial interest in relation to agenda item 8 (Rewiring of Public Services: Business Case for Children’s Services) as his family used the Children’s Services facilities.

Cllr Cunningham-Cross also declared a personal non prejudicial interest in relation to agenda item 8 (Rewiring of Public Services: Business Case for Children’s Services) as a user of the Clifton Children’s Centre.

#### **42. Minutes**

Resolved: That the minutes of the last meeting of Cabinet held on 9 September 2014 be approved and signed by the Chair as a correct record

#### 43. **Public Participation**

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registrations to speak at the meeting under the Council's Public Participation Scheme, one of which had subsequently withdrawn, and that six Members of Council had also requested to speak on items, details of which are set out below:

##### Matter within the remit of the Committee

Cllr Wartors spoke in relation to savings proposals for the Eco Depot, in particular to proposed staffing reductions and the removal of the pest control service which affected staff morale. He requested the Cabinet Member to allow scrutiny of the proposals for the pest control service, prior to a final decision being made.

##### Delivering Marketing, Culture, Tourism and Business Development – Stage 3

Jane Gibson, spoke as Chair of Visit York, referring to the consultation and planning undertaken, over a two year period, in development of the new approach to delivering marketing, culture, tourism and business development in the city. She referred to the issues faced by silo working which hindered staff ideas and which would now be allowed to flourish in the new company. She expressed her thanks to all Members and Officers for their input into production of the draft Business Plan.

Cllr Steward expressed his support for the proposals outlined in the draft business plan for Newco which would provide a good opportunity for the city. He confirmed that his only concerns related to the financial aspects of the plan.

Cllr Cuthbertson, spoke to confirm that this comments were on behalf of the Liberal Democrat Group rather than his own as a member of the Yorkshire Museums Trust. He confirmed that the Group welcomed the new way of working outlined in the report. There were concerns however at the lack of a detailed business case, outline of specific planned responsibilities and details of projects and outcomes. They asked for work to be undertaken to ensure that existing 'brands' such as Visit York were maintained and enhanced. They also reiterated their concern, as previously reported to Cabinet, regarding the £230,000 of

cuts in the area of Arts and Culture before the transition to NewCo.

#### The Punch Bowl Public House, Lowther Street, York – Article 4 Direction

Paul Giller spoke as a regular of the Punch Bowl, pointing out that this was a community pub, a place where locals could socialise. He confirmed that being registered as partially blind he felt comfortable in the premises which provided a safe haven for both himself and the local community.

Paul Crossman, spoke as an owner and co-owner of a number of public houses in the city referring to a number of similar changes of use of public houses both locally and nationally. He asked Members to support the request for the Article 4 Direction and confirmed that whilst compensation was an issue this had never been pursued.

Nick Love, spoke as a member of York CAMRA and as a customer of the Punch Bowl, public house, he reiterated his support for the making of an Article 4 Direction as the only method of protecting this community asset. He also reiterated that no compensation claims had been made in relation to other Article 4 Directions around the country and highlighted the exceptional circumstances in this particular case. He urged Members to support the request and asked them to note the 1200 signature petition also in support.

Cllr Watson spoke of the amenity the Punch Bowl provided for the local community. He raised concerns at any changes to the existing frontage, to future delivery and parking issues and asked Members to protect the building and support an Article 4 Direction.

#### Proposed Expansion of Fulford Secondary School

Cllr Brooks spoke to welcome the proposals for a new sports hall for Fulford School.

#### Rewiring Public Services: Business Case for Children's Services

Carol Pugh, spoke as a concerned resident and parent, regarding the proposals to relocate the Castlegate based

services to West Offices. She referred to the holistic approach currently provided at Castlegate, a vital service for young people which was not offered anywhere else in the city. She also expressed concern that feedback from Castlegate did not reflect that reported from the user group in the report. Finally she referred to ongoing work by support staff to find holistic options as to how the service could be maintained but expressed concerns at the short timeframe in which to examine possible options.

Helen Aitchison also expressed concerns as to how the Castlegate service would operate at West Offices. She referred to the vulnerable young people who accessed the holistic service provided in a safe environment in Castlegate. As a volunteer counsellor she also expressed concern as to who would fill the gap. She referred to the long waiting times for access to mental health services and suggested that the proposals would further diminish the support available for young adults, also confirming closure of Castlegate to young people of York could not be underestimated

Heather McKenzie, spoke on behalf of Unison, referred to the extensive staff cut's proposed for Children's Services which would have a negative financial and social impact . She highlighted the great importance of the services to both users and staff pointing out that the services had previously been put forward as 'best practice' showing positive outcomes. She also referred to the excellent holistic approach being offered at Castlegate and to the lack of capacity of voluntary organisations to take on this work. Reference was also made to the expertise developed by the staff and to ongoing work examining delivery of the service as a social enterprise.

Dawn Moores, referred to the assistance given to vulnerable people at Castlegate over a number of years, giving examples of the variety of help provided . She referred to the online petition already containing 750 signatures against closure of Castlegate and asked Members to look at alternative proposals for the service.

Cllr Cuthbertson also spoke to express his concerns in relation to the proposed closure of Castlegate. He pointed out that West Offices were not considered to be the correct venue for disadvantaged and vulnerable young people to gain access to the services they required.

Cllr Runciman also spoke to raise her concerns at the transfer of services from Castlegate to West Offices which she felt would not help young people. She referred to the number of people who suffered from mental health problems and to the need to deal with these at an early stage to prevent them escalating and for early intervention to keep young people out of the justice system. She highlighted the accessibility, flexibility and user friendly nature of Castlegate and asked Members to delay a decision and undertake further consultation to examine alternative options for the service.

Cllr Brooks spoke to express her concerns in relation to the closure of Castlegate which would affect the most vulnerable young people in the city. She also asked Members to delay making any decision to examine other ways of carrying out this valuable service. She reiterated that West Offices were not a suitable venue for this service and asked Cabinet to re-examine their proposals.

#### Domestic Waste Recycling Scrutiny Review Final Report

Sarah Mason spoke in relation to this scrutiny review, as a Bachelor of Science graduate in Environmental Science who had carried out her dissertation in the Council's Waste Strategy department. She referred to the data she had gathered as part of her investigation into incentives to improve recycling levels. She confirmed that it was crucial to identify the barriers to recycling prior to proceeding with further campaign work. She also referred to the need to use the expertise of the Universities in any future work.

In response to Councillor Warters earlier comments relating to a matter within the Committee's remit, Officers confirmed that staff consultation had now commenced in respect of changes at the Eco Depot. Officers highlighted the need to examine all options to meet demands, within budget constraints. With regard to the Pest Control service, this was a non statutory service and reference was made to the pest control market where there were more competitive providers of these services.

#### **44. Forward Plan**

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

#### 45. **Domestic Waste Recycling Scrutiny Review Final Report**

Consideration was given to the final report from the Domestic Waste Recycling Scrutiny Review, a topic submitted by Cllr Healey, whose aim was to identify future improvements to CYC's working methods in order to increase domestic waste recycling. The objectives had included looking at best practise, including incentive schemes and the effectiveness of scheduled initiatives.

As Chair of the Task Group, Cllr Healey presented the final report, outlining the issues which had led to delays in concluding the review, which included changes of Assistant Director and staff sickness together with a lack of information in respect of the effectiveness of individual schemes from other local authorities. He referred to the analysis undertaken from which it had not been possible to identify which individual activities were the most cost effective and pointing out that the authority did not appear to be getting value for money from their waste recycling campaigns.

The Chair questioned details of the criteria of the review and to the lack of outcomes and lost opportunities. He referred to the need to use the Without Walls Board and their partnership working to assist in research in the scrutiny process.

Members also referred to the expertise from the Council's membership of the Association of Public Service Excellence (APSE) who could assist in researching information from other authorities to help measure the impact of recycling campaigns, together with research on other scrutiny topics.

Officers also expressed their support for evidence based policy making, highlighting the expertise available from the local Universities. Scrutiny Chairs and Officers were asked to note the expertise and evidence base available from both APSE and the Universities in future scrutiny work.<sup>1</sup>

Following further lengthy discussion it was

Resolved: That Cabinet approves the recommendations shown in paragraph 7 of the report namely that:

- i. Future area based project work should use whole daily collection rounds where practical to facilitate more efficient data collection, analysis and reporting.

- ii. The branding should be developed, and bespoke and consistent campaign communications should be produced.
- iii. Future door step surveys should be carried out in-house or by other lower cost methods rather than be an external company.
- iv. Where practical, project work should be developed in conjunction with our local higher education establishments to give added value to the process and reduce the costs.
- v. Future campaigns should follow the example of this review by strictly measuring costs against benefits.
- vi. The level of savings expected to be achieved with project work should be identified, to establish a base against which all future campaigns can be measured.
- vii. Sufficient resources and capacity be maintained to enable the continuation of work at a community level and to allow officers time to establish measures that may foster longer term behavioural change and sustained levels of participation.
- viii. Future campaigns to include working with parish councils, residents' associations and schools.<sup>2.</sup>

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

Action Required

- 1. Inform Officers and Scrutiny Chairs of the expertise available in respect of future scrutiny reviews. AD/DS
- 2. Implement recommendations of the Task Group in respect of future campaign work and development. NF

**46. Proposed expansion of Fulford Secondary School**

Members considered a report which set out proposals to provide additional accommodation at Fulford Secondary School, in order meet demand from within the school's catchment area. It was noted that the expansion would add an additional 160 places at the school to meet additional demand, in the short term which would also enable a second expansion to be carried out in the future to enable the school to meet projected demand post 2020.

The additional costs related to an upgrade to services, kitchen and dining facilities refurbishment and upgrade together with the provision of a dedicated sports hall plus an increase of fees associated with the additional works.

The Cabinet Member updated that, whilst Fulford School was the only maintained secondary school in the city without a dedicated sports hall, All Saints' School was also without a dedicated sports hall. She confirmed that finance for the upgrade had already been allocated in the capital programme and that the current report now detailed the costs and funding breakdown.

The Chair outlined the project costs in more detail, confirming the proposed spend profile over a 3 year period and Officers confirmed that risks associated with the scheme were the responsibility of the individual authority, depending on budget.

Resolved: That Cabinet approve £4.561m of Basic need capital investment over the next three financial years to expand Fulford School to accommodate an additional 160 places, in order to meet the expected increase in pupil numbers from within the catchment area of the school. <sup>1</sup>.

Reason: To enable the Council to meet its statutory responsibility to provide sufficient school places.

#### Action Required

1. Proceed with school expansion scheme.

ME

#### **47. River Safety Update**

Consideration was given to a report which provided Cabinet with an update on the work being undertaken to address the issues around river safety.

The Cabinet Member referred to the increase in fatalities associated with the rivers Ouse and Foss since 2011 and to the actions and interventions already taken. It had been agreed that further additional action was required which included the commissioning of a report from the Royal Society for the Prevention of Accidents (RoSPA), on the physical issues associated with the rivers. The review had subsequently detailed a number of key actions for the Council, full details of



which were set out in the report and it was noted that it was hoped to have these actions completed by Spring 2015.

The Chair welcomed the report and its recommendations and acknowledging the campaign work also being undertaken by the universities to ensure the safety of their students.

Members then considered the following options:

Option 1 – Approve the release of capital funding from contingency to undertake the physical works arising from the recommendation from the RoSPA report as outlined in Para 7 under the headings, Provision of Rescue Equipment and Public realm design, including edge protection, physical barriers .

Option 2 – Not release funding to undertake all or some of the works outlined in Para 7 under the headings, Provision of Rescue Equipment and Public realm design, including edge protection and physical barriers.

Resolved: That Cabinet agree Option 1 to release funding from capital contingency to undertake the physical works arising from the recommendation from the RoSPA report as outlined in paragraph 7, of the report, under the headings Provision of Rescue Equipment and Public realm design, including edge protection and physical barrier. <sup>1</sup>.

Reason: To ensure that the council's river safety measures are up to date and reduce the potential for harm associated with river incidents.

#### Action Required

1. Implement the works arising from the RoSPA recommendations.

SW

#### **48. Rewiring Public Services: Business Case for Children's Services**

Consideration was given to a report submitted, as part of the Rewiring of Public Services programme, which focused on the engagement process and proposals for Children's Services. Business Cases for each of the following services were included in the report:

- Annex 1 - Early Years

- Annex 2 - Services to Young People and
- Annex 3 - Schools Improvement and Skills service.

It was confirmed that the business cases had been designed in response to views obtained through engagement with residents and that whilst a range of services would remain 'in-house', others would be contracted to the private sector.

In particular it was noted from feedback regarding the Early Years Service that parents wished to maintain the Children's Centre buildings and that work was ongoing to maintain the current provision. In relation to services to young people it was proposed to relocate Castlegate based services to West Offices to provide an enhanced service for post 16 young people's services. Further engagement sessions would be taking place throughout October with staff in order to work together to deliver an improved service for all.

The Cabinet Member referred to the governments austerity programme and to the unprecedented reductions in public expenditure which meant that changes in services were inevitable. He reported on the extensive consultation undertaken with both service users and residents pointing out that residents would be at the heart of the way in which the Council delivered future services. He acknowledged the comments of early speakers and to a survey undertaken which had shown that 70% of Castlegate users had confirmed that they had no problems with accessing services at West Offices. However he acknowledged that adaptations would have to be made to ensure that a good quality service could be provided that would function for both the service and young people.

Members confirmed that if savings had not had to be made these services would have remained however with budget cuts work was required to examine how the services were provided and look at alternative arrangements to ensure that services continued albeit in a different form. They acknowledged that staff had provided an excellent service in a variety of locations across the city and that they wished to retain this expertise.

Officers reiterated that significant additional consultation would be undertaken prior to the implementation of any proposals both with services users and staff.

The Chair also confirmed that extensive consultation would take place to ensure that services were provided that all people could access. He also confirmed that any staff suggestions for the service that came forward would be thoroughly examined.

Following further discussion it was

Resolved: That Cabinet agree to:

- (i) Note that extensive engagement has taken place as agreed by Cabinet in July and the priorities that residents have expressed;
- (ii) Approve the 3 Children's Services business cases, as outlined in the report and Annexes.
- (iii) Agree that a further update on the organisational development plan be brought to Cabinet in November as part of our commitment to report regular progress.
- (iv) Examine any alternative proposals from staff to deliver Castlegate services that meet the timescales and savings targets outlined in the report.<sup>1</sup>

- Reasons:
- (i) The phased approach will allow Children's Centres to become more sustainable, develop community capacity and support the long term vision for Whole Family Support;
  - (ii) The approach for Phase 2 of the transformation of Services to Young people will allow for the savings target to be achieved;
  - (iii) Support the closure of Castlegate and the re-provision of services from West Offices will build a sustainable model which has the flexibility to respond to schools needs.

Action Required

1. Await decision of CSMC (Calling-In) meeting.

SH

**49. Delivering Marketing, Culture, Tourism and Business Development – Stage 3**

*[Councillor Simpson-Laing was in the Chair for this item]*

Rewiring of Public Services programme, which focused on the engagement process and proposals for Children's Services. Business Cases for each of the following services were included in the report:

- Annex 1 - Early Years
- Annex 2 - Services to Young People and
- Annex 3 - Schools Improvement and Skills service.

It was confirmed that the business cases had been designed in response to views obtained through engagement with residents and that whilst a range of services would remain 'in-house', others would be contracted to the private sector.

In particular it was noted from feedback regarding the Early Years Service that parents wished to maintain the Children's Centre buildings and that work was ongoing to maintain the current provision. In relation to services to young people it was proposed to relocate Castlegate based services to West Offices to provide an enhanced service for post 16 young people's services. Further engagement sessions would be taking place throughout October with staff in order to work together to deliver an improved service for all.

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and look at alternative arrangements to ensure that services continued albeit in a different form. They acknowledged that staff had provided an excellent service in a variety of locations across the city and that they wished to retain this expertise.

Officers reiterated that significant additional consultation would be undertaken prior to the implementation of any proposals both with services users and staff.

The Chair also confirmed that extensive consultation would take place to ensure that services were provided that all people could access. He also confirmed that any staff suggestions for the service that came forward would be thoroughly examined.

Resolved: That Cabinet agree to:

- (i) Approve the outline of the draft Business Plan (Annex A) attached to the report, as a basis for further negotiation.
- (ii) Agree to establish a shadow board and governance body.
- (iii) Request the Director of Communities and Neighbourhoods and the Director of Customer and Business Support Services, in consultation with the Cabinet Members for Leisure, Culture and Tourism and Finance and Performance to progress the full governance process to completion. The commissioning process will be led by the Chief Executives office. <sup>1</sup>.
- (iv) The final Business Plan being reported to Cabinet in Spring 2015. <sup>2</sup>.

Reason: To progress the new approach to delivering marketing, culture, tourism and business development in the city to help in achieving the ambitions set by the Council Priority to 'Create Jobs and Grow the Economy'.

#### Action Required

1. Proceed with negotiations and governance process in conjunction with listed Members and

Officers. CC  
2. Add report to Forward Plan. CC

**50. The Punch Bowl Public House, Lowther Street, York - Article 4 Direction**

Members considered a report which related to a request from the York branch of CAMRA for the Council to make an immediate Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 1995 to remove the permitted development rights for the change of use of the Punch Bowl public house, Lowther Street, York from its existing use as a public house to a shop.

Officers provided the following update to the report, circulated at the meeting:

- Amendment to the reasons given for recommending that an Article 4 Direction was not placed, references at paragraphs 1.2 and 9.1 – Deletion of points 2 and 7
- Replacement of reference to the urban area in point 5 by reference to the local area
- Further to paragraph 2.2, Members received a copy of a petition containing over 1200, collected by patrons of the public house, submitted by CAMRA

The request for an Article 4 Direction had been made as CAMRA understood that the Punch Bowl was the subject of discussions between the owners and a national retailer for a change of use to a supermarket, selling alcohol. CAMRA considered that this course of action would be the most appropriate way to protect the public house.

Cabinet had however been recommended, by Officers, not to use their discretionary power to make an immediate Article 4 Direction restricting the change of use from Class A4 to Class A1. The main reasons being that the case could set a precedent, that exceptional circumstances had not been proven and as the making of an 'immediate' Direction would open up the possibility of a compensation claim being made against the Council.

Members were given the option of agreeing an immediate Article 4 Direction or rejecting the request, either of which required reasons to be given.

The Cabinet Member confirmed that the authority were committed to saving community public houses and he provided examples of those protected under The Assets of Community Value (England) Regulations 2012.

Members expressed their sympathy with local residents and patrons of the public house, confirming their wish to assist the community to obtain their desired outcome but using the most appropriate route. However they highlighted the issue of compensation which could be made, without the required evidence base to support it, and asked Officers to examine the most appropriate way in which to support their request.

Following further lengthy discussion it was

- Resolved:
- (i) That, as a matter of urgency, the Director of City and Environmental Services and the Director of Customer and Business Support Services be requested to further investigate options in relation to the request for action to preserve the Punch Bowl public house, Lowther Street, York as a public house;
  - (ii) That the Cabinet Members for Environmental Services, Planning and Sustainability and Finance and Performance, each be asked to consider the options identified by the Directors under (i) above and, if satisfied that action is justified, to take such action under his delegated powers. <sup>1</sup>.
  - (iii) To confirm the delegation of powers to the Cabinet Member for Environmental Services, Planning and Sustainability to make an Article 4 direction to remove permitted development rights for the change of use of The Punch Bowl public house, Lowther Street, York from its existing use as a public house (Class A4) to a shop (Class A1) if satisfied that sufficient evidence exists to justify the making of such a Direction. <sup>2</sup>.
  - (iv) That Officers be requested to bring a report back to a future Cabinet meeting outlining a

long term strategy to assist with similar future requests.<sup>3</sup>

Reason: In order to allow further work to evidence if exceptional circumstances exist to show that a change of use would harm the amenity or the proper planning of the area, and whether there is a need to remove permitted development rights for the change of use of The Punch Bowl public house, Lowther Street, York from its existing use as a public house (Class A4) to a shop (Class A1) by the making of an Article 4 Direction.

Action Required

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|---|---------|
| 1. As a matter of urgency, investigate options in relation to the request and implement any actions necessary as a result, in conjunction with the Cabinet Members. | SCT, IF |
| 2. If sufficient evidence exists, proceed to make an Article 4 Direction in respect of these premises.  | SCT, IF |
| 3. Prepare a long term strategy report for future meeting.  | SCT     |

**51. Maximising the Opportunities from the Green Deal in York**

Cabinet were informed of the progress to date with the procurement of the Leeds City Region (LCR) Green Deal and Energy Company Obligation.

The original procurement had been to establish a long-term partnership with a Provider to generate 'green' investment in the LCR with Leeds City Council (LCC) being set up with the intention of LCC signing the Framework Agreement to allow the LCR authorities to call-off from the Framework. Following the creation of the West Yorkshire Combined Authority (WYCA), earlier this year, an amendment could now be made to allow WYCA to sign the Framework and transfer the risk.

It was noted that this new programme aimed to deliver a minimum of 14,000 green deal measures to 12,000 homes over the first 3 years of the contract across the region. It was pointed out that this approach was currently the only programme available that aimed to ensure that the Council could continue to increase the energy efficiency of private homes at no cost to the authority.



The Cabinet Member referred to the importance of pursuing this opportunity which could provide potential local training and employment, give scope to include less attractive properties in the programme and assist in the reduction of carbon emissions. It was also noted that it was intended to create a shared post in the sub region to maximise delivery across the area.

Consideration was then given to the following options together with the implications arising from the options to maximise delivery of the Green Deal in York:

Option 1- proceed with the LCR Green Deal (GD) scheme and give delegated powers to senior officers to then decide and draw down from the Framework Contract

Option 2 - not to proceed with LCR GD scheme and look at other local options (currently none are as developed)

Resolved: That Cabinet agrees to:

- (i) Approve in principle the participation of the Authority in the Leeds City Region Green Deal Project including support for the Framework and commitment to use the Call-Off Contract.
- (ii) Delegate authority to the Director of Communities and Neighbourhood, in consultation with the Assistant Director of Governance and ICT, to negotiate and agree the commercial terms of the Call-Off Contract, and delegate authority to the Assistant Director of Governance and ICT, or authorised representative, to enter into and sign the Contract.<sup>1</sup>
- (iii) To delegate authority to the Housing Services Manager to take operational decisions to attend the Home Energy Project Board (HEPB).
- (iv) To monitor progress through the HEPB and receive annual progress reports.<sup>2</sup>

Reason: To enable CYC to draw down on the framework contract and begin installing measures in homes as soon as possible for the benefit of York residents.

Action Required

1. Proceed with negotiations to agree the terms and signing of the Contract in conjunction with those delegated authority.

RA, SB

2. Take operational decisions and monitor progress through HEPB.

TB

Cllr J Alexander, Chair

[The meeting started at 5.30 pm and finished at 8.25 pm].